

CABINET

12 April 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

Councillor J Brazil. A Connett, B Greenslade, R Julian, J Owen and R Westlake

* 176

Minutes

RESOLVED that the minutes of the meeting held on 8 March 2017 be signed as a correct record.

* 177

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 178

Chairman's Announcements

The Chairman paid tribute to Councillor Westlake, the Leader of the Labour Group on the County Council, who together with Councillor Owen and a number of other Members, would not be standing for re-election on 4 May 2017: thanking him in particular for his constructive contribution to the work of the Council over his many years of service. Councillors Greenslade, Connett and Julian associated themselves with the Chairman's remarks.

Councillor Westlake responded.

* 179

Petitions

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

180

Question(s) from Members of the Council

There was no question from a Member of the Council.

KEY DECISION

* 181

Implementation of a Regional Adoption Agency

(Councillors Connett, 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 Children's Social Work and Child Protection ([CSC/17/17](#)) on the creation of a Regional Adoption Agency as required by the Education and Adoption Act 2016 and on the proposed establishment of Joint Adoption Panels.

The Government was of the view that the structural change required by statute would improve the process for children and adopters leading to increased numbers of children being adopted, a better experience for adopters and improved timeliness overall. The Regional Adoption Agency programme was expected to deliver consistently good and innovative adoption practice that would ensure improved life chances for children.

The County Council was part of the existing Adopt South West Partnership (one of 19 groupings of local authorities and voluntary sector adoption agencies working on the regionalisation agenda nationally) which included Plymouth, Torbay and Somerset Council's and Barnardo's and Families for Children, originally established as a co-operative regional adoption partnership.

The Head of Service's Report outlined the outcome of the consideration of each of the four models for a Regional Adoption Agency prescribed by the Department for Education and the reasoning for now recommending the endorsement of the interim option for a local authority single host on behalf of a number of local authorities and the subsequent preparation of a full, detailed, business case addressing all relevant issues identified in the Report and referred to at the meeting. This would, it was felt, achieve the integration of the four local authority adoption services into one best practice model, maintaining the current partnerships which had been established in the delivery of Adopt South West.

The Head of Service's Report also indicated that, as part of the early work on improving regional adoption practice, the four Local Authorities involved had also recommended the establishment of Joint Adoption Panels which it was felt would similarly improve the process, be more effective and increase the numbers of children achieving permanency through adoption.

The Report incorporated an assessment of the benefits and risks of the proposals now submitted as a means of the Cabinet, in so doing, having regard to the responsibilities placed upon it in exercising its Public Sector Equality Duty, noting the interim measures for funding formula and benefits distribution. The assessment recognised the beneficial impacts of the proposals; no unmanageable impacts having been identified.

The matter having been debated and the options and/or alternatives and other relevant factors 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

(a) that a Local Authority single hosted solution (LASH) be agreed as the interim operating model for the Regional Adoption Agency;

(b) that the County Council agree to act as the single LA host for the interim Regional Adoption Agency during the transition period to final Regional Adoption Agency model, ending no later than March 2020;

(c) that approval be given to a full options appraisal and business case for an interim Devon single LA hosted Regional Adoption Agency being progressed for presentation during the Summer of 2017 and approval be also given to the early delivery of shared and joint Adoption Panels.

* **182** **County Road Highway Maintenance Capital Budget**

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

The Cabinet considered the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste ([HCW/17/34](#)) on progress with schemes in the 2016/17 programme and approval of proposed programmes for capital funding of highway maintenance in 2017/18.

The Cabinet noted that the capital funding settlement for 2017/18 had, for the third year in succession, been based on the Government's national formula for allocating Local Highway Maintenance, comprising a needs element, incentive funding and a Challenge Fund. The

overall levels of funding to this and other Councils generally fell well short of the amount needed to maintain all elements of the highway in a steady state.

The County Council had been allocated £37,611,000 in 2017/18 for the needs based formula based on all highway features, not just carriageway structural maintenance. The 'incentive formula' allocation was not yet known but could secure an additional £3,617,000. The Council had to date also been awarded £3,192,000 for its Pothole Action Fund and £3,169,000 from the National Productivity Investment Fund. £3,962,000 had also been allocated under the Challenge Fund for street lighting and further bids for other schemes were being prepared. The settlement for 2018/19 had been confirmed at £34.042m with a similar indicative allocation for each of the following 2 years.

The Chief Officer's Report now submitted recommended the adoption of a programme which had been designed to make best use of the available financial resources using the Council's approved Asset Management approach; recognising that without a significant injection of additional funding by Government it would continue to be the case that there would be insufficient resources to allow the County Council to maintain all of the network as it would wish, working towards the objectives of the Council's Strategic Plan.

Members acknowledged that through use of the asset management approach and by selecting preventative treatments, rather than the "worst first" approach, a greater length of the network could be treated thereby delaying further deterioration: nonetheless and in light of the funding issues outlined above some minor road carriageways would remain in a poor state of repair receiving only reactive maintenance to deal with large defects, in accordance with policy. Consequently, the need for careful monitoring of all maintenance work undertaken was regarded by Members as essential both to ensure value for money and effective service delivery.

