

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 22 May 2017
Please ask for : Rob Hooper, 01392 382300

Email: rob.hooper@devon.gov.uk
:

CABINET

Wednesday, 31st May, 2017

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes
Minutes of the meeting held on 12 April 2017 (previously circulated).
- 3 Items Requiring Urgent Attention
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.
- 4 Chairman's Announcements
- 5 Petitions
- 6 Question(s) from Members of the Council

FRAMEWORK DECISION

None

KEY DECISIONS

- 7 County Road Highway Maintenance Revenue Budget and On Street Parking Account 2017/18 (Pages 1 - 12)
Report of the Acting Chief Officer for Highways, Infrastructure Development & Waste ([HCW/17/35](#)) on the allocation of highway maintenance funding in 2017/18, attached.
Electoral Divisions(s): All Divisions
- 8 Safeguarding Responsibilities in Childrens Partnership Arrangements (Pages 13 - 28)
Report of the Chief Officer for Children's Services ([CS/17/18](#)) on the County Council's statutory safeguarding responsibilities in the proposed new partnership arrangements, attached.
Electoral Divisions(s): All Divisions

MATTERS REFERRED

- 9 Notice(s) of Motion (Pages 29 - 30)
Report of the County Solicitor ([CSO/17/18](#)) on the Notices of Motion referred to the Cabinet by the County Council on 27 April 2017, incorporating relevant briefing notes to facilitate the Cabinet's discussion of the matters raised, attached.
Electoral Divisions(s): All Divisions

STANDING ITEMS

- 10 Question(s) from Members of the Public
- 11 Public Health Annual Report 2016/17 (Pages 31 - 34)
Report of the Chief Officer for Communities, Public Health, Environment & Prosperity (attached) accompanying the tenth Annual Public Health Report prepared and published by the Director of Public Health reviewing the state of health of the population of Devon and setting out health and wellbeing priorities for Devon (enclosed separately).
[NB: The Annual Public Health Report may be viewed at: <http://www.devonhealthandwellbeing.org.uk/aphr/2016-17/>]
Electoral Divisions(s): All Divisions
- 12 Delegated Action/Urgent Matters (Pages 35 - 46)
(a) Registers
The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be 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 such decisions taken since the last meeting is attached.
(b) Reference back of Cabinet Member Decision: Deed of Variation to South West Devon Waste Partnership Joint Working Agreement
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 Cabinet Member decision form and accompanying documentation is attached.

13 Forward Plan

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at:
<http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC


None

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at <http://www.devon.gov.uk/cma.htm>

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. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership
Councillors J Hart, S Barker, J Clatworthy, R Croad, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons
Cabinet Member Remits
Councillors Hart (Policy & Corporate), Barker (Economy & Skills), Clatworthy (Resources & Asset Management), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
Webcasting, Recording or Reporting of Meetings and Proceedings
<p>The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/</p> <p>In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p> <p>Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.</p>
Questions to the Cabinet / Public Participation
<p>A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.</p> <p>Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/</p>
Emergencies
In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.
Mobile Phones
Please switch off all mobile phones before entering the Committee Room or Council Chamber
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
 Induction loop system available

NOTES FOR VISITORS

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

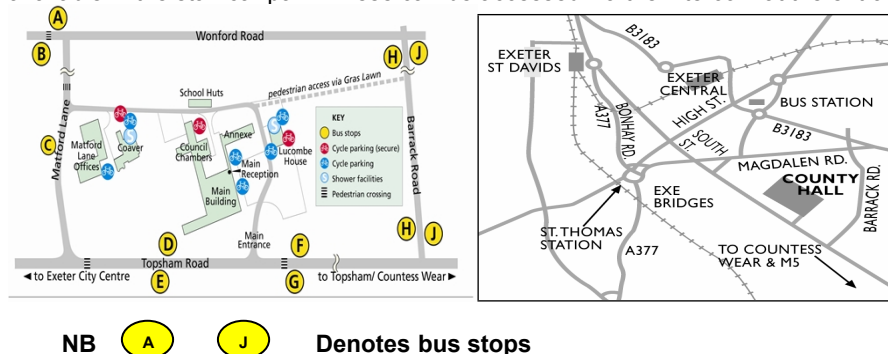
Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



Fire/Emergency Instructions

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

Contact Main Reception (extension 2504) for a trained first aider.

HCW/17/35

Cabinet
31 May 2017

County Road Highway Maintenance Revenue Budget and On-street Parking Account 2017/18

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations: That:

- (a) the budget allocations for highway maintenance for 2017/18 be approved as detailed in Appendix I;**
- (b) authority to amend the allocations between different work types to maintain overall the budget within the total allocation and to maximise the impact of the maintenance programme be delegated to the Acting Chief Officer for Highways, Infrastructure Development & Waste;**
- (c) the programme funded from the On-street Parking Account for 2017/18 as set out in Appendix II be approved.**

1. Background

This report recommends the allocation of revenue highway maintenance funding for 2017/18 by maintenance function. In addition it also recommends for approval a programme of work identified in accordance with the provisions of Traffic Management Act 2004, to be funded from the On-street Parking Account.

Revenue funding for highway maintenance provides for the funding of reactive repairs and routine/cyclic maintenance.

The demand for reactive revenue funded highway maintenance is affected by the amount of capital investment in the highway asset. The need for structural repair of the network has been assessed using an asset management, data led approach. This shows that the level of Capital Funding currently available is not enough to prevent part of the network, particularly lower category rural roads and estate roads, from continuing to deteriorate. The result of this is that expenditure on reactive and safety related maintenance can be volatile, especially during and after severe weather events.

The year on year reduction in revenue funding for highway maintenance has led to the development of the current strategy; to drive efficiency in the delivery of the service, manage demand and enable community self-help.

Highways revenue budgets have been through a rigorous review in recent years in order to drive the required efficiencies from budgets that had previously been allocated on a historical basis. Where possible budgets are now based on need with the overall strategy focused on maintaining a prescribed level of service over the long term.

Devon County Council has been recognised by the DfT for developing new ways of working to help tackle the challenges we face including our innovative approach to encouraging

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localism and inspiring communities to get involved in helping to maintain their local highway assets.

The revised Code of Practice Well Managed Highway Infrastructure was published in October 2016. The guidance is moving highway authorities towards a more risk based approach to its maintenance, encouraging authorities to review their maintenance policies to take account of the likelihood and impact when considering investment in maintenance activity. This risk based approach is now used in Devon on highway safety inspections where a defect will be assessed for its level of risk based upon its likelihood to cause harm and the impact if such harm occurred.

2. Introduction

As the local highway authority, Devon has the duty to maintain a road network of 12,405 kilometres comprising:

- 582 miles (934 km) of principal (A) roads,
- 396 miles (637 km) of non-principal (B) roads,
- 2,706 miles (4,355 km) of non-principal (C) roads,
- 4,026 miles (6,479 km) of unclassified roads,

There are basically three types of maintenance works undertaken:

- (a) Reactive repairs such as pot-hole filling, dealing with flooding, replacing road signs and markings, clearing overhanging vegetation and the like, which, if neglected, would pose a potential danger to road users. Additionally during the winter period precautionary salting and snow clearance are carried out as needed.
- (b) Routine or cyclic maintenance such as gully emptying, grass cutting, cleaning and clearing of drainage pipes, ducts and channels and the like, mostly carried out to a defined frequency.
- (c) Planned, programmed or structural maintenance such as resurfacing, reconstruction, surface treatments, which is aimed at keeping roads structurally sound and reducing long term maintenance costs. This work is largely funded from the Capital budget.

This report deals with the funding of reactive repairs and routine and cyclic maintenance. Approval of the Capital funded Highway Structural Maintenance and Bridge Assessment and Strengthening Programme for 2017/18 was considered by Cabinet at its meeting on 12 April 2017 (Ref: HCW/17/34, Minute *182).

Within the County Council revenue budget for 2017/18 the highway maintenance base budget has been set at £23,378,000. However, at the County Council budget meeting on 16 February the Council incorporated additional spending in the sum of £2,000,000 on rural roads and £500,000 on Highways Drainage as proposed by Cabinet following input from the Council's Scrutiny Committees.

The additional £2 million will provide a resource to consider patching/surfacing schemes on category 7 and lower rural roads. Using Asset Management principles maintenance will not only focus on defective surfaces but also address drainage and causation factors. The revenue patching budget will consequently be targeted towards the urban network.

The remaining £0.5 million will be allocated to enhanced siding and ditching programmes associated with improving highway surface water drainage across the network.

The budget is made up as follows:

Road Maintenance	£17,447,259
Street Lighting	£3,858,000
Winter Maintenance, Emergencies & Depots	£4,572,741
Total Revenue Budget	£25,878,000

The service is under extreme pressure to deal with the impacts of historic Capital underfunding of highway structural maintenance and the effects of severe winter weather such as prolonged cold periods and flooding events, in recent years. Progress towards providing resilience across the whole of the network is proving to be very challenging, as evidenced by high numbers of potholes and recurring flooding related issues. Even though the winter of 16/17 was particularly mild this will remain a significant issue for the service in the foreseeable future.

3. Strategy and Analysis

The strategy uses a framework to manage the highway network as described in the Highway Infrastructure Asset Management Policy. With a gross value in excess of £12 billion, the highway network maintained and managed by Devon County Council is our County's most valuable and important public asset.

