

## CABINET

31 May 2017

### Present:-

Councillors J Hart, 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 Y Atkinson, A Connett, R Hannaford and D Sellis

#### \* 1 **Minutes**

**RESOLVED** that the minutes of the meeting held on 12 April 2017 be signed as a correct record.

#### \* 2 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 3 **Chairman's Announcements**

There was no announcement by the Chairman at this meeting.

#### \* 4 **Petitions**

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

#### \* 5 **Question(s) from Members of the Council**

There was no question from a Member of the Council.

#### \* 6 **County Road Highway Maintenance Revenue Budget and On Street Parking Account 2017/18**

(Councillors Atkinson, Connett and Hannaford 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 & Waste ([HCW/17/35](#)) on the allocation of highway maintenance funding in 2017/18 by function, having regard to the experience of maintaining the network and its condition based on Highways Asset Management Plan principles and feedback from the Tough Choices consultation on the 2017/18 budget. The Report also contained proposals for a programme of works to be funded from the 'ring-fenced' on-street parking account for 2017/18.

The Cabinet Member emphasised that there was no reduction in the level of service provision in the current year: individual budgets having been adjusted to reflect experience in delivering highway maintenance policy and the efficiency savings from the re-procurement of highway contracts, including the contract to Skanska UK. Similarly the street lighting budget had been reduced because of savings associated with the LED and part night lighting capital programmes. These efficiency savings would enable the Council to allocate £50,000 to the highway maintenance community enhancement fund to continue developing the nationally recognised innovative approach of inspiring communities to get involved in helping to maintain their local highways.

The Acting Chief Officer affirmed that the service was continually looking to secure additional funding from Government or external sources; noting that the possibility of submitting a bid to the National Productivity Infrastructure Fund for schemes to relieve congestion in Newton Abbot and/or Exeter was currently being explored.

The Acting Chief Officer acknowledged that previous reductions in revenue funding in highway maintenance had led to the development of the current strategy, driving efficiencies in the service, managing demand and encouraging and enabling community self-help.

The Cabinet acknowledged the concerns expressed by Members attending in accordance with Standing Order 25 on the overall level of funding for highway maintenance, the impact of that on continuing work programmes and the effectiveness, in particular, of the Real Time Passenger Information System given the limited level of investment therein.

The Head of Service's Report referred to the updated Impact Assessment prepared for consideration of the 2017/18 budget which encompassed these programmes in order that Cabinet might, as part of its determination of the next steps, 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, as before, that individual schemes could make a considerable contribution to supporting equality through improving existing routes and surfaces; no unmanageable impacts having been identified.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Officer'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 allocations for highway maintenance for 2017/18 as set out in Appendix I to Report HCW/17/35 be approved;

(b) that the Acting Chief Officer for Highways, Infrastructure Development and Waste be authorised to amend the allocations within and between different work types to maintain overall the budget within the total allocation and to maximise the impact of the programme;

(c) that the On-street Parking Account programme for 2017/18 set out at Appendix II of Report HCW/17/35 be approved.

*[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/>].*

\* 7

**Safeguarding Responsibilities in Childrens Partnership Arrangements**

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

The Cabinet considered the Report of the Chief Officer for Children's Services ([CS/17/18](#)) on the discharge of the County Council's statutory safeguarding responsibilities within the proposed new partnership arrangements.

Members were advised that Devon's existing children's partnership structures – the Devon Safeguarding Children Board (DSCB) and the Children, Young People and Families Alliance (the Alliance) - had been reviewed and a new streamlined partnership structure, fit for purpose, had been developed, seeking to strengthen partnership working in Devon, address the weaknesses identified locally and nationally and remove overlapping structures by

merging the functions of the aforementioned bodies. The new structure, which would need to be endorsed by all partner agencies and had been discussed with HMI and Ofsted, incorporated the statutory requirements for Devon to have an LSCB.

