

## CABINET

9 November 2016

### Present:-

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

### Apologies:-

Councillor B Parsons

### Members attending in accordance with Standing Orders 8 and 25:-

Councillors J Brazil, A Connett, B Greenslade, G Gribble, R Hosking, R Julian, E Morse, J Owen, R Radford, R Vint and R Westlake

\* 95

### Minutes

**RESOLVED** that the minutes of the meeting held on 12 October 2016 be signed as a correct record.

\* 96

### Items Requiring Urgent Attention

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

#### **(a) Exeter – Royal Clarence Hotel Fire**

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

The Chairman, expressed his thanks, on behalf of Councillors and the people of Exeter and Devon for the recent efforts of the blue-light services and the County Council's highways staff for the way they had all dealt with the recent sad events in Cathedral Green. Tribute was paid to the highly professional manner in which Firefighters and the Police conducted themselves and managed what was an extremely difficult and traumatic situation, resulting in many buildings being saved and with no loss of life, which gave great credit to both services.

#### **(b) RMB Chivenor**

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

The Chairman had decided that the Cabinet should consider this item as a matter of urgency, at the request of Councillor Greenslade, in order that it might consider and, if felt appropriate, make representations to Government over the proposed closures - and the impact of that upon the economy of the wider area - of RMB Chivenor and military facilities in Plymouth, as part of the Ministry of Defence's plan to free up military sites, apparently for housing.

The Chairman confirmed his intention to seek clarity on the proposal and, if necessary, to work with Plymouth Council to explore the feasibility of a joint response on the impact of any proposals upon the economy of the area(s).

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

**RESOLVED** that the Government's announcement be noted and urgent clarification be sought from the Ministry of Defence as to the exact nature of the proposals, the future use of any vacated premises for military or other purposes and the levels of compensating investment by Government for the northern Devon economy.

\* **97**      **Chairman's Announcements**

The Chairman reported that Councillor Parsons had recently undergone surgery and wished him a full and speedy recovery.

\* **98**      **Petitions**

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

\* **99**      **Question(s) from Members of the Council**

There was no question from a Member of the Council.

## KEY DECISIONS

\* **100**      **Highway Infrastructure Asset Management Policy, Strategy and Plan**

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

The Cabinet considered the Report of the Chief Officer for Highways Infrastructure Development & Waste ([HIW/16/3](#)) reviewing the Council's current Highway Asset Policy, Highway Asset Strategy and Highway Asset Plan, approved by Cabinet in March 2013, to ensure the Council's policies and practices for the management and maintenance of the highway network were robust, capable of stringent scrutiny and comparison with national guidelines. The Report also encapsulated the views expressed at the Place Scrutiny Committee's Focus Group held on 13 October 2016.

The review had taken account of the Council's strategic plan, latest national guidance and codes of practice and emerging best practice, to ensure the Council could maximise funding grant for highway maintenance. The difference in projected levels of capital funding between a Band 1 and Band 3 rating in 2020/21 would be £7,000,000. Members acknowledged that effective maintenance of the highway network was fundamental to the delivery of the Council's wider vision and objectives and the specific highway asset management planning strategies for driving efficiency; managing demand and enabling community self-help.

Members present expressed continuing concerns at the effect of historic levels of funding made available by Government for highway maintenance which was no longer sufficient to meet current demands let alone the growing backlog of work required. Members attending under the provisions of standing orders also expressed concerns at the apparent divide in the treatment of urban and rural areas and the impact upon the economy of the County as a whole.

The Cabinet noted that the Place Scrutiny had reviewed the draft Highways Infrastructure Asset Management Policy, Strategy and Plan on 20 September 2016 and had established a separate Focus Group, which had taken place on 13 October 2016, at which all Members were involved in helping shape the key performance measures used to monitor the levels of service set out in the Plan. A summary of the views expressed thereat and recommendations arising therefrom was set out at Annex 4 to the Chief Officers Report: those recommendations having been incorporated in the performance indicators now presented to Cabinet. The indicators, if approved, would not only allow the effectiveness of the Council's approach to asset management to be measured but would allow plans to be adapted, with the passage of

time, to demonstrate best value for money.

