

CABINET

14 June 2023

Present:-

Councillors R Croad, A Davis, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), A Saywell and P Twiss

Members attending in accordance with Standing Order 25

J Brazil and C Whitton
F Biederman (virtual attendance)

* 334

Minutes

RESOLVED that the minutes of the meeting held on 10 May 2023 be signed as a correct record.

* 335

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 336

Announcements

There was no announcement by the Chair at this meeting.

* 337

Petitions

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

* 338

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member had responded to two questions from a Member of the Council on the following matters.

1. Plans to remediate the Metcombe Road which was extensively damaged in the floods and requires major repairs; and
2. whether DCC (or its agent) had started discussions with the landowner before February 2023 with regards the relocation of the Redbridge, Newton Poppleford.

There were no supplementary questions arising from the above.

[NB: A copy of the questions and answers are available on webpage for meeting]

339 **People First Strategy**

(Councillors Biederman, Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of People and Culture, which sought approval of the People First Strategy, 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 highlighted that issues flagged from the Race Equality Audit (2021) coupled with other behavioural related concerns identified in Children's Services over the last year, had driven the need to refocus on activities in relation to staff and the organisation's culture. This work commenced with the appointment of a new Director of People & Culture and marked a shift towards the Council being more values based, purpose driven, and people centred in its work.

A key priority for the new Director and one of the current corporate priorities was the delivery of a new People Strategy.

The Strategy had been designed based around a focus on the 6 key themes of:

1. Voice
2. Recruitment
3. Wellbeing
4. Belonging
5. Learning
6. Reward

The 6 themes had been shaped by feedback from previous staff surveys, the Race Equality Audit, benchmarking, research of the recruitment market, themes identified through 'Exit Interviews' and feedback from staff reference groups.

The Strategy had also sought to highlight the collective role as corporate parents and the Council's responsibility to children in care and care leavers.

The feedback was also being used to shape an Action Plan to support the delivery over the next 2 years, which would be brought back to Cabinet in September for review, with progress regularly reported to the Senior Leadership Team (SLT).

The Cabinet noted that the Strategic Plan was currently being reviewed and the delivery of the People Strategy was one of the priorities. The successful

implementation of it would enable staff to be best placed to deliver the outcomes within the Strategic Plan.

Equality matters was a focus of each theme within the Strategy and the area of 'Belonging' would predominantly centre around delivery of actions in relation to DCC's Equality, Diversity & Inclusion agenda. The Action Plan detailing the delivery of each theme, would require full Equality Impacts Assessments.

In summary, the adoption of a People Strategy would provide a more effective and joined up approach to address workforce related issues. This would further enable better use of existing resources, avoiding duplication and outline a more holistic and proactive way to address the issues raised as well as greater clarity over progress and reporting arrangements.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) as set out in the Director's Report having been considered:

it was **MOVED** by Councillor Saywell, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the new People Strategy for Devon County Council (DCC) be recommended to the Council for approval; and

(b) that the Director of People & Culture be given delegated authority to make minor amendments to the Strategy, in consultation with the Cabinet Member for Organisational Development, Workforce & Digital Transformation.

* 340

Revenue and Capital Outturn 2022/2023

(Councillors Biederman, Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Finance and Public Value (DF/23/53) 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 presenting the Revenue and Capital Outturn position for 2022/2023.

Members had received regular budget monitoring reports throughout 2022/23 in which budget pressures and risks had been identified. The outturn underspend of £156,000 had been achieved after a contribution to the budget management reserve of £1.5 million and a carry forward of £500,000 into 2023/24 for Highways. The final outturn position was an improvement from the £3.6 million overspend forecast outturn which had been reported to Cabinet on 8th March and a significant improvement on the £30.5 million

forecast overspend at month 2. The organisational wide response to the financial challenges faced by the authority, resulted in £25.4 million of additional in year savings, income and alternative applications of funding being identified. Delivery of savings and additional income contained within the budget totalled £33.7 million against planned savings of £38.7 million.

There were overspends primarily to the budgets for Integrated Adult Social Care and to Children and Young People's Futures, for which sections 2.1 and 2.2 provided further detail. However, these were offset by underspends in other services, use of COVID carry forwards and additional income from interest on balances and business rates pooling gain.

