

CABINET

15 February 2019

Present:-

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

Apologies:-

Councillors A Davis

Members attending in accordance with Standing Orders 8 and 25

Councillors K Ball, A Connett, A Dewhirst, R Hannaford, J Hodgson, J Hook, P Prowse, A Saywell and C Whitton

* 294

Minutes

RESOLVED that the minutes of the meeting held on 9 January 2019 be signed as a correct record.

* 295

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 296

Announcements

There was no announcement by the Chair at this meeting.

* 297

Petitions

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

* 298

Question(s) from Members of the Council

There was no question from a Member of the Council.

* 299

Question(s) from Members of the Public

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to two questions from Members of the public. The first related to the widening of the A382 and the space available on the east and west side of the road. The second question asked about data, opinions and public consultation that had been used to inform the east option, now put forward for decision later on the agenda.

The responses would be forwarded to the Members of the public who were not present at the meeting.

[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>]

FRAMEWORK DECISION

300 Revenue Budget, Medium Term Financial Strategy 2019/2020 - 2022/2023 and the Capital Programme for 2019/2020 - 2023/2024

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

The Cabinet considered and had regard to:

(i) the Report of the Chief Executive (CSO/19/7) summarising the outcomes of and comments/observations made at consultation meetings with representatives of Devon's Business Community, Trades Unions, representatives of Older People and the Voluntary Sector;

(ii) the discussions of the Council's Scrutiny Committees held on 21st, 24th and 29th January 2019, the recommendations being summarised and attached to this agenda (CSO/19/8);

(iii) a revised 2019/20 Budget Impact Assessment, circulated to all Members of the Council prior to the meeting and available at <https://new.devon.gov.uk/impact/budget-2019-2020/> alongside specific quality impact assessments referred to therein and undertaken as part of the budget's preparation;

(iv) the Report of the County Treasurer (CT/19/5) (also circulated prior to the meeting in line with Regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)) on the Revenue Budget for 2019/20, Medium Term Financial Strategy to 2022/23 and Capital Strategy 2019/20 to 2023/24, including an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment that identified risks associated with the budget strategy, together with how the risks would be managed. This year, for the first time, there was a requirement to prepare a Capital Strategy in line with the CIPFA Prudential Code for Capital Finance in Local Authorities 2017 and this was also included.

The Cabinet noted the role of the Corporate Infrastructure and Regulatory Services Scrutiny Committee on 29th January 2019 (Minute *108) in reviewing and endorsing the Report of the County Treasurer (CT/19/7) on the Treasury Management and Investment Strategy for 2019/20, which had outlined the Council's policies in relation to: the management of the Council's cashflows, its banking, money market and capital market transactions; borrowing and investment strategies; monitoring of the level of debt and funding of the capital programme, noting that it had been prepared in line with the CIPFA Code of Practice and reviewed in light of the revised code and revised Treasury Management Practices (TMPs).

The Corporate Infrastructure and Regulatory Services Scrutiny Committee further reviewed the Capital Strategy 2019/20 – 2023/24 (Minute *107) in view of the new requirement to prepare such a document in line with the CIPFA prudential Code for Capital Finance in Local Authorities 2017. The Committee endorsed the Report of the County Treasurer (CT/19/8) subject to the concerns raised by the County Treasurer regarding the revenue budget and the lack of any long-term financing from Government, the identification of external funding sources being included within the Report; and options appraisals being carried out prior to capital investment.

The budget book contained details of the County Council's revenue and capital budgets together with associated financial and operational information. The Council's financial plans were drawn up with reference to the Council's major policies and objectives, performance frameworks, demographic changes, consultation with local residents, businesses and other stakeholders.

2019/20 was the final year of the Government's four-year Local Government financial settlement and although core funding had been reduced by £13.5 millions (11.7%), to £101.5 millions, this was in line with expectations. The reduction had been offset to some extent by additional grants for Winter Pressures of £3.6 millions and Social Care Support of £6.1 millions. However, the overall picture was a significant reduction to funding at a time when there were huge pressures on Social Care services.

The New Homes Bonus grant figures had been announced and the sum for the Council was £192,000 more than anticipated, at £3.66 millions (but still represented a reduction of £149,000 on the previous year).

There was uncertainty about the level of future funding from Government after 2019/20. As well as the Government's new Comprehensive Spending Review (CSR 2019), the planned Business Rates funding reset and the uncertainty of 'Brexit', the Government was also consulting on significant reforms to local government funding.

