

CABINET

12 October 2016

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

Councillors P Colthorpe, B Greenslade, R Gilbert, A Hannan, J Mathews, R Radford and R Westlake.

* 81

Minutes

RESOLVED that the minutes of the meeting held on 14 September 2016 be signed as a correct record.

* 82

Items Requiring Urgent Attention: Notices of Motion

(An item taken under Section 100B(4) of the Local Government Act 1972).

(Councillors Greenslade and Westlake attended in accordance with Standing Orders 8 and 25(2) respectively and spoke to this item).

The Chairman had decided that the Cabinet should consider this item as a matter of urgency, in order that - and as he undertook so to do at the County Council on 6 October 2016 (Minutes 55 and 56 thereof refer) - the Notices of Motion set out hereunder in the names of Councillors Biederman and Connett may be formally received and referred to the Health & Wellbeing Scrutiny Committee for consideration at its meeting on 8 November 2016 (together, in the case of the former, with the further written representations now received from the Mover of the Notice of Motion) alongside previously planned consideration of this matter, thereby avoiding any undue delay as the meeting of the Scrutiny Committee would take place prior to the next meeting of the Cabinet when the Notices of Motion would normally have been expected to have been considered.

The Chairman of the Health & Wellbeing Scrutiny Committee advised that a Task Group had been established by that Committee to look at the current NHS funding formula for Devon; to include representation from the Corporate Services Scrutiny Committee, in the person of Councillor Greenslade.

Proposed Cuts to Devon Health Services and Impacts on Patients (Councillor Biederman)

'This Council is deeply concerned about the impact the proposed cuts to Devon health services will have on patients – especially the loss of whole departments including maternity services at North Devon District Hospital - and massive reduction in acute and community hospital beds across Devon, as set out in the sustainable transformation plan.

This Council also recognises that Governments have deliberately not provided the NHS with the adequate level of funding and now calls on local MPs to lobby government ministers to urgently and significantly increase the level of funding to the NHS, in order to protect our precious health services for current and future generations'.

NHS Success Regime (Councillor Greenslade)

'County Council believes that the NHS Success Regime project for Devon is now seriously flawed and accordingly calls on the Secretary of State for Health and NHS England to cancel it forthwith. County Council further calls on Government and NHS England to firstly address the issue of fair funding for our area and to ensure the general election promise of an extra £8 billion of funding for the NHS is taken into account when assessing the claimed deficit for Devon NHS services.

Until funding issues are addressed it is not possible to decide whether or not there is a local NHS budget deficit to be addressed. Unnecessary cuts to local NHS budgets must be avoided!

Devon MP's be asked to support this approach to protecting Devon NHS services"

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

RESOLVED that the aforementioned Notices of Motion be referred to the Health & Wellbeing Scrutiny Committee for consideration and report back.

* **83** **Chairman's Announcements**

There was no announcement by the Chairman at this meeting.

* **84** **Petitions**

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

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

There was no question from a Member of the Council.

* **86** **Education Infrastructure Plan: 2016 - 2033**

(Councillors Greenslade, Hannan and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation & Environment ([PTE/16/47](#)) on a proposed, revised, Educational Infrastructure Plan for the period 2016-2033, taking account of changes in national policy and providing a comprehensive framework for meeting the future education infrastructure needs of Devon's children.

The current Plan had been closely monitored since its approval in 2013 (Minute 654/10 April 2013 refers) and the Head of Service now recommended a number of changes to ensure the practices and procedures contained therein reflected current Government legislation and that it was in accord with the County Council's policies and strategies and would ensure sustainable patterns of educational provision through its core responsibilities and statutory duties. The Plan reflected changes in legislation, methodologies and modifications and funding sources and mechanisms, recognising the changing role of the Local Authority in relation to educational provision and its relationship, inter alia, with the Regional Schools Commissioner and the Education Funding Agency.

The Head of Service's Report also incorporated an Impact Assessment relating to the revised Infrastructure Plan and possible impacts of the decision required of the Council insofar as the Cabinet might need to have regard at this stage to the exercise of its Public Sector Equality Duty. The Assessment recognised that the Plan acknowledged the need for every child to have fair access to schools providing the highest standards of teaching, in term of both environment and community sustainability; supporting the most vulnerable and maximising accessibility while recognising the needs of a changing population. No unmanageable impacts had been identified.