The management of such a valuable and vital asset needs to be undertaken in a systematic manner, through the Highway Infrastructure Asset Management Framework. The Framework aligns with the 2015-21 business plan model and focuses on the way we work together, with the aim of delivering the best we can with the resources we have. Our business plan has a strong and consistent message on how we approach delivery of sustainable and resilient services in support of *Better Together, Devon's Strategic Plan*.

The approach to highway infrastructure asset management is aligned to our three clear business plan objectives to;

- Drive efficient delivery of the service
- Mobilise community support
- Manage demand for highway services

Our thinking will challenge the current ways of working and influence how we design and adapt our systems and processes to deliver our service whilst ensuring we take account of Devon's objectives and vision and the needs and aspirations of highway users. We will need to balance the risk of failure of the asset due to lack of investment, the effects of climate change and the future financial resources available to invest in the highway asset.

The above strategy is developed further in the Highway Infrastructure Asset Management Strategy in deciding highway revenue budget savings in 2017/18.

An analysis of individual functions delivered through the new Term Maintenance Contract (TMC) has been re-assessed for 2017/18 to take account of changes in rates under the new TMC.

4. Detailed Allocations

Detailed allocations by work function are given at Appendix I. These are based on Devon's asset management principles and experience of maintaining the network.

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The overall reduction proposed in the base budget for 2017/18 compared to 2016/17 is £2,597,000. This has been offset by the additional £2.5m incorporated for rural roads and highway drainage.

There are no reductions to service delivery. The following adjustments are being made to the way budgets are allocated:

- Reducing the revenue budget for highway functions taking into account the savings from the re-procurement of the highways maintenance contract.
- Reducing the street lighting budget due to energy savings associated with LED and part night lighting programmes.
- Returning the money allocated for Ash die-back (on the basis that the disease has not spread as had been anticipated when the Medium Term Financial Strategy was planned).
- Reducing but not entirely cutting the emergencies budget (this heightens the risk for the Authority if a large number of emergencies happen in year).
- Reducing the revenue budget for bridges expenditure by undertaking more planned works which will be charged to the capital budget.
- Charging for more works which are eligible to the On-street Parking Account.
- Allocating £50,000 to the highway Maintenance community enhancement fund.

5. On-street Parking Account

The expenditure of on-street parking income is restricted by the Road Traffic Regulation Act 1984. .

The costs of operating the on-street parking service is the first call on the income held in the On-street Parking Account.

Any remaining funds/surplus must then be used in accordance with the eligibility criteria set out in the legislation.

The current draw against the On-street Parking Account exceeds annual income by in excess of £1.5 million. This is currently afforded due to a surplus accrued over previous years.

Significant additional pressures have been applied to the account such that the rate of expenditure is no longer sustainable. Current projections see the surplus reducing to nil in the next 3 years (a small surplus being retained in the account as a contingency).

Once the surplus hits a minimum level, funding will need to be cut to projects/initiatives currently drawing from the On-street Parking Account. In order to prepare for this the Chief Officer for Highways, Infrastructure Development & Waste will be working with relevant service leads to ensure transitional measures are taken. It is intended that this will include the setting of indicative three year funding allocations, incorporating phased reductions to funding as opposed to hard final year cuts, so as to enable better planning and any necessary consultations to be undertaken.

6. Highways and Traffic Orders Committees (HATOC) Waiting Restriction & Aids to Movement Project

In 2016/17 a new process was introduced to deliver an annual programme of works to deal with the requests for waiting restrictions to be introduced or amended that the County Council regularly receives. This was known as the HATOC Waiting Restriction Project.

This project has been well received by Members and the public. The project has been successful with 168 locations treated in the last financial year demonstrating this mechanism for delivery to be effective. It is proposed to create a further programme of works for 17/18, extending the scope to include other restrictions and minor aids to movement improvements such as dropped crossing points.

A budget of £100,000 has been allocated and it is recommended that this is divided equally between the 8 HATOC areas for the first year, each being allocated £12,500. If any HATOC has surplus funds these will be shared between other HATOC areas.

It is proposed that in future years the split of monies is informed by the contribution of each HATOC to the On-street Parking Account; monies being allocated proportionally based on Pay & Display contribution.

The proposed On-street Parking Account programme for 2017/18 is shown in Appendix II.

7. Options/Alternatives

The revenue funded programme for 2017/18 optimises the use of the available funding to provide for reactive and clear up activities, winter maintenance, safety defect repairs and routine and cyclic maintenance activity.

The distribution of funding is based on experience of managing the network, data on asset management and consultation feedback. It strikes a balance between the competing needs of the network and the needs of the travelling public.

There is a need for in-year flexibility in the funding of work functions to enable the service to respond to unforeseen and extreme events.

8. Consultations

The results of the 2016 National Highways and Transport (NHT) Public Satisfaction Survey reflect public perception of performance, importance and desire for various activities to be funded.

Analysis shows that the condition of the highway network and the speed and quality of repairs are important to the public.

The complete survey can be seen at <http://nhtsurvey.econtrack.com>

A summary of the results for Devon since 2009 is shown at Appendix III. The survey shows that the level of satisfaction with most of the indicators is static or improving, but the longer term trend has been one of reduced level of public satisfaction in the last 6 years. A similar trend is evident in the results for neighbouring authorities in the South West Region.

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9. Financial Considerations

The cost of this work will be met from the County Council's Revenue Budget.

10. Sustainability Considerations

The ability to efficiently transport people and goods around the County underpins Devon's economy and has a direct impact on the quality of the environment.

When maintenance work is undertaken it is managed to ensure that the effect on the surrounding environment is kept to a minimum. On carriageways, surface treatment and reconstruction work is tightly controlled to achieve long term durability. Recycled materials and secondary aggregates are used whenever possible. When cleaning and other cyclic work is undertaken soil and other material is returned to roadside verges if appropriate.

11. Carbon Impact Considerations

The carbon impact of this highway maintenance programme through the manufacture and laying of materials is likely to be offset by reduced emissions from highway users utilising a better maintained network, and using suitable alternatives such as walking and cycling.

The continued implementation of part-night street lighting and LED replacement programmes contributes to reducing carbon emissions.

12. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- Advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- Foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

A copy of an updated overview of the Budget 2017-18 Equality Impact Assessment for all service areas has been circulated previously and is available to all Members of the Council at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/>

13. Legal Considerations

The lawful consequences of the recommendations have been considered in the preparation of this report. The reduction in the revenue allocation in previous years has put more pressure on the amount and type of work that will be completed in the capital budget. This will lead to an overall reduction in maintenance standard, and potentially result in road closures, particularly on the minor part of the network. This may be legally challenged by local residents and road users.

There is also likely to be an increase in user dissatisfaction and complaints which could lead to challenges to the Authority under Section 56 of the Highways Act.

Following an extreme event, the service may not be able to adequately react to it nor keep pace with safety defect repair policy timescales.

14. Risk Management Considerations

The proposals contained in this report have been assessed and all reasonable actions are taken to safeguard the Council's position.

The previous reductions in this budget have significant implications. Inability to undertake enough planned and general preventative maintenance work will result in an increased depreciation of the highways asset. This will lead to increased deterioration and defects as a consequence.

Where risks have been identified such as the public liability risk associated with compliance with Section 41 of the Highways Act 1980 (the duty to maintain the highway and the duty to ensure, so far as is reasonably practicable that safe passage along a highway is not endangered by snow and ice) the implications have been taken into account in preparing this report.

15. Public Health Impact

The cumulative reduction in budgets could also have an impact on public health with reduced maintenance having an effect on sustainable travel alternatives and potentially more injuries resulting from crashes, trips and falls.

16. Reason for Recommendation/Conclusion

Highway and Traffic services ensure the availability and preservation of a safe and functional highway network which support the economy of the County and region. A key strategic element for the Service, in the current financial climate, is to slow down the rate at which the asset will deteriorate by focusing on the review of service levels, specifications, system and processes. Nevertheless, reductions and insufficient budgets, either capital or revenue, will impinge on the standards of maintenance across the network and are almost certain to increase the rate of deterioration.

Meg Booth
Acting Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Agenda Item 7

Local Government Act 1972: List of Background Papers

Contact for enquiries: Paul Davis

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Impact Assessment	January 2017	https://new.devon.gov.uk/impact/published/budget-setting-201718/

pd210317cab County Road Highway Maintenance Revenue Budget and On-street Parking Account 2017 18
hk 08 170517

County Roads Highway Maintenance Budget Allocation 2017-18

Function Narrative	2017/18 Budget Allocation £
Cyclic Maintenance**	3,389,445
Street Lighting	3,858,000
Public Rights of Way	627,000
Retaining Walls & Bridges	483,719
Routine Maintenance*	5,376,676
Safety Reaction	5,864,906
Winter and Emergencies	4,572,741
TMC Fixed Contract Charge	1,263,513
TMC Mobilisation Charge	442,000
Total	25,878,000

* Routine maintenance includes:-

- patching
- cycle routes
- drainage
- fencing
- traffic signs
- roadmarkings
- traffic signals.