The Chief Officer's Report also incorporated an 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. It recognised the impacts relating to highways asset management would be regularly reviewed with the Asset Management Plan developed as a 'living document', adapting to future changes in legislation and guidance.

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

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

**RESOLVED**

(a) that the revised Highway Infrastructure Asset Management Policy, Strategy and Plan contained in Report HIW/16/3 be adopted;

(b) that the Chief Officer for Highways, Infrastructure Development and Waste be authorised, in consultation with the Cabinet Member for Highways Management and Flood Prevention, to make minor amendments (including references to the involvement of Councillors) to the aforementioned suite of documents and continue the development of the Highway Infrastructure Asset Management Plan Annexes.

*[NB: The Impact Assessment referred to above is available at: <http://new.devon.gov.uk/impact/>].*

\* 101

**Enterprise Zones in the Heart of the South West - Exeter & East Devon Enterprise Zone**

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

The Cabinet considered the Report of the Head of Economy, Enterprise & Skills (EE/16/1) on progress with the creation of an Enterprise Zone in East Devon covering existing Growth Points, seeking endorsement of the proposed Memorandum of Understanding with Government and the development of governance arrangements and proposed implementation plan.

The Cabinet noted that the Corporate Services Scrutiny Committee had previously, in June 2016, considered the findings of its Spotlight Review (CS/16/22) on this matter in parallel with an earlier Report from the Head of Economy and Enterprise (EE/16/10), examining the potential effects of setting up an Enterprise Zone, and had resolved:

*'(a) that the Committee tentatively supports the proposals for an East Devon & Exeter Enterprise Zone, in particular, the potential to drive the local economy, notwithstanding its concerns over the lack of financial assistance from Government and the role of the Local Enterprise Partnership in the Governance arrangements, and the unequal application of methods to stimulate growth throughout the County; and*

*(b) that, in light a (a), the Committee strongly believes that robust Governance arrangements will be key in this proposal and recommends that Cabinet satisfies itself that such arrangements are in the best interests of both the County Council and East Devon District Council.'*

The Head of Service's Report summarised the work undertaken in relation to 4 sites in East Devon District (Skypark, Science Park, Cranbrook and Airport Business Park extension) that would constitute the Exeter and East Devon Enterprise Zone; identifying the decisions needed to bring the Zone to fruition. Members acknowledged that an Enterprise Zone could, potentially, capitalise on existing economic development initiatives and accelerate delivery of key strategic sites in the Growth Point area; it was felt to be vital both in attracting inward investment and supporting the development of new jobs and businesses but also in supporting sustainable growth of cutting edge technology and developing centres of excellence.

In the Head of Service's view, the work undertaken in the preceding 6 months demonstrated the strong financial case for introducing a Zone. The provisions of both the Memorandum of Understanding, including its financial safeguards, and the Business Rates Relief policy would provide a robust framework for ensuring the designation would facilitate that accelerated delivery of new economic activity. Moreover and as a landowner not only would the County Council have an interest and direct role in ensuring the proposed constituent sites benefited from the potential funding available through the creation of an Enterprise Zone but would, potentially, also benefit from increased capital receipts in the Zone, thereby generating additional revenues to reinvest in employment space in other areas of the County.

The Cabinet also noted the receipt of representations received suggesting the inclusion of the area encompassing the Exeter Gateway Office Park within the proposed Enterprise Zone which was still under discussion and similar comments relating to the impact of any Enterprise Zone on economic development activity in adjoining Councils' areas. The Head of Service confirmed that discussions were continuing with a number of Councils about economic development/strategic planning in line with the Council's overall objectives which it was felt complemented the creation of an Enterprise Zone as now proposed.

While no formal Impact Assessment had been undertaken at this stage the Cabinet was assured that, in the fulfilment of its Public Sector Equality Duty, all works undertaken within, or as a result of Enterprise Zone status would be subject to statutory Environmental Impact Assessments (EIA) and Habitat Regulation Assessments where required. Notwithstanding that position, the Head of Service opined that schemes would make a positive impact on the wider community through improving the economy of the area.

