

CABINET

11 April 2018

Present:-

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

Apologies:-

Councillors J Clatworthy

Members attending in accordance with Standing Orders 8 and 25

Councillors Atkinson, Biederman, Connett, Dewhirst, Greenslade, Hannaford and Wright

* **154** **Minutes**

RESOLVED that the minutes of the meeting held on 14 March 2018 be signed as a correct record.

* **155** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **156** **Announcements**

There was no announcement by the Chair at this meeting.

* **157** **Petitions**

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

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

In accordance with the Cabinet Procedure Rules, the Cabinet Member responded to two questions from Members of the Council on partnership agreements and democratic authority in relation to integrated health and social care and on free school meals and MP voting records on the matter.

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

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

* **159** **Transport Capital Programme 2018/19: Proposed Allocation**

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

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/18/17) on the proposed allocations for the Transport Capital Programme for 2018/19, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Integrated Transport Block settlement from Government was set at an annual level of around £3.6m with the level of funding significantly reduced when compared to a figure of over £10 million in 2009/10. One of the main uses of LTP as seedcorn funding was to secure other external sources of grant funding to help deliver the transport infrastructure priorities identified across the County.

The Report outlined the other sources of funding and how the Council had acquired monies for particular schemes, for example the National Productivity Investment Fund (NPIF) to support investment in the types of infrastructure important for boosting productivity and in 2017/18 the County Council secured £7.169 million from the NPIF. In addition, five major new schemes were completed with significant external funding support from the Heart of the South West Local Enterprise Partnership (LEP) and Growth Deal from Government (two highway schemes at Barnstaple, A379 Bridge Road (Exeter), signalised junction on the A379 at Sandy Park, A38 Deep Lane and first phase of the Tiverton Eastern Urban Extension junction onto the A361 North Devon Link Road). The Growth & Housing Fund had given external funding support of £4.5 million for the final phase of the Tithebarn Link Road and a new cycle bridge crossing over the M5, which were substantially completed in 2017/18.

The 2018/19 programme, outlined in Appendix I, showed the securing of external funding totalling £9.16 million. There was also a bid totalling £7.2 million for the Exeter Eastern Growth Package and for Sherford totalling just over £8 million.

Other potential sources of external funding, not yet confirmed, could include the Safer Roads Fund, the Housing Infrastructure Fund, the Large Local Majors Fund, Growth Deal, Growth & Housing Fund and Industry Risk Fund (Network Rail).

The focus of the 2018/19 programme was primarily to support economic growth alongside Local Plans. A significant proportion of the programme was helping to deliver major schemes, many of which were now in the advanced design stages, as outlined in Appendix I.

In terms of Countywide & Major, work was continuing in 2018/19 to support the design and development of major highway infrastructure schemes across the County, for example the construction of the first Phase of the new A361 junction to access the Tiverton Eastern Urban Extension, detailed design and procurement for the second and final Phase 2 of the junction with construction of Phase 2 planned to commence in Autumn 2020, major road improvements for the North Devon Link Road, construction on the next stage of the Newton Abbot East West Cycle Route 2B, the A382 Widening Scheme and Houghton Barton Package at Newton Abbot, Main Street highway at Sherford, public transport improvements (smart ticketing etc), securing land for the Bere Alston to Tavistock Railway Line and some funding to support the development and completion of priority routes identified in the Cycling and Multi Use Trails Strategy.

For the Exeter & East Devon Growth Point a key focus for 2018/19 was enabling development growth to the East and to the South West of Exeter, for example design work to develop infrastructure for an urban extension to the South West of Exeter, improvements to Chudleigh Road, new cycle bridge crossing over the A379 and new station project for Marsh Barton. In addition, the National Productivity Investment Fund (NPIF) funding would progress the design and delivery of the Eastern Exeter Growth Area package including, improvements to the A30 Moor Lane Roundabout, continued delivery of the Exeter strategic cycle routes, Park and Change site at Exeter Science Park and expansion of the electric bicycle network.

