

CABINET

12 September 2018

Present:-

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons

Members attending in accordance with Standing Orders 8 and 25

Councillors Y Atkinson, F Biederman, J Brazil, A Connett, A Dewhirst, R Hannaford, G Hook, R Scott, M Shaw, C Whitton and C Wright.

* 216

Minutes

RESOLVED that the minutes of the meeting held on 11 July 2018 be signed as a correct record.

* 217

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 218

Announcements

There was no announcement by the Chair at this meeting.

* 219

Petitions

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

* 220

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to two questions from a Member of the Council on PReP (Pre-exposure prophylaxis) Trials in the Devon County Council area and the overall HIV and AIDS figures and trends for the Devon County Council area.

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

* 221

Sherford Main Street: Approval to Obtain Tenders

(Councillors Brazil, Connett and Hannaford 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/18/41) on the interim scheme for Sherford Main Street, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report sought approval to obtain tenders to undertake construction of the Sherford Main St Interim (SMSi) which ran from the south side of the Deep Lane junction connection to the recently delivered Phase 1 of Main St, north of Elburton Plymouth. This scheme would deliver an interim road that would form the spine route through the Sherford development and make Sherford accessible to the A38 by the public.

The new road would accommodate development traffic, public transport, pedestrians and cyclists and the developer would need to upgrade the road as the development built out over time. The SMSi would provide a direct access route into Sherford removing traffic from local roads and accommodate at least ten years of development traffic.

The Report highlighted that the area to the east of Plymouth was planned to experience significant growth as a result of strategic developments such as the new community at Sherford (to the south-west of the Deep Lane Junction) which would provide 5,500 new homes and 83,000 square metres of employment space.

The proposal was to deliver Sherford Main St interim (SMSi) scheme, providing a spine route through the development from Deep Lane junction to the first phase of Main St as required in the Sherford planning permission. SMSi would connect Sherford Main Street Phase 1 (being delivered by the Sherford Consortium) to Deep Lane which would link Sherford, Langage and the communities of Plympton, Plymstock and surrounding villages of South Devon.

On completion, the scheme would reduce traffic on the surrounding minor roads and areas of Plymouth subject to air quality and road safety issues and also be used by public transport and cyclists as a better alternative to the current routes. The design had been developed thorough collaboration with the Sherford Consortium in a way that made the best use of the funding available but could also be adapted for future improvements. The scheme plan was provided in the Appendix to the report.

The main construction works were anticipated to start in January 2019 and complete by March 2020.

An Environmental Impact Assessment was undertaken for the Sherford development to accompany the planning application which considered the potential for environmental effects to occur as a result of the proposed works, both during construction and after the development was completed. Where a significant adverse environmental effect was identified, mitigation measures had been developed to reduce, minimise or avoid the impact and further ecological work by the developer had recently been undertaken.

The Cabinet noted that a Construction Environmental Management Plan would be produced to mitigate any environmental impacts as part of the construction process and agreed with the planning authority.

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

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

RESOLVED

(a) that the Sherford Main Street Interim scheme design, as shown in the Appendix to the report be approved for tender at an estimated total project cost of £5 million. This follows an agreement in principle that:

- (i) the DfT have agreed to the delivery of the scheme in two sections and it is eligible to full grant approval of £5m;
- (ii) the Sherford Consortium agree to the availability of land; and
- (iii) the Sherford Consortium will deliver Section B of the scheme;

(b) that the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure, Development and Waste and the local County Council Member, be given delegated authority to make minor amendments to the scheme design.

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

* **222** **Budget Monitoring: Month 4**

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

The Cabinet considered the Report of the County Treasurer (CT/18/09) on the Budget Monitoring position at Month 4 for 2018/2019, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet Member for Resources Management highlighted that the total overspend at month 4 was forecast at £8.1 millions.

Adult Care and Health services were forecast to breakeven and this position took into account £855,000 of management action yet to be achieved, but assessed as achievable.

Children's Services were showing a forecast overspend of £8.7 millions, with, in the main, overspending on children's social care of £5.1 millions. The total overspending in children's placements forecast was to be £4.1 millions and the Dedicated Schools Grant (DSG) currently forecast to overspend by £3.4 millions, with the High Needs Block of the DSG currently forecast to overspend by £4.9 millions.

Highways, Infrastructure Development and Waste were also forecasting a break-even position at Month 4.

