

## CABINET

8 November 2023

### Present:-

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

### Apologies:-

Councillors J Hart

### Members attending in accordance with Standing Order 25

S Aves, J Brazil, A Dewhurst, D Thomas and C Whitton

F Biederman (remote attendance)

\* 409

### Minutes

**RESOLVED** that the minutes of the meeting held on 11 October 2023 be signed as a correct record.

\* 410

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 411

### Announcements

The Chair announced that the Bridges Team had been awarded the Gold award for Team of the Year in the Childrens Services category of Social Worker of the Year awards.

Both the Chair and the Cabinet Member for Children's Services congratulated the Team on their fantastic achievement.

The Chair also announced he would exercise his discretion to vary the order of business at the meeting, taking items 17 (public questions) and then 11 (Mobile Library) immediately after item 7 (Adopt South West).

\* 412

### Petitions

The Leader was presented, by Mr and Mrs Wilson with two petitions organised by local residents containing approximately 150 signatures on speeding traffic in Torcross and improved speed limit signage and what residents wanted to see happen.

The Petition would be responded to in line with the Petitions Scheme, direct to the petitioners, within 15 days.

*[NB: The relevant Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the [Council's Petition Scheme](#)]*

\* **413**      **Question(s) from Members of the Council**

There was no question from a Member of the Council.

**414**      **Cornwall Council's proposal to join Adopt South West**

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

The Cabinet considered the 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, 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 Cabinet noted that in June 2015, the Department of Education (DfE) had required all adoption agencies in England (local authority adoption services and voluntary adoption agencies) to consider how they could work more closely together on a regional basis. In 2018, the Regional Adoption Agency named Adopt South West was established, incorporating the adoption services of Somerset County Council, Torbay Council and Plymouth City Council, hosted by Devon County Council.

Cornwall was now one of only two Local Authorities nationally who were not yet part of a Regional Adoption Agency and the DfE had given a clear message that Cornwall should join a Regional Adoption Agency as soon as possible.

A review of options for Cornwall's future relationship with Adopt South West had been undertaken and Cornwall Council were requesting agreement from Adopt South West members and the host (DCC) to join Adopt South West as a full member.

The proposal for Cornwall Council and the Isles of Scilly Adoption Service joining Adopt South West involved the TUPE transfer of staff to Devon County Council and the provision of finances to support Adopt South West to enable the continuation of outstanding adoption practices across the region.

All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to Devon County Council as the host of Adopt South West, whilst decision making related to children prior to the making of an adoption order would continue to be held by the responsible Local Authority.

The Isles of Scilly would be included in the agreement with a new Service Level Agreement being agreed from 1 April 2024 onwards.

Cornwall Council felt that Adopt South West was the best regional adoption agency for it to join, not just because of its locality but because it was a high performing agency that had developed excellent practice in the four years since it was set up.

Fourteen posts from Cornwall's Adoption teams, including business support, would transfer to Devon County Council as well as funding for 60% (3 days) of a Service Manager post to cover the increased workload and staff management responsibilities and 100% (5 days) for team management of Cornwall's adoption work.

Cornwall's Adoption Panels would also move to Adopt South West and Panel members encouraged to join Adopt South West Central List.

The risks and mitigations of the project were outlined at section 3.10 of the Report and the full list of benefits covered at section 3.11 of the Report, including their 'outstanding' Ofsted rating as well as outstanding practice being standardised across all five Local Authorities adoption services, which would provide consistency to the child and the adopter experience.

A list of key outcomes was outlined at section 3.12 which included increasing the number of prospective adopters available, reducing the number of children with a Placement Order revoked, reduce the financial costs of inter-agency placements, improved stability of placements and increased data collection for performance measurement and management.

Consultation had been undertaken with the current four local authorities that made up Adopt South West who were supportive of Cornwall joining it on the basis outlined in the Report.

The proposal was well aligned with the Council's priority in the Strategic Plan to be ambitious for children and young people.

The financial considerations were outlined in full at section 7 of the Report, but work had taken place over recent months to ensure that Adopt South West would have sufficient additional budget to take on the additional functions. The financial administration of the Adoption Support Fund for Cornwall would be taken over by the existing Devon County Council Finance team.

