

CABINET

11 October 2017

Present:-

Councillors J Hart, S Barker, J Clatworthy, R Croad, A Davis, S Hughes, J McInnes and B Parsons

Apologies:-

Councillors A Leadbetter

Members attending in accordance with Standing Orders 8 and 25

Councillors Biederman, Connett, Dewhurst, Edgell, Yabsley

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Minutes

RESOLVED that the minutes of the meeting held on 13 September 2017 be signed as a correct record.

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Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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Chairman's Announcements

There was no announcement by the Chair at this meeting.

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Petitions

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

* 63

Question(s) from Members of the Council

There was no question from a Member of the Council.

* 64

Gateway to Northern Devon - Strategy for North Devon Link Road (A361/A39)

(Councillor Greenslade declared a personal interest in this matter, by virtue of being a Member of North Devon District Council)

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

The Cabinet considered the report of the Head of Planning, Transportation and Environment (PTE/17/56), on the Strategy for North Devon Link Road (A361/A39).

Cabinet noted the report now presented followed the previous Cabinet report dated October 2016 regarding the A361/A39 North Devon Link Road (NDLR) project and since then there had been further design, a public consultation in June/July 2017 and an analysis of the consultation comments and suggestions.

As a result, a long term strategy for the road had evolved and from this strategy, "The Scheme" had been derived, which would form the first phase of improvement works and

would be included in an Outline Business Case (OBC) for submission to the Department for Transport (DfT) as a "Local Majors Bid". The report outlined the three stage process for securing DfT funding, which involved a Strategic Outline Business Case (SOBC) (previously submitted in October 2016), and Outline Business Case (OBC) which needed submission by the end of 2017 and finally, if DfT approved the OBC, the scheme would move through planning, land acquisition and works tender to the production of the Full Business Case.

The report outlined the Strategy for the North Devon Link Road, including South Molton to Bideford which included improvements to eight junctions (Borner's Bridge, Hacche Lane, West Buckland, Landkey, Bishop's Tawton, Westleigh, Heywood Road, Buckleigh Road) and improvements to links with sections of additional overtaking lanes, widening and other such measures. The Head of Service was recommending this strategy be accepted for the improvement of the North Devon Link Road between South Molton and Bideford.

Work had also been undertaken on the M5 Junction 27 to South Molton, including options for improving the section of the NDLR between M5 Junction 27 and Tiverton, to increase the capacity of Bolham junction and improve access to Tiverton Parkway, although further work was required on these preliminary schemes including discussion with statutory bodies and public consultation, which was anticipated in 2018.

The drawings of the proposals were appended to the report and were also on display at the meeting.

The proposals presented at the June – July 2017 public consultation, including the summary leaflet, were available on the Councils' website at <https://new.devon.gov.uk/ndlr/project-progress/consultation>, were summarised in the report and also circulated at the meeting.

The Head of Service now commended to Cabinet the proposals set out in full at Report PTE/17/56, including relevant drawings as appendices to the report and costings outlined at page 12 of the report.

The Head of Service's Report referred to the Impact Assessment in relation to the proposals outlined in the report and outlined the social / equality / environmental and economic impacts including some impact on agricultural land and the potential devaluation of property in the vicinity balanced against the proposed improvements for businesses from improved access and improved journey times for business activities. Whilst the scheme could affect a number of footpaths that crossed the A361/A39 (which would be considered during the design stage), there would be improved safety through the removal of right turns, improved alignment and overtaking opportunities.

The Cabinet noted that a comprehensive assessment of the anticipated environmental effects of the scheme was provided through an Environmental Assessment Report, available on the scheme website: <https://new.devon.gov.uk/ndlr/project-documents>, which highlighted the largest adverse impact would be during construction. It was not anticipated there would be any significant changes in local air quality. The Impact Assessment further outlined the impacts Castle Hill Registered Park and Garden and the proposed mitigation as well as on the landscape, noise levels, water quality and flood risk as well as the profile and views of stakeholders and people directly affected and how the impacts and actions would be monitored.

A range of mitigation principles and strategies would be used to reduce negative effects on the environment and to compensate for any unavoidable impacts. All impacts would be assessed further through the Environmental Impact Assessment process.