In relation to the Market and Coastal Towns and Rural Devon, promoting walking and cycling remained an important objective of the Local Transport Plan and for the public health agenda. The proposed 2018/19 programme included new pedestrian crossing facilities at Exmouth, Colyford, Yealmpton and Horrabridge and funding to support walking and cycling route improvements in a number of Market Towns. The programme would continue support for providing new and improved cycle parking facilities in market towns, rural communities and for schools and employers.

The package of schemes for 2018/19 totalled some £19.8 million, which included significant funding from external sources and developer contributions either due or received from developers. This funding was already incorporated into the Capital Programme or was anticipated to be brought forward from 2017/18 as a result of slippage. Also, that additional external funding might need to be incorporated into the programme later in the financial year.

The Cabinet noted that an Impact Assessment was completed for the Transport Capital Programme in 2014 and that detailed individual Impact Assessments were carried out on larger schemes where required and included with those particular Cabinet and HATOC reports.

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 Davis, **SECONDED** by Councillor Hughes, and

RESOLVED

(a) that the budgets allocated to the Local Transport Plan (LTP) schemes, as set out in Appendix I, be approved and that other major transport schemes and funding sources be noted;

(b) that amendments to the Integrated Block allocations be delegated to the Head of Planning, Transportation and Environment, in consultation with the relevant Cabinet Member.

[NB: The Impact Assessment referred to above may be available at: <http://new.devon.gov.uk/impact/>].

* 160

Department for Transport Consultation on the use of section 19 and section 22 permits for road passenger transport in Great Britain (Community Transport)

(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 Head of Planning, Transportation and Environment (PTE/18/18) outlining a proposed response to the Department for Transport Consultation on the use of section 19 and section 22 permits for road passenger transport in Great Britain, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

A public consultation on the use of Community Transport (CT) permits had been published on 8 February 2018

(<https://www.gov.uk/government/consultations/section-19-and-22-permits-how-to-apply-eu-regulation-10712009>) and responses were sought from permit-holders and issuers, stakeholders who relied on the services of permit-holders, (local authorities, NHS trusts, charitable organisations etc), holders of PSV licences and respective representative organisations by 4 May 2018.

The Report outlined that due to a series of concerns raised nationally and in Europe the Department of Transport were undertaking a consultation on the Community Transport (CT) Permit system. This specifically affected CT providers that undertook paid services, even if they were small scale linked to the local community. This would increase the regulatory process, meaning Community Transport providers would need to convert their operations to an Operators' licence and their drivers obtain Passenger Carrying Vehicles (PCV) licences. This would significantly increase costs. Also, enhanced regulations were likely to reduce the number of volunteers willing to drive minibuses, especially older drivers on whom the sector was most reliant.

In terms of responding to the Consultation, the Report outlined that the issues were complex, covering competitively tendered contracts, salaried drivers, derogations within EU regulations and the definition of operating services for 'non-commercial purposes'. However, DfT had made it clear within the consultation documentation that there was no flexibility in the law for the UK Government to introduce further exemptions.

Whilst DfT envisaged the majority of CT operators would not be affected by this clarification on EU rules, this was unlikely to be the case in Devon where the majority of CT operators had contracts with the County Council and employed paid drivers for some services, therefore the impact on the sector had been underestimated. The Consultation offered the opportunity to comment on the impact for specific groups in society which, it was felt, the Council should respond accordingly.

The Report outlined the current Community Transport Provision in Devon highlighting the Council supported a mature CT sector in Devon, having encouraged the development of services including Ring & Ride, voluntary car schemes and community buses over a period exceeding thirty years (Appendix I: Community Transport Schemes in Devon which operated S19 and S22 permit services). There was a good working relationship with both commercial and CT sectors, with the CT services complementing the local bus network, filling gaps in provision where the market was unable to provide appropriate services, particularly for vulnerable groups of people including elderly, disabled and rurally isolated passengers.

The anticipated effects of the Consultation proposals had been considered including the impacts of needing to convert operations to an Operators' licence and drivers obtaining Passenger Carrying Vehicles (PCV) licences, CT groups being able to afford the costs associated with an enhanced regulatory process, the impact on volunteering and that the number of volunteers willing to drive minibuses might be reduced.

