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To: The Chair and Members
of the Cabinet

County Hall
Topsham Road
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Devon
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Date: 31 October 2023

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CABINET

Wednesday, 8th November, 2023

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite (DAW) - County Hall to consider the following matters.

Donna Manson
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 11 October 2023 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.

4 Announcements

5 Petitions

- 6 Question(s) from Members of the Council

FRAMEWORK DECISION

- 7 Cornwall Council's proposal to join Adopt South West (Pages 1 - 38)

Report of the Interim Head of Adopt South West (CS/23/17) on proposals for Cornwall County Council to join the Adopt South West Service, attached.

An Impact Assessment is also attached for the attention of Members at the meeting.

Electoral Divisions(s): All Divisions

KEY DECISIONS

- 8 Budget Monitoring - Month 6

Report of the Director of Finance and Public Value (DFP/23/99) on the budget monitoring position at month 6. This Report will follow.

Electoral Divisions(s): All Divisions

- 9 A382 Drumbridges to Newton Abbot Major Road Network Scheme (Phase 3) submission of Full Business Case, Contract Award and Construction (Pages 39 - 58)

Report of the Director of Climate Change, Environment and Transport (CET/23/82) seeking approval for submission of Full Business Case, Contract Award and Construction in relation to Phase 3, Drumbridges to Newton Abbot Major Road Network Scheme, attached.

An Impact Assessment has been prepared for the attention of Members at the meeting and is also attached and available at [A382 Improvement Scheme - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/transport/road-improvements/a382-improvement-scheme-impact-assessment).

*Electoral Divisions(s): Bovey Rural;
Newton Abbot North*

- 10 School Penalty Notice Code of Conduct (Pages 59 - 64)

Report of the Head of Education and Learning (CS/23/15) seeking approval to the School Penalty Notice Code of Conduct for unauthorised irregular attendance at school or exclusion from school, attached.

The Impact Assessment will follow.

Electoral Divisions(s): All Divisions

MATTERS REFERRED

11 Corporate, Infrastructure and Regulatory Services Committee - Call in of Mobile Library Service in Devon (Minute *359 of the 12 July 2023) (Pages 65 - 100)

In accordance with the Scrutiny Procedure Rules, the Chair of the Corporate, Infrastructure and regulatory Services Committee (Councillor Dewhirst) invoked the call-in procedure in relation to the decision of the Cabinet (Minute *359 of the 12 July 2023) in relation to the Mobile Library Service in Devon.

The call-in and the associated grounds were considered at the Corporate, Infrastructure and Regulatory Services Scrutiny Committee on 28 September 2023.

The Corporate, Infrastructure and Regulatory Services Scrutiny Committee at its meeting on 28 September 2023 (Minute 124 refers) subsequently **RESOLVED**

that the Committee recommends that Cabinet:

(a) Reconsiders the decision to decommission the mobile library vehicles and looks again at continuing to provide the mobile library service.

(b) Gets precise figures on leasing vehicles to review opportunities to continue to provide a cost effective service.

(c) Looks into opportunities to reduce cost of delivery including commercial sponsorship opportunities on vehicles, crowdfunding and or support from Parish Councils and community groups.

(d) Develops alternative library provision before taking the decision to remove services.

And reports findings back to this Committee.

The Cabinet considered this matter at their meeting on 11 October 2023 and RESOLVED that the Corporate, Infrastructure and Regulatory Services Scrutiny Committee be thanked for its consideration of this matter and its recommendation and given the short timescale between the meeting of the Scrutiny Committee and this Cabinet, and the matters raised, Cabinet will consider the issues in more detail and determine the matter at its next meeting.

Report of the Head of Communities (SC/23/5) on Proposals for the Mobile Library Service, is attached.

An Impact Assessment has also been prepared for the attention of Members at the meeting and is attached and available on the Council's website - [Published Impact Assessments](#).