As set out in the Report, just under £1.4 million of underspend on the Public Health Grant had been transferred to the ring-fenced Public Health Reserve.

When the Council approved the 2022/23 budget in February 2022, it agreed to use just under £29.9 million of earmarked reserves to support its revenue expenditure and invest to save initiatives as well as funding of various one-off projects including service transformation economic recovery, bridges, fostering network and Special Educational Needs staffing amongst others.

The Dedicated Schools Grant Special Educational Needs and Disabilities (SEND) Service continued to be under significant pressure and the Report outlined the accounting treatment of these deficits, through the (Capital Finance and Accounting) (England) (Amendment) Regulations 2020 (SI 2020 No 1212).

The SEND element of the Dedicated Schools Grant year-end position was a shortfall of £38.9 million, which was shown in more detail in paragraph 5.2 of the Report.

Detailed explanations of the final financial position for each service area were given in section 2 of the Report, with highlighted figures below;

- Adult Care and Health services - overspend of £2.3 million;
- Children and Young People's Futures - overspend of £19.6 million (excluding the Dedicated Schools Grant);
- Public Health, Communities and Prosperity - overall underspend of just under £2 million;
- Corporate Services - overall underspend of £2.3 million.
- Climate Change, Environment and Transport, - an underspend of just over £5.5 million.

In terms of other impacts, the national staff pay award for 2022/23 (£1,925 for each full time employee) turned out to be £6.5 million more than the 2% used to set the budget in February 2022.

The Authority's borrowing was at fixed rates at the time the borrowing was taken out (before 2009) but interest income on balances depended on current interest rates, therefore increases in the Bank of England base rates had resulted in additional income of almost £3.5 million more than budget.

Section 2.8 highlighted other outturn impacts such as the Integrated Care Agreement, the Better Care Fund (see table on page 22), Capital Finance Charges, Council Tax Hardship Support, ongoing support for Citizen's Advice and Growing Communities Together and a new grant of £1.4 million for additional responsibilities dealing with Domestic Abuse.

The Report commented on the Council's share of the national business rates levy account, additional provision for the Authority's bad debt of £352,000 and the Local Service Support Grant as well as other small grant variations and the COVID 19 funding streams.

The Report further reported on the General Balances and earmarked reserves (excluding schools and non-schools carry forwards) which stood at just under £107.6 million.

In summary, the net underspend on the revenue budget of £156,000 had been achieved after a contribution to the budget management reserve of £1.5 million and carry forwards. For 2022/23, the Council budgeted to use £22.9 million of reserves to support its revenue budget as well as a further £6.9 million to support one off expenditure.

However financial challenges continued, demand for services was higher than before, prices continued to rise and labour market shortages were still being experienced and was being felt acutely within adults and children's services. This trend was expected to continue into 2023/24, which would create a very challenging financial environment for the Council going forward.

The Leader and Cabinet Member paid tribute to the finance teams.

The Chief Executive further updated the Cabinet on the Safety Valve discussions, resultant work streams and engagement with other Chief Executives for external benchmarking. Work would continue throughout the summer and the arising plans would be brought back to Members in due course.

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

it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Hart, and

RESOLVED

(a) the draft outturn for 2022/23, after carry forwards and contributions to and from balances, reserves and provisions, shows an increase in the General Fund Balance of £156,000 against the approved revenue budget be noted;

(b) that the 2022/23 revenue outturn be approved, including transactions on earmarked reserves and provisions, spending against budget, treatment of over and under spending and the implications for balances, as set out in the tables and the narrative of the report;

(c) that the 2022/23 capital outturn be approved including spending against budget and proposed carry forwards, in accordance with the tables;

(d) that the use of capital finance as set out in the Determination of Capital Finance section 12 of the report be approved;

(e) that a total of just over £14.1 million is set aside from revenue resources as Minimum Revenue Provision (provision for credit liabilities to repay debt);

(f) that the Prudential Indicators as set out in section 11 of this report be noted; and

(g) that the total monies owing to the Council as at 31st March 2023 also be noted.