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

It was **MOVED** by Councillor Davis, **SECONDED** by Councillor Hart; and

RESOLVED that

(a) the conclusions from the North Devon Link Road 2017 public consultation be noted;

(b) the Strategy for the improvement of the North Devon Link Road between South Molton and Bideford be agreed;

(c) an Outline Business Case be submitted to the Department for Transport for "The Scheme" which would form the first phase of the strategy;

(d) the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure, Development and Waste and the relevant local member(s), be given delegated powers to make minor amendments to the proposed works, shown in Appendices II and III; and

(e) the Head of Planning, Transportation and Environment's intended application of the National Planning Policy Framework document in relation to determining planning applications that impact on the North Devon Link Road at paragraph 3.2.8 and 6.15 be noted.

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Children's Services: Provision of 0-19 Public Health Nursing Service and Services for Children with Additional Needs

(Councillor Dewhirst declared a personal interest in this matter by virtue of being a Governor of Exeter Royal Academy for Deaf Education)

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

The Cabinet considered the Joint Report of the Chief Officer for Children's Services and Chief Officer for Communities, Public Health, Environment and Prosperity (CS/17/32) on approval for carrying out options appraisals for the provision of the 0-19 Public Health Nursing, Portage, Rehabilitation Officers for Visually Impaired Children (ROVICs) and Residential Short Breaks services from April 2019 onwards and for the re-commissioning of Occupational Therapy (OT) and Child and Adolescent Mental Health Services (CAMHS) from April 2019.

The Council was one of five partners in a commissioning partnership for the provision of Integrated Children's Services (ICS) provided by Virgin Care Ltd and the current five-year contract comes to an end on 31st March 2018. Cabinet, on 8th March 2017, considered a range of options relating to the position of Public Health Nursing and resolved that approval be given to enter into a 12-month interim contract (with partners) to allow for a full procurement for a longer term contract with a contract start date of 1st April 2019.

In relation to the procurement of Integrated Children's Social Care services, Cabinet resolved on 8th March 2017 that the Council would commission jointly with the Clinical Commissioning Groups (CCG's), Children and Adolescent Mental Health Services (CAMHS) and community health and care services for children with additional needs: with delivery monitored through the Children, Young People and Families Alliance, jointly funded through a pooled budget for the period of one year 2018/19 via a Section 75. Also, that a one year contract for 2018/19 be awarded to Virgin Care Ltd. As the Council had been working with the CCG's to determine a strategy to shape service delivery, with a view to tenders for services being invited during 2018 for a longer term contract(s) from 2019 onwards, a decision was now required for carrying out options appraisals for the provision of the 0-19 Public Health Nursing, Portage, ROVICs and Residential Short Breaks services from April 2019 onwards and for the re-commissioning of OT and CAMHS from April 2019.

The report outlined the scope of the public health nursing service, linked to the need for Children to achieve the best start in life as well as the ambitions of the Joint Health and

Wellbeing Strategy, as well as the individual proposals for Portage, ROVIC's, residential short breaks and occupational therapy.

The Chief Officer's report referred to the Impact Assessments undertaken in relation to the proposals outlined in the report.

With regard to the Public Health Nursing Service, the service would continue to work to the localised National Specification in 2018/19 which had a positive impact on tackling health inequalities as the fundamental principle of what it sought to address, highlighting that if the proposed Options Appraisal and Consultation led to changes in the localised National Specification for 2019 onwards, it would be necessary to undertake further Impact Assessments to identify and manage any risks that might arise. In summary, the assessment highlighted that the proposed removal from the CCG led re-procurement process and Options Appraisal for future delivery options should not of itself have any unmanageable negative impact on any protected characteristics, but would enable any opportunities to advance equality to be explored.

It was further noted that any impacts or risks of impact will be considered and monitored by an appropriately constituted Programme Board.

The Assessment in relation to Devon Integrated Children's Services, highlighted that Clinical Commissioning Groups (CCGs) intended to put in place a contract for one year until March 2019. Based on engagement feedback, strategic and legislative changes and changes across the commissioning landscape it was important to ensure delivery of services for children and families was as strong as it could be, therefore highlighting the options appraisal and reasons for the proposed recommendations. The Impact Assessment did not highlight any negative impacts that could not be managed, for example, the potential disruption to continuity of care for children, but that better outcomes were anticipated with the better integration across services between social care, health and education. The assessment stressed that a full EIA process would be undertaken for the future plans for Portage, ROVIC's and Short Breaks as part of any future changes following consultation and options appraisal. Furthermore, the OT and CAMHS Services would be further Impact Assessed in line with the NHS processes through the procurement process and that impact further monitored through commissioning strategies and contract/ service performance monitoring.

The Chief Officer's now commended to the Cabinet the proposals and recommendations set out in full in report (CS/17/32).