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

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

RESOLVED

(a) that the strategic objectives set out in the revised Education Infrastructure Plan 2016-2033 be approved;

(b) that the revised Education Infrastructure Plan 2016-2033 for planning education infrastructure provision in Devon, including the revised Section 106 Methodology and Policy Document, be adopted and published;

(c) that the Cabinet place on record its thanks to all staff involved in the preparation of the Plan which provided an excellent summary of the current position and desired outcomes for the future.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

* 87

A Gateway to Northern Devon - The Strategy for the A361 and A39 (North Devon Link Road)

(Councillors Colthorpe, Greenslade, Mathews and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation & Environment ([PTE/16/46](#)) on the results of consultations on potential improvements for the A361/A39, North Devon Link Road corridor and proposals to take forward any approved developments between South Molton and Bideford, with the aim of construction commencing in 2020.

Taking account of comments received and in parallel with continuing design, environmental, traffic and economic work undertaken by Officers, the Cabinet was recommended to submit a Strategic Outline Business Case to the Department for Transport for scheme funding from the Local Majors Fund for, inter alia:

- improvements to seven junctions between Borners Bridge and Heywood Road roundabout (Borners Bridge, West Buckland, Landkey, Portmore, Rumsam, Westleigh, Heywood Road);

- a new junction at Brynsworthy to the west of the current A39 Roundswell roundabout;

- additional overtaking lanes from Filleigh Estate to Portmore Roundabout and from the new junction at Brynsworthy to Westleigh; and

- in light of traffic flows in the vicinity of Barnstaple, an urban four-lane road on the section between Landkey and Brynsworthy incorporating a central reservation and a maximum speed limit of 50mph.

The proposals, which were broadly welcomed by the local councillors and by the community at large, were set out in more detail in the Head of Service's Report and at the schematic plan shown at Appendix 2 thereto.

The Head of Service also confirmed that the second stage of scheme assessment had commenced (on the presumption that the Strategic Outline Business Case would be

accepted) to examine the individual elements of the overall scheme which would cover a length of approximately 30 kilometres.

The Head of Service's Report summarised (at Appendix 3) responses received to the consultations on the strategy. Over 1,300 people had responded either by completing an online questionnaire or provided written responses direct. Members noted that 95% of respondents agreed that there was a need to improve the North Devon Link Road and there was strong support for improvements to sections between South Molton and Bideford with a stated preference for link and junction improvements option. Around 30% of respondents had also suggested further consideration be given to dualling more sections of the route.

Members noted that, in addition to the public consultation, a business survey had been conducted the outcome of which (set out at Appendix 4 of PTE/16/46) identified and confirmed that the main constraints to businesses in the northern Devon area were felt to be local transport links and road links to the rest of the country; 41% of businesses were of the view that making improvements to the North Devon Link Road would have a positive impact on their business and turnover in the future.

The need for a separate review of the section between South Molton and the M5 had also been identified and was acknowledged as set out in the Head of Service's Report.

The Cabinet noted that an initial assessment of environmental studies had not revealed any major or significant adverse impacts. Detailed surveys would be undertaken so that the proposals would be fully assessed and any mitigation measures identified through the separate Environmental Impact Assessment process, notwithstanding the generally prevalent view that schemes would make a positive impact on the wider community through improving access and safety for all users. Similarly, formal impact assessments would be undertaken for individual element/schemes as required, at the necessary stage in the process. At this stage no unmanageable impacts had been identified.

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

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

RESOLVED

(a) that the results of the public consultation be noted;

(b) that the Strategic Outline Business Case be submitted to the Department for Transport and, if that is approved, any additional funding be applied to the development of the schemes in 2016/17 and 2017/18.

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

* **88** **Corporate Services Scrutiny Committee: Income Generation Task Group**

(Councillors Greenslade, Gilbert and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that the Corporate Services Scrutiny Committee had, at its meeting on 22 September 2016 (Minute *13), considered the Report of it's Task Group ([CS/16/28](#)). That Group had looked, in a constructive manner, at how the County Council generated income to maximise and safeguard council services and the need for a strategic approach going forward, to maximise capital receipts and fully realise the potential of the Council's assets, while remaining conscious of its core business and purposes. The Scrutiny Committee had

resolved that *'the recommendations of the Task Group be endorsed and forwarded to Cabinet for their consideration'*.

It was **MOVED** by Councillor Clatworthy, **SECONDED** by Councillor Hart, and unanimously

RESOLVED that the Task Group's proposals be endorsed and the Cabinet Members for Resources & Asset Management and for Performance & Engagement be asked to take all appropriate action, to ensure the principles outlined therein were embedded in the Council's policies, practices and actions now and into the future.

