

## CABINET

8 March 2017

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 J Brazil, A Dewhirst, A Hannan, G Hook, R Julian, S Randall Johnson, R Westlake and C Wright

\* 159

**Minutes**

**RESOLVED** that the minutes of the meeting held on 10 February 2017 be signed as a correct record.

\* 160

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 161

**Chairman's Announcements**

The Chairman welcomed Mrs Mayes who was attending the meeting in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* 162

**Petitions**

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

\* 163

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

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member would respond direct to 2 questions on Devon's Library Service (Libraries Unlimited) from Councillor Vint, who was not present at the meeting.

*[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html>]*

**FRAMEWORK DECISION**

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**Trading Standards Service: Extension of Shared Services Agreement**

(Councillors Brazil, Dewhirst, Julian 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 and Skills ([EES/17/2](#)) on the proposed extension of the current joint Trading Standards Shared Services Agreement with Somerset County Council to also include Torbay Council.

Members were reminded that in 2013, the County Council had formally entered into a shared service agreement with Somerset County Council for the provision of a joint Trading Standards Service. The County Council had agreed to host the joint service and former Somerset County staff had transferred across under TUPE arrangements. One of the

objectives of the Joint Service had been to develop the capability to respond to possible changes in role, scope or budget by expanding the scope of the service either geographically and/or by broadening the range of functions within its remit.

The Head of Trading Standards indicated that the joint service had widely been held to be a great success. In light of the above and given the common challenges faced by the Devon and Somerset Trading Standards Service and the Torbay Trading Standards Team in ensuring that regulatory services continued to meet customer needs exploratory discussions were initiated in 2016 on a possible merger. Those discussions revealed that there was already a significant alignment between the priorities of the two services and following the preparation of a full business case it was now proposed, as detailed in Report EES/17/2 and the full business case and appraisals referred to therein, that the current shared service arrangement be extended to also include Torbay Council, providing a more robust service across the County with greater economies of scale. The Cabinet Member for Community and Environmental Services confirmed that exploratory discussions were being also held with other Councils along similar lines.

The Head of Service'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. That Assessment recognised the positive impact of the Strategy and that no detriment would arise from the proposed changes and 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, 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 Croad, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

(a) that approval be given to the proposed extension of the current shared service arrangement with Somerset County Council (approved pursuant to Minute 200 of the County Council 24 April 2013) for delivery of the Trading Standards Service to also include Torbay Council; and

(b) that accordingly the County Council approve the discharge of Torbay Council's Trading Standards functions in accordance with s101 of the Local Government Act 1972, such functions to be discharged in line with the arrangements approved by the Cabinet on 8 March 2017, recognising and accepting also (i) responsibility for the specific delegations made to Devon County Council to support the transfer of the Relevant Functions, and (ii) the need to extend the membership of the Trading Standards Joint Service Review Panel to include representatives of Torbay Council.

*[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/>].*

#### **KEY DECISIONS**

\* **165** **Household Waste Recycling Centre and Community Composting Policy:  
Proposed Revision**

(Councillors Brazil, Dewhirst, Hook, Julian, Westlake and Wright 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 and Waste (HIW/17/14) seeking approval to changes to the Household Waste Recycling Centres Chargeable Waste Scheme, Trailer Restrictions and Non-acceptable Waste Policy and to discretionary payments to Community Composting Groups.

The Report summarised the responses received to a recent public consultation on those issues and on the subsequent proposals now submitted to change charges for materials received at the Household Waste Recycling Centres and vary the level of recycling credit paid to Community Composting groups: issues raised by Members of the Council during consideration and setting of the Council's budget for 2017/18.

Members noted that the policy revisions now proposed would enable non-statutory construction and demolition/DIY waste materials to be received at recycling centres for a reasonable charge while further restricting the potential for trade waste abuse at recycling centres; further the proposals would see, over time, the alignment of the credit paid to community composting groups with the rate Devon paid to its contractor for composting the same materials.

The Chief Officer's Report also included reference to an Impact Assessment relating to the possible impacts of the proposal, which had made available previously for the attention of Members at this meeting in order that 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. The Assessment recognised that no direct or unmanageable impacts had been identified.