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 Leadbetter, **SECONDED** by Councillor Hart, and

**RESOLVED**

- (a) that the support of and comments from the Corporate Services Scrutiny Committee be welcomed;
- (b) that the detailed analysis set out in Report EE/16/10 demonstrating the financial case for introducing an Enterprise Zone in East Devon be noted;
- (c) that the Chief Executive be authorised to sign the *Memorandum of Understanding with Government* set out at Appendix I to Report EES/16/1;
- (d) that the County Treasurer and the Head of Economy, Enterprise and Skills be authorised to agree any amendments to the Business Rates Relief policy set out at Appendix II to Report EES/16/1;

(e) that the Head of Economy, Enterprise & Skills be authorised, in consultation with the Cabinet Member for Economy, Growth & Cabinet Liaison for Exeter, to agree the Implementation Plan and the County Solicitor be also authorised, in consultation with the Leader of the Council and Chief Executive, to agree the proposed governance arrangements and to execute all necessary document required to give effect to this proposal.

### STANDING ITEM

\* **102** **Devon Safeguarding Children's Board Annual Report**

(Councillors Connett, Julian, Owen and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet received the Annual Report of the Devon Safeguarding Children Board which charted progress within Devon against national expectations of safeguarding activity and provided a rigorous and transparent assessment of the performance and effectiveness of safeguarding activity over the preceding year, commenting upon the effectiveness of safeguarding arrangements in place across Devon. That assessment had been informed by the Board's Quality Assurance Framework and the 2015 Ofsted Inspection and recognised the involvement and contribution of all those agencies helping in improving safeguarding children practice in Devon.

The Annual Report's content would also be examined by the People's Scrutiny Committee in due course.

Mr Gurrey, Chairman of the Devon Safeguarding Children Board, attended and spoke at the invitation of the Cabinet, presenting the Board's Annual Report and responding to specific questions on, inter alia, the recently published, innovative, Domestic Violence Strategic and on historic attendance at strategy and child protection conferences and information sharing generally. He also commented further on steps taken and being taken to revise and enhance the Board's governance arrangements, to ensure a more pro-active, streamline and focussed approach have a more positive impact upon work to protect children and young people.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes that the Devon Safeguarding Children Board's Annual report be welcomed, noting in particular the importance of all relevant agencies and partners participating fully in all relevant processes, attending meetings as required.

*[NB: The Safeguarding Board Annual Report will also be available, in due course, at: <http://www.devonsafeguardingchildren.org/> or at <http://www.devonsafeguardingchildren.org/documents/2016/11/dscb-annual-report-2015-16.pdf>*

### KEY DECISION

\* **103** **Braunton Flood Improvements**

(Councillors Greenslade, Julian, Owen 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/16/52](#)) seeking scheme and estimate approval to a flood improvement scheme for Braunton, to commence in January 2017. Braunton was one of the County Council's highest priorities for reducing the risk and frequency of flooding experienced on a number of occasions in recent years.

The scheme now proposed would cost in the order of £540,000 including all feasibility, site investigations, design, supervision and scheme construction costs (the later being estimated at £340,000); all costs to date had been met by the County Council. The scheme would

provide a new drainage system to operate under 'normal' conditions with a pumping station to lift surface water into the river when levels were high. While the main driver for this scheme was to reduce the risk and occurrence of flooding to properties in Caen Street, the heart of the village, it would also alleviate flooding of the highway which had in the past caused significant disruption to Braunton and through traffic to the west of Braunton.

Funding of £57,000 would be forthcoming from the National Flood Defence Grant in Aid toward the construction costs, subject to justification and approval, and a further £30,000 of Local Levy funding was available for this scheme. The Parish Council had committed to take on future ownership and maintenance costs of a proposed pumping station, leaving a balance of £220,000 for the construction of these essential improvements to be met from the Place revenue budget for Flood Prevention Works.