To admit Cornwall Council as a full member to the RAA, the Council would enter into a replacement Inter Authority Agreement with Cornwall Council and the existing partners. The admittance of Cornwall would involve the delegation of certain adoption functions to DCC as the host authority to discharge on its behalf. The Inter Authority Agreement set out the functions that were being delegated; a full list was appended to the Report as Appendix 2.

An Impact Assessment had been prepared for the attention of Members at the meeting. This highlighted that after the integration of Cornwall, the Adopt South West Regional Adoption Agency would continue to deliver improved outcomes for children and families, such as creating a system where children were matched with the most suitable adopter as quickly as possible, improve the scale of Adopter recruitment to provide a broader pool of adopters, and offered sufficient, high quality adoption support services. This would be achieved by employing best practice, improving processes and practice quality and by encouraging innovation. Better shared resources across the region would improve cost effectiveness with the potential to invest further in service developments.

In summary, Cornwall joining Adopt South West provided several key benefits to existing Local Authorities, including Cornwall's outstanding adoption service, the wider range of potential adopters and shared overhead costs.

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 Head of Service's Report having been considered:

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

## **RESOLVED**

(a) that the proposal by Cornwall Council to become a full member of Adopt South West Regional Adoption Agency, hosted by Devon County Council, from 1 April 2024, be approved;

(b) that the acceptance of the statutory and legal functions relating to adoption services as set out in paragraph 8 of the Report, delegated by Cornwall Council to Devon County Council as the host authority be recommended to Council for adoption;

(c) that the Director of Children and Young People's Futures, the Director of Finance and Public Value, and the Director of Legal and Democratic Services be given delegated authority to finalise and agree a revised Inter Authority Agreement for the purposes of adding Cornwall Council to the existing shared service and updating the financial model as set out in section 7 of the Report; and

(d) that the transfer of staff under TUPE regulations from Cornwall Council to Devon County Council be approved and the Director of Children and Young People's Futures and the Director of People and Culture be given delegated authority to complete all necessary actions required to support the expansion of the adoption services by the Regional Adoption Agency to the administrative area of Cornwall Council and the Isles of Scilly.

\* 415 **Question(s) from Members of the Public**

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to 37 questions from members of the public on the following matters:

1. elderly residents who cannot access the internet, the social lifeline of the mobile library and how residents might be able to obtain reading material and receive social contact;
2. children's services in towns and cities, and whether children in rural areas should have services removed to benefit towns and cities;
3. public quotes regarding mobile libraries and rural communities and what had changed;
4. consideration of being a pioneer in the Southwest for using mobile library service as a multi-purpose vehicle - providing several services within it;
5. usage of mobile library and data used for decision making;
6. substitution of mobile library with good neighbour / home library scheme and removing freedom of choice and independence;
7. Library Strategy and reference thereto;
8. Usage of the mobile libraries to provide other services in our rural areas, as done in other Counties;
9. why Devon's Mobile Library Service was not marketed online or on social media;
10. change of the policy of removing stops of fewer than 5 people, and adding stops to other rural areas for those who wished to use;
11. support for mobile library service from Torridge and role of community libraries;
12. alternative provision of community libraries and where support (access of broadband, volunteers, rotation of the book stock, ordering) comes from;
13. consideration given to running a hybrid-service that combined the mobile library with other services (banking, post office, pharmacy etc);
14. grant funding from Government for vehicle replacement;
15. equality impact assessment – whether sufficient to comply with its equality duty;
16. Prime Minister's speech on the country's education system and how this would be achieved if taking away books from disadvantaged children, students at school, home education etc;