Electoral Divisions(s): All Divisions

12 South Hams Highways and Traffic Orders Committee - Site Visit A3121 Ermington (request for reduction in Speed Limit)

The South Hams Highways and Traffic Orders Committee at its meeting on 3 February 2023 considered the matter of the A3121 in Ermington (request for reduction in speed limit to 30mph), as had been requested by Councillor Thomas under Standing Order 23 (minute 29 refers). The Committee had RESOLVED 'That Cabinet be requested to consider a departure from policy, to revoke the existing 40mph Traffic Regulation Order (TRO) on the A3121 in Ermington, thus lowering the majority of the stretch to 30mph by virtue of an existing system of street lighting, with the remaining stretch (currently TRO 40mph) requiring a new 30mph TRO'.

The Cabinet considered this matter at its meeting on 8 March 2023 and RESOLVED that the matter be deferred pending a site visit with the Cabinet Member for Highway Management to meet the Local Member and officers including the Police and Road Safety Team.

The Cabinet Member for Highway Management at the Cabinet meeting on the 10 May 2023 reported on the site visit held on 20 April 2023.

The Cabinet subsequently RESOLVED that the matter be deferred and officers be asked to develop proposals or consider alternative solutions for the route to address the concerns raised (10 May (Minute *327 refers).

Following on from the report to Cabinet on 10 May 2023, and South Hams HATOC expressing a desire for another in-person site meeting, officers have continued dialogue with the local Member and community and a further site visit held.

The Cabinet Member for Highway Management to report on the site visit held on 25 August 2023.

Recommendation

That Cabinet agree a departure from Policy in principle, subject to the Director for Climate Change, Environment and Transport agreeing engineering measures to encourage compliance with any new speed limit. Any engineering measures would need to be funded by the community.

Electoral Divisions(s): South Brent & Yealmpton

At its meeting on 19th September 2023, the Childrens Scrutiny Committee considered its Report on Social Care Visits to front-line staff that had taken place across the County, the Report being attached. The Childrens Scrutiny Committee RESOLVED (minute 111 refers);

- (a) that the Committee commends this report to Cabinet for Cabinet to consider this report and its findings as part of the Council's improvement journey in Children's Services.*
- (b) that Cabinet has due consideration of the following key points and responds to the Committee at a future meeting with a response about how they will be addressed:*
 - (i) the need to continue to recruit permanent staff across services;*
 - (ii) support from staff for increasing the Council's in-house provision of accommodation for children in our care;*
 - (iii) support from staff to in their feedback to work with District Councils and make care leavers exempt from council tax across Devon;*
 - (iv) support from staff in their feedback to work with District Councils and Devon Home Choice to ensure care leavers are automatically placed in Band B for priority of accommodation;*
 - (v) support from staff to the provision of in-house mental health services due to rise in need and to ensure timely access to mental health professionals for children and young people;*
 - (vi) support amongst staff for motion passed by the Council on 7 September 2023 to treat care experienced young people as a protected characteristic; and*
 - (vii) recognising the important work of Bridges, Cabinet's continued support for the service, and consideration of expanding the service to support more families.*

Recommendation

(a) that the Children's Scrutiny Committee be thanked for the report and it's commitment to seek the views and feedback from frontline staff across the County; and

(b) that the Cabinet accept the recommendations of the key areas raised in the report as part of the Council's improvement journey, and will report progress to a future Children's Scrutiny Committee.

Electoral Divisions(s): All Divisions

14 Corporate Infrastructure and Regulatory Services Scrutiny Committee - Highways Performance Dashboard - Summer 2023 (Minute 127 of 28 September 2023)

At its meeting on 28th September 2023, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the Report of the Director of Climate Change, Environment and Transport on the Highways Performance Dashboard - Summer 2023. The Corporate Infrastructure and Regulatory Services Scrutiny Committee RESOLVED (minute 127 refers) *'that Cabinet be requested to look at ways of ensuring contractors can undertake planned work and are not impeded by parked cars'*.