The scheme was supported by the local Councillor and locally, as a positive approach to tackling one of Devon's high risk communities.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, 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 Hughes, **SECONDED** by Councillor Hart, and

**RESOLVED** that the Braunton Flood Improvement scheme be approved at an estimated cost of £540,000 and that the Place 2016/17 capital programme be increased by £457,000 (funded through the Place revenue flood risk management budget (£150,000), the Place revenue budget for flood prevention works (£220,000), external contributions (£30,000) and grants (£57,000).

## STANDING ITEMS

### 104 Notice(s) of Motion

The Cabinet considered the Report of the County Solicitor (CS/16/27) relating to those Notices of Motion set out hereunder submitted to the County Council by the Councillors shown therein, incorporating any factual briefings or position statements on each prepared by the relevant Officers to facilitate the Cabinet's discussion of each Notice of Motion. The Chairman had also decided that the Cabinet should further consider, as matters of urgency, the proposed response from the Health & Wellbeing Scrutiny Committee to two other Notices of Motion previously referred to the Cabinet, as set out at (e) below.

#### (a) Educational Re-organisation and Fair Funding

(Councillor Connett attended in accordance with Standing Order and spoke to this item).

The following Notice of Motion submitted to the County Council by Councillor Connett had been referred to the Cabinet in accordance with Standing Order 8(2), for consideration or referral to another committee and to subsequently make a recommendation back to the Council:

*'Devon County Council is proud of the achievements of all schools in the county and recognises that with fair funding from Government, yet more could be done to raise educational attainment for all pupils, help them achieve their potential and aspire to achieve their ambitions.*

*The Council believes it would be a retrograde step to divert scarce national and local resources from the classrooms into yet another reorganisation of education and does not wish to see the introduction of new or additional Grammar schools in Devon.*

*Devon County Council yet again calls on the Government to ensure the education of children in Devon is properly, fairly and fully funded noting that Government is short-changing Devon schools by £23m a year.*

*"Devon has never been funded at the level it deserves and remains well below the national average for funding per pupil. Despite this historic underfunding, Devon schools have shown that they can deliver impressive educational outcomes and that no child is marginalised because responsibility is shared for the most vulnerable and who may not be in our own schools." Sue Clarke OBE MSc, former Head of Education and Learning, Devon County Council (foreword to the consultation on 2016-17 Revenue funding arrangements for schools)*

*The Council therefore calls on all Members of Parliament for Devon to challenge the Government to play fair by Devon by properly funding children's education in the county'.*

The Mover of the Notice of Motion having acknowledged his support for the recommendation now before the Cabinet, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the principles contained therein, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that, in accordance with Standing Orders 6 & 8, the County Council be recommended to accept the Notice of Motion which reflects the action already taken by the Council in campaigning for fairer funding for schools, acknowledging the legislative limitations upon Councils in the choice of any new schools that may be established.

**(b) Protecting Devon's Pharmacies**

(Councillor Connett attended in accordance with Standing Order 8 and spoke to this item).

The following Notice of Motion submitted to the County Council by Councillor Connett had been referred to the Cabinet in accordance with Standing Order 8(2), for consideration or referral to another committee and to subsequently make a recommendation back to the Council:

*Devon County Council recognises and values local pharmacies as a vital primary care health service and as an integral part of the fabric of local communities throughout our county.*

*Devon County Council notes that;*

- *176 pharmacies across the County offer a range of services such as dispensing prescriptions, disposal of unwanted medicines and supporting self-care;*
- *pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination, sexual health and more advice and support services are also available to care homes; and*
- *several pharmacies have achieved Healthy Living Pharmacies (HLP) status recognising and evidencing their role in improving the health of their local population.*

*Devon County Council is greatly concerned about Government imposed threats to pharmacies as a result of cuts in the budget of £170m nationally taking effect from October 2016.*