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

#### **RESOLVED**

(a) that approval be given to the revisions to the Household Waste Recycling Centre policy summarised above and set out in section 3 of Report HIW/17/14, from 1 April 2017;

(b) that approval be also given to the recycling credit paid to Community Composting Groups being from £58/t to £50/t for all tonnages up to 500 tonnes per annum from April 2017 for one year, reducing further over the subsequent 2 years to the rate similar to that which the County Council pays to its contractor to enable Community Composting Groups to consider alternative sources of funding.

*[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/>].*

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#### **Flood Risk Management Action Plan 2017/18**

(Councillors Brazil, Julian 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 and Environment (PTE/17/15) (i) outlining progress with the delivery of the 2016/17 Action Plan and individual schemes contained therein and (ii) seeking approval to the proposed 2017/18 programme of £1,500,000 and the related action plan prepared in line with the Local Flood Risk Management Strategy for Devon (developed and approved previously following public consultation in April 2014) incorporating also a new grant scheme to support property level resilience matters.

In summarising the range of practical works and studies undertaken or commenced during 2016/17 (Appendix I to Report [PTE/17/15](#)) the Head of Service's Report anticipated that the current year's budget would be fully allocated. Moreover the demand upon the Council as Lead Local Flood Authority and statutory consultee in responding to local planning authorities for all major development had far exceeded expectations, with 550 responses required in 2015/16 and 750 to date in 2016/17 against an estimate of 400 applications per year.

Members noted and welcomed the fact that the works delivered by the County Council and through continued partnership working with the Environment Agency and District Councils would benefit in excess of the 300 properties anticipated in the Plan.

Officers confirmed that, as normal, full consultations would take place on proposed schemes including residents, community groups, local Councils and Councillors and relevant risk management authorities. All schemes would necessarily be subject to relevant Impact and Environmental Assessments (alongside the Local Strategy) to ensure that due regard would be given to any environmental and equality matters and, in the case of the latter, to ensure 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. All schemes were necessarily designed to improve the protection afforded to properties and communities from flooding and was therefore axiomatic that such schemes would have positive beneficial effects not only in physical terms but also in terms of and health and wellbeing.

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 approval be given to the implementation of the 2017/18 Programme and Flood Risk Management Action Plan and the Head of Planning, Transportation and Environment be authorised in consultation with the Cabinet Member for Highway Management and Flood Prevention to make any changes to the programme and related expenditure of less than £50,000.

*[NB: A copy of the Devon Local Flood Risk Management Strategy and any Strategic Environmental Assessments and/or Impact Assessments will be available on the Council's website at: [www.devon.gov.uk/floodriskstrategy](http://www.devon.gov.uk/floodriskstrategy).*

\* **167**      **Transport Capital Programme for 2017/18**

(Councillors Brazil, Dewhurst, Julian 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/17/16](#)) seeking approval to the Transport Capital Programme for 2017/18 (excluding maintenance) and incorporating a revised, updated, Transport Infrastructure Plan outlining the transport infrastructure priorities for investment over the longer term, to 2030.

The focus of the 2017/18 Transport Capital Programme continued to be to maximise the use of County Council core funding to attract external funding and included further investment in new cycle and walking routes, both in terms of new construction and preparing the next group of schemes for funding bids. The Cabinet Member highlighted, in particular, £1,000,000 of National Productivity Investment fund for urban cycle routes including key routes in both Exeter and Newton Abbot, reiterating that investment would continue in a range of new cycling facilities as well as routes including new cycle parking in towns, schools and employment sites. He also drew attention to the £1,500,000 revenue based Access Fund awarded to the County Council over the next three years. This would provide the necessary support tools to complement past and future investment in infrastructure.

The proposed Transport Infrastructure Plan (TIP) outlined the planned investment in transport infrastructure across Devon for the period 2014 to 2030 focussing on schemes that would deliver economic growth, guiding the focus and prioritisation of resources within the Council and providing longer term clarity on future transport infrastructure delivery.

The Cabinet also noted a report of recent discussions between the Cabinet Member for Economy and Growth and the relevant Minister of State about railway infrastructure in Devon during which the latter recognised the needs of the area intimating also that a further announcement would be made later in the year. Network Rail were similarly progressing detailed design work for a number of schemes in the county to improve the resilience of the existing network.