** Cyclic maintenance includes:-

- grass cutting
- weed treatment
- siding & watertabling
- hedge & tree maintenance
- gully emptying

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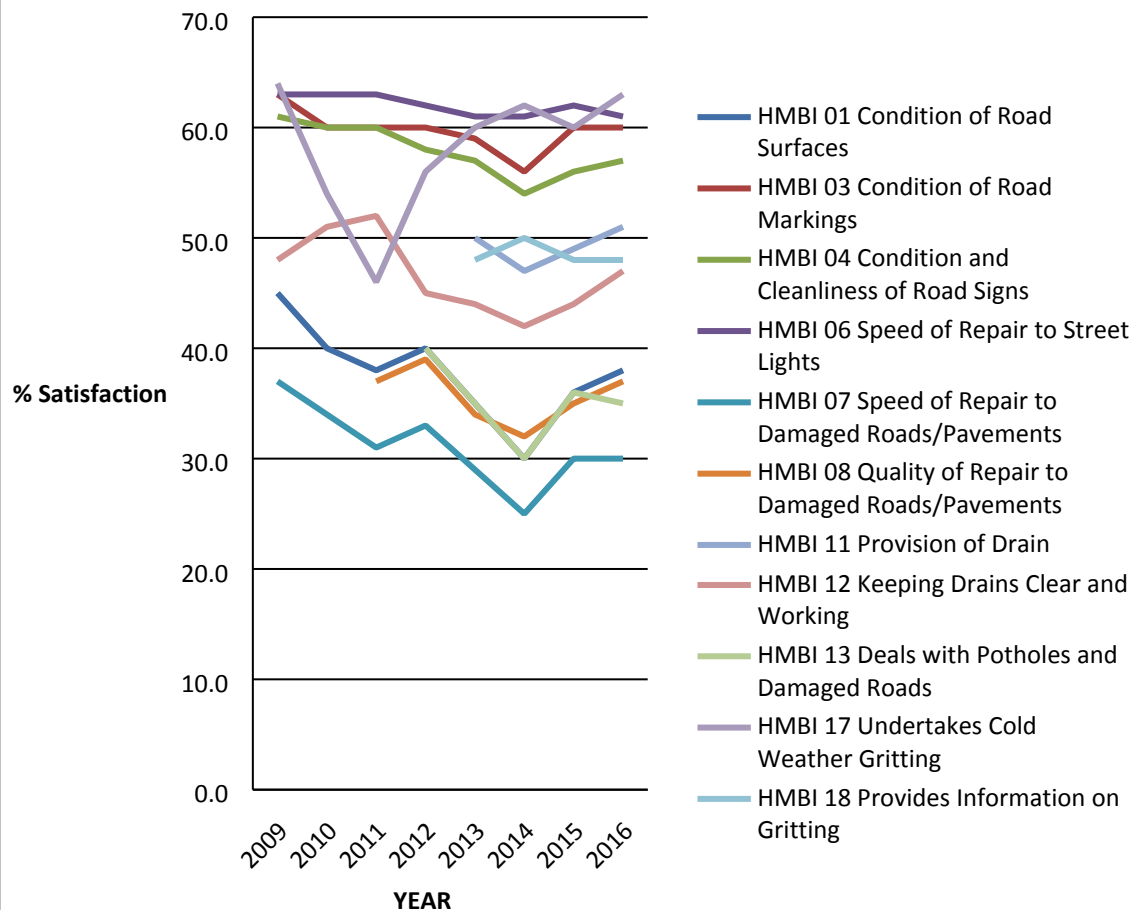
Appendix II To HIW/17/35

On-street Parking Account 2017/18

<u>Other Expenditure</u>	2017/18 Budget Allocation £'000
TCS: Bus rail, and community transport support	2,411
CPE Road Signs & Road Markings	225
Traffic Management Plans	100
Disabled parking bays	20
Cyclical Maintenance for the purposes of environmental improvement	1,200
Route reviews & improvements to road signs / lines	100
HATOC Waiting Restriction Project	100
Speed Management	60
Traffic and Parking IT Systems	20
Safety Camera partnership	10
Real time passenger Information	78
Variable Message signs	10
CPE P&D machine maintenance	40
Road Safety Improvements - Reactive	50
Park & Ride business rates	100
Park & Ride minor site maintenance	10
Country Parks	219
Total Other Expenditure	4,753

TCS - Transport Co-Ordination Service
CPE - Civil Parking Enforcement
P&D - Pay and Display

NATIONAL HIGHWAYS & TRANSPORT NETWORK HIGHWAY MAINTENANCE BENCHMARKING INDICATOR RESULTS



CS1718
Cabinet
31 May 2017

DISCHARGE OF DEVON COUNTY COUNCIL'S STATUTORY SAFEGUARDING RESPONSIBILITIES IN THE NEW CHILDRENS PARTNERSHIP ARRANGEMENTS

Report of the Chief Officer for Childrens Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: Cabinet endorses that Devon County Council's statutory safeguarding responsibilities are discharged through the new children's partnership governance structure, as set out in this report

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#### 1. Background

In May 2016 the government published the [Wood Review of Local Safeguarding Children Boards](#) (LSCB). The review recognised some of the challenges and limitations of LSCBs and made a series of recommendations to transform children's partnership working. The recommendations were all accepted by government and enacted through the Children and Social Work (CSW) Act which was granted Royal Assent on the 27<sup>th</sup> April 2017. Detailed revisions to existing national guidance and regulation in order to implement the CSW Act will follow.

The Member decision "Approval of the restructure of Devon's Children Service's Governance" taken by the Cabinet Member for Children, School and Skills on the 3<sup>rd</sup> January 2017 paved the way for Devon becoming early adopters of the Wood review.

Devon's existing children's partnership structures – the Devon Safeguarding Children Board (DSCB) and the Children, Young People and Families Alliance (the Alliance) - have been reviewed and a new streamlined partnership structure has been developed. The restructure seeks to strengthen partnership working in Devon, address the weaknesses identified locally and nationally and to do away with overlapping structures by merging the functions of the DSCB and the Alliance. The new structure incorporates the statutory requirements for Devon to have an LSCB.

A summary of the proposed changes, agreed by partners, can be found in Appendix 1. Partners are taking the proposed changes through their respective governance systems.

The changes capture both the spirit and the detail of the Wood Review and its recommendations. The main changes include;

- Assign stronger leadership responsibility to three key partners, health, police and local authority. Responsibility previously has rested with the local authority.
- Separate more clearly the coordination and monitoring functions of LSCB and deploy the role of the independent chair purposefully in monitoring and quality

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assurance, locating the coordinating function with the statutory Director of Children's Services.

- Locate responsibility for all children within the partnership, balancing well-being (universal), safeguarding (targeted) and protection (specialist).

The new partnership, which will be called ***The Devon Children and Families Partnership***, will be operational from 1<sup>st</sup> July 2017. The partnership executive will have its first meeting on 19<sup>th</sup> July 2017. A new Children Plan will be developed during the course of 2017 to set the priorities for the new partnership. In the interim a one year delivery plan has been adopted by the partnership.

## 2. **Proposal**

The purpose of this report is for Cabinet to satisfy itself that Devon County Council (DCC) has adequately discharged its statutory safeguarding responsibilities through the new children's partnership structure.

The key issue that Cabinet is asked to take a view on is the partnership's intention to innovate in advance of the government issuing its detailed guidance. The current statutory functions of the LSCB, which we retain until such time as they are withdrawn by revised guidance and regulation, will be discharged by the new partnership. Appendix A of the document attached details the LSCB requirements and how they are met under the new partnership arrangements.

Devon's ambition to be at the forefront of partnership developments is entirely in line with government's wish for Local Government to show more initiative and innovate more and entirely coherent with the need to galvanise partnership working locally.

It is therefore recommended that Cabinet endorses that it is satisfied that Devon County Council's current LSCB statutory duties are discharged through the new partnership arrangements.

## **Alternatives**

We could delay making change until we are required to do so by revised government guidance. This is however not recommended for the following reasons;

- The DSCB has made significant change already to address the findings of the Ofsted inspection.
- All partners are struggling to service two partnerships and have a reasonable expectation that we should rationalise wherever we can to ensure resources are deployed optimally and not unnecessarily diverted from frontline activity.
- Good and outstanding Children's Services are leaders and innovate. The political expectation is unequivocal, we want good children's services in Devon. Therefore we have to take the opportunities to innovate when they arise.
- We have sounded out our plans with DfE and with Ofsted; neither will commit to endorsement of course but both note with interest what we are doing and the potential for helpful national learning.
- All partners have been fully involved in the process to restructure the children's partnership.

## **Financial Considerations**

Costs will be met within existing allocated resources.

## **Equality Considerations**

Good outcomes for children, especially for the most vulnerable, depend upon high quality partnership working at the frontline, in operations management and in strategic leadership. These changes are expected to strengthen partnership which will in turn lead to improved outcomes for children, especially the most disadvantaged. The proposals are expected to have a positive equalities impact.

A full equality impact assessment will be carried out in respect to the forthcoming Children's Plan which will set out the priorities for the new partnership.

## **Legal Considerations**

The lawful implications of the proposals have been considered and taken into account in the preparation of this report.

## **Risk Management Considerations**

This proposal has been assessed and is judged low risk.

## **Public Health Impact**

Focusing on children and strengthening the arrangements that are designed to improve outcomes for all children and those that are more vulnerable will have a positive public health impact.

## **Conclusions**

Stronger and more effective partnership improves outcomes for children and will provide evidence to support the judgement that leadership and governance of children's services in Devon is good.