Communities, Public Health, Environment and Prosperity (COPHEP) are showing a forecast overspend of £207,000, the result of the countywide research and intelligence review project.

Corporate Services were forecasting a breakeven position, but this was dependent upon services still delivering management action totalling £517,000, but this was also assessed as achievable.

Non-service items were forecast to underspend by £744,000, mainly due to additional investment income and a one-off underspend associated with a estimate for remedial works being undertaken at Dartington School not fully materialising in the year.

The capital programme for the Council was £149.111 millions, with a year end forecast of £138.75 millions, so slippage of £10.356 millions, in the main, due to scheme variations and programme delays in Highways.

Whilst it was relatively early in the financial year to project with a high level of certainty what the final year end position would be, it seemed that like many other Local Authorities across the Country, the Council was now dealing with with high levels of demand for Children Services with Residential Placements proving particularly difficult to contain within budget and High Needs requirements within Education had also seen a significant increase in the number of places needed.

The Report highlighted there was time to identify management action in other budgets to try and pull back the projected overspending.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal

considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

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

RESOLVED that the Cabinet notes the forecast overspending of £8.1 millions and acknowledges the need to take action to contain and reduce the projection.

* **223** **Reference from South Hams Highways and Traffic Orders Committee - Parking Permits (Exemptions for Carers) (Minute 43)**

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

The Cabinet noted that, at its meeting on 6 July 2018 (minute 43a refers), the South Hams Highways and Traffic Orders Committee considered the issue of parking permits and exemptions for carers in light of issues reported of health & social care professionals having nowhere suitable to park near to client's homes, exacerbated in the holiday season particularly with increasingly more care being delivered within the local community.

The Committee had **RESOLVED** that Cabinet be asked to note that the South Hams HATOC supports a review of exemption parking permits for carers with a countywide approach and asks that Cabinet consider this with a view to it being carried out as soon as possible.

The Cabinet Member for Highways Management supported the proposal to look at the matter further, but said the Cabinet needed to be mindful of potential impacts on the highway network and should also look for lessons learnt elsewhere in the Country.

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

RESOLVED that the Chief Officer for Highways, Infrastructure Development and Waste undertake a review of exemption parking permits for carers, including benchmarking against other local authorities, and that proposals be presented to a future Cabinet meeting, later in the year.

* **224** **Reference from Teignbridge Highways and Traffic Orders Committee - A380 South Devon Highway Average Speed Cameras (Minute 60)**

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

The Cabinet noted that at its meeting on 26th July 2018, the Teignbridge Highways and Traffic Orders Committee had considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/57) relating to proposals to install Average Speed Cameras on the A380 South Devon Highway. The Committee had **RESOLVED** that the principle of installation of Average Speed Cameras on the South Devon Highway be approved and that the formal approval for funding of the proposal be sought from Cabinet.

The Cabinet heard that the Devon and Cornwall Safety Camera Partnership and the Police felt that enforcement would be beneficial in reducing the traffic speeds on this dual carriageway. The cost was £285,000, with annual maintenance of £4,000 and whilst this was a significant cost, it was considered that that benefits gained offset the cost.

The Cabinet Member for Highways Management commented that since the opening of the road, there had been local concern around speed and enforcement with speeding creating added risk to other highway users as well as unwanted noise for those who lived nearby.

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

RESOLVED that the proposals for the installation of Average Speed Cameras on the A380 South Devon Highway, with associated changes in signing and any necessary amendments to the Traffic Regulation Order, be formally approved at an estimated cost of £285,000, with the capital costs to be met from the South Devon Highway capital scheme budget and the revenue costs from the highway revenue budget.

* **225** **Reference from Exeter Highways and Traffic Orders Committee - Bus Shelters in Exeter (Minute 59)**

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

The Cabinet noted that at its meeting on 30th July 2018, the Exeter Highways and Traffic Orders Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/18/39) which gave an update on the provision of bus shelters in Exeter provided by Clear Channel under a joint agreement with Devon County Council and Exeter City Council.

The Committee **RESOLVED** (c) that the Cabinet and Exeter City Council be asked that the net income from the profit sharing agreement with Clear Channel (currently standing at £44,492) be used solely for additional and improved bus shelters in the City; and (d) that the City Council be requested to permit digital advertising on the bus shelters in the High Street to increase revenues for improved bus shelter provision.