17. community library and levels of service (numbers, range of books and provision for those with no transport);
18. saving the mobile library;
19. range of services that mobile libraries could provide (e.g. selling stamps, hearing aid batteries, providing advice leaflets and local information);
20. concern that closure of the service in rural communities was being considered;
21. accessibility and travel and how disabled users accessed the library service and travel times if the mobile library service closed;
22. support and contribution to the Government's 'Unleashing Rural Opportunities' Strategy (which reported a commitment to improving rural library services);
23. opportunities for enhanced social interaction and mitigations to replace these if the mobile service was withdrawn;
24. accessibility issues with volunteers and / or strangers;
25. recommendation of the recent Scrutiny Meeting, and consideration of all possible practical and economical means to maintain the mobile library service;
26. motion passed by North Devon District Council regarding the mobile library service;
27. retrograde step – importance of community service and use of mobile service instead of costly upgrades;
28. representations from Horwood Lovacott & Newton Tracey Parish Council;
29. educational opportunities from Mobile Libraries, e.g, completion of University degrees;
30. promotion of the mobile library service (festivals and events);
31. opportunity to seek funding from Arts Council England to protect the mobile library service;
32. policy of closing stops (fewer than 5 People);
33. impact of new housing and the potential for increased usage;
34. increased usage by offering additional services;
35. further research and no irrevocable steps taken in the interim;
36. traditions associated with physical books and access thereto;
37. impact of mobile library on SEND children and young people.

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

A copy of the questions and answers had been sent direct to those questioners who were not present in the meeting.

*(NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through [the livestream of the meeting](#) – see Notes below)*

\* 416 **Corporate, Infrastructure and Regulatory Services Committee - Call in of Mobile Library Service in Devon (Minute \*359 of the 12 July 2023)**

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

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.

The Cabinet further considered the Report of the Head of Communities (SC/23/5) on Proposals for the Mobile Library Service which included additional information and context, including an appendix in response to the recommendations of the Corporate Infrastructure and Regulatory Services Scrutiny Committee of 28 September 2023. Also included was an updated Impact Assessment which had been prepared for the attention of Members at the meeting.

Cabinet noted that the related consultation and the proposals regarding the future of the mobile library service in Devon, should be considered against the Council's wider and [comprehensive library offer](#) and outlined the Council's shared aspirations for Devon (with Libraries Unlimited as its commissioned provider).

In recent years, despite reductions in Government funding and changes in traditional library usage, the Council had maintained a significant fixed library network of over 50 libraries across the County and also transformed the library offer to include services such as IT; Wi-Fi and printing facilities; digital offer of books and magazines to name but a few.

In preparing the proposals and noting the statutory duty relating to libraries, the Council was awaiting the Government's *Public Libraries Strategy* in 2024 and had also considered the *Unleashing Rural Opportunities*' paper published by Government earlier this year.

The financial challenges further drove a need for transformation and finding more effective and efficient ways of delivering support and services to residents.

The current mobile library fleet was close to becoming obsolete and the significant investment required for new/replacement vehicles was not available. There was an existing comprehensive library offer and the Report highlighted the usage data / active user base. It further highlighted the costs of the service as well as costs for any decommissioning.

The Report outlined a number of alternative models of delivery, alongside the Council's fixed libraries, which included the Home Library and Good Neighbours services and growing digital resources which were well established in Devon. The alternative models were outlined in full in Section 4 of the Report.

Informed by the consultation, feedback from active members and the Impact Assessment, the alternatives outlined provided users ongoing access and choice to library services to people with disabilities, families with young children, people who felt socially isolated and people with other vulnerabilities. Outreach and support to active members to access alternatives services was described in detail in section 4.



- Alternative 1 – Nearest Library building
- Alternative 2 – Home Library Service – Accessed by contacting nearest library.
- Alternative 3 – Good Neighbours – Accessed by contacting nearest library.
- Alternative 4 – Digital Resources
- Alternative 5 – Rural Community Support – A library outreach offer

Section 5 of the Report gave 4 separate options for the Cabinet to consider, noting that option 4 was the recommended option as well as describing the full consultation process that had been undertaken at section 6 and the full financial considerations at section 8.

Cabinet noted that the Council had a statutory duty under the Public Libraries and Museums Act 1964 to provide comprehensive and efficient library services. Whilst the Mobile Library service fell within this duty, the Council considered that with the existing library offer, the alternatives proposed, alongside development of further community library support, the Council would continue to meet its statutory obligations.

The key points of the Impact Assessment had been included in section 4 of Report which provided a description of the various alternative library services available, alongside an outline of further developments planned should a decision be made to discontinue the mobile service. Drawing on the earlier consultation and Impact Assessment, the Report described how offers could be accessed by different groups of users impacted, giving them a wider choice of services best suited to their needs.