*This is a 6% cut in cash terms but could effectively mean a cut of 12% during the financial year which could potentially close up to a quarter of pharmacies with an increased focus on warehousing dispensary and online services. Service cuts in pharmacies put more residents at risk as well as putting pressure on GPs and on hospital services and therefore increasing NHS costs. A fully funded community pharmacy service is cost effective and is in the interest of patients and carers.*

*Devon County Council agrees to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups serving Devon detailing our concerns and demanding an immediate reversal of these proposals.*

The Mover of the Notice of Motion having acknowledged his support for the recommendation now before the Cabinet, the relevant Officer's factual briefing/position statement on the matter, the Leader's willingness to support appropriate representations being made to NHS England and other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that, in accordance with Standing Orders 6 & 8, and in response to the Notice of Motion submitted; the County Council recognise:

- that decisions on opening and closing of pharmacies are entirely the responsibility of NHS England;
- the increasing demands being placed upon the wider health service, as has been the case throughout the public sector, and the need for all health services to be financially and clinically suitable, meeting appropriately identified needs;
- the support and desire for an effective pharmacy service given the contribution it may make to equitable, safe, suitable, affordable health & care services both directly and indirectly and particularly in rural areas, as latterly recognised by the Local Government Association;

and the County Council be consequently recommended to accept the Notice of Motion, make representations accordingly and urge communities and interested stakeholders to also make representations direct to the relevant decision-maker, NHS England, and to Devon's MPs and Government to ensure the retention of a universal, effective, pharmacy service reflecting the needs of the local community and to maximise, for instance, support available from initiatives such as the Pharmacy Access Scheme.

### **(c) Environmental Policy Document Review**

(Councillor Vint attended in accordance with Standing Order 8 and spoke to this item).

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

*This Council commends the DCC Environmental Policy document that was produced in 2014/15 - and the reported progress against it, as set out in the Environment Performance Statement.*

*However, the national trend is a significant and potentially catastrophic decline in insects and other wildlife, with some species heading towards extinction, as set out in the latest State of Nature report, published last month (September).*

*The sharp decline in our species suggests that our collective efforts are still not enough to prevent a worsening position.*

*This council agrees that the 'Countryside and Heritage' section of the Environmental Policy document should be reviewed before the end of 2016, to see whether there are further opportunities for DCC to do more to benefit nature, including:*

1. *management of the county farms estate, where current uncertainties linked to Brexit mean that we need to find other ways of achieving environmental gains through the actions of our tenants;*
  - *through the management of our buildings and grounds (e.g. County Hall - a Grade 2 listed building set within a conservation area);*
  - *management of our multi-use trails (i.e. cycleways), which have potential for enhancement as wildlife corridors; and*
2. *through our community leadership role (e.g. in re-defining our environmental agenda in the light of Brexit, or in responding to current environmental problems such as ash dieback)*

Having regard to the aforementioned, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members' willingness to endorse the proposals in light of similar action already being taken in this regard and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that, in accordance with Standing Orders 6 & 8, the County Council be recommended to accept the Notice of Motion and invite the Cabinet to review existing policies and action plans, acknowledging that the work already undertaken on the production of a new Countryside & Heritage Policy and Action Plan provided an ideal route for doing so; noting also that a revised Plan would consequently be submitted to Cabinet in early 2017 incorporating the advice of the Environmental Performance Board as to what further action it would be practicable for the Council to take in support of Countryside and Heritage.

**(d) Affordable Housing and the HOTSW Devolution Prospectus**

(Councillor Vint attended in accordance with Standing Order 8 and Councillors Brazil and Connett in accordance with 25(2) and spoke to this item).

The following Notice of Motion submitted to the County Council by Councillor Vint had been referred to the Cabinet in accordance with Standing Order 8(2), for consideration or referral to another committee and to subsequently make a recommendation back to the Council:

*'That this Council calls for references for the need for affordable housing to be added to the housing sections of the HOTSW Devolution Prospectus'*

The Mover of the Notice of Motion having spoken to his proposal the matter was subsequently debated having regard to the aforementioned, the relevant Officer's factual briefing/position statement on the matter, that provision of housing was a District Council function and any suggestions or alternatives or other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that, in accordance with Standing Orders 6 & 8, the County Council be recommended to take no further action on the Notice of Motion, acknowledging that the Heart of the South West Partnership's "*Prospectus for Productivity*" is a high level strategic framework document with links to statutory local plans for each District Council which, in turn, encapsulate levels of proposed affordable housing provision.