The Head of Service's Report confirmed that a full Equality Impact Assessment had been completed as part of the original base Transport Capital Programme in 2014 and that detailed individual assessments and Environmental Assessments, as necessary, would be undertaken for relevant schemes as they progressed and be brought forward for attention of Members at the appropriate time.

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 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**

(a) that approval be given to the enhancement of the 2017/18 capital programme by £4,607,000 from external and developer contributions and £4,000,000 of external grants;

(b) that approval be given to the allocation of £312,000 of the enhancement referred to at (a) to enable schemes to proceed in advance of full funding being received;

(c) that approval be given to the detailed allocations for Local Transport Plan schemes as set out in Appendix 1 to Report PTE/17/16;

(d) that the Head of Planning, Transportation and Environment be authorised in consultation with the Cabinet Member for Highway Management and Flood Prevention or Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter to make any amendments to the Integrated Block allocations; and

(e) that the updated Transportation Infrastructure Plan included in Appendix 2 to Report PTE/17/16 be endorsed and approved.

*[NB: Any Impact Assessments referred to above may be viewed at: <http://new.devon.gov.uk/impact/>].*

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#### **Children's Services - Re-procurement of Services (Minute \*132/11 January 2017)**

The Cabinet considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity on the procurement of public health nursing services and the Report of the Chief Officer for Children's Services (CS/17/13) on the commissioning of integrated children's social care services.

The Cabinet also had regard to the Report of the People's Scrutiny Committee's Spotlight Task Group (CS/17/11) looking, in particular, at the future options for the provision of public health nursing services, which had favoured Option 3 namely bringing the service back 'in-house'.

The Cabinet had previously acknowledged that in respect of existing services, Commissioning Partners were committed to continuing strong working arrangements both as a commissioning partnership for children, young people and families and as part of the Devon Children, Young People and Families Alliance.

Further and specifically relating to:

**(a) Public Health Nursing Services**

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

The Report of the Chief Officer for Communities, Public Health, Environment and Prosperity outlined the results of the consultation previously authorised by Cabinet before any determination of future arrangements, in line especially with the following options:

- negotiating a 12 month interim contract(s) for the provision of children's services to allow for a full procurement with a contract start date of 1 April 2019 incorporating 0-19 Public Health Nursing Services;
- proceeding with independent procurement of 0-19 Public Health Nursing services; or
- transferring the 0-19 Public Health Nursing Service to Devon County Council from 1 April 2018, under the management of the Director of Public Health (as the statutory Director) until such time as strategic discussions on the configuration of children's services were complete and a decision made on future commissioning/provision arrangements.

While, at that time, it had not been anticipated there would be any need for substantive changes in service provision as a result of any of the above options the Cabinet had nonetheless endorsed the approach outlined above (and set out more fully in Report CS/17/6) in the interests of openness and transparency, to ensure the County Council determined the means of providing those services for which it was responsible.

As set out in the Chief Officer's Report now submitted, Members noted that the consultation on the procurement of public health nursing services had revealed a clear majority among public, users, staff and practitioners for Option 1 above. Further, and following those considerations and having regard to a subsequent review of all the facts (including the views of the Spotlight Task Group referred to above) the revised risk assessment and the importance of ensuring that local services were commissioned in accordance with a shared strategic approach, the Cabinet was now recommended to adopt Option 1. Members acknowledged that while that this option might not offer the greatest financial certainty for Public Health Devon, the continued benefits of working together with partners and maintaining a period of stability for a further year would provide the opportunity to plan more effectively with partners to best promote the health, wellbeing and safety of the children and young people of Devon and their families. In presenting her Report, the Chief Officer corrected the New Born visit statistics on page 7 of Virgin Care's consultation response where the figure of 88.6% should have read 82.6%. The Cabinet noted that the Health and Wellbeing Scrutiny Committee had also considered this Report at its meeting 7 March 2017 and had endorsed Option 1 while acknowledging the need to look more closely at Option 3 in the longer term.