The Head of Service's Report referred to the '*Budget 2017/18 Impact Assessment*' - which related to this programme - previously considered by and taken into account by the Cabinet and County Council in determining the Budget for 2017/18 noting also that individual schemes - which could make a considerable contribution to supporting equality through improving the network - would be fully assessed as would the environmental aspects of any proposals through the separate Environmental Impact Assessment process.

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 Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the progress of 2016/17 capital funded highway maintenance schemes detailed in Appendices I and II to Report HCW/17/34 be noted;

(b) that approval be given to the capital funded highway maintenance programmes for 2017/18 as set out in Appendices III and IV to Report HCW/17/34;

(c) that the allocation of the available budget to schemes be determined by the Acting Chief Officer for Highways, Infrastructure Development and Waste on the basis of priorities identified from technical surveys and inspections, within the limits of the approved budget;

(d) that the Acting Chief Officer for Highways, Infrastructure Development and Waste be authorised to amend the programme to maximise its impact within agreed policy guidelines and in the case of any changes to individual schemes exceeding £25,000 to exercise that authority in consultation with the Cabinet Member for Highway Management & Flood Prevention;

(e) that the 2017/18 capital programme be increased by £3,169,000 to reflect the allocation of the National Productivity Investment Fund (NPIF) grant.

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

MATTERS REFERRED

* 183 **Notice of Motion: Pensions 'Triple Lock' (County Council Minute 137/11 January 2017)**

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

The Cabinet was reminded that the following Notice of Motion submitted to the County Council by Councillor Greenslade had previously been referred (by Cabinet) to the Corporate Services Scrutiny Committee for examination of the matters outlined therein and advise the Cabinet prior to any recommendation being made to the County Council:

'That the County Council considers the implications for Devon Pensioners and the county economy arising from the refusal by the Chancellor to commit to the "triple lock" for state pensions beyond 2020 in his Autumn Statement; accordingly the Corporate Services Scrutiny Committee be asked to consider this situation and recommend any lobbying action that should be taken.'

The Corporate Services Scrutiny Committee had, on 23 March 2017, considered this (Minute 46) and, in recognising the concerns expressed by the Report of the Government's Actuary Department and set out in the Cridland Report recently presented to Government at the continuing viability and sustainability of the 'triple lock' had resolved *'that, while acknowledging State Pensions were the responsibility of Government and the ability of any Council to directly influence the impact of Pensions administration was limited, the Cabinet and Council be urged to exercise its community leadership role and endorse the Notice of Motion and make representations to Government, through Devon MP's, to minimise the impact of changes upon individuals or categories of pensioners residing in Devon, given the demographics of and relatively low levels of earnings in the County, the potential impact upon the economy of the County, the pressure on the existing workforce and the projected costs of pensions for its residents'*.

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

RESOLVED that pursuant to Standing Orders 6 and 8 the County Council be recommended to accept the Scrutiny Committee's advice, endorse the Notice of Motion and make representations to Government, through Devon MP's, to minimise the impact of changes, as outlined above.

[NB: All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision. A copy of the presentation to the Scrutiny Committee is available at: <http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=162&MId=1973&Ver=4>]

* 184 **Scrutiny Committee: Spotlight 360 Review**

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

The Cabinet noted that the Health and Wellbeing Scrutiny Committee had, on 7 March 2017 (Minute *60) considered the outcome of a Spotlight 360 Review (CS/17/4), reflecting upon the impact of that Committee over the last 4 years and recent changes in legislation and the challenges facing the NHS and social care services generally and had resolved *'that the Task*

Group's Spotlight 360 Review Report and its conclusions be commended to both the Cabinet and NHS Devon as a possible means of improving the effectiveness of health scrutiny in the new County Council.'

The Procedures Committee had, at its meeting on 6 April 2017 (Minute 23 refers), acknowledged the need for the County Council to reflect upon the performance of all its Scrutiny Committees over the preceding 4 years and to have regard to the issues raised in this Spotlight Review recognising also the need for effective member training and development.

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

RESOLVED that the Spotlight 360 Review Report be welcomed and be further considered by the Procedures Committee and the County Council following the 2017 elections when determining the future democratic structure and means of exercising its scrutiny function; both to improve the way in which the Health and Wellbeing Scrutiny Committee works and to achieve meaningful outcomes for the people of Devon.

* **185** **People's Scrutiny Committee: Dementia Spotlight Review**

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

The Cabinet noted that the People's Scrutiny Committee had, on 20 March 2017 (Minute *51) considered the Report of its Task Group (CS/17/12), reviewing progress with the development of the Devon strategy for dementia and related actions, initiatives and enhanced partnership working and had resolved that *'the recommendations of the Task Group be commended to the Cabinet for approval and that the Report be also drawn to the attention of the Farms Estates Committee for consideration alongside complementary work being undertaken by the NFU and that appropriate awareness training be also made available to Members in any induction programme following the next quadrennial elections in May of this year'*.

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

RESOLVED that the Task Group's proposals be endorsed and the relevant Cabinet Members for Health & Wellbeing and Adult Social Care & Health Services [or their successors in the new Council] be asked to take all appropriate action to ensure the principles outlined therein are embedded in the Council's policies, practices and actions now and into the future.

* **186** **Question(s) from Members of the Public**

There was no question from a Member of the public.

* **187** **Minutes: Devon Education Forum**

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

RESOLVED that the Minutes of Devon Education Forum held on 15 March 2017 be noted.

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

* **188** **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/>

* **189** **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**