**(e) Cuts to Devon Health Services and the Success Regime (Minute 82/14 October 2016)**

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

(Councillor Greenslade attended in accordance with Standing Order 8 and Councillor Westlake in accordance with 25(2) and spoke to this item).

The Chairman had decided that the Cabinet should consider this item as a matter of urgency, in order that it might consider the advice of the Health & Wellbeing Scrutiny Committee arising from that Committee's deliberations the previous day, 8 November 2016, on two Notices of Motion previously referred to it by Cabinet at the last meeting to enable a recommendation to be made and determined by the County Council at its next meeting in December 2016.

The Cabinet were advised that the Scrutiny Committee had resolved 'that the Cabinet be advised to recommend the County Council accept the Notice of Motions in the name of Councillors Biederman and Greenslade as now amended [highlighted below], noting also the enclosed response from the Parliamentary Under Secretary of State for Community Health and Care to earlier representations made on behalf of the Scrutiny Committee about sustainability and transformation plans and primary care funding'

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 **a fair [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 **asks [calls on]** the Secretary of State for Health and NHS England to **put the process on hold, until issues relating to the 'independence' of the Success Regime are investigated and for fair funding to be considered [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 views of the Health & Wellbeing Scrutiny Committee be noted and accepted in accordance with Standing Orders 6 & 8 for consideration by the County Council at its next meeting.

\* **105**      **Budget Monitoring 2016/17**

(Councillors Brazil, Connett, Julian and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/16/92) on the financial position at Month 6 outlining those areas of specific pressures on budgets, potential under- and over-spending in the current financial year and on management action being taken where individual budget lines were experiencing such pressures.

The Cabinet noted that, overall, the forecast for revenue spending at year-end showed a projected overspend of £7,000,000. This was a small reduction over the previous reported forecast with the main pressures continuing to be in the areas of Adult Social Care and in Children's Social Work and Child Protection, for the reasons previously advised (Minute 72 refers). While acknowledging that the projected overspend at year-end had reduced slightly as a result of management action and noting planned savings strategies outlined in the County Treasurer's Report, Members were nonetheless advised that there appeared little prospect of full recovery by the year-end. While the projected overspend could be offset by using centrally held budgets as also posited in the Report now before Cabinet, that would not however address the potential impact of spending pressures in future years and it was also suggested that it might prove necessary to consider whether other actions such as the cessation of spending in specific Service areas, vacancy management (including use of consultants) or spending embargoes would be necessary to manage spending in the remaining six months of the financial year.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered

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

**RESOLVED**

(a) that the position based on Month 6 be noted;

(b) that acknowledging the limited capacity to fund the current projected overspend from Reserves or centrally held budgets, the Leader of the Council and the Chief Executive consider and determine what direct actions, such as spending embargoes, non-automatic replacement of vacant posts and consultants and/or any freeze on service spending, should be implemented before the next Monitoring Report (Month 8) to Cabinet.

\* **106**      **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **107**      **Minutes**

(Councillor Connett attended in accordance with Standing Order 25(2) and spoke to this item in relation to Devon Education Forum Minute 21).

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

**RESOLVED** that the Minutes of undermentioned bodies and any recommendations to Cabinet therein be approved:

- (a) Devon Authorities Strategic Waste Joint Committee – 18 October 2016;
- (b) Devon Education Forum – 19 October 2016; and
- (c) SACRE – 1 November 2016.

[NB: Minutes of County Council Committees are published on the Council's Website at: <http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>  
Minutes of the Devon Education (Schools) Forum are published at: <http://www.devon.gov.uk/schoolsforum.htm>]

\* **108** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members and 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/>.

\* **109** **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**