

## CABINET

8 November 2017

Present:-

Councillors J Hart (Chair), S Barker, J Clatworthy, R Croad, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons

Members attending in accordance with Standing Orders 8 and 25

Councillors Y Atkinson, F Biederman, A Connett, A Dewhirst, B Greenslade, R Hannaford and M Shaw

\* 72

**Minutes**

**RESOLVED** that the minutes of the meeting held on 11 October 2017 be signed as a correct record.

\* 73

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 74

**Announcements**

The Chair welcomed Sir Simon Day who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* 75

**Petitions**

There was no petition received from a Member of the Public or the Council.

\* 76

**Question(s) from Members of the Council**

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to three questions from a Member of the Council on the role of the Transport Commissioner, the monitoring of bus reliability and any fines and sanctions in relation to poor reliability of bus services.

The Cabinet Member also responded orally to supplementary questions arising from the above.

*[NB: A copy of the questions and answers are appended to these minutes which are available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

77

**Heart of the South West - Joint Committee (Minute 157/ 86 10 December 2015 and 16 February 2016)**

(Councillors Atkinson, Biederman, Connett, Dewhirst, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Chief Executive ([CX/17/26](#)) on proposals for and seeking approval for a Heart of the South West Joint Committee.

The report outlined that since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups had worked in partnership towards securing a devolution deal for the HotSW area focusing on delivering improved productivity.

On 16 February 2017 (Minute 86 refers) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. The report set out the necessary documentation for that to be considered. It was noted that a Joint Committee had a much more limited role than a Combined Authority and did not have the statutory or legal status of a Combined Authority, but had the potential to provide cohesive, coherent leadership and a formal governance structure.

It was reported that Government was keen to engage with areas across a wider footprint than single county boundaries and that the key role of the HotSW Joint Committee was to develop, agree and ensure the implementation of the Productivity Strategy. It further reported the proposed functions of the Joint Committee and how it would operate (appendix A), and the Arrangements document (appendix B) which set out an Inter-Authority Agreement for consideration, including how the Joint Committee would be supported and the obligations of the Council if it agreed to become a constituent member.

It was also clear that if the remit of the Joint Committee expanded to take on more decision-making responsibilities, the Arrangements and Inter-Authority Agreement would be revisited and any expansion of the functions and / or responsibilities would require the approval of the constituent authorities.

In terms of budgets, the report estimated that the operating cost of a Joint Committee would be £89,000 in 2018/19 (and to cover the remainder of 2017/18), which was recommended to be met by contributions from constituent authorities. The contribution rates were outlined in the report as County Councils - £10,500, Unitary Councils - £4,000 and District Councils and National Parks - £1,400.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Chief Executive's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Barker, and

**RESOLVED** that Council be recommended to

- (a) approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
- (b) approve the Arrangements and Inter-Authority Agreement documents as set out in appendices A and B for the establishment of the Joint Committee with the commencement date of 22 January 2018;
- (c) appoint the Leader and Cabinet Member for Economy and Skills as the Council's named representative and substitute named representative on the Joint Committee;
- (d) appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22 January 2018;
- (e) approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;

(f) approve an initial contribution of £10,500 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;

(g) agree that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);

(h) authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy;

(i) agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the report.

\* **78**      **Adult Social Care: Promoting Independence Policies**

(Councillors Connett and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Adult Commissioning and Health ([ACH/17/71](#)) on approval to the Promoting Independence Policies, which included 'Choice in Care' and 'Support and Arrangements for People Funding Part or All of Their Care'.

On the 14th June 2017, the Cabinet agreed the Promoting Independence Policy which could be found at <https://new.devon.gov.uk/adultsocialcareandhealth/policies-and-procedures/> and in order that the Council could continue to embed 'Promoting Independence' into adult support and care, two new policies had been formulated that clarified the approach to service user choice in meeting eligible care needs and also the approach the Authority would take for those people who had the financial means to fund their own care.

The two new policies, appended to the report, described the duties relating to aspects of adult support and care as defined by the Care Act 2014.

The Choice in Care Policy set out the principles of choice in adult social care and provided clarity to staff and the public on how choice would be provided within the parameters of the duty to achieve best value and promote independence.