The Chief Officer's Report also incorporated an Impact Assessment relating to the possible impacts of the proposals for public health nursing, circulated previously for the attention of Members at this meeting. In order that might have full regard to the responsibilities placed upon it to exercise the Council's Public Sector Equality Duty, where relevant, which recognised that no unmanageable impacts had been identified.

The matters having been debated and the options and/or alternatives and other relevant factors (e.g. financial, environmental, risk management, equality and legal considerations and Public Health impact) set out in the Chief Officers' Reports and/or referred to above having been considered:

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

**RESOLVED**

(i) that approval be given to the course of action at Option 1 set out above namely entering into a 12-month interim contract (with partners) to allow for a full procurement for a longer term contract with a contract start date of 1st April 2019.

(ii) that accordingly the County Council continues to commission public health nursing services jointly with the Clinical Commissioning Groups (CCG's), funded through the Public Health Grant, for a period of one year 2018/19 via a Section 75;

(iii) that, as lead commissioner, NEW Devon CCG award a one year contract for 2018/19 to Virgin Care Ltd.

**(b) Procurement of Integrated Children's Social Care Services**

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

The Report of the Chief Officer for Children's Services (CS/17/13) on the procurement of a range of care services for children with additional needs was considered, acknowledging as referred to at (a) above, that Cabinet had previously acknowledged the current contractual arrangements for Integrated Children's Services (currently provided by Virgin Care Limited) were required to be reviewed to facilitate further consideration and determination of these matters at this meeting.

The Chief Officer's Report summarised the outcome of the Contract Review process against which the delivery of services within ICS had been evaluated. This had resulted in the recommendations now outlined for the shape of future delivery of services.

The Review had identified areas of good performance and areas for improvement, relating in particular to waiting times for CAMHS, delivery of the 'Local Offer', provision of short breaks for carers and families and managing the key shift to personalised and tailored services. The Review had concluded that there had been improvements in those areas and/or there was confidence the provider would continue to improve against the priorities in the Local Transformation Plan. Members further acknowledged that whilst it might take some time to improve performance in some areas the process had begun and the change process underway would again benefit from a period of certainty and continuation of the service through a one year contract would provide the best opportunity to integrate service delivery, deliver change and therefore improve outcomes for children and families.

The Chief Officer and Interim Head of Service for Children's Social Work and Child Protection also commented upon the Impact Assessment circulated prior to the meeting relating to the decommissioning of the DISC Plus Service - provided by the current provider as part of the procurement of integrated children's services - for the attention of Cabinet Members at this meeting, in order that they might have full regard to the responsibilities placed upon them to exercise the Council's Public Sector Equality Duty, where relevant. The Assessment had not identified any unmanageable impacts.

The Chief Officer's Report further acknowledged that the review referred to above had concluded that there were no specific equality, public health or sustainability implications arising from the proposed course of action: those services were necessarily predicated on the

basis of providing an equitable service for all users and there were no unmanageable outcomes.

The matters having been debated and the options and/or alternatives and other relevant factors (e.g. financial, environmental, risk management, equality and legal considerations and Public Health impact) set out in the Chief Officers' Reports and/or referred to above having been considered:

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

**RESOLVED**

(i) that the Local Authority (the County Council) continues to commission jointly with the Clinical Commissioning Groups (CCG's), Children and Adolescent Mental Health Services (CAMHS) and community health and care services for children with additional needs: with delivery of services monitored through the commissioning governance arrangements of the Children, Young People and Families Alliance, jointly funded through a pooled budget for the period of one year 2018/19 via a Section 75;

(ii) that, as lead commissioner, NEW Devon CCG award a one year contract for 2018/19 to Virgin Care Ltd;

(iii) that the Local Authority (the County Council) work jointly with CCG's throughout the next year to determine a strategy to shape service delivery with a view to tenders for services being invited during 2018 for a longer term contract(s) from 2019 onwards.

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

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**Budget Monitoring 2016/17**

(Councillors Brazil, Hannan, Hook, 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/17/20) on the financial position at Month 10 and outlining areas of specific pressures on budgets, potential under- and over-spending in the current financial year and management action being taken where individual budget lines were experiencing pressures.