Recommendation

The Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management to investigate the options for reducing likelihood and impact of working around parked cars and report back to a future Scrutiny Committee.

Electoral Divisions(s): All Divisions

15 Corporate Infrastructure and Regulatory Services Scrutiny Committee - Standing Overview Group: Climate Change (minute 128 of 28 September 2023)

At its meeting on 28th September 2023, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the Report of the Climate Change Standing Overview Group. The Corporate Infrastructure and Regulatory Services Scrutiny Committee RESOLVED (minute 128 refers) ‘

(a) Cabinet be asked to write to Government to request more robust controls that developers must adhere to under the Future Homes Standard, in relation to the climate including: making solar panels mandatory for new builds on buildings which it is possible and appropriate to do so; and ensuring that new builds are required to put measures in place to reduce water usage below the Building Regulations Part G Optional Requirement of 110 litres per person per day. This would be to reduce the need for new, strategic energy and water infrastructure;

(b) Cabinet be asked to further write to Government and to South West Water asking them to commit to working together to maintain existing infrastructure (particularly applying greater efforts for leakage reduction) before developing new water storage infrastructure and to prioritise these above the energy-intensive process of desalination; and

(c) Cabinet also encourages organisations responsible for strategic infrastructure to prioritise collaboration between one another to ensure that management decisions will not negatively affect the integrity or maintenance requirements of nearby or related infrastructure. This would be to ensure the implications of any such decision do not negatively impact community resilience to climate change, and that such decisions are taken in line with the Devon, Cornwall and Isles of Scilly Climate Adaptation Strategy

Recommendation

Cabinet is recommended to:

- i. Thank the Corporate Infrastructure and Regulatory Services Scrutiny Committee Standing Overview Group for its ongoing consideration of how this authority might support the shared aspirations of the Devon Climate Emergency Partnership in its delivery of the objectives and actions set out by the Devon Carbon Plan and the Devon, Cornwall and Isles of Scilly Climate Adaptation Plan;
- ii. In this context, to approve and act on the first and second of their recommendations for written representation to be sent to Government and to South West Water in relation to energy and water resource issues; and
- iii. Raise the third recommendation relating to strategic infrastructure for consideration through the South West Infrastructure Partnership.

Electoral Divisions(s): All Divisions

16 Devon Authorities Strategic Waste Committee - Waste Performance Statistics (17 October 2023 - Minute 39)

At its meeting 17 October 2023, the Devon Authorities Strategic Waste Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/71) relating to Waste Performance Statistics (Minute *39 refers). The Devon Authorities Strategic Waste Committee RESOLVED to (a) note the performance statistics for 2022/23; (b) continue to support Devon Authorities Strategic Waste Committee (DASWC) policies and actions which encourage householders to use waste and recycling services effectively and efficiently to improve recycling performance and reduce costs; and **(c) ask Cabinet to review the criteria for joining the Devon Shared Savings Agreement.**

Recommendation

That in in line with previously agreed delegated powers (Cabinet, 13th April 2016 Min*10 (c)) the request to review the criteria for joining the Devon Shared Savings Agreement made by the Devon Authorities Strategic Waste Committee be considered by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Public Health, Communities and Equality, Director of Finance and Public Value, and Director of Legal and Democratic Services.

Electoral Divisions(s): All Divisions

STANDING ITEMS

17 Question(s) from Members of the Public

18 Minutes

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein (i.e. any unstarred minutes):

- a Devon Authorities Strategic Waste Committee - 17 October 2023 (Pages 117 - 122)

NB: Minutes of [County Council Committees](#) are published on the Council's Website:

19 Delegated Action/Urgent Matters

The Register of Decisions taken by Members under the urgency provisions or delegated powers is available on the website in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The decisions taken and associated information can be found [here](#).

20 Forward Plan (Pages 123 - 138)

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

The [Forward Plan is available on the Council's website](#).

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

NIL

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

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