The 'Support and Arrangements for People Funding Part or All of Their Care' policy was in line with national legislation and the Council's Promoting Independence Policy. It specifically related to people who had eligible needs for social care support but also the financial means to pay for that support and clarified the role of both the Council and the individual.

The Head of Service's Report also incorporated an Impact Assessment, attached at Appendix C, relating to the possible impacts of the proposal, and had been circulated for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010, where relevant.

No new significant social or equality impacts were anticipated or had been identified from the proposed policies. In addition, an impact assessment on the implementation of the Care Act had been published in June 2015 <https://new.devon.gov.uk/impact/care-actimplementation-impact-assessment-updated-september-2015/> which was scheduled to be reviewed by June 2018 and there would be a further opportunity to evaluate any impact of implementation of all aspects of the Care Act.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

**RESOLVED** that the proposed policies on “Choice in Care”, as at Appendix A and “Support and Arrangements for People Funding Part or All of Their Care”, as at Appendix B be approved.

*[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].*

\* **79**      **Provider Quality Support Policy**

(Councillors Connett and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Adult Commissioning and Health ([ACH/17/72](#)) on the Provider Quality Support Policy. The Care Act 2014 placed greater emphasis on local authorities to support independent care providers and in response, in 2014, the Council established the Quality Assurance and Improvement Team to develop quality assurance arrangements across adult social care markets, work with providers, improve quality, share best practice etc. The report outlined there had been significant improvement in the quality of Care Quality Commission (CQC) regulated care markets in Devon.

The Provider Quality Support Policy was the culmination of work over the last two years by the operations, safeguarding and quality teams in adult health and social care working together to support providers to achieve notable outcomes. However, in addition to CQC inspection outcomes the Policy adopted a range of ‘Early Indicators of Concern’ which were monitored regularly to identify where early intervention / support could help to prevent further escalation of concerns. Examples included safeguarding concerns, complaints, emergency hospital admissions and / or feedback and as a result of monitoring, procedures had become more proactive, enabling timelier support and / or intervention.

The main application of the Policy would be to manage provider quality concerns through ‘Provider Quality Reviews’ as described in the report. The Policy had been developed jointly by the Council, Torbay Council, NEW Devon CCG, South Devon and Torbay CCG and Torbay and South Devon NHS Foundation Trust.

The Head of Service’s Report incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010.

The Impact Assessment outlined that the Policy was a means of ensuring that providers met all their legal and contractual obligations (including equality considerations) and would enable proactive and timely support / intervention, therefore the assessment recognised the positive impact of the Strategy and that no unmanageable impacts had been identified.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service’s Report and/or referred to above having been considered:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

**RESOLVED** that the proposed ‘Provider Quality Support (to replace the current ‘Quality Threshold Policy’) be approved and adopted.

*[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].*

\* 80 **Budget Monitoring: Month 6**

(Councillors Atkinson, Biederman, Connett, Dewhirst and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/17/88) on the financial position at Month 6 and outlining areas of specific pressures on budgets, potential under and over-spending in the current financial year and management action being taken where individual budget lines were experiencing pressures.

The Cabinet noted that, overall, the forecast for revenue spending at year-end now showed an underspend of £2.457 millions, an increase in underspend of £0.461 million from the position at Month 4 (a forecasted underspend of £1.996 millions).

The Cabinet noted that Adult Care and Health services was forecast to underspend by £4.170 millions, which was an increase of £398,000 from that reported at month 4, mainly due to additional staff vacancy savings within the Commissioning team. However, the risks facing the service, included pending HMRC action on National Living Wage compliance for sleep in night shifts and children transitioning to adult services.

Children's Services were showing a forecast overspend of £2.697 millions, a decline on the month 4 position of £1.054 millions. The high cost of independent residential placements in Children's Social Care was a factor in the forecast, but had been partially offset by other savings across the remaining budgets.

Highways, Infrastructure Development and Waste were showing a small underspend of £64,000, however the risks to the position, such as extreme weather and waste disposal tonnages would be monitored throughout the year.

Also Corporate Services were forecast to break-even at the year end.

In relation to capital expenditure, spending was estimated at £161.372 millions. The year-end forecast was £138.910 millions, producing slippage of £22.462 millions, in the main with schemes such as Marsh Barton station, A361 Gornhay to M5 and Connecting Devon & Somerset.