The Council, in response to the potential changes, had made local CT operators aware of DfT correspondence and sector response and held meetings with Devon's CT operators (19 October and 8 February) to discuss the potential effects on their organisations, services and passengers, arranged and hosted a DfT workshop in Exeter on 5 April for South West CT operators, submitted a response to the Commons Select Committee inquiry (November 2017) into the licensing arrangements for CT minibuses and provided briefing notes to Devon MPs to raise the matter in Parliament.

The CT sector focussed many of its services on vulnerable people who didn't have access to conventional public transport services, therefore a reduction could see a disproportionate increase in social isolation for vulnerable passengers and a reduction in access to essential shopping and other services. The DfT undertook an impact assessment of the proposals which accompanied their Consultation papers and the Cabinet noted there would be a final stage impact assessment once the policy details had been finalised following the completion of the process.

A proposed response to the six questions posed in the Consultation was also circulated for the attention of 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 Head of Service's Report and/or referred to above having been considered:

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

RESOLVED

(a) that the publication of the Department for Transport's Consultation on the use of section 19 and section 22 permits for road passenger transport in Great Britain, which asks for comments on proposed changes to law and guidance about who can operate public service vehicles (PSVs) without a PSV licence be welcomed and Cabinet note that the outcome is expected to bring clarification of the definitions affecting community transport permit schemes. However, it raises concerns about the current proposals and the negative impact they will have on Community Transport providers;

(b) that delegated powers be given to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Community, Public Health, Transportation and Environmental Services, to submit a formal response to the Consultation to meet the deadline of 4 May 2018; and

(c) that the Council undertake further lobbying by referring the matter to the CCN and LGA and also Devon MPs.

[NB: The Impact Assessment referred to above may be viewed on the DfT website at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680702/section19-22-consultation-impact-assessment.pdf

* 161

County Road Highway Maintenance Capital Budget: Progress on 2017/2018 Schemes and Proposals for the 2018/2019 Schemes

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

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/20) on the County Road Highway Maintenance Capital Budget circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Report updated on the progress with Schemes for 2017/2018 and outlined proposals for the 2018/2019.

This Report provided an update on delivery of the 2017/18 Highways Capital programme and presented high-level performance information based on the 2016 Cabinet approved Highway Infrastructure Asset Management Policy, Strategy and Plan (HIAMP). It further sought agreement of the programme for investment of the Government's grant for highway capital maintenance in 2018-19.

The Cabinet Member for Highway Management further highlighted that Devon had been successful in securing almost £16.5 million in Challenge Fund monies since 2015-16 and was currently in its second year as a Band 3 authority, the highest level within the Incentive Fund banding and attracting the highest level of funding.

Additionally, funding for 2018-19 included an award of £2.2 million for the third year of the Pothole Action Fund part of which would be targeted towards addressing the maintenance backlog on the minor road network.

The Report presented carriageways data showing that the A and B Road network was in a relatively good state with only 3 % in need of treatment soon. The C and unclassified network was not doing as well, hence the additional funding.

Government had determined its formulae for the allocation of highway capital maintenance funds, which included a Needs Allocation, an Incentive Fund, a Challenge Fund, a Pothole Action Fund and the allocations to Devon were outlined in the Report. It further detailed the

proposals for capital funding of highway maintenance programmes and schemes in 2018/19 which included capital maintenance of carriageways, footways, cycleways, drainage systems, road restraint systems, street lighting, bridges and other highway structures.

The Report sought approval of the schemes and programmes and Cabinet noted that they were in accordance with the requirements of Financial Regulations.