The Cabinet noted that, overall, the forecast for revenue spending at year-end now showed an overspend of £6,200,000, a decrease of £1,900,000 over the position at Month 8. However, were the New Burdens Resilience Budget to be applied - as previously considered by the Cabinet - then there would be a net underspend of £1,000,000.

The latest projections showed net reductions in the projected underspends for Adult Social Care and Children's Social Work and Child Protection. The projected overspend for Education and Learning had increased due largely to school transport costs. Place and Corporate Services budgets continued to show year-end underspends although a cautionary note had, necessarily, to be struck in respect of Place Services with the potential for further bad weather events and winter emergencies.

In relation to capital expenditure, spending was estimated at £140,500,000 with slippage of £25,600,000 in a number of schemes including Marsh Barton Railway Station, Roundswell (Phase 2), Tithebarn Link and the South Devon Highway.

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** that the position based on Month 10 and actions being taken to balance budget pressures be noted.

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**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.

**(a) European Union Habitats Regulations (Councillor Wright)**

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:

*'Devon is home to many scarce and threatened habitats such as our ancient woodlands, rivers and wetlands, upland blanket bogs, lowland heaths, Culm grasslands and our stunning coast and marine environments. These support a myriad of species with internationally important populations of marsh fritillary butterflies, greater horseshoe bats, otters, overwintering waders and marine creatures including whales, dolphins and basking shark.*

*European Union Habitats Regulations protection of land and seascapes such as the pebblebed heaths in East Devon, large swathes of Dartmoor and Exmoor, the Exe and Tamar Estuaries and Lundy Island have meant that wildlife has flourished over the years and has ensured that these places remain crucial international strongholds.*

*The latest State of Nature report published last October found that the UK has experienced huge losses of habitat and wildlife, and 15 per cent of those studied are threatened with extinction.*

*Leaving the European Union puts at risk all of these protections - and the Government has not yet promised to retain the same level of protections that currently exist under EU legislation.*

*This Council recognises the huge importance of these rich landscapes for people and wildlife in Devon - and calls upon the Secretary of State for the Environment to support the Environmental Audit Committee, as well as the coalition of wildlife and nature organisations, asking for retention of at least the same level of protection for our wildlife and environment, as takes place currently under EU law'.*

The Mover of the Notice of Motion having acknowledged her 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 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 and 8, the County Council be recommended to endorse the Notice of Motion.

**(b) South West Local Enterprise Partnership – Chief Executive Pay (Councillor Connett)**

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:

*'At a time of huge reductions in Government funding for local councils forcing cuts in health, education, care for older people and children, Devon County Council is offended by the reported 26% pay rise for the chief executive of the Heart of the South West Local Enterprise Partnership.*

*We [Members] call upon the Council to take urgent steps to stop the annual pay rise of £24,271 and if it cannot do that, to withdraw from membership of the Partnership until common sense prevails with regard to top management pay increases'.*

The Cabinet having considered the relevant Officer's factual briefing/position statement on the matter, the comments of the relevant Cabinet Member on the financial benefits obtained by the Council from the LEP 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 and 8, the County Council be recommended to take no further action on the Notice of Motion.

**(c) Anti-Litter Campaigns – Deposit Scheme for Plastic Bottles (Councillor Hook)**

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

The following Notice of Motion submitted to the County Council by Councillor Hook 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 the County Council supports, in principle, the Sky News anti litter campaigns and in particular the proposal which is to be considered in Parliament after Easter to introduce a deposit scheme on plastic bottles: such schemes are currently in operation in 11 European countries and more than 30 countries worldwide where their introduction has seen a massive leap in plastic bottle recycling - in many cases upwards of 95%.*

*The County Council will contact all Devon MPs urging them to support a plastic bottle deposit scheme to reduce waste, increase recycling and also make a major contribution to reducing dangerous marine pollution, the latter being a significant and increasing problem with plastic bottles and containers".*

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 for further, detailed, consideration 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 the Devon Authorities Strategic Waste Committee be asked to consider the suggestion(s) outlined in the Notice of Motion – and report back to the Cabinet – alongside its consideration of the wider issues relating to litter/fly tipping campaigns and the potential for prevention/education and co-ordinated activities with partner agencies to tackle such problems.