In summary, Cabinet noted that the ongoing pressures in Children's Services were concerning, not only in relation to the current year but the ongoing impact over the medium term.

Whilst the overall underspend was forecast at £2.457 millions, caution should be taken as there was still time for storm events and winter pressures to occur.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Clatworthy, **SECONDED** by Councillor Hart, and

**RESOLVED** that the financial position and forecast for the Authority at Month 6 (to the end of September) of the financial year be noted.

81 **Notice(s) of Motion from Council - 5 October 2017**

The Cabinet considered the Report of the County Solicitor (CSO/17/30) relating to those Notices of Motion set out hereunder submitted to the County Council by the Councillors shown, incorporating any factual briefings or position statements on each prepared by the relevant Chief Officer or Head of Service to facilitate the Cabinet's discussion of each Notice of Motion.

(a) Plastic Free Coastlines

(Councillor Biederman attended in accordance with Standing Order 8 and Councillors Connett, Dewhirst and Hannaford in accordance with Standing Order 25(2) and spoke to this item).

(Representatives from Georgeham Primary School were invited to speak at the invitation of the Committee and in the spirit of the Council's Public Participation Rules).

*'This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.*

*The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.*

*A representative of this Council will become a member of the Plastic Free Coastlines Steering group'.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action originally proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and the Cabinet Members agreeing to undertake an audit of the situation in six – nine months:

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

**RESOLVED** that the Council be recommended to:

- i) support the spirit of the Notice of Motion, which aims to provide leadership in avoiding single-use plastic items in order to achieve a 'Plastic Free Coastline'; and
- ii) commit to addressing this issue further through this Authority's environmental performance agenda, including a review of single-use plastic items and how suitable alternatives to these might continue to be adopted.

(b) National Funding Formula for Schools

(Councillor Greenslade attended in accordance with Standing Order 8 and Councillors Biederman, Dewhirst and Hannaford in accordance with Standing Order 25(2) and spoke to this item).

*'County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon Schoolchildren with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.*

*These concerns be communicated on an all party basis to the Government and all Devon MP's'.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and

**RESOLVED** that the sentiment of the Notice of Motion is welcomed and Council shares the concerns expressed regarding fairer funding for schools. Therefore, Council be recommended to continue the campaign for fair and adequate funding for all Devon children (including school funding, high needs funding for those with SEN and additional needs and early years pupils) and support the following actions:

- i) that work continues with F40 and the offer to take a more substantial role within the F40;
- ii) that Council notes the briefing that has been sent out to MPs outlining funding concerns for Devon Schools, early years and high needs funding and also welcomes the request for their support; and
- iii) that work continues with both schools and SEN groups.

In light of the above and the action already undertaken, no additional action be taken.

(c) Ethical Care Council

(Councillor Hodgson attended in accordance with Standing Order 8 and Councillors Hannaford and Shaw in accordance with Standing Order 25(2) and spoke to this item).

*'This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.'*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

**RESOLVED** that the Council notes the requirements of the Charter and recommends officers work with its contracted providers to work towards its adoption having due regard to affordability, market sufficiency and quality of commissioned care.

(d) 20 MPH Speed Limits

(Councillor Hodgson attended in accordance with Standing Order 8 and Councillors Biederman, Dewhirst and Shaw in accordance with Standing Order 25(2) and spoke to this item).

*'With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads'.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

**RESOLVED** that the Council be advised that a blanket call for Town and Parish Councils to propose 20mph speed limits would be premature at this stage given there is a commitment to reviewing the current policy.

\* **82** **Devon Safeguarding Adults Boards Annual Report:**

(Councillors Atkinson, Biederman, Connett and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

Ms Sian Walker, Independent Chair of the Devon Safeguarding Adults Board, attended and spoke at the invitation of the Cabinet to present the Board's Annual Report

The Cabinet received the Annual Report of the Devon Safeguarding Adults Board charting progress within Devon of national expectations and safeguarding activity. This included the work of the Devon Safeguarding Adults Board sub groups, including the Operational Delivery Group, Mental Capacity Act (MCA) Group, Safeguarding Adults Review Core Group, Learning and Improvement Group, Themed Workshops and also the launch of the Community Reference Group.