* 89

Compass House Creche (Minute 68/14 September 2016)

(Councillors Greenslade, Hannan and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered a Report, requested previously, from the Head of Adult Care and Health Commissioning examining the issues relating to the future of the Compass House Crèche in light of the earlier considerations of the People's Scrutiny Committee's (Minute 13 thereof refers) and alternative arrangements made by the Devon Partnership Trust for the provision of childcare support to patients (supported by appropriate transitional arrangements). In the Cabinet Member and Head of Service's view, these arrangements would provide an acceptable, alternative, personalised approach for those accessing the Depression & Anxiety Service, based on relevant clinical judgements and assessments. The Head of Service had also circulated usage figures for the Crèche for September 2016 which provided further evidence of the low usage of the facility, as previously attested.

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

The Head of Service's Report also incorporated an updated Impact Assessment relating to the possible impacts of the proposal, which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010, where relevant. That Assessment acknowledged that the proposed closure of the Crèche would be broadly neutral given the proposed arrangements and methodology to support service users in obtaining alternative appropriate childcare arrangements, sensitive to their needs. Cabinet Members acquiesced in the view that the revised arrangements now outlined by the Devon Partnership Trust provided adequate mitigation against the closure of the Crèche.

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

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and unanimously

RESOLVED that in light of the additional assurances received by Devon Partnership Trust, the continued low usage of the crèche and the revised assessment of equality impacts, the Cabinet reaffirm the Cabinet Member's decision and approve the closure of the Compass House Crèche, with immediate effect.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

* 90

Question(s) from Members of the Public

There was no question from a Member of the public.

* **91** **Childcare Sufficiency Report**

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

The Cabinet considered the Report of the Acting Head of Education & Learning (EL/16/4) together with the third Childcare Sufficiency Assessment Report outlining how the Council was meeting its statutory duty to secure sufficient early years and childcare places and identifying future challenges and planned action to meet that duty, replacing the previous requirement to prepare assessments of sufficiency every three years.

As indicated in the Head of Service's Report, the 2015/16 Annual Report showed that the Council had met its statutory requirement to provide sufficient early years and child care places for families - although it acknowledged the rural/urban spread of different types of provision varied – and it had captured and highlighted the key changes affecting the Early Years and Childcare Service from the previous year.

Members noted that the level of early years provision had again increased in the year in question; that a higher proportion of children in Devon (72%) had achieved a Good Level of Development than the national average (66%) and other statistical local authority neighbours; that the percentage of funded places taken up by 2 year olds had significantly increased by 14.9% to 83.9% (and was still rising in 2016/17, currently standing at 84.9%); that there had been a significant increase in the number of providers approved to offer the 2 year old funding of which a large proportion were funded childminders; and that 99.8% of 3 and 4 year olds continued to take up the early years education funding.

Members were also advised that in 2015/16 the percentage of providers graded as Good or Outstanding by Ofsted remained higher than the South West and National average (87.4%, as opposed to the national figure of 85.2% and the South West average of 86.6%). This figure had also increased significantly in 2016/17, to 94.9%. Similarly, while the percentage of providers in 2015/16 approved to offer early years education funding graded as Good or Outstanding by Ofsted had remained the same as the previous year (at 90.8%), that had also now increased further to date, to 96.8%.

The Cabinet Member for Children, Schools and Skills expressed his thanks to all staff involved in achieving such excellent results and in meeting the challenges facing the service.

The matter having been debated and the options and/or alternatives and other relevant factors and Public Health impact set out in the Head of Service's Report and/or referred to above having been considered:

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

RESOLVED that the Cabinet welcome and endorsed the proposed content of the Annual Childcare Sufficiency Report for 2015/16 and record its thanks to all those involved in attaining these excellent results.

[NB: The Annual Childcare Sufficiency Report may be viewed at: <https://new.devon.gov.uk/eyscs/for-providers/childcare-sufficiency/childcare-sufficiency-assessment>]

* **92** **Minutes**

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

RESOLVED that the Minutes of the Farms Estates Committee held on 15 September 2016 and any recommendations to Cabinet therein be approved:

[NB: Minutes of County Council Committees are published on the Council's Website at: http://www.devon.gov.uk/index/your_council/decision_making/cma/index_exc.htm]

* **93** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/> .

* **94** **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 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>).

NOTES:

1. *These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.*
2. *Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.*
3. *The Minutes of the Cabinet are published on the County Council's website.*
4. *A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>*

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

The Meeting started at 10.30 am and finished at 11.45 am