\* **171**      **Adults Annual Safeguarding Report**

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

The Cabinet received the Annual Report of the Devon Safeguarding Adults Board summarising the Board's progress over the past year, the effectiveness of the adult safeguarding arrangements by partner organisations in place across Devon and its aims and objectives for the future. The Annual Report would also be presented to the Health & Wellbeing Board and the People's Scrutiny Committee on 9 and 20 March 2017 respectively.

Ms Siân Walker, Chairman of the Safeguarding Board attended and spoke at the invitation of the Cabinet to present the Board's Annual Report and responded to questions on the Board's Business Plan and the need to significantly reduce if not eradicate Modern Slavery and Human Trafficking.

*[NB: The DASB Annual Report may be viewed at:  
<https://new.devon.gov.uk/devonsafeguardingadultsboard/safeguarding-adults-board-information> ]*

\* **172**      **Question(s) from Members of the Public**

In accordance with the Council's Public Participation Rules, the Leader and/or relevant Cabinet Member would respond direct to a question on the Transport Infrastructure Plan from a Mr Walton who was not present at the meeting.

*[NB: A copy of the question and answer is appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/mingifs.html>]*

\* **173**      **Minutes**

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

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

- (a) Devon Authorities Strategic Waste Joint Committee, 8 February 2017;
- (b) SACRE, 8 February 2017;
- (c) Devon and Exeter Rail Project Working Party - 17 February 2017;
- (d) Farms Estate Committee – 22 February 2017.

*[NB: Minutes of County Council Committees are published on the Council's Website at:  
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>]*

\* **174**      **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/>

\* **175**      **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 12.59 pm



## QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 8 March 2017

### 1. QUESTION FROM COUNCILLOR VINT Re: Devon Libraries Unlimited

In light of recent assurances given by this Council that effective measures have been taken to ensure the long-term protection of library services and library staff when establishing Libraries Unlimited and entering into a contract with them, I would welcome a statement from the Cabinet Member for Community & Environmental Services on recent reports about pay cuts for staff - including reported pay cuts of over 30% for 16 staff. Is this Council assured that this particular cost-saving strategy is the best way of protecting library services and library staff?

### REPLY BY COUNCILLOR CROAD

Libraries Unlimited (LU) commenced operations in April 2016 with the requirement to deliver £1.5 million savings in order to achieve the target set as part of its contract with the County Council.

How these savings are achieved are sovereign decisions of the Libraries Unlimited Board. The Board has a legal responsibility for the overall financial viability of the organisation.

Despite financial pressures Libraries Unlimited has not only been able to develop its offer and influence but has been able to maintain each of the Libraries across Devon, supporting people and communities across the County. In its first year LU has established The Business and Intellectual Property Centre (BIPC) in Exeter Library, part of the British Library's national network of BIPCs and has secured new sources of funding such as a £200,000 grant from Arts Council England for research on libraries' social impact and £56,000 from the Big Potential to look at how the organisation develops its future.

As part of its overall savings plan to deliver the £1.5 million savings as part of its contract with the Council, the organisation has consulted its staff on the removal of enhanced pay for weekend working. Many organisations across the public, private and third sector do not pay extra for working at the weekend and, across the library sector itself; many local authorities have removed the enhancement in recent years.

The removal of enhanced weekend working rates has been a difficult decision for the Board to make. However, they have taken the decision following a thorough and robust consultation process with staff and Trades Unions and mindful of their need to ensure a sustainable business model which sustains a strong library footprint across communities.

The organisation is committed to supporting staff as much as it can to adjust to the change. Affected staff were given two additional months' notice of the change (1st June instead of 1st April) to make adjustments. Staff have been aware of the possibility of this change since late November.

LU is providing further mitigation by offering staff the opportunity to work extra hours to cover sickness and annual leave (something that currently is only offered to relief staff). All vacancies are being advertised internally until September 2017 to give staff the opportunity to pick up additional hours.

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## 2. QUESTION FROM COUNCILLOR VINT

**Re:** Devon Libraries Unlimited

Did the elected Staff Forum and/or the elected staff representatives on the Libraries Unlimited Board propose alternate cost-saving strategies that could have more effectively protected library staff - and are the staff representatives and this Council assured that these alternatives have been given due consideration?