* 341 **Integrated Adult Social Care - Updated Vision and Strategies**

(Councillors Biederman, Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Integrated Adult Social Care 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 highlighted the role of the Council's vision and strategies, for example the ['Promoting Independence' vision](#) and the aim to align to the [Government's vision for adult social care](#), One [Devon health and care system strategy](#), and the [Devon County Council strategic plan](#) whilst articulating the distinctive role and objectives of adult social care.

The ['Promoting Independence' policy](#) set the policy framework including applying statutory guidance and the ['Commitment to Carers'](#) which underpinned the approach to unpaid carers. The ['Living Well'](#), ['Ageing Well'](#) and ['Caring Well'](#) strategies described how the vision and policy applied to people aged 18-64, people aged 65+, and unpaid carers and the Council's ['Annual Report'](#) assessed delivery against the vision, strategies and plans each year.

Much had changed since the vision and strategies were last updated in 2018-19, including COVID, Cost of Living, legislative changes etc, therefore it was opportune to test the principles with other stakeholders who had suggested changes in emphasis. One of these included the *Think Local, Act Personal* vision. Other areas included lives with purpose, the importance of the home and community, the role of technology, transitions and recognising people's strengths.

The Council's 'Our Vision' document articulated the aspirations for the people of Devon with adult social care needs. In practice, the vision for promoting independence means prevention, meeting needs at first contact, short term interventions and achievements via this, through long-term services: making the default expectation the maximisation of independence, safeguarding, integration and recognising unpaid carers as expert partners and supporting them in their role.

The vision could be expressed through three strategies;

- Living Well in Devon
- Ageing Well in Devon
- Caring Well in Devon

The key points of the draft strategies were Prevention: Community: Housing: Strength-based and personalised practice: Safeguarding adults at risk from harm and, last, to identify and address inequalities.

The proposed vision and strategic aims, outcomes, and priorities were summarised in the infographic at section 2.9 of the Report.

Work was underway on the delivery plans which should be published in Autumn 2023, and this would be informed by the findings of the Peer Challenge proposed to take place in July 2023.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact), risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

RESOLVED

(a) that the updated [Vision and Strategies](#) for Adult Social Care in Devon be adopted for publication online in a format that meets accessibility standards; and

(b) that the forthcoming [Peer Challenge](#) relating to adult social care facilitated by the Local Government Association and the potential for inspection and assessment by the Care Quality Commission in the coming months, be noted.

* **342** **Hospital Discharge Funding**

(Councillors Biederman, Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item)

The Cabinet considered the Report of the Director of Integrated Adult Social Care relating to hospital discharge funding.

The Cabinet noted that the Better Care Fund, established in 2014, was the only mandatory policy to facilitate integration between health and social care and it brought together Health and Social Care funding and the Disabled Facilities Grant. Each ICB was required to hold a pooled budget with their local authority, with mandatory contributions governed by a Section 75 agreement. In 2017, there had been a major injection of funding, referred to as the Improved Better Care Fund (iBCF).

As part of the Integrated Adult Social Care (IASC) savings plans, it was proposed using the supplementary iBCF fund (£9.5 million), as allowed within the national guidance, to be allocated solely to adult social care.

In 2020/21, Government provided a national hospital discharge fund via the NHS, to help cover some of the cost of post-discharge recovery and support services / rehabilitation and reablement care following discharge from hospital, however this funding ceased in 2022/23, but with the expectation that local systems would continue to fund.

As part of the original hospital discharge arrangements, the Council identified budget historically used to support social care cost associated with hospital discharge to pay towards the HDP, which stood at just under £1.5 million for 2023/24 and the Integrated Care Board had agreed to allocate their Continuing Healthcare (CHC) budget towards the HDP.

The Hospital Discharge Programme had been forecast to cost between £16 million and £21 million in 2023/24, but discussions with NHS partners had led to the system agreeing to work to a £16 million budget cap in 2023/24.

Funding available currently totalled £12 million, as detailed at paragraph 2.26 of the Report, showing a potential funding gap of £4 million.

To contain spending would require changes to processes and reduced reliance on agency support as well as development and delivery of cost reduction plans.