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

RESOLVED that the Exeter Highways and Traffic Orders Committee request be agreed where there is an identified deliverable scheme. This agreement will be limited to a period of five years and the success reviewed at the end of the period.

226 **Notice(s) of Motion referred from Council (Minutes 124 - 130 of 19 July 2018)**

(a) Outsourcing and Devon County Council Contracts

(Councillor Atkinson attended in accordance with Standing Order 8 and Councillors Biederman, Brazil and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

This Council is concerned that outsourcing Devon County Council (DCC) contracts can reduce financial flexibility and the ability to respond to changes in policies and facilitate effective cross department working across interrelated DCC services in complex areas like the health and wellbeing of children. Accordingly, DCC can no longer afford to be locked into long term, difficult if not impossible to vary contractual schemes for services like Children and Mental Health if it wishes to remain responsive to the needs of Children from birth to age 25.

In view of cross party concern to fully and effectively integrate cross department working in children's health and mental health services and education Devon County Council should bring back key services in-house and manage them in the wider public interest including value for money (defined broadly to include effects on public revenues and community wellbeing at large) and social value tests.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and raised further concerns over the potential fragmentation of Children's Services.

Members considered the Officer's factual briefing note on the matter which referred to the responsibilities for the provision of wellbeing services for children and the CCG's having a greater share of national policy obligations and also their support for the recommendation now before the Cabinet, and to actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that the Council be asked to note the continued commitment and investment in joint arrangements for the commissioning of mental health services for children. The Council will continue to use its influence as a key partner in strategic and commissioning arrangements to further improve mental health services for children.

(b) Badger Culling and DCC Property

(Councillor Atkinson attended in accordance with Standing Order 8 and Councillors Whitton and Wright attended in accordance with Standing Order 25(2) and spoke to this item).

The Council will not permit badger culling to take place on property owned by the County Council and calls for the badger cull to be ended throughout Devon; due to the scientific consensus that it is ineffective and is therefore cruel and unnecessary.

The Council calls on DEFRA to begin a nationwide vaccination programme of badgers, which initial studies show to be highly effective in preventing the spread of bTB.

With the TB vaccine becoming available again, the Council calls on the government to instead invest in the development of cattle vaccine, more effective TB tests and introduce other measures to improve farm biosecurity as a vital part of effectively controlling bTB such as effective cattle movement controls

The Council calls on all governments, present and future, to not authorise badger culls for the purpose of controlling the spread of bTB, unless there is overwhelming scientific evidence showing the potential cull to be effective and necessary.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and raised further comments in relation to other land owned by the Council, the need for improved mechanisms for dealing with Bovine TB and vaccination programmes.

Members considered the Officer's factual briefing note on the matter which also referred to the Government's position and also the legal position of the Council with regard to its Farms Estate and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that Council be advised that Cabinet notes the Notice of Motion but understands that the Government are continuing to widen the scope for culling zones across the country (as currently the most likely effective solution), and that there are continuing trial vaccinations taking place. The Council are not able to prevent County Farm tenant's from participating in a licenced and lawful cull.

(c) Dorset & East Devon National Park

(Councillor Davis declared a Disclosable Pecuniary Interest in this matter by virtue of being Deputy Leader of Exmoor National Park Authority and a Member of the North Devon AONB and withdrew from the meeting during its consideration).

(Councillor Shaw attended in accordance with Standing Order 8 and Councillor Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

This Council supports the establishment of a Dorset and East Devon National Park and resolves to submit a case for this to the DEFRA review of national parks.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and raised the importance of conserving the environment and protecting communities as well as complementing the World Heritage Sites.

Members considered the Officer's factual briefing note on the matter and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that Cabinet recommends that the Council:

(a) welcomes the work of the independent panel in undertaking its review of National Parks and AONBs and, based on the significance and extent of these nationally protected landscapes in Devon, invites it to visit Devon and draw on the experience of this Authority and others involved in the management of these areas; and

(b) defers any expression of support for the establishment of a Dorset and East Devon National Park unless or until the overriding benefit of this approach to Devon's wider interests is clearly demonstrated.

(d) Road Repairs and Skanska Contract

(Councillor Hook attended in accordance with Standing Order 8 and Councillors Biederman, Brazil, Dewhirst, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The quality of road repairs since Skanska took on the contract has reached a new low. Certainly, that is the case in Newton Abbot. Consequently, officers will make early recommendations to Cabinet for immediate improvements in the quality of workmanship. These recommendations to include more frequent quality control inspections and the imposition of financial penalties for inadequate work, demonstrated by the need to return to any given pothole or equivalent piece of work within a 6 month period.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and added his wish that the Scrutiny Task Group would address the issue of quality control inspections.