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

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor McInnes; and

RESOLVED that

(a) the undertaking of option appraisals for the provision of the 0-19 Public Health Nursing, Portage and ROVICs services from April 2019 onwards be approved;

(b) the undertaking of work for the consideration of Devon County Council becoming the Lead Commissioner for the Residential Short Breaks service and, if the Council becomes the Lead Commissioner, for the undertaking of an options appraisal for the provision of the Residential Short Breaks from April 2019 onwards, also be approved;

(c) future decision making powers pertinent to the commissioning and / or provision of Portage, ROVICs and Residential Short Breaks services, which are currently covered under the existing contract, be delegated to the Chief Officer for Children's Services, in consultation with the Cabinet Member for Children's Services and Schools; and

(d) the joint commissioning of Occupational Therapy (OT) and child and adolescent mental health services (CAMHS) as part of the Community Health and Care Services with NEW Devon CCG acting as lead commissioner for a new contract to start from April 2019, be approved.

* **66** **Reference from Teignbridge HATOC - St Marychurch Road, Newton Abbot**

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

The Cabinet had, at its last meeting, considered the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/63) and the recommendation of the Teignbridge HATOC on 13 July 2017 (Minute 40) which resolved that '*(d) that the Cabinet be asked to approve, as a departure from policy, the extension of the 30mph restriction to a position south east of the junction with Twickenham Road, a distance of approximately 425 metres*'.

It had been **RESOLVED**, at that Cabinet Meeting, that the item be deferred pending a site visit to the area.

The Cabinet Member for Highway Management reported that he visited the location to consider the request to extend the 30mph speed limit. He further spoke to the Local Member at that site visit. He reported that current speed limit was compliant, that there was a good safety record and no frontage development. However, the adjacent woodland did mask the two large housing estates on either side of the road and the Cabinet Member had noted the proximity of local shops and facilities on the eastern side of the road with associated pedestrian crossing point, the presence of an additional junction since the opening of the South Devon Link Road and a bridleway crossing point.

The Cabinet Member did not consider the request to be fundamentally unsafe, but highlighted that funding would need to be determined for implementation as it would not meet the priorities for intervention when considered against other locations across the County.

Officers would further be requested to monitor the location in terms of impact such as vehicle speeds, compliance and collision information to feed into a future review regarding the approach to speed management across Devon.

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

RESOLVED that

a) a departure from policy be agreed, to permit the advertising of a Traffic Regulation Order to extend the existing 30mph limit to an appropriate location to the south east of the junction with Twickenham Road; and

b) if implemented, the road be monitored and the results used to inform future policy review.

* **67** **Devon Safeguarding Children's Board Annual Report**

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

Mark Gurrey, Chair of the Devon Safeguarding Children Board, attended and spoke at the invitation of the Cabinet.

The Cabinet received the Annual Report of the Devon Safeguarding Children Board which charted progress within Devon against national expectations of safeguarding activity and provided a rigorous and transparent assessment of the performance and effectiveness of

safeguarding activity over the preceding year, commenting upon the effectiveness of safeguarding arrangements in place across Devon.

This included the development of a challenge log in October 2016 with 26 challenges formally recorded during the period October 2016 to March 2017.

In addition, the Cabinet noted that the Board had been judged 'inadequate' by Ofsted, and there had been a recognition that change was needed, so the Board was redeveloped with a new Executive and some additional sub groups.

The Board also sought to engage with and understand the broad safeguarding system across the County, became an early adopter' of the core findings from the Wood Review, promotion of innovative ways of partnership working leading to a new unified model that changed the partnership culture and separated out commissioning and challenge functions and, finally, the integration of the statutory LSCB functions into the new partnership arrangements.

For the future, the Cabinet noted the new partnership arrangements with the Children, Young People and Families Alliance would be formalised, the delivery of the new Quality Assurance Framework, ensure all LSCB duties continued to be met across and respond to emerging Government legislation issued in the light of the Children and Social Work Act 2017.

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

RESOLVED that the Devon Safeguarding Children Board's Annual report be welcomed, noting in particular the good work undertaken and the aspirations for the future.

[NB: The Safeguarding Board Annual Report would also be available, in due course, at: <http://www.devonsafeguardingchildren.org/>].

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

There was no question from a Member of the public.

* **69** **Minutes**

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

RESOLVED that the Minutes of the following meetings be noted:

Farms Estates Committee, 18 September 2017.

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

* **70** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>.

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Forward Plan

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>)

NOTES:

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

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

The Meeting started at 10.30 am and finished at 11.59 am