**Electoral Divisions:** All

Cabinet Member for Children, Schools and Skills: Councillor James McInnes

Chief Officer: Jo Olsson

## **LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS**

### ***Contact for Enquiries:***

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## Appendix 1

### A Summary of Changes in Partnership Arrangements for Services to Children

#### 1. Introduction

This paper summarises some significant and innovative changes to the partnership arrangements for the delivery and scrutiny of services to children, young people and their families that are being planned across Devon. It gives an overview of these changes and there are a considerable number of supporting documents that set out the detail beneath them.

These changes have been driven by some key principles:

- Partners are committed to ‘good’ safeguarding services for children in Devon and an inadequate or Requires Improvement judgement is unsatisfactory. Doing more of the same is not enough to bring about the accelerated improvement that is required to achieve our shared ambitions.
- The ability to be stream lined, light on our feet, react quickly to change was hampered by a shared view that there were simply too many meetings in the system, often populated by too many people
- That our arrangements were not properly responding to the complexities of agency arrangements in the area – one large County, two unitary councils, district councils, two CCGs, a number of health providers, a police force that covers four authorities and schools increasingly forming their own partnerships and alignments
- That there was a lack of creativity and innovation in service development across the County
- Partnership culture was characterised as too passive and too polite
- The DSCB had been judged ‘inadequate’ by Ofsted in its inspection of March 2015 and there remains a shared view that challenge and scrutiny within and across the system remains under developed
- The Children’s Alliance was not seen to be as effective as it could be, nor was it actively leading the system as it needed to
- Partner agencies duties to work together to commission and develop services and their duties to scrutinise and challenge each other had become somewhat entangled and neither was as effective as is needed
- In September 2016 DCC moved to appoint a dedicated DCS to generate added and dedicated leadership into the County, a new Chair of DSCB was appointed in January 2016, and a strengthened Locality based model is planned and will come into being in April 2017

Coincidentally, the Wood Review of LSCBs and some of their core functions was commissioned by the DfE and findings were reported back to the Department in April 2016. These findings were accepted in their entirety by the Government and are now being enacted through the ‘Children and Social Work Bill’ which is currently in its third reading and heading for Royal assent imminently.

The Wood’s review looked at the role and functioning of Serious Case Reviews, the Child Death Overview functions, and, most importantly for this paper, the partnership arrangements needed to ensure effective safeguarding work in an area. In summary, these new arrangements are to consist of the Police, Health (through CCGs) and local authorities, each being invested with specific duties to secure safeguarding arrangements for

children and that those duties should attach to the senior leaders in each of the organisations – Chief Constables, Chief Executives, Chief Operating Officers etc. Those agencies are to be charged to come together to set out how they will meet their responsibilities in their area – and how they do so will be a matter for them as long as it is effective and can stand external (including inspectorate) scrutiny. In implementing these changes, Government will remove the statutory requirement to have an LSCB and with it all its associated functions and duties.

It is expected that these changes will come into force early to mid-2018. The passing of the Bill sets out the framework – there will then be a period of consultation and negotiations on the detailed regulations and guidance needed (not least the re-writing of some elements of Working Together 2015) before the changes are to be enacted in local areas.

However, for all the reasons set out above, senior leaders in Devon have taken the view that an early adoption of the Wood recommendations provides a useful vehicle to drive through the raft of changes needed in the system across the County.

In so doing, Devon will be considerably ‘ahead of the game’ with these changes and it is likely that they will attract some attention from others, including Government who will be interested in how the changes are working on the ground – it is to be expected that if they can be made to work here with the complexities of our local partnerships, then the view will be that they can work elsewhere. Taking this innovative step is something leaders are seeing as a positive cultural change in and of itself.

## 2. Progress to date:

In September 2016, proposals from the Chief Officer Children’s Services and the Independent Safeguarding Board Chair were presented to a joint meeting of Alliance/DSCB Executives. These proposals outlined a new unified model of delivery across the partnership that encompassed both the commissioning and assurance functions of the local safeguarding children’s board (LSCB), under the leadership of 3 key partners – Local Authority, Health and Police - and did away with a number of the existing and time-draining bureaucratic processes currently in existence. A key component of the new model was the integration of the statutory LSCB functions, doing away with the current DSCB structure whilst ensuring that its statutory responsibilities continued to be fulfilled and retaining an independent scrutiny function.

Since December 2016, work has progressed on the re-design, identifying the proposed organisational structure and reallocating the LSCB ‘coordinating’ function to the new Partnership Executive (which replaces the Alliance Executive and Joint Commissioning Board). The critical LSCB ‘assurance’ function becomes the responsibility of the Quality Assurance group and its enabling subgroups, to manage the audit, organisational safeguarding and SCR aspects that inform the understanding of the effectiveness of safeguarding and child protection within services.

Partnership workshops have been held to agree the broad approach and a joint DSCB/Alliance Executives meeting on March 21<sup>st</sup> agreed the proposed structural shape to be implemented. In so doing, there was clear and unanimous agreement that changes in partnership arrangements and more effective service delivery to children and their families comes more from changing the partnership culture than from changing meeting structures. There will be, for example, a need for partners to be committed to the work of the various groups, even if they are not sitting around the table at the time; agencies will need to speak both for themselves but also to represent the views of others; that partnership meetings are part of each individual agency’s core business not an ‘add-on’; that challenge is dependent on the ability and willingness to act as critical friends and have difficult conversations with each other more than implementing a QA Framework – the structure set out in headline below needs to be understood as a means to those ends, not as an end in itself.

These new arrangements will be in place from 1<sup>st</sup> July 2017.

## 3. The model

There are available organograms which set out the detail of the new arrangements. Each of the groups below and the sub groups (not shown) have had terms of reference drafted which set out core purposes and responsibilities, chairing and membership and meeting frequency and reporting arrangements.

The structure is based around the construction of four key groups that will sit at the heart of these new arrangements:

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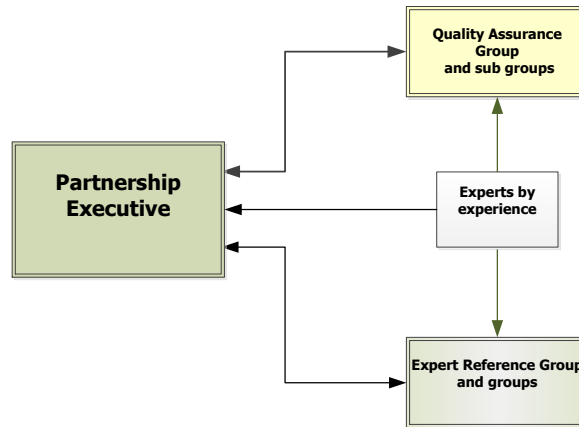


Figure 1: *Primary functions in new organisational structure*

- a) **Partnership Executive** – a focussed group of senior partners to oversee and ‘own’ the entire structure and to lead on the commissioning and development of services

Key Purposes:

- Provide leadership
- Co-ordinate safeguarding responsibilities
- Sets the vision & strategy
- Oversee delivery

- b) **Quality Assurance** - including sub groups; to provide the strategic oversight and coordination of a variety of assurance functions to ensure services are effectively safeguarding children.

Key Purpose

- To quality assure safeguarding across the partnership
- To set and drive the QA framework across the partnership
- To promote a culture of learning
- To oversee the completion and publication of Reviews

- c) **Expert Reference Group** - including all contributory groups.

Key purpose

- To represent Children’s organisations from across Devon
- To identify service requirements and priorities
- To identify front line practice concerns and barriers to effective safeguarding
- To coordinate annual Partnership Conference

- d) **Expert by Experience** – to ‘wrap around’ service provision, ensuring that all initiatives are sense-checked by those for whom the services have been developed.

Key purpose

- To provide a forum for Children & Young People to be heard
- To provide a venue for capturing the views of Parents/Carers
- To develop a co-production approach to both service development and challenge



## 4. LSCB Responsibilities

The DSCB carries a number of statutory responsibilities under the Children Act, associated Regulations and outlined in Working Together guidelines. Until such time as the changes emanating from the Children and Social Work Bill and Wood Review are fully in place, those existing statutory duties will continue to be met and will be seen to be being met, not least by any of the core inspection agencies – Ofsted, CQC and HMIC.

## 5. Next Steps:

The new partnership organisational structure, together with draft Terms of Reference for the four key groups, was presented to a meeting of Alliance and DSCB Executives on 21<sup>st</sup> March. DSCB Executive meetings in April and June will provide further opportunity to test the implications of proposed changes. It was agreed that all partners would present the proposals to their own internal safeguarding committees/boards for agreement and internal sign off, confirming that:

1. All DSCB statutory duties are covered and visible in proposals
2. All organisations' individual statutory duties relating to DSCB will be deliverable in the new arrangements
3. To agree to the launch of these new arrangements from 1<sup>st</sup> July 2017

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## *Appendix A - Meeting LSCB requirements*

### **1. Introduction:**

- 1.1.** The Devon Safeguarding Children Board (DSCB) carries a number of statutory responsibilities under the Children Act, associated Regulations and as outlined in Working Together guidelines. The recent Alan Wood review made a number of recommendations for the disbanding of and relocating of Boards' responsibilities and the Government response has been to implement these recommendations through current legislative changes.
- 1.2.** However, until new legislation is in place, the statutory responsibilities and obligations of the DSCB must be maintained. This paper identifies how those obligations will be met under the revised partnership structure.