Members considered the Officer's factual briefing note on the matter including the current work being undertaken by the Corporate Infrastructure and Regulatory Services Scrutiny Committee Task Group which appeared to cover the scope of the Notice of Motion, the comments from other Members speaking under Standing Order 25(2) that improvements had been made and their support for the recommendation now before the Cabinet,

representations previously made and to actions now proposed and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that Council be advised that a Scrutiny Task Group has been established by the Corporate Infrastructure & Regulatory Services Scrutiny Committee, and that the outcomes from that review are considered by Cabinet when they are available.

(e) Community Hospital Buildings

(Councillor Wright attended in accordance with Standing Order 8 and Councillors Biederman, Hannaford, Shaw and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

This Council notes the millions of pounds that local communities have invested into their community hospitals over many years, across Devon.

This Council appreciates how much local people care about their hospitals, about retaining beds in those hospitals that still have them and about retaining health services in those that have lost their beds.

This Council acknowledges that the strong feeling that is present in many communities in Devon about the retention of community hospital buildings where beds have been closed.

This Council strongly supports the retention of all Devon community hospital buildings for the provision of health and social care services and will strongly oppose any plans to declare any community hospital building surplus to requirements.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and raised further concerns over the strength of feeling in communities regarding community hospitals and beds.

Members considered the Officer's factual briefing note on the matter, which outlined the current process and use of community hospital buildings, and their support for the recommendation now before the Cabinet, and to actions now proposed and other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that Council be asked to note that this is a matter for the NHS but this Council will work in partnership to influence decision making appropriate to individual circumstances, including population need and the quality of building.

(f) Universal Credit

(Councillor Atkinson attended in accordance with Standing Order 8 and Councillors Hannaford and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

Universal Credit is due to be rolled out in Devon in September. The National Audit Office has concluded in its recent report that Universal Credit has not delivered value for money and it is uncertain if it ever will.

The NAO has “significant doubts” about the DWP’s expected savings. Universal Credit currently costs £699 per claim, which is four times as much as the DWP intends for it to cost when the systems are fully developed, the report said.

Local and national bodies, as well as claimants, showed the NAO evidence of people suffering hardship during the rollout of the full UC service. The report said: “These have resulted from a combination of issues with the design of Universal Credit and its implementation. The department has found it difficult to identify and track those who it deems vulnerable. It has not measured how many Universal Credit claimants are having difficulties because it does not have systematic means of gathering intelligence from delivery partners.”

Its survey of full service claimants, published in June 2018, the department found that four in ten claimants that were surveyed were experiencing financial difficulties.”

The report said that while it recognises the “determination and single-mindedness” with which the DWP has “driven the programme forward to date, through many problems” local and national organisations have raised issues and the department does not accept that UC causes hardship among claimants “because it makes advances available and believes that if claimants take up these opportunities hardship should not occur”.

There are serious problems with the system’s design and implementation. People need better support to make claims and should not be left without enough money to live on. It is unhelpful that the government reduces 40% from people’s benefits to pay back a loan given to them to survive the month long gap before they receive their first payment.”

The Council is urged to write to the DWP to ask what its plans are for making sure that the claimants in Devon do not suffer hardship in the changeover and to ensure that claimants can get the advice and support from the DWP and independent agencies.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet’s support for the course of action originally suggested and raised further concerns over the role of DWP in supporting claimants, the ‘customer journey’ and identification of vulnerable claimants.

Members considered the Officer’s factual briefing note on the matter including the work of the Council with DWP and other partners and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED

(a) that the Council supports the overall aims of Universal Credit as described in the briefing note circulated to the Cabinet (CSO/18/25);

(b) that the Council recognise that Universal Credit is a very complex programme and that the Department of Work & Pensions is working to address the problems highlighted in the National Audit Office’s report; and

(c) that the Council continues to support the DWP, JobCentrePlus, Devon’s District Councils, Devon Citizens Advice and many other organisations in providing advice and support to claimants as Universal Credit is rolled out in Devon.