A copy of an updated overview of the Budget 2018-19 Equality Impact Assessment for all service areas had been previously circulated separately and was available to all Members of the Council at: <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

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 Hughes **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the progress on 2017/18 capital funded highway maintenance schemes, as detailed in Appendices I and II to the Report be noted;

(b) that approval be given to the capital funded highway maintenance programmes for 2018/19, as set out in Appendices III and IV;

(c) that the detailed allocation of the available budget be determined by the Chief Officer for Highways, Infrastructure Development and Waste on the basis of the Highways Infrastructure Asset Management Plan, and within the limits of the approved budget; and

(d) that the 2018/19 Highways, Infrastructure, Development and Waste capital programme be increased by £2,237,308, funded by external grants, which is additional Pothole Action Fund Grant awarded by the Department for Transport in February 2018.

[NB: The Impact Assessment referred to above may be viewed at: <http://new.devon.gov.uk/impact/>].

* 162

County Road Highway Maintenance Revenue Budget and On Street Parking Account 2018/2019

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

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/21) on the County Road Highway Maintenance Revenue Budget and On-street Parking Account for 2018/2019 circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This Report sets out the recommendations for spending the revenue budget for highway maintenance, including the additional spending of £6.5 million agreed at the County Council Budget meeting on the 15th February. It recommended the allocation of revenue highway maintenance funding for 2018/19 by maintenance function and also approval for a programme of work identified in accordance with the provisions of Traffic Management Act 2004, to be funded from the On-street Parking Account.

Revenue funding for highway maintenance provided for the funding of reactive repairs and routine/cyclic maintenance. The need for structural repair of the network was assessed using an asset management, data led approach.

The Council had been recognised by the DfT for developing new ways of working to help tackle the challenges, including innovative approaches to encouraging localism and inspiring communities to get involved in helping to maintain their local highway assets.

The revised Code of Practice Well Managed Highway Infrastructure had been published in October 2016 which was moving highway authorities towards a more risk based approach to its maintenance. This approach, also used in Devon on highway safety inspections, meant a defect would be assessed for its level of risk based upon its likelihood to cause harm and the impact if such harm occurred.

The Report highlighted the three types of maintenance works essentially undertaken which related to the reactive repairs such as pot-hole filling, dealing with flooding, replacing road signs and markings, clearing overhanging vegetation or precautionary salting and snow clearance. Second was routine or cyclic maintenance such as gully emptying, grass cutting, cleaning and clearing of drainage pipes, ducts and channels and then planned, programmed or structural maintenance such as resurfacing, reconstruction and surface treatments etc.

The revenue budget for 2018/19 in respect of the highway maintenance base budget had been set at £23,061,000, comprising £20,761,000 in the Highways service budget and £2,300,000 funded from the On-street Parking account. An additional £6,500,000 had been agreed through the Budget Council meeting on 15 February 2018, bringing the total budget to £29,561,000.

The Cabinet Member for Highway Management reported that there was no reduction to the level of service provision, only adjustments made to individual budgets to reflect changes from the re-procurement of highway contracts and contractual adjustments due to inflationary increases.

Cabinet then noted that the service was under extreme pressure to deal with the impacts of historic Capital underfunding of highway structural maintenance and the effects of severe winter weather such as snow events, prolonged cold periods and flooding events. With changes in climate and the potential for more extreme conditions such events would remain a significant issue for the Service in the foreseeable future.

A copy of an updated overview of the Budget 2018-19 Equality Impact Assessment for all service areas had been circulated previously and was available to all Members of the Council at: <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

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 Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the budget allocations for highway maintenance for 2018/19 as detailed in Appendix I of the Report (HIW/18/21), be approved;

(b) that authority to amend the allocations between different work types to maintain the budget within the total allocation and to maximise the impact of the maintenance programme be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highway Management; and

(c) that the programme funded from the On-street Parking Account for 2018/19, as set out in Appendix II of Report (HIW/18/21), also be approved.

[NB: The Impact Assessment referred to above may be viewed at:
<https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>].