Additional funding was also being made available to support the recruitment and co-ordination of more volunteers to enable people with disabilities, with no access to transportation or other barriers to access these alternatives.

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 Head of Services Report having been considered:

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

## **RESOLVED**

(a) that Cabinet has given due consideration to the recommendations of the Corporate Infrastructure and Regulatory Services Scrutiny Committee of 28 September 2023;

(b) that the additional information provided within the Report, following the decision to cease the mobile library service at Cabinet on 12 July 2023, be noted;

(c) that recommended Option 4 be approved (replicated below);

- i. to decommission the Mobile Library vehicles and provide £25K transition support for vulnerable users;
- ii. to extend the decommissioning period to end of February 2024;
- iii. to provide an additional funding stream of £15k for community groups and parish councils to apply for small grants to facilitate local community library developments;
- iv. to create a support resource for community libraries signposting best practice; and
- v. to provide clustered networking events for parishes/community libraries to network.

\* **417**      **Budget Monitoring - Month 6**

(Councillors Aves, Biederman, Brazil, Dewhirst 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 (DFP/23/99) presenting the Budget Monitoring position at Month 6.

The Report outlined the financial position and forecast at month 6 (to the end of September) of the financial year. In September 2023, Cabinet agreed to reduce all Directorate budgets by an apportioned share of £10 million to create a corresponding Safety Valve Support Reserve.

At month 6, £7.1 million of this £10 million had been identified as deliverable, with plans still being developed to meet the remaining £2.9 million, therefore the month 6 position included the current forecast level of delivery of this in year budget adjustment (detailed in full at section 2.2).

At month 6 it was estimated that budgets would overspend by £13.6 million, excluding the dedicated schools grant deficit. Whilst this was an increase of £4.3 million from the month 4 position, £2.9 million of this increase related to the new in year budget saving target (see 2.2).

The majority of Directorates had evidenced the ability to maintain a forecast balanced position, meet budgeted savings, and taking onboard the additional in year savings linked to the safety valve programme, demonstrating strong financial management. However, there were emerging risks within Children and Young People's Futures with increasing numbers of complex placements and continued pressure associated with excessive agency costs. In response, the establishment of a cross council placement taskforce was seeking to address the issue at pace and there had been significant progress in stabilising management tiers and reducing agency levels.

The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), was forecast to be £37.1 million, an increase of £547,000 from month 4.

The table at section 2 of the Report summarised the month 6 forecast position by directorate (excluding the DSG forecast overspend), and also the current forecast level of delivery of the apportioned share of £10m safety valve reserve.

In summary, Integrated Adult Social Care services were forecast to overspend by £911,000 (a reduction of £1.2million from month 4) and Children's and Young People's Futures services were forecasting an overspend of £9.3 million (an increase of £6.6 million from Month 4 and excluding the projected deficit of £37.1 million on SEND). A second round of discussions with the Department for Education (DfE) were underway as part of the Safety Valve Intervention programme.

Climate Change, Environment and Transport directorate were forecasting an underspend of £440,000, a reduction of £165,000 from month 4, Public Health, Communities and Prosperity were anticipated to outturn to budget and Corporate Services forecasting an overspend of £201,000, an increase of £305,000 from month 4.

Non-service items, which included capital financing charges, interest earned and business rates pooling gain, were currently forecasting an overspend of £3.6million, a reduction of £1.2 million from month 4, as a result of higher interest levels.

The approved capital programme for the Council was £246.2 million, which incorporated amounts brought forward from 2022/23 of £54.7 million and approved in-year changes totalling a net of £18.4 million. The year-end forecast was £197 million of which £171.3 million was externally funded and slippage was forecast at £49.2 million.

Corporate debt stood at £6 million, being just under 2.86% of the annual value of invoices, against the annual target of 1.9%. The balance of debt owed would continue to be pursued with the use of legal action where appropriate to do so.

In summary, the level of additional in year savings identified since month 4 was encouraging; with work underway to deliver the remaining balance of £2.9 million and return all Directorate overspends to budget. The majority of Directorates had evidenced the ability to maintain a forecast balanced position and meet budgeted savings, and significant action was being taken to ensure the emerging risks within Children and Young People's Futures were mitigated.