(g) Environmental Protection

(Councillor Wright attended in accordance with Standing Order 8 and Councillor Dewhurst attended in accordance with Standing Order 25(2) and spoke to this item). The wording of the Motion as outlined below.

This Council shares the government's desire to leave our environment in a better state than it is now.

But its proposals are unlikely to achieve that ambition. They will leave the environment with weaker protection than it currently has under our EU membership - a long way off the 'world-leading watchdog' it promised.

To deliver the protection the environment needs, this council calls on the government to ensure that the proposed new law, must at least:

- *Deliver world-leading environmental governance, including the watchdog promised, with powers that are at least as strong than any other environmental watchdog in the world, which any citizen can complain to for free.*
- *Deliver a watchdog which will investigate all breaches of environmental law by any part of government, including reviewing and challenging significant, strategic or nationally important planning and infrastructure decisions, robustly enforce the law including through fines and legal action, and ensure public bodies act to ensure damage is restored.*
- *Put environmental principles into law, not just policy. These principles should include at a minimum, those environmental principles found in the EU treaties (for example, that principle that polluters should pay to rectify damage they cause), but the bill should allow for the addition of new principles where appropriate.*
- *Set legal targets for nature's recovery, against which this and future governments will be held to account, to ensure long-term action that will leave the environment in a better state.*
- *Work with other countries, in a transparent way, to co-develop and co-design environmental governance arrangements and secure our existing environmental principles.*

This Council recognises the huge importance of the Devon environment – both for local residents and visitors who will support the local economy, as well as the wildlife, and urges government to listen to environmental organisations such as the RSPB and significantly strengthen proposals to meet its own strong ambitions for nature's recovery.

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally suggested and raised further concerns over the length of a 25 year plan.

Members considered the Officer's factual briefing note on the matter including reference to two recent developments in national environmental policy and legislation and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

RESOLVED that the Cabinet recommends that Council endorse the spirit of the Notice of Motion and notes that appropriate action is already underway to promote the adoption by Government of strong, new environmental policies and enforcement following Brexit, plus new approaches to improving this Authority's own environmental performance in line with the 25 Year Environment Plan.

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

In accordance with the Council's Public Participation Rules, the Leader responded to one question from a Member of the public on recent Government developments in shale gas exploration, making representations to Government and the position of the Council in responding to two recent consultations.

The questioner was not present at the meeting, but a copy of the response would be forwarded to them.

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

* **228** **Minutes**

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

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

RESOLVED that the Minutes of the following and any recommendations to Cabinet therein be approved including endorsement of minute 18 of the Devon and Exeter Rail Project Working Party in relation to its future operation and structure.

Devon and Exeter Rail Project Working Party – 13 July 2018
Farms Estate (Interviewing) Committee – 23 July 2018
Farms Estate Committee – 3 September 2018

* **229** **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/>

* **230** **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 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 1.10 pm



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday 12 September 2018

1. QUESTION FROM COUNCILLOR HANNAFORD Re: PREP Trial

Following the loss of the High Court case is there a trial of PREP in the DCC area?

If so, are there any preliminary indicators on prevention and treatment rates?

REPLY BY COUNCILLOR CROAD

Pre-exposure prophylaxis, or PrEP, is a way for people who do not have HIV, but who are at substantial risk of HIV infection to reduce their risk of acquiring HIV. This involves taking the PrEP drug as instructed, prior to any exposures that might put the individual at high risk of getting HIV.

The single-tablet PrEP drug contains two medicines. When someone is exposed to HIV through sex or injection drug use, these medicines can work to keep the virus from establishing a permanent infection. The results of the PrOUD trial in England, released in 2015, indicated that the risk of HIV infection was reduced by 86% in those taking PrEP.

The PrEP Impact Trial was announced by NHS England and Public Health England in December 2016. The allocation of trial places commenced nationally in September 2017 and was rolled out to sexual health clinics such as Devon, in early 2018. It is planned to last three years, enrol 10,000 participants and measure how many participants at high risk of acquiring HIV will take up the offer of PrEP:

- men who have sex with men (MSM);
- trans men and trans women;
- HIV-negative partners of individuals diagnosed with HIV who are not known to be virally suppressed;
- heterosexual people who are considered to be at high risk of HIV acquisition.