* **163 Implementation of a Regional Adoption Agency**

(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 Chief Officer for Children's Services (CS/18/19), seeking approval for the Implementation of a Regional Adoption Agency, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report outlined the request for approval to enable the transition from four separate local authority adoption services to a single Regional Adoption Agency (RAA) hosted by Devon County Council with effect from October 2018 to address the Government's requirement for adoption agencies to be consolidated into a single Regional Adoption Agency to form the Adopt South West Regional Adoption Agency. The activity was driven by new legislation – the Education and Adoption Act 2016 and also gave the Secretary of State powers to direct authorities to do so. The Cabinet noted the Government's view that structural change would improve the process for children and adopters and the DfE expected the Regional Adoption Agency programme to deliver consistently good and innovative adoption practice that ensured improving life chances for children.

On a regional basis the [Adopt South West](#) co-operative regional adoption partnership had been launched in April 2015 comprising Devon County Council, Plymouth City Council, Torbay Council, Somerset County Council, Barnardo's and Families for Children. The scope of the Adopt South West partnership had been the co-operation and co-delivery in marketing and recruitment of adopters, running of information days and training events for adopters and improve the matching of children.

The Report also outlined performance data which highlighted across the Adopt South West region, between 2012 and 2017, a 43% increase in the number of looked after children to 2,692 and a 31% increase in the number of adoptions; however, in line with national trends the number of adoptions over the past 3 years was declining. Also, over the past three years the number of Looked after Children had continued to increase whilst the number of Looked after Children adopted had reduced by 4.13%.

The vision for the RAA was to achieve improved outcomes for children and families by creating a system where children were matched with the most suitable adopter as quickly as possible, to achieve sufficient scale of Adopter recruitment to provide a pool of adopters, well prepared and well matched to the needs of children waiting and to offer sufficient, high quality adoption support services; effective short-term interventions, sign posting and enabling access to appropriate support.

The key outcomes set for the RAA reflected the DfE intentions for the Regional Adoption Agencies programme, national performance standards, and what a 'successful adoption service looked like' as told by partners, children and adopters.

In terms of Governance, the RAA would be arranged to ensure strategic roles for the Voluntary agencies, Local Authority Lead Members, Health and other partners and User Group representation, whilst also reflecting the operational oversight required by the host and partner authorities, through a Board structure.

The key risks to Devon as host, to Plymouth, Somerset and Torbay as those delegating adoption functions, together with the mitigation activity were attached at appendix 4 to the Report.

An Impact Assessment was attached at Appendix 3 to the Chief Officer's Report which had been circulated previously 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 assessment reported that no unmanageable impacts had been identified and that better shared resources across the region would improve cost effectiveness with the potential to invest further in other service developments.

The assessment further outlined that a set of objectives had been agreed and a mechanism to collect the required information to regularly report on performance put in place which would support the existing national statutory reporting required from all Adoption Services in England. Ofsted currently inspected Adoption Services and a new framework was being developed for inspection of Regional Adoption Agencies.

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 establishment of a Regional Adoption Agency (Adopt South West Regional Adoption Agency), hosted by Devon County Council, be approved;

(b) that the acceptance of the statutory and legal functions relating to adoption services as set out in [paragraph 7] of this Report, delegated by Somerset County Council, Plymouth City Council, and Torbay Council to Devon County Council as the host local authority be approved;

(c) that the Chief Officer (Children's Services), the County Treasurer, and County Solicitor be authorised to finalise and agree the proposed Inter Authority Agreement and any other appropriate legal and financial agreements with Somerset County Council, Plymouth City Council, and Torbay Council in order for the proposed services, as set out within the Report (CS/18/19), to be provided by the Regional Adoption Agency;

(d) that the transfer of staff under TUPE regulations to Devon County Council be agreed and Cabinet further authorises the Chief Officer (Children's Services) and the Head Human Resources to complete all necessary actions required to support the delivery of the adoption services by the Regional Adoption Agency; and

(e) that the production of an Annual Report on the performance of the Regional Adoption Agency, to be provided to the Cabinet Member for Children, Schools and Skills and the Children's Scrutiny Committee, be noted.

[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/>.]

* 164

Technology Enabled Care and Support (TECS) Strategy

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

The Cabinet considered the Joint Report of the Head of Adult Commissioning and Health and the Head of Children's Social Care (ACS/18/85) requesting approval of the Technology Enabled Care and Support (TECS) Strategy (A Joint Commissioning Strategy 2017—2022), circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report outlined that people were increasingly using technology to support themselves in everyday life and Technology Enabled Care and Support (TECS) could enable people of all ages and needs to maximise their independence.