Furthermore, the report outlined the 2017-18 Business Priorities which included improving people's experiences of safeguarding, promoting independence, awareness and application of MCA, protecting people from harm, awareness of self neglect, reducing financial abuse and scams, support for families, reducing prevalence of modern slavery & human trafficking and the Prevent agenda.

The Report concluded with the key achievements that had been made with partner agencies including the Police, HM Prison, Clinical Commissioning Groups, Devon, Dorset and Cornwall Community Rehabilitation Company, Probation, NHS and Ambulance etc.

The Chair of the Devon Safeguarding Adults Board responded to questions on, inter alia, mental health services, the county lines initiative, multi-agency meetings, involvement of Scrutiny with the Board and the work of Prevent.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Leadbetter, and

**RESOLVED** that the report be noted.



[NB: The Safeguarding Board Annual Report will also be available, in due course, alongside other documentation, such as Safeguarding reviews at:  
<https://new.devon.gov.uk/devonsafeguardingadultsboard/>

\* **83**      **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **84**      **Minutes**

(Councillor Dewhirst attended in accordance with Standing Order 25(2) and spoke to this item).

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Leadbetter, and

**RESOLVED** that the Minutes of the following be noted:

Farms Estates Interviewing Committee – 16 October 2017

[NB: Minutes of County Council Committees are published on the Council's Website at:  
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>]

\* **85**      **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members and under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

\* **86**      **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>)

\* **87**      **Children's Centres Procurement - Outcome of Tender and Approval for Contract Award**

(Councillors Connett, Dewhirst and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Hannaford declared a personal interest in this matter by virtue of being a Member of the Advisory Board for West Exe Children's Centre).

The Cabinet considered the report of the Chief Officer for Children's Services (ACH/17/57) on Children's Centre Services tender and seeking approval for the award of contract.

The report outlined that the Children's Centre Services were the key delivery mechanism for the local authority to meet its statutory duties referenced in the Children Act 1989, the Childcare Act 2006 and Working Together 2015, in order to improve the wellbeing of young children and reduce inequalities as well as to achieve the best start in life.

Following consultation in 2014 the following principles were agreed: focussing services on the most vulnerable, reducing building costs, funding front line delivery, encouraging others to deliver some universal services from Children's Centre buildings and reduce the numbers of contracts from 43 to 8 aligning to city/council boundaries.

The new commissioning model was adopted and the Children's Centres in Northern Devon and the South West areas were completed by April 1st 2015 with 6 contracts let aligned to district council boundaries. The recent procurement in Northern Devon and South and West Devon culminated in one provider being successful in all contract areas which realised further efficiencies in management costs.

It was now proposed to further rationalise the contracts, in order to increase service provision (to families with children aged 8 and under), into one contract covering the authority boundaries of the Council.

The Cabinet noted that the total estimated value of the Children's Centre Services contract was approximately £29.5 million over 5 years (3 year term with an option to extend for up to a further 2 years) and also the context and contract design of the Children's Centre Services. Furthermore, robust performance measures would be in place to ensure the effective delivery of the service including the transition to targeted services and increase in eligible families.

The Chief Officer's Report also incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010.

That assessment recognised the positive impact of the proposals in terms of the continuation of work alongside partners to provide a specialist targeted support offer focusing resources on children 0-3 and a new service specification to provide the opportunity for families with children aged 5 to 8 years to receive a targeted family support offer through their families attending an evidenced based parenting programme. The development of a co-dependant service specification with the Public Health Nursing service would also provide an opportunity to develop a seamless service for families creating a pathway of support. Therefore, in summary, there had been no unmanageable impacts identified with the assessment.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes and

**RESOLVED** that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely the financial or business affairs of persons tendering for the provision of council goods or services and of the County Council, in both cases, and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

*The following part of the Cabinets Proceedings on this matter took place, as summarised below, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) during which time the press and public were excluded; no representations having been received to such consideration under Regulation 5(5) of the aforementioned Regulations.*

The Cabinet considered the report of the Chief Officer for Children's Services (ACH/17/58) summarising the procurement procedure and necessary financial considerations relating to the formal award for the Children's Centre Services contract.

The procurement process was conducted in accordance with EU Procurement Regulations and in line with Part 2, Chapter 3, Section 7 of the Public Contracts Regulations 2015 (PCR

2015) – Social and Other Specific Services, the full details of which were described in report (ACH/17/58).