The matter having been debated and the other relevant factors as set out in the Director's Report having been considered:

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

**RESOLVED**

(a) that the month 6 budget monitoring forecast position be noted;

(b) that the ongoing significant work, in line with the Sustainable and Stronger Council plan, be noted to ensure the current projected overspend is brought back in balance by year end; and

(c) that the update on the Safety Valve Intervention programme further be noted.

\* **418**     **A382 Drumbridges to Newton Abbot Major Road Network Scheme (Phase 3) submission of Full Business Case, Contract Award and Construction**

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

The Cabinet considered Report of the Director of Climate Change, Environment and Transport (CET/23/82) which sought approval for the submission of Full Business Case, Contract Award and Construction in relation to Phase 3, Drumbridges to Newton Abbot Major Road Network Scheme. The Report had been 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 A382 was a key route connecting Newton Abbot at Churchills Roundabout with the A38 Strategic Road Network at Drumbridges Roundabout. The existing road between Drumbridges Roundabout and Forches Cross was of low standard with poor alignment, high traffic flows, poor safety record and no facilities for pedestrians or cyclists. Improvements were further required to support the large amount of housing and employment on the A382 corridor allocated and proposed in Local Plan documents. Improvements would need to meet the objectives of improving journey times and road safety and make provision for non-motorised users. The Scheme met these objectives that comprised of a combination of road widening, junction improvements and new provision for non-motorised users.

The improvements were being delivered in phases, determined by the deliverability of each section of the improvements in relation to land and funding. Phase 1 had been constructed (shown in Figure 1), Phase 2, also

shown in Figure 1, comprised of a link between the A382 and A383 (Houghton Barton Link) and the first element of this had been constructed.

The Report was Phase 3 of the A382 Corridor Improvements (“The Scheme”) and the Scheme to be included in the FBC was comprised of the elements described in Table 1 and shown in Figure 1 of the Report (Drumbridges to Trago Mills Roundabout, Trago Mills Roundabout, Trago Mills Roundabout to Forches Cross, Forches Cross, Whitehill Cross, Whitehill Cross to West Golds Way and Whitehill Cross to Churchills Roundabout (Exeter Road)).

It was proposed to submit the Full Business Case in November 2023 (which outlined the strategic, commercial, management, economic and financial dimensions of The Scheme) and, pending approval from the Department for Transport, award the contract to the preferred contractor to build ‘The Scheme’.

Planning permission and critical orders for the compulsory purchase of land had been granted (although compulsory purchase orders for land at Greycoat Lane and for the new Golf Course access road had not yet been confirmed. The compulsory purchase order for the Jetty Marsh Link Road was also to be confirmed, but as the land had been acquired by DCC through negotiations this did not have any effect on Scheme delivery.).

The Report sought approval to serve notices to landowners, once the FBC had been approved and The Scheme had confirmed funding, to enter the land to construct The Scheme as described in the FBC.

The Scheme aligned with a range of priorities within the Council’s Strategic Plan by improving connections in and out of Newton Abbot by multiple modes to support growth in the economy and housing in a sustainable manner. Table 2 summarised how The Scheme would impact on the relevant Strategic Plan actions on a seven-point scale, with -3 representing a large negative impact and +3 representing a large positive impact.

If the FBC was successful, the proposed funding of The Scheme and LiveLabs 2 project was shown in full in Table 3 of the Report.

For the Planning Application, environmental considerations for the whole scheme had been assessed through an Environmental Impact Assessment and this was reported in section 9 of the Report, highlighting biodiversity impacts, landscape, noise assessment and water environment impacts.

An Impact Assessment had been prepared and circulated for the attention of Members and was available at [A382 Improvement Scheme - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk). The Scheme would lead to positive social impacts, by benefitting all road users including bus users through improved journey time reliability and pedestrians and cyclists through the introduction of new facilities.

The Scheme would have a positive impact on non-motorised users with the provision of new pedestrian/cycle infrastructure including paths and at-grade signalised crossing. This would enable sustainable travel in the future to and from new and existing employment, educational and residential developments on the A382 corridor and surrounding area.

In economic terms, The Scheme would improve travel times, road safety and support development which would have a beneficial impact on the local economy by enabling employment and development to proceed.