TECS referred to “the technologies that help people to manage and control their health and well-being and sustain independence” and took the form of Telehealth, Telecare, Telemedicine, Teleconsultations, Telecoaching and Self-care apps.

The TECS Strategy was an enabler for the Promoting Independence Policy and there was a contract to provide TECS as part of the integrated equipment service, Impact Assessments for both these issues had been previously published.

The TECS strategy for Devon, with the primary delivery vehicle being the DILIS (Devon Independent Living Integrated Service) contract, covered adults and children’s health and social care. Promoting independence and prevention were duties for local authorities in legislation relating to adult social care, children’s services and public health functions including in the Care Act 2014 and Local authorities and their partners, including NHS bodies, were required to co-operate in fulfilling these duties.

The Council currently provided fewer TECS packages than other comparable local authorities and a needs assessment identified scope for increasing their use to promote independence and help address pressures on the health and care system.

A copy of the strategy was included in the agenda papers and a video giving an overview of TECS and the aims of the strategy was available at <https://youtu.be/Mvfi647hFbI>

The Cabinet noted that Consultation on the DILIS contract, including planned changes to TECS, were outlined in the DILIS Impact Assessment and the Strategy had been developed by the multi-agency TECS Strategy delivery group, with representation and engagement from all partners.

TECS was an enabler for people to recover or maintain their independence, but technology alone could not deliver a transformation in care, but when embedded in a wider package of care, and new ways of working, the combined innovation could have a powerful impact.

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 Services’ Report and/or referred to above having been considered:

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

RESOLVED that the Technology Enabled Care and Support (TECS) Strategy be approved.

[NB: The Impact Assessments referred to above may be viewed at: <http://new.devon.gov.uk/impact/>].

* 165

Health and Adult Care Scrutiny - Call in of Cabinet Decision Minute *148 Health and Care Integration in Devon

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

The Cabinet noted that in accordance with the Scrutiny Procedure Rules Councillors Connett, Brazil, Dewhirst, Greenslade and Way had invoked the call-in procedure in relation to the above decision of the Cabinet, to enable the Health and Adult Care Scrutiny Committee to consider this matter on the grounds of ‘*Governance and that the governance for the new proposals was a weakness. In addition, there has been a lack of consultation with the public regarding the proposals. Also, that there was reference in the report concerning some*

implementation from April 2018 which has given inadequate time for Scrutiny through the normal Committee timetable’.

The Cabinet further noted that the Health and Adult Care Scrutiny Committee had considered the ‘call-in’ at its meeting on 22 March 2018 (Minute *52) and had subsequently **RESOLVED** to recommend that the Cabinet;

(a) record the Committee’s concerns over the emerging Devon Integrated Care System being a single Integrated Strategic Commissioner, a number of Local Care Partnerships, Mental Health Care Partnership and shared NHS corporate services;

(b) defer the implementation of the Integrated Care System process until assurances are provided on governance, funding, the future of social care from a democratic perspective;

(c) recommend Councillor Ackland’s paper and proposals on the reformation of the Health and Wellbeing Board as a sound democratic way forward to provide the necessary governance on a new integrated system;

(d) give assurance that the proposals will not lead to deeper cuts in any part of Devon as a result of the ‘equalisation of funding’; and

(e) provide a copy of the business plan being developed and a summary of views from staff consultations.

The Cabinet was required to reconsider the matter in the light of the Scrutiny Committee’s views and could either amend or adopt the original decision, which would be implemented with immediate effect.

The Cabinet Member for Adult Care and Health highlighted that the proposed arrangements for bringing health and care commissioning together to deliver more efficient and effective care did not diminish existing governance processes, but offered the Council and its Members an opportunity to further shape and influence the health and care system. He also reported that moving towards integrated care systems was a complex process requiring a developmental and incremental approach and the proposed arrangements were built on a long history of partnership working.