### **2. Board Responsibilities – current requirement and future plan**

- 2.1.** The Children Act 2004 Section 13 - requires each local authority to establish an LSCB in its area and specifies representation by organisations/individuals, which are, for the most part, achieved under the current wider DSCB membership.

The government response to the Woods review states that arrangements should '*place a new requirement on three key partners, namely local authorities, the police and the health service, to make arrangements for working together in a local area. This would not change the existing statutory functions or duties on any of the agencies individually, but it will require more robust and much clearer arrangements to promote effective joint working, in relation to safeguarding and promoting the welfare of children.*' In addition, '*place an expectation on schools and other relevant agencies involved in the protection of children, to co-operate with the new multi-agency arrangements*' with '*strong and effective arrangements for multi-agency cooperation*'.

Ofsted development areas included a recommendation for improved involvement with voluntary and community sector and faith sector and clarification of arrangements between strategic groups including Family Justice Board and Health & Well Being Board.

***Future plan: All current Board membership to be represented on Partnership Executive, Quality Assurance group or within the wider Expert Reference group.***

- 2.2.** Set out in Section 14 of the Act, the objectives of LSCBs are:

- (a) to coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and
- (b) to ensure the effectiveness of what is done by each such person or body for those purposes.

The Government view is that new arrangements should provide '*greater flexibility in developing arrangements that respond to local need and in which agencies are better invested. That flexibility will enable joint identification of and response to existing and emerging needs and priorities and improve outcomes for children*'. The three key sectors will be required to establish governance arrangements, including the area/region covered; how they will work together with other agencies; a detailed plan which will be published; resourcing arrangements; how to ensure '*a strong degree of independent scrutiny of the arrangements*'.

***Future plan: the coordination function of the LSCB will sit with the Partnership Executive, where these obligations will be addressed; the monitoring and assurance function of the LSCB sits with the Quality Assurance group.***

- 2.3.** The functions of the LSCB are set out in Regulation 5 of the Local Safeguarding Children Boards Regulations 2006:

1(a) developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:

- (i) the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;

***Future plan: Policy & Procedures group would be responsible for oversight of developing/agreeing/reviewing policies and procedures; consultation will be through the Expert Reference group network and signed off by Partnership.***

- (ii) training of persons who work with children or in services affecting the safety and welfare of children;

***Future plan: through the work of the Workforce development group***

- (iii) recruitment and supervision of persons who work with children;

***Future plan: through the work of the QA group***

- (iv) investigation of allegations concerning persons who work with children;

***Future plan: through the work of the LADO, provided to QA***

- (v) safety and welfare of children who are privately fostered;

***Future plan: through the work of the DCC, provided to QA***

- (vi) co-operation with neighbouring children's services authorities and their Board partners;

***Future plan: through the work of the QA group***

(b) communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done and encouraging them to do so;

***Future plan: A new Communications group, supported by a Business Unit officer, would have responsibility for the Communications Strategy and for communicating both general (revised single website, newsletter) and specific information (publication of SCRs, campaigns etc.); reporting into the Partnership Executive.***

(c) monitoring and evaluating the effectiveness of what is done by the authority and their Board partners individually and collectively to safeguard and promote the welfare of children and advising them on ways to improve;

***Future plan: the responsibility of the QA group, reporting to the Partnership Executive***

(d) participating in the planning of services for children in the area of the authority; and

***Future plan: the coordination and commissioning is the responsibility of the Partnership Executive, which will include the Independent Chair and which will respond to feedback and input from the QA group.***

(e) undertaking reviews of serious cases and advising the authority and their Board partners on lessons to be learned.

***Future plan: case review will sit with SCR subgroup (see below) and QA will be responsible for the Learning and Improvement framework and for ensuring partners are aware of learning points and that a culture of continuous learning and improvement is promoted across the Partnership.***

2.4. Working Together 2015 clarifies that, in order to provide independent scrutiny, the LSCB must :

- maintain its independence and not be subordinate or subsumed within other local structures;
- have an independent chair who can hold all agencies to account, working closely with LSCB partners and especially the Director of Children's Services
- publish Annual Reports.

The Woods review states that new arrangements should retain Independent oversight '*ensuring any changes made to multi-agency arrangements for protecting children include a strengthening of the independent element in the leadership and scrutiny...*'

***Future plan: independent scrutiny will be retained at QA level, with the Independent Chair as the chair of that group; the Independent Chair is also the co-chair of the Partnership Executive and holds partners to account in PE & QA. The Partnership Executive and QA group retain responsibility for the publication of an annual report.***

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2.5. Regulations 5 includes the requirement for LSCBs to undertake reviews of serious cases in specified circumstances. In order to fulfil its statutory functions under regulation 5, Working Together clarifies that an LSCB should use data and, as a minimum, should:

- assess the effectiveness of the help being provided to children and families, including early help;
- assess whether LSCB partners are fulfilling their statutory organisational responsibilities (as set out in Chapter 2 WT 2015)
- quality assure practice, including through joint audits of case files involving practitioners and identifying lessons to be learned; and
- monitor and evaluate the effectiveness of training, including multi-agency training, to safeguard and promote the welfare of children.

Local authorities and Board partners should provide the LSCB with data to enable it to fulfil these statutory functions effectively.

The Ofsted report highlighted the need to ‘*Review governance arrangements for Serious Case Reviews to ensure tighter management, accountability and urgency in learning and implementing lessons*’.

Additionally, under new arrangements the Government proposes ‘*replacing existing SCR system with a new national learning framework for inquiries into child deaths and cases where children have experienced serious harm*’.

***Future plan:***

***The SCR subgroup, reporting to QA, will retain responsibility for review of cases, implementing, commissioning and supervising quality and timeliness of SCRs and for communications with the National Panel. The SCR subgroup would take forward new arrangements, when implemented, with the support of QA.***

***The QA groups will have two groups reporting into it:***

- a) Case audit and review group – outcomes for children; multi-agency audit cycle; case examples***
- b) Safeguarding effectiveness group – strengths of individual agencies; of the partnership; information from walkabouts;***

***The Workforce development group, linking to QA and to the Expert Reference group, will continue to monitor and evaluate the effectiveness of training including the impact on practice.***

***All Board partners will be asked to contribute performance data to the QA group for the fulfilment of its responsibilities.***

2.6. Regulation 5(3) provides that an LSCB may also engage in any other activity that facilitates, or is conducive to, the achievement of its objectives. The annual report must reflect:

- Regular assessments on the effectiveness of Board partners’ responses to child sexual exploitation, including the outcome of these assessments, with an analysis of how the LSCB partners have used their data to promote service improvement for vulnerable children and families, including in respect of sexual abuse.
- Appropriate data on children missing from care, and how the LSCB is addressing the issue.
- Where the LSCB has a secure establishment within its area, a review of the use of restraint within that establishment and the findings of the review to be reported to the Youth Justice Board.

The Annual report should also include information on contributions made to the LSCB by partner agencies and details of what the LSCB has spent, including on Child Death Reviews, Serious Case Reviews and other specific expenditure such as learning events or training .

The Ofsted report stated that the Board should have '*effective oversight of arrangements to understand and prevent harm to missing children or those at risk of child sexual exploitation*' and highlighted the need for strategic plans for domestic abuse and neglect to be in place and monitored.

***Future plan: The Partnership Executive and QA group retain responsibility for the publication of an annual report, with information to be provided by the Partnership members. The Complex Safeguarding group will be responsible for providing collated information from partners regarding CSE, Missing Children, Neglect and the other safeguarding areas covered by that group.***

- 2.7. LSCBs have a specific role in supporting information sharing between and within organisations and addressing any barriers to information , including ensuring that a culture of information sharing is developed and supported as necessary by multi-agency training.

***Future plan: The Partnership Executive will have responsibility for the review of existing Information Sharing agreements to ensure a Devon wide agreement which can be integrated into the commissioning process. Consultation on this agreement through the Expert Reference group network and signed off by Partnership Executive.***

- 2.8. Regulations 6 relates to the LSCB Child Death functions

The LSCB is responsible for ensuring that a review of each death of a child normally resident in the LSCB's area is undertaken by a CDOP, which will have a fixed core membership drawn from organisations represented on the LSCB. The Independent Chair is responsible for deciding on the designated person to whom the death notification and other data on each death should be sent.

Regulation 6 of the Local Safeguarding Children Boards Regulations 2006, specifies that the LSCB is responsible for:

- a) collecting and analysing information about each death with a view to identifying:
  - i) any case giving rise to the need for a Serious Case Review
  - ii) any matters of concern affecting the safety and welfare of children in the area of the authority;
  - iii) any wider public health or safety concerns arising from a particular death or from a pattern of deaths in that area; and
- (b) putting in place procedures for ensuring that there is a coordinated response by the authority, their Board partners and other relevant persons to an unexpected death.

The Government agreed with the Woods recommendation that states '*child death reviews should continue to be hosted within local multi-agency arrangements but CDOPs should be hosted within the NHS; ownership of the arrangements for supporting CDOPs should move to the D of H*'.