In summary, The Scheme enabled the third phase of the A382 Corridor Improvements to be constructed with the aim of fulfilling the overall corridor improvement objectives to deliver development, improve safety, improve journey times and increase the use of sustainable modes. The scheme was consistent with the aims of the Devon and Torbay Local Transport Plan 3 and the Local Enterprise Partnership with regards to economic growth.

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 Davis, **SECONDED** by Councillor McInnes, and

### **RESOLVED**

(a) that the submission of the Full Business Case for the A382 Drumbridges to Newton Abbot Major Road Network Scheme ("The Scheme") to the Department for Transport (subject to satisfactory acquisition of the primary land areas required) be approved, with any changes agreed by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Climate Change, Environment and Transport and Local Members for Newton Abbot North and Newton Abbot South;

(b) that the Director of Climate Change, Environment and Transport be given delegated authority to award the construction contract(s) for the works subject to project costs being within the overall budget of £56.76 million; and

(c) that the serving of compulsory purchase notices, taking possession of the land and the subsequent land acquisition together with the construction of The Scheme be approved, with any changes being agreed by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Climate Change, Environment and Transport, subject to confirmation of Department for Transport funding.

\* 419 **School Penalty Notice Code of Conduct**

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

**RESOLVED** that consideration of the School Penalty Notice Code of Conduct for unauthorised irregular attendance at school or exclusion from school be deferred to the next meeting of the Cabinet.

\* 420 **South Hams Highways and Traffic Orders Committee - Site Visit A3121 Ermington (request for reduction in Speed Limit)**

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

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 had continued dialogue with the local Member and community and a further site visit was held on 25 August 2023.

The Cabinet Member thanked all those who attended the site meeting. Councillor Thomas and the Parish Clerk had shared the concerns of the community and explained that residents wished to feel safe whilst using this route on foot, with the importance of a reduction of the speed limit to 30mph (from the existing 40mph limit) being reiterated.

A number of engineering options had been discussed including options to improve pedestrian facilities off carriageway, along with changes to the carriageway layout that would provide motorists with visual cues to reduce their speed in line with any reduced speed limit. The Cabinet noted that the Local Highway Officer would work with the community on such measures.

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

**RESOLVED** that a departure from Policy, in principle, be agreed, 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.

\* 421 **Children's Scrutiny Committee - Children's Scrutiny Social Care Visits Report (Minute 111 of 19 September 2023)**

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

Cabinet noted that at its meeting on 19<sup>th</sup> September 2023, the Childrens Scrutiny Committee had considered its Report on Social Care Visits to front-line staff that had taken place across the County. The Childrens Scrutiny Committee subsequently RESOLVED (minute 111 referred);

- (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.*

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

### **RESOLVED**

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

(b) that the recommendations of the key areas raised in the Report, which were under the remit of the Council, as part of the Council's improvement journey be accepted, and progress will be reported to a future Children's Scrutiny Committee, engaging other partners as necessary.

\* **422** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Highways Performance Dashboard - Summer 2023 (Minute 127 of 28 September 2023)**

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

At its meeting on 28<sup>th</sup> 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*'.

The Cabinet Member commented that parked cars were an issue that impacted the efficient delivery of works, particularly road markings associated with new waiting restrictions and whilst highways and their contractors already took steps to reduce the likelihood of impact of parked cars within a work site, he wanted to investigate the various options that were available and present them to a future Scrutiny Committee.

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

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

\* **423** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Standing Overview Group: Climate Change (minute 128 of 28 September 2023)**

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

At its meeting on 28<sup>th</sup> 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 Adaption Strategy.*

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

**RESOLVED**

(a) that the Corporate Infrastructure and Regulatory Services Scrutiny Committee Standing Overview Group be thanked 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;

(b) 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

(c) raise the third recommendation relating to strategic infrastructure for consideration through the South West Infrastructure Partnership.

\* 424

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

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

The Cabinet noted that at its meeting 17 October 2023, the Devon Authorities Strategic Waste Committee had 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.

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

**RESOLVED** that 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.

\* **425**      **Minutes**

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

Devon Authorities Strategic Waste Committee – 17 October 2023.

\* **426**      **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.

\* **427**      **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.

**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 12.50 pm