

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
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(See below)

Your ref :
Our ref :

Date : 5 April 2016
Please ask for : Rob Hooper, 01392 382300

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CABINET

Wednesday, 13th April, 2016

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

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 9 March 2016 (previously circulated).

3 Items Requiring Urgent Attention

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

4 Chairman's Announcements

5 Petitions

6 Question(s) from Members of the Council

7 Call-in of Cabinet Decision: Sutcombe Primary School Closure (Minute *484/9 March 2016)

In accordance with the Scrutiny Procedure Rules, the requisite number of members (Councillors Owen, Hannan, Hannaford, Hill and Wright) had invoked the call-in procedure in relation to the above decision of the Cabinet, to enable the People's Scrutiny Committee to consider this matter on the grounds '*...that not all the relevant factors were made known*'.

The Cabinet is advised that the People's Scrutiny Committee considered the 'call-in' at its meeting on 21 March 2016 (Minute *144) and endorsed the Cabinet's decision; the Scrutiny Committee therefore not having requested reconsideration or amendment of the Cabinet's decision it had been implemented with immediate effect.

[NB: The Joint Report of the Heads of Planning, Transportation & Environment and Education & Learning and County Treasurer (PTE/16/14) is available at:
http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/index_exc.htm]

FRAMEWORK DECISION

Nil

KEY DECISIONS

8 Education Travel Policy for 2016/17 (Pages 1 - 4)

Report of the Head of Education & Learning (EL/16/3) on the outcome of consultations on travel policy for the 2016/17 Academic year, attached.

Electoral Division(s): All

9 County Road Highway Maintenance Capital Budget (Pages 5 - 28)

Report of the Head of Highways, Capital Development & Waste (HCW/16/31) on progress with 2015/16 programmes and approval of schemes and proposed programmes for capital funding of highway maintenance programmes in 2016/17, attached.

Electoral Division(s): All

10 County Road Highway Maintenance Revenue Budget and On-Street Parking Account 2016/17 (Pages 29 - 38)

Report of the Head of Highways, Capital Development & Waste (HCW/16/32) on the allocation of highway maintenance funding for 2016/17, attached.

Electoral Division(s): All

11 Waste Management - Sharing of Financial Savings (Pages 39 - 44)

Report of the Head of Highways, Capital Development & Waste (HCW/16/33) on proposals for sharing financial savings through collaborative working with District Councils to reduce treatment and disposal costs, attached.

Electoral Division(s): All

12 Flood Risk Management Programme (Pages 45 - 56)

Report of the Head of Planning, Transportation and Environment (PTE/16/21) reviewing progress of schemes in 2015/16 and seeking approval of plans and expenditure for 2016/17, attached.

Electoral Division(s): All

13 District Heating Networks (Minute 574/14 November 2012) (Pages 57 - 66)

Report of the Head of Economy & Enterprise ([EE/16/7](#)) seeking approval to the procurement process for selection with other stakeholders of an Energy Services Company, attached.

Electoral Division(s): All

MATTERS REFERRED

14 Place Scrutiny Committee - Pollinators and Neonicotinoids (Pages 67 - 70)

The Place Scrutiny Committee, at its meeting on 7 March 2016 (Minute *118), considered the Report of the Head of Planning, Transportation and Environment ([PTE/16/13](#)), attached, upon the impact on Pollinators of Neonicotinoids prepared in response to the Notice of Motion by Councillor Hook submitted to the County Council on 10 December 2015 and referred by Cabinet to the Scrutiny Committee.

That Committee was asked to comment upon the desirability of a Pollinators Action Plan being produced through which more detailed consideration might be given to any relevant restrictions on the use of Neonicotinoids on County Council property and any opportunities to support the conservation of bees and other pollinators and subsequently resolved:

'(a) that the Committee welcome and endorse the principle of a Pollinators Action Plan being produced covering the issues outlined in Report PTE/16/13 and that Cabinet be recommended to adopt and implement such a Plan at the earliest opportunity;

(b) that, in addition, Cabinet be strongly advised to take all necessary steps where possible to prohibit the use of Neonicotinoids on land under the control or ownership of the County Council including existing and new tenants of the County Farms Estate;

(c) that the County Council engage other Councils in Devon and partner organisations to take similar action to that outlined above'

Recommendation: that the Scrutiny Committee's views be noted and approval, in principle, be given to the adoption of a Pollinators Action Plan and Officers be asked to further explore the practicalities of the proposed actions at (b) above, seeking also the views of the County Farms Estate Committee as appropriate, and report further to Cabinet as soon as practicable.

15 People's Scrutiny Committee - School Exclusions Review: Educational Outcomes Task Group

The People's Scrutiny Committee at its meeting on 21 March 2016 (Minute *147) considered the Report of its Task Group (CS/16/16), attached, looking at the exclusion process including preventative measures, school and off-site provision, funding to support students at risk and the use of multi-agency engagement, incorporating the views and experiences of pupils and staff. The Task Group's recommendations included examining the extent to which disadvantaged pupils and those with Special Educational Needs featured among those excluded; that all teaching and support staff were able to enhance their skills in relation to emotional and social education; that schools were provided training on the how effective pastoral support systems could be developed and provided for all pupils; the legality and effectiveness of providing 'late' and 'early' schools and the use of part-time timetables in schools; multi-agency partnerships with particular attention to pupils with mental health needs and how schools worked with the Child and Adult Mental Health Service and for the Council to investigate the impact of Elective Home Education on pupils in Devon. The Scrutiny Committee agreed that *'the Task Group's findings and recommendations be commended to the Cabinet for approval and action'*.