The Integrated Care Board had agreed to fund 50% of the £4 million shortfall, and it was proposed the Council consider funding the other £2 million from the Budget Management Reserve.

A Memorandum of Understanding setting out governance and how the fund would be managed would be drafted for the agreement of both parties.

The Chief Executive updated the Cabinet on the journey to date with this process and the importance of partnership relationships moving forward to manage budgets and demand, including the transformation of services that would be required.

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 links to the Strategic Plan) set out in the Director's Report and referred to above having been considered:

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

RESOLVED

(a) that the requested funding of £2 million in support of the hospital discharge programme, subject to Devon Integrated Care Board (**ICB**) agreeing the proposals regarding the recurrent use of the "supplementary improved Better Care Fund" (**iBCF**), be agreed;

(b) that, subject to the agreement of the use of the iBCF as set out in recommendation (a), the £2 million is funded from the Budget Management Reserve, be approved; and

(c) that further reports be provided giving regular updates in relation to the Better Care Fund and hospital discharge funding in recognition of the challenging fiscal position of the Integrated Care Partnership responsibilities.

* 343 **A386 Mary Tavy – Request for Speed Limit Reduction to 40mph adjacent to Mary Tavy Inn**

(Councillors Biederman, Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet heard that at its meeting on 21st October 2022, a request had been made by the West Devon Highways and Traffic Regulation Orders Committee to consider a departure from policy to impose a 40mph Speed Limit Order (SLO) on the A386 outside Mary Tavy to replace the existing length of National Speed Limit (60 mph).

A site visit by the Cabinet Member for Highway Management with the Local Member and Officers, including the Road Safety Team had been undertaken on 24th May 2023. Representation was received from the police beforehand.

The Cabinet Member thanked all those who had attended the site meeting to discuss the speed limit on A386, Mary Tavy, including the Local Member who explained the concerns that were a number of collisions recorded at the side road junction outside the public house.

Officers advised on the circumstances that appeared attributable to the reported collisions and that DfT Regulations did not permit a Speed Limit to be adjusted to address a single issue such as a hazardous junction or bend; warning signs were the correct option in such instances. However, traffic speed data demonstrated 85th percentile speeds past the junction were 38-39 mph in both directions and very few travelled above 50 mph, all of which in itself supported a 40-mph speed limit.

Neither Officers nor the police had specific objection to the proposal and the traffic signs/lines along the road would be reviewed to ensure drivers had a clear understanding of how they should behave.

The scheme would be delivered pending suitable funding being identified and once identified the works would be added to the Traffic Order programme with delivery likely in 24/25.

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

RESOLVED that a departure from Policy is approved.

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

There was no question from a Member of the public.

* **345** **Minutes**

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

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

Farms Estate Committee – 15 May 2023

* **346** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [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.

* 347

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.

* 348

Exclusion of the Press and Public

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes 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 involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council 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.

* 349

Part II - South West Devon New Special Free School, Ivybridge - Land Acquisition

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

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

The Cabinet considered the Report of the Director of Director of Climate Change, Environment and Transport relating to land acquisition, purchase and funding for a Southwest Devon New Special Free School, Ivybridge.

Within the Medium-Term Capital Programme (MTCP) were grant funds to contribute to the delivery of a 120 place Special School to support high functioning learners aged between 7 and 16. The new free school build would be delivered and fully funded through the Department for Education (DfE) Free School Programme and the school managed by the Special Partnership Trust, a Cornwall based Multi Academy Trust.

The proposal was in line with the policies set out in Devon County Council's Education Infrastructure Plan to 2033 to support sustainable, high-quality provision that maximised accessibility, met local needs and recognised the needs generated by planned development in specific localities, tackled inequalities for vulnerable pupils but also recognised the needs of a changing population, employment and growth opportunities.

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 Director's Report and/or referred to above having been considered:

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

RESOLVED that recommendations (a), (b) and (c) as outlined in the Report, relating to the acquisition of land in connection with the delivery of a new special school in Ivybridge, funding arrangements and purchase of land, be approved.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#))

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.30 am and finished at 12.13 pm