***Future Plan: The peninsular CDOP will remain in place and the peninsular Independent Chairs meeting considers matters arising from CDOP reviews. An annual CDOP report will be submitted to the Partnership Executive, who will appropriately implement any recommendations or actions.***

***QA to review the Rapid Response service within the audit cycle, against statutory requirements.***

### 3. Outline LSCB business plan (Appendix 1)

### 4. Recommendations

- To consider the proposal and confirm whether, as a Board member, your organisation is satisfied that the LSCB requirements are met under the revised structure.

## Appendix 1 - Draft Business Plan for meeting LSCB responsibilities under the new organisational structure

| link to paper | Group and Area of Responsibility:                                                               | Action:                                                                                                                                                                                                                                | Lead:                                                   | Accountability to:      |
|---------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------|
|               | <b>Partnership Executive (PE)</b>                                                               |                                                                                                                                                                                                                                        |                                                         |                         |
| 2.2 (a)       | Statutory Board partners and relevant persons and bodies                                        | <b>PE 1.</b> LSCB membership requirements - all current membership to be represented on Partnership Executive, Quality Assurance group or within the wider Expert Reference Group                                                      | PE Chair and Independent co-chair                       | Chief Exec and Scrutiny |
| 2.2 (b)       | Statutory Board partners and relevant persons and bodies                                        | <b>PE 2.</b> Relationship with partners - Relationships between Partnership Executive and Safer Devon Partnership, Health and Wellbeing Board, Family Justice Board, Safeguarding Adults Board and Corporate Parent will be formalised | PE Chair and Independent co-chair<br>Terms of Reference | Chief Exec and Scrutiny |
| 2.4 (a)       | Developing policies and procedures                                                              | <b>PE 3.</b> policy and procedures sign off                                                                                                                                                                                            | PE Chair                                                | Chief Exec and Scrutiny |
| 2.4 (d)       | Coordination for the purposes of safeguarding and promoting the welfare of children in the area | <b>PE 4.</b> the coordination and commissioning function of the LSCB                                                                                                                                                                   | PE Chair                                                | Chief Exec and Scrutiny |
| 2.5 (c)       | publishing annual report                                                                        | <b>PE 5.</b> responsibility for the publication of an annual report.                                                                                                                                                                   | PE Chair                                                | Chief Exec and Scrutiny |
| 2.8           | Review of policies and procedures                                                               | <b>PE 6.</b> sign off Information Sharing agreement                                                                                                                                                                                    | PE Chair                                                | Chief Exec and Scrutiny |
|               | <b>Quality Assurance (QA)</b>                                                                   |                                                                                                                                                                                                                                        |                                                         |                         |
| 2.2 (a)       | Statutory Board partners and relevant persons and bodies                                        | <b>QA 1.</b> LSCB membership requirements - all current membership to be represented on Partnership Executive, Quality Assurance group or within the wider Expert Reference Group                                                      | Independent Chair QA                                    | PE                      |
| 2.4 (c)       | Monitoring and evaluating the effectiveness of what is done by the authority and partners       | <b>QA 2.</b> the monitoring and assurance function                                                                                                                                                                                     | Independent Chair QA                                    | PE                      |

|                      |                                                                                      |                                                                                                                                                                                    |                      |                             |
|----------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------|
| 2.5 (a)              | Maintaining independent scrutiny                                                     | <b>QA 3.</b> independent scrutiny will be retained at QA level, with the Independent Chair as the chair of that group                                                              | Independent Chair QA | Chief Exec and Scrutiny     |
| <b>Link to paper</b> | <b>Group and Area of Responsibility:</b>                                             | <b>Action:</b>                                                                                                                                                                     | <b>Lead:</b>         | <b>Accountability to:</b>   |
| 2.5 (b)              | holding agencies to account                                                          | <b>QA 4.</b> Independent Chair is also the co-chair of the Partnership Executive and will hold partners to account there and through QA activities                                 | Independent Chair QA | Chief Exec and Scrutiny     |
| 2.5 (c)              | publishing annual report                                                             | <b>QA 5.</b> responsibility for the publication of an annual report.                                                                                                               | Independent Chair QA | PE, Chief Exec and Scrutiny |
| 2.6 (b)              | using data to assess the effectiveness of help provided to children and families     | <b>QA 6.</b> quality assuring practice and auditing (work of CA & Review subgroup)                                                                                                 | Independent Chair QA | Chief Exec and Scrutiny     |
| 2.6 (b)              | using data to assess the effectiveness of help provided to children and families     | <b>QA 7.</b> assessing organisational safeguarding responsibilities (work of SE subgroup)                                                                                          | Independent Chair QA | Chief Exec and Scrutiny     |
| 2.7 (c)              | Review of the use of restraint within secure establishments                          | <b>QA 8.</b> a review of the use of restraint within local secure establishments and the findings of the review to be reported to the Youth Justice Board.                         | Independent Chair QA | PE and YJB                  |
| 2.9 (b)              | Implementing procedures to ensure a coordinated response to unexpected child deaths. | <b>QA 9.</b> a review within audit cycle, and against statutory requirements, of the Rapid Response service.                                                                       | Independent Chair QA | PE, Chief Exec and Scrutiny |
|                      | <b>Expert Reference Group (ERG)</b>                                                  |                                                                                                                                                                                    |                      |                             |
| 2.2 (a)              | Statutory Board partners and relevant persons and bodies                             | <b>ERG 1.</b> LSCB membership requirements - all current membership to be represented on Partnership Executive, Quality Assurance group or within the wider Expert Reference Group | ERG Chair            | PE                          |

|                      |                                                                                  |                                                                                                                                                                              |              |                             |
|----------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------------|
| 2.4 (a)              | Developing policies and procedures                                               | <b>ERG 2.</b> consultation through the Expert Reference group network                                                                                                        | ERG Chair    | PE (via Chairs pre-meeting) |
| 2.6 (b)              | using data to assess the effectiveness of help provided to children and families | <b>ERG 3.</b> All Board partners responsibility to contribute performance data to the QA group as requested                                                                  | all partners | QA                          |
| <b>Link to paper</b> | <b>Group and Area of Responsibility:</b>                                         | <b>Action:</b>                                                                                                                                                               | <b>Lead:</b> | <b>Accountability to:</b>   |
| 2.8                  | Review of policies and procedures                                                | <b>ERG 4.</b> consultation on Information Sharing agreement review through the Expert Reference group network                                                                | ERG Chair    | PE (via Chairs pre-meeting) |
|                      | <b>SCR subgroup (SCR)</b>                                                        |                                                                                                                                                                              |              |                             |
| 2.4 (d)<br>2.6 (a)   | Undertaking reviews of serious cases and advising on lessons to be learned       | <b>SCR 1.</b> responsibility for review of cases, implementing, commissioning and supervising quality and timeliness of SCRs and for communications with the National Panel. | SCR Chair    | QA                          |
|                      | <b>Case Audit &amp; Review (CA&amp;R)</b>                                        |                                                                                                                                                                              |              |                             |
| 2.6 (b)              | using data to assess the effectiveness of help provided to children and families | <b>CA&amp;R 1.</b> quality assuring practice and auditing (work of CA & Review subgroup)                                                                                     | Chair CA&R   | QA                          |
|                      | <b>Safeguarding Effectiveness (SE)</b>                                           |                                                                                                                                                                              |              |                             |
| 2.6 (b)              | using data to assess the effectiveness of help provided to children and families | <b>SE 1.</b> assessing organisational safeguarding responsibilities (work of SE subgroup)                                                                                    | Chair SE     | QA                          |
|                      | <b>Policies and Procedures subgroup (P&amp;P)</b>                                |                                                                                                                                                                              |              |                             |
| 2.4 (a)              | Developing policies and procedures                                               | <b>P&amp;P 1.</b> responsible for oversight of developing/agreeing/reviewing policies and procedures                                                                         | P&P Chair    | PE (via Chairs pre-meeting) |



|         |                                                                         |                                                                                                                                                                                                       |             |                             |
|---------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------|
| 2.8     | Review of policies and procedures                                       | <b>P&amp;P 2.</b> responsible for the review of existing Information Sharing agreements to ensure a Devon wide agreement which can be integrated into the commissioning process.                      | P&P Chair   | PE (via Chairs pre-meeting) |
|         | <b>Communications Group (Comms)</b>                                     |                                                                                                                                                                                                       |             |                             |
| 2.4 (b) | Communicating the need to safeguard and promote the welfare of children | <b>Comms 1.</b> responsibility for the Communications Strategy and for communicating both general (revised single website, newsletter) and specific information ( publication of SCRs, campaigns etc) | Comms Chair | PE (via Chairs pre-meeting) |

| Link to paper | Group and Area of Responsibility:                                                                          | Action:                                                                                                                                                                       | Lead: | Accountability to: |
|---------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------|
|               | <b>Complex Safeguarding Group (C S-G)</b>                                                                  |                                                                                                                                                                               |       |                    |
| 2.7 (a)       | Regular assessments on the effectiveness of Board partners' responses to child sexual exploitation         | <b>CS-G 1.</b> The Complex Safeguarding group will provide information from partners regarding CSE through the work of the CSE subgroup                                       |       | QA                 |
| 2.7 (b)       | Appropriate data on children missing from care                                                             | <b>CS-G 2.</b> The Complex Safeguarding group will provide information from partners regarding missing children through the work of the CSE and missing in education subgroup |       | QA                 |
|               | <b>Child Death Overview Panel (CDOP)</b>                                                                   |                                                                                                                                                                               |       |                    |
| 2.9 (a)       | Collecting and analysing information about each death with a view to identifying trends and wider concerns | <b>CS-G 1.</b> The Complex Safeguarding group will provide information from partners regarding CSE through the work of the CSE subgroup                                       |       | QA                 |