The Cabinet Member further reiterated his on-going commitment and duty to engage the public, including the hardest to reach groups as well as to champion the democratic accountability of Members and the integrity of existing governance arrangements such as Scrutiny Committees, the Health and Wellbeing Board and other Committees of the Council which played a vital role in holding people to account. He further confirmed there was no attempt to dilute current governance arrangements and undertook to review the Health and Wellbeing Board to ensure it had the right membership and structure to give it a greater influence and oversight across the system and to work with local MPs on issues such as ensuring fair funding for Devon residents.

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

RESOLVED

(a) that the original recommendations of the Cabinet (a – d), as outlined in Cabinet Minute *148 and reproduced below, be re-affirmed:

(i) that the key features of an emerging Devon Integrated Care System being a single Integrated Strategic Commissioner, a number of Local Care Partnerships, a Mental Health Care Partnership and shared NHS corporate services, be noted.

(ii) that the proposed arrangements in Devon as set out in paragraph 4 of the Report be endorsed, reporting to the Cabinet and Appointments and Remuneration Committee as necessary.

(iii) that the co-location of NHS and DCC staff within the Integrated Strategic Commissioner, subject to agreement of the business case, be approved; and

(iv) the Health and Adult Care Scrutiny Committee be invited to include Integrated Care System governance in its work programme.

(b) And, in light of the Scrutiny Committees deliberations, Cabinet further **RESOLVE**

(i) that the Health and Wellbeing Board is reformed to lead new governance arrangements for the development of integrated strategic commissioning of health and social care; and

(ii) that there is continued proactive communication to the public using clear and consistent messaging and where appropriate there will be relevant involvement and engagement.

* **166** **Question(s) from Members of the Public**

There was no question from a Member of the public.

* **167** **Minutes**

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

RESOLVED that the Minutes of the following and any recommendations to Cabinet therein be approved:

Devon Audit Partnership - 7 March 2018
Devon Education Forum – 21 March 2018
Farms Interviewing Committee - 4 April 2018

* **168** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members 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/>

* **169** **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 (to include the addition of the Defra Consultation on the future for food, farming and the environment - Devon County Council's Response) 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>).

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 1.21 pm



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 11 April 2018

1. QUESTION FROM COUNCILLOR GREENSLADE

Re: Partnership Agreement and Democratic Authority – Response to Supplementary Question

I refer to my question at the March Cabinet Meeting, no 4 Partnership Agreement and Democratic Authority.

In this question I asked Councillor Leadbetter to explain what the Partnership Agreement signed by the Chief Executive meant and whether this had been made available to Health Scrutiny for consideration?

His answer did not respond to this question and accordingly I raised this by way of a supplementary question.

Cllr Leadbetter promised to get back to me, presumably, with an answer.

At the time of submitting this question I still await the promised response from Cllr Leadbetter.

Will he now answer the outstanding question?

REPLY BY COUNCILLOR LEADBETTER

A response on this matter has been sent to Councillor Greenslade.

2. QUESTION FROM COUNCILLOR CONNETT

Re: Free School Meals and MP Voting

The respected Institute of Fiscal Studies has highlighted that the refusal of the Government to increase the £7,400 earnings cut-off point in line with the cost of living will see 100,000 children deprived of free school dinners by 2022.

A further 60,000 children are also likely to miss out because of other changes to the benefits system.

The IFS also confirmed that a million more children would get free lunches if the Government continued its temporary policy of giving the benefit to all families who currently receive Universal Credit.

And in a direct contradiction of claims by the Work and Pensions Secretary Esther McVey, the IFS warned some children who currently receive free school meals will lose that benefit once Universal Credit is introduced.

How did each Member of Parliament across Devon vote on the school meals issue?

REPLY BY COUNCILLOR MCINNES

The information Cllr Connett seeks is freely available here in the Hansard record of the division. <https://hansard.parliament.uk/Commons/2018-03-13/division/EA731F6F-8180-4E80-B295-3B418A216D79/UniversalCredit?outputType=Names>