Following discussion of Report (ACH/17/58) and having had regard to the information therein, the Cabinet was of the view that the press and public need no longer be excluded from the meeting during its final determination of the matter and:

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and

**RESOLVED** that the press and public be now re-admitted to the meeting.

Following further comment and discussion and in replying to the debate the Cabinet Member for Children's Services and Schools commended the recommendations now before the Cabinet.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Chief Officer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and

**RESOLVED**

(a) that the contract for Children's Centre Services be awarded to Action for Children Services Ltd; and

(b) that the County Solicitor be authorised to execute all necessary legal agreements required to be entered into by the Council in respect of the contract for Children's Centre Services

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

**NOTES:**

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 1.25 pm





## QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 8 November 2017

### 1. **QUESTION FROM COUNCILLOR HANNAFORD** **Re: Transport Commissioner**

What is the role of the Transport Commissioner in relation to Devon County Council?

What relevant current data does DCC hold on these matters?

#### **REPLY BY COUNCILLOR CROAD**

The Traffic Commissioner's office is part of the Department for Transport. With regard to local bus service operators, the Commissioner administers the system of Public Service Vehicle Operator licensing. Operating licences are not linked to specific bus routes.

All local bus services must be registered with the Traffic Commissioner. Any bus company with an operating license may register services and must give the Commissioner fifty-six days' notice of any intention to start, alter or withdraw a service. A copy of the registration must also be sent to the relevant County Council.

Provided a duly licensed bus operator gives the required service details - basically the route and timetable - and the service is eligible to be registered, the Commissioner has no power to refuse or delay a registration. He has no role whatsoever in allocating or approving routes or timetables.

By means of published Notices and Proceedings, the Commissioner indicates all those registrations which have been accepted. This Council monitors Notices and Proceedings so as to ensure that all copy registrations have been correctly received. (Bus company compliance in Devon is currently 100% - infringements are extremely rare.)

The Council has no right to object to any registration on grounds of not agreeing with, for example, a service change or withdrawal. The sole grounds for complaint relate to traffic hazards, in which cases the Traffic Commissioner may impose a Traffic Regulation Order (These are unusual – it is understood there have been two Orders since 1986).

### 2. **QUESTION FROM COUNCILLOR HANNAFORD** **Re: Bus Reliability**

How does Devon County Council monitor bus reliability with the providers?

What relevant current data does DCC hold on these matters?

#### **REPLY BY COUNCILLOR CROAD**

Under the basic legislative framework, the County Council is not the statutory authority with regard to local bus service operations and has no powers of enforcement.

This Council, however, does monitor some bus services in two contexts:

1. In the case of subsidised services, to ensure contract compliance. Monitoring is mostly in response to specific customer complaints but also consists of both planned and random on-road observations.

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2. An annual bus punctuality survey as required by the Department for Transport. This takes the form of a sample period monitoring of services in three urban areas - Exeter, Barnstaple and Newton Abbot - using data from real time systems and on-street observations. The results are reported to DfT.

“Reliability” in this context is purely an operational term and is not concerned with the extent of the network, scheduled service frequencies, route coverage or timetables.

**3. QUESTION FROM COUNCILLOR HANNAFORD**  
**Re: Fines and Sanctions for Poor Reliability of Bus Services**

What fines and sanction are available for poor reliability of bus service?

What relevant current data does DCC hold on these matters?

**REPLY BY COUNCILLOR CROAD**

The Council has no powers to fine or otherwise sanction bus companies in the event of poor reliability - apart from in the case of subsidised services, where, in cases of non-compliance with contract specifications, contracts allow for formal warnings where appropriate or ultimately termination of contracts.

The most recent contract termination for non-compliance was in February 2016.

On 126 current local bus service contracts there are 4 formal warnings in place.

The Traffic Commissioner has powers to fine or, ultimately, remove the operating licence from any bus company seriously and persistently failing to operate services as registered. Through the Driver and Vehicle Licensing Authority, a Bus Compliance Officer leads a team of on-road inspectors which may respond to issues referred by local authorities or the public. However, this resource appears to be rather limited, inspections are not common and actions for unreliability are rare. The Council does not keep records of Traffic Commissioner actions, but they are published in Notices and Proceedings.