### REPLY BY COUNCILLOR CROAD

Libraries Unlimited conducted eight weeks of consultation following a launch at a Joint Consultative Committee (JCC) of the trade unions on 21<sup>st</sup> November 2016. This was followed by a series of staff meetings at eight different libraries from 21<sup>st</sup> – 24<sup>th</sup> November across the county to enable staff to learn more about the proposals from senior managers. These meetings were supported by a range of consultation documents made available to all staff via email and SharePoint immediately following the JCC on 21<sup>st</sup> November. Around 150 staff attended the meetings.

Staff contributed their feedback in the following ways:

- Via an online questionnaire
- Via email to a consultation mailbox which was regularly reviewed
- Via their trade union representative
- Via individual meetings with the Senior Management Team (SMT) or Service Delivery Managers upon request.

The consultation closed at 5pm on 20<sup>th</sup> January 2017. The Service Development team within LU analysed the responses received using the same methodology adopted in previous consultations. This involved reading all responses and coding feedback against particular themes.

To increase openness and transparency and with LU Chair's endorsement, Staff Forum members observed the Workforce Resources and Remuneration Committee discussion on 13<sup>th</sup> January and were invited to observe the Board discussion on this issue on 27<sup>th</sup> January. Members of the Board observed the Staff Forum discussion on this issue on 25<sup>th</sup> January.

The Board met on 27<sup>th</sup> January to review the feedback from the staff consultation, consider the recommendations from the Leadership Team and make their decision on the outcome of the consultation examining the best way forward for the organisation and its workforce.

The Board considered a full analysis of staff feedback; feedback from trade unions; benchmarking with other library services and other sectors; eight separate options reflecting the most substantive areas suggested by the staff group or by SMT - this included proposals on savings, efficiencies and additional sources of income; an Equality Impact Assessment and the input from each of the online questionnaires from staff.

The Board made the decision to remove enhanced pay at its Board meeting on 27<sup>th</sup> January and the organisation has now made considerable progress in implementing this change, which will take effect from 1<sup>st</sup> June.



## QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday, 8 March 2017

### 1. **QUESTION FROM MR M WALTON** **Re: Transport Infrastructure Plan**

We recognise the uncertain funding environment we now operate under and the hard work that Jamie Hulland and his transport team do for the people of Devon.

We would like reassurance that Cabinet remains committed to their agreed strategic target, stated in the 'Cycling and Multi-use Trail Network Strategy (2015)', of making Exeter a top 10 cycling city with (a modest) 12% commuter joiners by bike by 2021, that progress against these goals will be regularly measured and reported to Cabinet and that to support this goal Cabinet will move in the near future to allocating transport capital funding to walking and cycling in proportion to the number of journeys planned for these modes

### **REPLY BY COUNCILLOR HUGHES**

The County Council has a strong track record in investment in cycling and recognises the important role it has in supporting a modern and growing economy.

The Local Transport Plan capital programme continues to allocate funds to progress design of the cycle proposals as prioritised in the Cycling and Multi-Use Trail Strategy. However, with a significantly reduced LTP allocation, funding needs to be spread across a range of transport schemes and particularly to projects where there is a reasonable prospect of securing Government grant funding or being supported by developer contributions.

Whilst the Council was disappointed not to secure Growth Deal funding for the Exeter Cycle Routes project, this year it has committed £1m out of the £4m National Productivity Investment Funding to progress ambitious urban cycle routes in Exeter, Newton Abbot and Barnstaple. Specifically, this will include delivery of the first section of the Exeter E4 route at its eastern end. This will be a high quality section of route reflecting best practice design standards and segregating cyclists from traffic and pedestrians. Work will continue to progress the next sections of the route.

The recent £1.5m Access Fund announcement means that over the next three years the Council will also be able to dedicate resources to work with employers and schools across the city to boost walking and cycling levels.

In terms of monitoring of progress, the Council has a series of cycle counters across the city recording daily cycle movements. Based on 5 of these major cycle counters, there has been a 35% increase in cycling between 2010 and 2015. The next major opportunity to monitor progress is at the 2021 Census where the Council is hopeful of seeing the proportion of people cycling to work having increased upon 2011 levels.