CSO/17/18  
Cabinet  
31 May 2017

## NOTICE(S) OF MOTION

Report of the County Solicitor

**Recommendation:** that consideration be given to any recommendations to be made to the County Council in respect of the Notice(s) of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

~~~~~

1. The Notice of Motion submitted to the County Council by former Councillor Younger-Ross set out below was 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. A factual 'Briefing Note/Position Statement' prepared by the relevant Head of Service is also set out, to facilitate the Cabinet's discussion of each Notice of Motion.

'Royal Marines and Royal Navy Service Cuts

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'.

Officers Briefing Note/Position Statement

There are 6,790 Royal Marines in service in the UK with a further 310 Full Time Reserve Service. The proposed cuts are to 42 Commando alone and will see the total number of marines reduced to 6,590, a decrease in size of nearly 3%. 42 Commando is based at Bickleigh Barracks, located close to Plymouth in the South Hams, with training taking place at a variety of locations, including at Lymestone in East Devon.

According to media sources the cuts will come equally from backroom staff and frontline units. Whilst this is the first cut to the Royal Marines for three decades the Royal Navy has seen significant reductions in size over the past few years; by over 2,000 personnel between 2013 and 2017 alone. It has been proposed that the cuts come through natural wastage so there will be no compulsory redundancies to existing staff. Over the next 10 years the MOD is expected to find £5.6bn in savings and efficiencies on current estimations, so there is the potential for more cuts to other areas of the armed services and the Royal Navy. It is unknown whether these cuts, or those planned for 42 Commando, have the potential to impact on the UK's defensive capabilities and it is difficult to assess the overall impact or level of reduction, without further comment from the MoD.

Agenda Item 9

The loss of 200 personnel would in theory equate to an approximate reduction in take home pay of £4m from the local area (based on an average annual pay of £25k). Whilst this may have a potential negative impact on the spending profile of the local economy, it must be noted that because these cuts are through natural wastage those who leave may be moving to other employment or retirement, so would in reality continue to contribute in terms of both income and spending.

In 2012 Devon County Council joined forces with Royal Navy, the Army and Royal Air Force to sign Devon's Armed Forces Covenant. It is a set of pledges to encourage a closer relationship between civilian and military communities around the support given to servicemen and women and their families.

2. The Notice of Motion submitted to the County Council by Councillor Greenslade was also 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, consideration of this Notice of Motion will be deferred until the next meeting. .

'NHS in Devon - Public Enquiry

'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'.

~~~~~

This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**  
Contact for Enquiries: R Hooper  
Tel No: 01392 382300      Room: G31

| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
|--------------------------------|--------------------|------------------------------|
| Nil                            |                    |                              |

Cabinet  
31<sup>st</sup> May 2017

## Public Health Annual Report 2016-17

Report of the Chief Officer for Communities, Public Health, Environment and Prosperity