The re-allocation of places has occurred twice since the start of the trial. In the Devon County Council area, the lead sexual health service provider Northern Devon Healthcare Trust has recruited participants to 56 of the available 60 trial places, who meet the eligibility criteria at 2.1. It is too early to comment on the impact of the PrEP trial. Public Health England data from sexual health centres in London in 2015/16, reported a significant reduction in new HIV infections, amongst men who have sex with men, attributed to frequent testing; early treatment and significant numbers of men who have sex with men using PrEP.

Public health was notified this week that NHS England have made a further 3000 places available nationally for the PrEP Impact trial. These will be distributed nationally across all the registered clinic trial centres and will result in some additional recruitment to the trial in both the Exeter and North Devon clinical sites.

Access to PrEP outside of the PrEP trial - Truvada, the PrEP medication is currently protected by a patent in the UK (the NHS and UK pharmacies should normally use Truvada rather than generic versions that are cheaper). It is legal to buy generic PrEP online, sourced from outside the EU, so long as this is for personal use. Currently, the cost of Truvada is approximately £400 per month compared to a generic version at a monthly cost of about £45.00. The quoted costs are based on a daily PrEP (1 pill per day) routine.

Minute Item 220

The concern about purchasing generic medication online is offset by the reported experience of people buying PrEP drugs through websites listed on <https://www.iwantprepnw.co.uk/>, where some drug preparations have been tested for clinical reliability.

2. QUESTION FROM COUNCILLOR HANNAFORD Re: HIV and AIDS figures and trends

What are the overall HIV and AIDS figures and trends for the DCC area?

REPLY BY COUNCILLOR CROAD

The data below for HIV prevalence and newly diagnosed infections for residents in the Devon County Council area, is compiled from a report of those individuals aged between 15 and 59, accessing NHS treatment services.

- The rate of newly diagnosed infections has marginally reduced in keeping with national trends and is lower than both the Southwest and England rate.
- The HIV diagnosed prevalence rate has remained the same for the last three years and continues to remain lower than both the Southwest and England rate.

Devon County Council

	Rate						Numbers (numerator)					
	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
New HIV diagnosis rate per 100,000 aged 15+	4.7	4.7	3.4	3.7	3.4	3.2	30	30	22	24	22	21
HIV diagnosed prevalence rate per 1,000 aged 15-59	0.7	0.7	0.7	0.8	0.8	0.8	278	278	300	326	332	347

This information should be interpreted with caution as the national indicator excludes those above the age of 60. We are working with Public Health England to review this indicator and consider parameters that more accurately reflect the local demographic for retirement destinations such as Devon.



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 12 September 2018

1. QUESTION FROM PETER SCOTT Re: Shale Gas Exploration

Will the Leader, on behalf of the Council and residents of Devon, express his concern to Government about recent developments in shale gas exploration (Government proposals announced in May to reclassify Shale gas exploration as (a) permitted development and (b) NSIP National Significant Infrastructure Projects) by way of a letter to the Secretary of State to object to applications for fracking having permitted development rights such that applicants can avoid the usual planning system. In addition that Clause 209 (in the NPPF agreed on 24th July 2018) that says "*Minerals planning authorities*" are required to: "*recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction*" threatens to industrialise sensitive rural locations, goes against the spirit of "localism" and unreasonably promotes unsustainable fossil fuels at the expense of sustainable renewable energy options.

On the same subject, will the Leader arrange to make a Collective Council submission to the two consultations below, objecting to the proposals, that they undermine the spirit of 'localism' and erode the power of local residents to protect themselves from unproven potentially dangerous, industrial developments.

Government consultation - proposals to treat shale gas exploration developments as 'permitted development' <https://www.gov.uk/government/consultations/permitted-development-for-shale-gas-exploration>
Government consultation - treating fracking developments as NSIP www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime

REPLY BY COUNCILLOR HART

Through the Friends of the Earth, I have received dozens of emails on the matter all apparently from individual people residing in Devon and I have replied saying there are no areas in Devon licensed for any form of shale gas exploration.

This is because of the geology of Devon with any potential for shale gas extraction limited to the Jurassic Lias group which are in the eastern corner of Devon, but not of sufficient depth to be viable for hydrocarbon extraction.

The use of permitted development rights and applications determined under the NSIP (National Significant Infrastructure Projects) regime are parts of the planning system in England and the NPPF is the national guidance for planning authorities when determining applications and making development plans.

Given the unlikelihood of any proposals coming forward in Devon the Chief Planning Officer was not intending to provide a direct response to these consultations.