The proposed new arrangements, which were set out in more detail in Appendix 1 to the Chief Officer's Report encapsulated both the spirit and the detail of the Wood Review and its recommendations and

- assigned stronger leadership responsibility to three key partners, health, police and local authority: responsibility having previously rested with the local authority;
- separated more clearly the co-ordination and monitoring functions of LSCB and deployment of the role of the independent chair purposefully in monitoring and quality assurance,
- located the co-ordinating function with the statutory Director of Children's Services and located responsibility for all children within the partnership, balancing well-being (universal), safeguarding (targeted) and protection (specialist).

The arrangements would necessarily be reviewed in the light of further Government guidance, expected later in the year.

The Chief Officer and the Cabinet Member for Children's Service and Schools responded to comments about the Council's expectations for the exercise of its statutory safeguarding responsibilities, reiterating their commitment to achieve the highest standards possible, constantly seeking to 'raise the bar', consistent with the Council's ethos of seeking continuous improvement.

The Head of Service's Report indicated that a full Impact Assessment would be carried out in respect of the forthcoming Children's Plan which would set out the priorities for the new partnership in order that Cabinet might, as part of its determination of the next steps, 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, recognising also that, at this stage, no unmanageable impacts had been identified in the establishment of the new partnership.

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

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

**RESOLVED** that the Cabinet is satisfied that the proposals now endorsed allow the County Council's statutory safeguarding requirements to be satisfactorily discharged through the new arrangements under the auspices of The Devon Children and Families Partnership.

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

## 8

### **Notice(s) of Motion**

The Cabinet considered the Report of the County Solicitor (CSO/17/18) on Notices of Motion referred to the Cabinet by the County Council on 27 April 2017, incorporating any relevant briefing notes to facilitate the Cabinet's discussion of the matters raised.

#### **(a) Royal Marines and Royal Navy Service Cuts**

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

(Councillor Davis declared a personal interest in this matter by virtue of being a parent of an RAF Cadet based at RNB Chivenor).

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

*'This Council notes the announcement of the First Sea Lord, Admiral Sir Philip Jones to cut the Royal Marines by 200 personnel.*

*This Council further notes that these cuts are to be made to transfer funds to other parts of the Navy.*

*This Council recognises the important roll the Royal Marines play in defence of the UK. That they are a world class fighting force, providing a fast, flexible and mobile force and that members of the Royal Marines make up nearly 50% of our elite fighting forces such as the SAS and SBS.*

*This Council is proud of the association Devon has with both the Royal Navy and the Royal Marines.*

*This Council is concerned that these cuts will have a detrimental effect on the defensive capabilities of the UK and calls upon the Council Leader to make representations to the Government to reconsider these proposed cuts to the Marines and to look at the priorities for the Royal Navy and how it is to be funded'.*

The matter was debated having regard to the aforementioned, the Officer's factual briefing/position statement on the matter and other 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**

(i) that, in accordance with Standing Orders 6 & 8, the County Council be recommended to note the Notice of Motion, acknowledging that while the proposed changes alone may not impact significantly on the local economy, it was not possible to comment on the effect they would have on the defensive capabilities of the UK; the Council should monitor the situation and reconsider its position if and when further announcements of changes are made;

(ii) that, nonetheless, representations be made to:

(A) the Prime Minister and the Secretary of State, urging HM Government to maintain and retain all existing military bases in Devon to ensure the continuation of strong and robust Armed Forces, capable of delivering the range of defence, security and humanitarian services required, and

(B) the Navy - as partners in the Council's Armed Forces Covenant - seeking assurances on the impact of proposed reductions on service personnel, and their families as well as the wider community in Devon.

#### **\*(b) 'NHS in Devon - Public Enquiry**

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

However, and at the request of the Mover, the Chairman indicated that consideration of this Notice of Motion would be deferred until the next meeting.

*'While applauding the care provided by all our NHS medical staff the County Council is concerned at the current state of the NHS in Devon, the impact the NHS "Success Regime" is having and studies suggesting many GP's will be retiring, being examples of areas for concern.*

*Accordingly the County Council agrees to establish a local public inquiry to consider the state of the NHS in Devon'.*

\* 9 **Question(s) from Members of the Public**

In accordance with the Council's Public Participation Rules, the Leader would respond direct to a question on the Heart of the South West Devolution proposal from a member of the public who was not present at the meeting.