Recommendation: that the Task Group's recommendations be welcomed and the Cabinet Member for Children Schools and Skills be asked, in concert with the relevant Head(s) of Service to take all appropriate action, to take the recommendations forward.

16 Corporate Services Scrutiny Committee - Commissioning Task Group

The Corporate Services Scrutiny Committee at its meeting on 24 March 2016 (Minute *92(a)) considered the Report of its Task Group (CS/16/15), attached, exploring the Council's approach for the scrutiny of commissioning processes and commissioned services, reflecting the changing face of the Council and how it delivers services, looking at particular on strengthening communication and collaboration between Cabinet Members, Heads of Service and Scrutiny Committees, the contribution Scrutiny can play in commissioning and reviewing services provided to assist the Council in the developing policy to ensure the proper discharge the Council's functions. The Scrutiny Committee endorsed and commended the Task Group's findings and recommendations to the Cabinet for approval and action.

Recommendation: that the Task Group's recommendations be endorsed and the Cabinet Member for Performance & Engagement be asked to explore, in conjunction with relevant Cabinet Members and Head(s) of Service how best to take the recommendations forward.

17 South Hams Highways & Traffic Order Committee - 20mph Speed Limit, Marldon

The South Hams HATOC at its meeting on 1 April 2016 (Minute 55) considered a request from the Parish Council and local residents for the introduction of a 20mph speed limit on roads in Marldon Parish; this matter having previously been considered in November 2015 when it had been deferred pending the findings of the interim Department for Transport report on the effectiveness of 20mph speed limits and zones and the subsequent review of the Council's policy on local speed limits. That guidance had been expected to be published in 2016 but was now anticipated in 2017.

The HATOC had been advised by the Head of Service that the application for a reduced speed limit would not meet the Council's criteria for Local Speed Limits. However, the Committee had asked that the matter be referred to the Cabinet for determination as a departure from policy, the Committee being of the view that road safety concerns and accident statistics now submitted were sufficient to override current policy and that Cabinet should introduce a 20mph speed limit for the Parish of Marldon.

Recommendation: that the request for a 20mph speed limit on roads in the Parish of Marldon be not approved as it does not meet the criteria stated in the County Council's policy for Local Speed Limits.

Notices of Motion: Taxation (County Council Minute 173/18 February 2016 and Cabinet Minute 488(a)/9 March 2016)) (Pages 71 - 72)

The following Notice of Motion submitted to the County Council by Councillor Wright had previously been referred to the Cabinet in accordance with Standing Order 8(2) for consideration, to refer to another committee or make a recommendation back to the Council.

'This Council notes that:

- *Tax avoidance by big business is rife and the Public Accounts Committee last year criticised HMRC for not doing more to tackle the problem;*
- *Austerity measures mean that £174m funding has been cut from this council over the past five years, this year £34m will be lost - and many more millions are set to be lost in the coming years, prompting damaging service cuts;*
- *The Devon portion of avoided corporation tax could total around £380m;*
- *The practice of tax avoidance among corporate giants also has a negative effect on small and medium-sized companies who pay more tax proportionately;*
- *That tax evasion and avoidance by multinational companies is costing developing countries up to \$300 bn a year, according to the IMF – more than these countries receive in aid*

This Council further notes:

In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts.

*However, there are stricter standards available. This Council believes that bidders for council contracts should be asked to account for their past tax record, using **the most rigorous** possible government guidance (as in Procurement Policy Note 03/14)*

*This Council therefore calls for procurement procedures to be amended to require **all companies** bidding for council contracts to **self-certify** that they are **fully tax-compliant** in line with central government practice, using the standards in PPN 03/14, applying to contracts of the size specified above.*

This Council asks the Cabinet to publicise this policy and to report on its implementation annually for the next three years.

While the Cabinet had, at its previous meeting, acknowledged the suggestion that the Council should not take any further action on the Notice of Motion in light of the action already being taken to comply with the Cabinet Office Directives (which formed part of its published procurement policies, as set out fully in Report BSS/16/5) - provided also that in future instances of supplier non-compliance be published annually on the Council's website – it was nonetheless agreed, in light of further representations then made, that the Council could adopt more rigorous, higher thresholds, that consideration of this matter be deferred until this, the next meeting.

Head of Business Support & Strategy to report. The factual briefing/background paper (BSS/16/5) is recirculated for Members' convenience.

STANDING ITEMS

Question(s) from Members of the Public

20 Minutes (Pages 73 - 78)

Devon Education Forum, 16 March 2016

[NB: Minutes of the Devon Education (Schools) Forum are published at:
<http://www.devon.gov.uk/schoolsforum.htm>]

21 Delegated Action/Urgent Matters (Pages 79 - 80)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be 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 such decisions taken since the last meeting is attached.

22 Forward Plan

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.

[NB: The Forward Plan is available on the Council's website
at:http://www.devon.gov.uk/index/councildemocracy/decision_making/cabinet_committee/forward_plan.htm]

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

Nil

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at <http://www.devon.gov.uk/cma.htm>

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. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership

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

Cabinet Member Remits

Councillors Hart (Policy & Corporate), Barker (Adult Social Care & Health Services), Clatworthy (Resources & Asset Management), Croad (Community & Environmental Services), Davis (Improving Health & Wellbeing), S Hughes (Highway Management & Flood Prevention), Leadbetter (Economy, Growth and Cabinet Liaison for Exeter), McInnes (Children, Schools & Skills) and Parsons (Performance & Engagement)

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background

Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website.

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Questions to the Cabinet / Public Participation

A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.

Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: <http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/>

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

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