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

**Recommendation:** Cabinet is asked to receive the Annual Report of the Director of Public Health and to note its recommendations.

~~~~~

1. Background

- 1.1. The Director of Public Health has a statutory duty to write an annual report, and the local authority has a statutory duty to publish it (section 73B(5) & (6) of the 2006 NHS Act, inserted by section 31 of the 2012 Health and Social Care Act). This enables the Director of Public Health to make an independent judgement about the state of health of the local population and ensures that the report will be published and in the public domain. The annual report by the Director of Public Health is therefore different from all other reports received from an officer by the local authority.

2. Introduction

- 2.1. This Annual Public Health Report for Devon County Council is the tenth in a series of annual reports on the health of the population of Devon which began in 2007-08. Over that period, there have been extraordinary improvements in the health of the population of Devon. The pattern of disease has changed over the years – while life expectancy has increased, as modern medicine develops new techniques and treatments, so has the prevalence of long-term health conditions, such as diabetes, heart and lung disease, arthritis and dementia. The one main area of concern in terms of local trends and the position of Devon relative to other areas is mental health.
- 2.2 While indicators of health and wellbeing in Devon compare favourably to national, regional and local authority comparator areas, there needs to be a continued focus on giving children the best start in life, and maintaining health and wellbeing throughout adolescence and adulthood into older age.
- 2.3 This year's annual report on the health of the people of Devon takes as its theme place-based public health. The report considers the different aspects of place in relation to health and wellbeing and the role of public sector bodies with a responsibility for health and care systems.
- 2.4 The concept of place fits well alongside public health because so many of the things which influence or health and wellbeing are related to where we live, and what impact that has on how we live. The report considers how places affect our health and wellbeing, and what opportunity there may be for place-based approaches to change the way we plan, commission and provide health and care services.

Agenda Item 11

- 2.5 Based on our population demography and predicted trends in disease, the following determinants of health, and healthcare conditions, require continued focus, especially where inequalities exist within our communities:

1. Smoking
2. Obesity and overweight
3. Poor dietary habits leading to physical and oral health problems
4. Inactivity and lack of physical fitness
5. Mental ill-health, poor emotional wellbeing and loneliness
6. Excessive alcohol consumption
7. Drug abuse
8. Risk-taking in sexual health
9. Domestic and sexual violence and abuse
10. Excessive exposure of the skin to the sun causing skin damage and skin cancer
11. Injury from slips, trips and falls
12. Late diagnosis and sub-optimal treatment of long-term conditions such as diabetes, heart disease, lung disease, arthritis and dementia including low 'flu immunisation rates
13. Late diagnosis and sub-optimal treatment of cancers
14. Poor air quality
15. Lack of availability of quality affordable housing

3. Financial considerations

- 3.1 None

4. Legal considerations

- 4.1 The publication of the annual report of the Director of Public Health by Devon County Council discharges a statutory responsibility under the Health and Social Care Act 2012.

5. Environmental impact considerations

- 5.1 Contained within the report.

6. Equality considerations

- 6.1 Contained within the report.

7. Risk assessment considerations

- 7.1 Contained within the report.

8. Recommendation

- 8.1 Cabinet is asked to note the recommendations of this year's Public Health Annual Report:

Place-based Public Health: Recommendations

1. To encourage the use of the "Health in All Policies" approach to embed health and wellbeing outcomes in planning and commissioning.
2. To develop an evaluation framework that can be used for place-based strategies.
3. To agree a set of outcome indicators relevant to place-based interventions which can be reliably tracked over an extended period.

4. To continue to prioritise prevention and early intervention for conditions which create longer-term disease and disability.
5. To strengthen the recognition of the impact of place – the community – on issues of social concern such as loneliness, lack of intergenerational relationships, and domestic and sexual violence and abuse.

Dr Virginia Pearson
CHIEF OFFICER FOR COMMUNITIES, PUBLIC HEALTH, ENVIRONMENT AND PROSPERITY
DEVON COUNTY COUNCIL

Electoral Divisions: All

Chief Officer for Communities, Public Health, Environment, and Prosperity: Dr Virginia Pearson

Background publications

Devon Joint Strategic Needs Assessment www.devonhealthandwellbeing.org.uk/jsna/
Previous Annual Public Health Reports www.devonhealthandwellbeing.org.uk/aphr/

SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING		
Cabinet Remit/Officer	Matter for Decision	Effective Date
Children, Schools & Skills	Approval to proposal to lower age range at Spreyton Primary School	19 April 2017
	Approval to proposal to lower age range at Filliegh Primary School	19 April 2017
Resources and Asset Management	Approval to variations in the approved capital programme 2016/17 and other property matters.	4 May 2017

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of 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/>

RECORD OF DECISION TAKEN BY CABINET MEMBER

This form must be completed by or on behalf of the relevant Cabinet Member immediately after any decision has been made and sent to the Chief Executive for publication in accordance with the Council's Constitution.

Summary of Matter or Issue Requiring Decision	To approve on behalf of Devon County Council a deed varying the South West Devon Waste Partnership (SWDWP) Joint Working Agreement (JWA).	
Decision Taken (i.e. approved/not approved together with any caveats)	Approved/ Not approved (Please delete as appropriate)	
Summary of Reason(s) for Decision Taken (alternatively, attach copy of any report or other document setting out reasons)	Amendments to the JWA are necessary due to the fact that the Contract has now been let and the Authorities are now in the Services Phase (as defined in the JWA) with the Procurement Phase (as defined in the JWA) having been successfully concluded.	
Summary of Alternatives or Options considered and rejected (alternatively, attach copy of any report or other document setting out alternatives/options)	The option to not formally amend the JWA was rejected as without these amendments the Authorities will be less able to effectively regulate the Services Phase, monitoring delivery and performance of PFI contracts.	
Details of any personal interest or conflict of interest and dispensation granted to the Cabinet Member(s) involved in or consulted upon this decision	None	
Contact for enquiries/further information	Name: Wendy Barratt Tel: 01392 382901 Email: wendy.barratt@devon.gov.uk	
A copy of this Notice will be published on the Council's website (http://www.devon.gov.uk/dcc/committee/mingifs.html) and any supporting documentation considered by the individual taking this decision and relevant to the matter shall also be made available for inspection by the public		
Signature of Cabinet Member	Councillor Roger Croad	Date: 27 April 2017

Originator: Wendy Barratt
Copy to: Councillor Ray Radford, Chairman of Place Scrutiny Committee
Meg Booth/Sandra Clarke A/COM.CH (1879)
Ann Heppell/Denise Travers – Finance

Councillor Roger Croad
Higher Newlands
Godwell Lane
Ivybridge
PL21 0LE

**Acting Chief Officer for Highways,
Infrastructure Development and Waste**
County Hall
Topsham Road
Exeter
EX2 4QD

Tel: (01392) 382822
Email: environment@devon.gov.uk
Fax: (01392) 381459

Ref: A/COM(1879)
26 April 2017

Dear Councillor Croad

Approval of a variation to the South West Devon Waste Partnership (SWDWP) Joint Working Agreement

I am writing to ask if you will make a decision in accordance with Paragraph 11 of the County Council's Scheme of Delegation by approving a Deed of Variation to the South West Devon Waste Partnership Joint Working Agreement.

In 2008 Devon County Council entered into a Joint Working Agreement (JWA) with Torbay and Plymouth City Councils to develop a solution to divert residual waste away from landfill. The Authorities established the South West Devon Waste Partnership Joint Committee under Section 101(5) of the Local Government Act 1972 to facilitate the joint procurement of and the subsequent operation of facilities for the treatment and disposal of residual waste. On 25 March 2011 the Authorities entered into a Contract with MVV Environmental Ltd for residual waste treatment and in April 2015 the plant started accepting residual waste for treatment.

The Authorities now wish to make amendments to the JWA which are necessary due to the fact that the Contract has now been let and the Authorities are now in the Services Phase (as defined in the JWA) with the Procurement Phase (as defined in the JWA) having been successfully concluded. The proposed changes have been agreed in principle by the SWDWP Joint Committee at their meeting on 5 September 2016 which you attended as member but need to be agreed by each Authority as they are a 'Reserved Matter' as outlined in the JWA.

Continued/.....

The proposed changes are outlined in the attached briefing note along with a proposed Deed of Variation. A copy of the JWA is also attached.

Please find enclosed two copies of the Cabinet Member Decision form, to enable you to formally advise me of your decision and in so doing confirm that the entry in the 'interests' box is accurate or amend it accordingly. I would be pleased if you could advise me of your decision as soon as possible by returning one copy of the decision form in the enclosed pre-paid envelope.

If you require any further information, please contact Wendy Barratt by telephoning (01392) 382901 or e-mailing wendy.barratt@devon.gov.uk

In accordance with procedures a copy of this letter has been sent to Councillor Ray Radford as Chairman of Place Scrutiny Committee.

No action will be taken until all Members of the County Council have been advised of your decision and five working days have elapsed to enable Members to request that the decision be referred to the full Cabinet for consideration or called in by Place Scrutiny Committee for consideration.

Yours sincerely

Meg Booth

Acting Chief Officer for Highways, Infrastructure Development and Waste

Enclosed: Record of Decision x 2
 Pre-paid envelope

Changes to the South West Devon Waste Partnership Joint Working Agreement - Briefing Report

1. Background

- 1.1. The South West Devon Waste Partnership (SWDWP) is a collaboration between Plymouth City Council, Devon County Council and Torbay Council to provide a long term solution to deal with the waste from the southwest Devon area that cannot be recycled, reused or composted.
- 1.2. The three Authorities entered into a Joint Working Agreement ("the JWA") on 28th April 2008 and established the South West Devon Waste Partnership Joint Committee ("the Joint Committee") to facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities.
- 1.3. The SWDWP looked at all the options to manage our waste, before undertaking a procurement which resulted in an 'Energy from Waste (EfW)' facility at Devonport, based next to North Yard. MVE Environment Ltd was awarded the contract to build and operate the 245,000 tonne facility. Planning permission was granted in 2011 with construction commencing in 2012 and completing in 2015 following a successful commissioning period. The facility began accepting waste from the Partnership in April 2015 and reached full Service Commencement in September 2015.
- 1.4. The Authorities wish to make amendments to the JWA which are necessary due to the fact that the Contract has now been let and the Authorities are now at the Services Phase (as defined in the JWA) with the Procurement Phase (as defined in the JWA) having been successfully concluded. The amendments will allow the JWA to effectively regulate the Authorities in the Services Phase, monitoring delivery and performance of the Contract.

2. Proposed Amendments to the Joint Working Agreement

- 2.1. The following amendments to the JWA are proposed and which, following approval, are to be enacted as a Deed of Variation by each partner authority:
- 2.2. Clause 5.5 of the JWA requires the Joint Committee to appoint a Secretary, Project Director and a Project Manager to undertake the duties set out in Schedules C, E and E(i) of the JWA respectively. With effect from the date hereof the role of Secretary will be undertaken by the SWDWP Project Co-ordinator at Plymouth City Council, the role of Project Director will be undertaken by the SWDWP Contract Manager at Plymouth City Council and the role of Project Manager will be undertaken by the SWDWP Assistant Contract Manager at Plymouth City Council.
- 2.3. To reflect the fact that meetings of the Joint Committee are now likely to be held less frequently in the Services Phase clause 3.4.3 of Schedule C to the JWA is amended to read "The member fails to attend all meetings of the Joint Committee within a period of 24 months or 3 consecutive meetings of the Joint Committee (whichever is the shorter period) and the Joint Committee has written to the appointing authority requiring the appointment of a replacement member."

Continuance of JWA

- 2.4. The parties expressly agree and declare that except for these changes the JWA shall continue in full force and effect in all other respects.

Appendix I – Proposed Deed of Variation

THIS **DEED OF VARIATION** is made the day of 2017 BETWEEN:

PLYMOUTH CITY COUNCIL of Ballard House, West Hoe Road, Plymouth PL1 3BJ

AND

DEVON COUNTY COUNCIL of County Hall, Topsham Road, Exeter, Devon EX2 4QD

AND

TORBAY COUNCIL of Town Hall, Castle Circus, Torquay TQ1 3DS (“the Authorities”)

WHEREAS

1. The Authorities being Waste Disposal Authorities under Section 30(2) of the Environmental Protection Act 1990 and under a duty to dispose of controlled waste within their respective areas under Section 51 of the Environmental Protection Act 1990 entered into a Joint Working Agreement (“the JWA”) on 28th April 2008 to seek a long term solution to their duties for the disposal of residual controlled waste by procuring a contractor who will construct, provide and operate facilities for the treatment and disposal of such residual waste for the Authorities and by managing the resultant contract on behalf of the Authorities.

2. The Authorities established the South West Devon Waste Partnership Joint Committee (“the Joint Committee”) under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 to facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990 (as required by clause 5 of the JWA).

3. On 25th March 2011 the Authorities entered into a contract (“the Contract”) with MVV Environmental Devonport Ltd for residual waste treatment.

4. In accordance with clause 11.1 of the JWA the Authorities have resolved to make the following amendments to the JWA which are necessary due to the fact that the Contract has now been let and the Authorities are now at the Services Phase (as defined in the JWA) the Procurement Phase (as defined in the JWA) having been successfully concluded. The amendments will allow the JWA to effectively regulate the Authorities in the Services Phase, monitoring delivery and performance of the Contract.

5. The first amendment to the JWA was made on 30th June 2014 in accordance with Clause 2.1 of Schedule B to the JWA dealing with the Service Cost Allocation Scheme.

6. The amendments set out below have now been agreed by the Authorities.

NOW THIS DEED WITNESSES as follows:

1. Clause 5.5 of the JWA

1.1 Clause 5.5 of the JWA requires the Joint Committee to appoint a Secretary, Project Director and a Project Manager to undertake the duties set out in Schedules C, E and E(i) of the JWA respectively. With effect from the date hereof the role of Secretary will be undertaken by the SWDWP Project Co-ordinator at Plymouth City Council, the role of Project Director will be undertaken by the SWDWP Contract Manager at Plymouth City Council and the role of Project Manager will be undertaken by the SWDWP Assistant Contract Manager at Plymouth City Council.

2. Frequency of Meetings

2.1 To reflect the fact that meetings of the Joint Committee are now likely to be held less frequently in the Services Phase clause 3.4.3 of Schedule C to the JWA is amended to read “The member fails to attend all meetings of the Joint Committee within a period of 24 months or 3 consecutive meetings of the Joint Committee (whichever is the shorter period) and the Joint Committee has written to the appointing authority requiring the appointment of a replacement member.”

3. Continuance of JWA

3.1 The parties expressly agree and declare that except for this present Deed of Variation the JWA shall continue in full force and effect in all other respects.

IN **WITNESS** whereof the Authorities have executed this their Deed the day and year first before written.

The COMMON SEAL of

PLYMOUTH CITY COUNCIL

was affixed hereto in the presence of:

Authorised Signatory

The COMMON SEAL of

DEVON COUNTY COUNCIL

was affixed hereto in the presence of:

Authorised Signatory

The COMMON SEAL of

TORBAY COUNCIL

was affixed hereto in the presence of:

Proper Officer and Authorised Signatory.

Dated

2017

PLYMOUTH CITY COUNCIL

and

DEVON COUNTY COUNCIL

and

TORBAY COUNCIL

DEED OF VARIATION

relating to a Joint Working Agreement
dated 28th April 2008

Dave Shepperd
Head of Legal Services