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

\* 10 **Public Health Annual Report 2016/17**

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

The Cabinet considered the summary Report of the Chief Officer for Communities, Public Health, Environment and Prosperity alongside the Tenth Annual Public Health Report reviewing the state of the health of the population of Devon and setting future health and wellbeing priorities for the local population.

In welcoming the Annual Report, Members acknowledged that the pattern of disease had changed over the years and while life expectancy had increased as a consequence of modern medicine developing new techniques and treatments, so had the prevalence of long-term health conditions, such as diabetes, heart and lung disease, arthritis and dementia; the main area of concern in terms of local trends and the position of Devon relative to other areas was mental health.

The 2016/17 Report explored the importance of the health of the public in society and the relationship between different aspects of place and health and wellbeing – how the concept of place and community affected peoples' health and wellbeing (e.g. how and where people lived) - and the various roles of public sector bodies with responsibility for health and care systems to ensure continuing fairness, equality and justice in improving people's health and wellbeing.

Members acknowledged that while the health of the public in Devon was broadly favourable (as compared with national indicators or similar geographical areas) there were challenges and areas of concern particularly around the need for a continued focus on giving children the best start in life and maintaining health and wellbeing throughout adolescence and adulthood into older age. Those had been encapsulated in the priorities and recommendations set out in the Report's Executive Summary, reflective also of the County Councils' strategic objectives. Members noted that the Annual Report also recorded achievements against recommendations contained in the previous year's report, the majority of which had been fully achieved.

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

**RESOLVED** that the Report be welcomed and published.

[NB: The Annual Public Health Report may be viewed at: <http://www.devonhealthandwellbeing.org.uk/aphr/2016-17/>]

\* **11**      **Delegated Action/Urgent Matters**

**(a) Registers of Decisions**

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/>

**(b) Reference back of Cabinet Member Decision: Deed of Variation to South West Devon Waste Partnership Joint Working Agreement**

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

In accordance with the Cabinet Procedure Rules/Scheme of Delegation, Councillor Connett had requested that the above decision be referred back to the Cabinet for consideration, it being of general application and not relating to a sole electoral division. A copy of the original Cabinet Member's decision form and accompanying documentation had been circulated to Members prior to the meeting for the convenience of Members.

The relevant Cabinet Member outlined the reasoning behind this decision, responding in more detail to the issues raised in the request for reference back, recognising the temporary nature of the proposal pending development of new facilities elsewhere in the County.

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

**RESOLVED** that, being mindful of the reasons for the proposal, the Cabinet Member's decision be endorsed and implemented forthwith.

\* **12**      **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?RPIId=133&RD=0>)

**NOTES:**

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

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

The Meeting started at 10.30 am and finished at 11.44 am



**QUESTIONS FROM MEMBERS OF THE PUBLIC**  
**Wednesday, 31 May 2017**

**1. QUESTION FROM MR R VINT**  
**Re: Heart of the South West Devolution Proposals**

I understand that the Heart Of The South West Devolution Proposals will be reviewed by the Cabinet between the 14th June and 6th September, including consideration of equality and/or impact assessments, and that following the recent County Council elections this month that: *"A formal consultation 'White Paper' will be released to all Councils and stakeholders. This will be a public consultation to directly inform the content of the Productivity Plan"*. What steps have been taken and/or will be taken to ensure the views of i) the Small Business sector, ii) the Renewable Energy Business sector and iii) Neighbourhood Plan groups will be heard and will have as much influence on the final proposal as the businesses with which the Local Enterprise Partnership is currently working?

**REPLY BY COUNCILLOR HART**

This Report was agreed before the announcement of a General election. In view of the Election, the timetable for the next phase of development of the Productivity Plan is to be extended and this Council will not be giving this matter further consideration until after the summer recess. The White Paper will be released to the public and key stakeholders once account has been taken of the new Government's intentions for Devolution and the Industrial Strategy. As set out in the previous report the White Paper will be accompanied by an Engagement Strategy to ensure key stakeholders and the public are consulted. An impact assessment is being undertaken to inform the development of this plan. The Renewable Energy Sector, small business and local town and parish councils involved in neighbourhood planning are on the list of stakeholders to be consulted.