The Report of the County Treasurer (CT/19/5) comprised in detail:

- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Strategy and Programme Overview 2019/20 - 2023/24;
- Service Budgets;
- Medium Term Financial Strategy 2019/20 - 2022/23;
- County Fund Balance and Earmarked Reserves 2019/20;
- Treasury Management Strategy 2019/20 - 2021/22 and Prudential Indicators 2019/20 - 2023/24;
- Risk Analysis of Volatile Budgets;
- Fees & Charges; and
- Abbreviations.

The Cabinet Member for Resources Management commented that this was a balanced budget, with increases for Children's Services, Adult Social Care and Highways, ensuring that the vulnerable were protected. He also paid tribute to the County Treasurer and her staff.

Members attending under Standing Order 25 recognised the difficulties faced by the Council in setting a budget and commented on the welcome increase to budgets for Children's Services, the achievability of savings plans, the robustness of the Budget Scrutiny process and welcomed the 1% precept for Adult Social Care.

The Report outlined that detailed budgets had been produced within the Targets set by Cabinet in December 2018; shown on pages 39 to 90. The service budgets totalled £493.850 millions. These had been reviewed by the Council's three Scrutiny Committees, and were subject to different pressures and influences.

The Children's Services base budget was £135.153 millions (an increase of 9.4% from 2018/19), and included inflation, pressures and national living wage (NLW) of £13.229 millions and required savings and income initiatives of £1.645 millions.

The Adult Care and Health base budget was £232.599 millions (an increase of 2% from 2018/19), and included inflation, pressures and NLW of £13.517 millions and required savings and income initiatives of £3.866 millions.

The Communities, Public Health, Environment and Prosperity Services base budget was £38.577 millions (an increase of 0.7% from 2018/19) and included inflation, pressures and NLW of £1.431 millions and required savings and income initiatives of £762,000.

The Corporate Services base budget was £32.974 millions (a decrease of 6.6% from 2018/19) and included inflation, pressures and NLW of £1.476 millions and required savings and income initiatives of £3.808 millions.

The Highways, Infrastructure Development and Waste Services base budget was £54.547 millions (an increase of 0.7% from 2018/19) and included inflation, pressures and NLW of £3.700 millions and required savings and income initiatives of £3.317 millions.

The Council not only received Core Funding but specific grants, detailed in Key Table 5 (page 12). The most significant specific grant was the Dedicated Schools Grant which for 2019/20 had increased to £507.1 millions from £499.1 millions in 2018/19. Despite this increase, Devon's schools remained some of the most poorly funded by Government.

The Capital Strategy and Programme Overview 2019/20 - 2023/24 was outlined at pages 19 onwards, detailing the policy framework for the development, management and monitoring of capital investment, including Governance arrangements. The Medium-Term Capital Programme (MTCP) 2019/20 – 2023/24 summary on page 20 showed that the Authority would be investing over £481 millions in Devon over the next 5 years. The MTCP analysed by funding source was shown in Table A, notwithstanding the funding available in future years might change as Government policies and grant allocations were published.

The preparation of the budget for 2019/20 had been set by the detailed assessment of the risks associated with each budget and the goals and objectives of the County Council. A number of budgets could be classified as high risk because they were subject to external demands which were difficult to manage. Other budgets were affected by above average inflation, strong market forces or other factors not easy to predict. Details of these budgets, the level of risk they presented and the action taken to mitigate the risk could be found on pages 123 to 136 of the Report.

The settlement had set the Council Tax increase that would trigger the need for a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19. The Adult Social Care Precept regulations also remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Government then changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 as long as the total increase over the three years did not exceed 6%.

The Council increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

A Band D Council Tax would, if the proposed budget was approved, increase by 3.99% to £1,384.29. The Council Tax requirement for the Council was £401,663,454.61.

The Cabinet acknowledged that a Budget 2019/20 Impact Assessment had been prepared previously and taken into account by Scrutiny Committees as part of their earlier deliberations together with those specific impact assessments undertaken as part of the budget's preparation or in relation to service reviews arising therefrom: to ensure all Members had all relevant information in having regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010 when considering the proposed budget, its impact and any mitigating action required, prior to making a decision. The preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time. The Impact Assessment had been made available to all Members of the Council for the purpose of the Scrutiny meetings, this Cabinet meeting and the County Council on 21 February 2019. However, a revised version was circulated to all Members on 13th February 2019.

The County Treasurer also confirmed that, in her view, the proposed budget represented a sound and achievable finance plan for 2019/20. The total level of reserves and balances of

£104.7 millions had been based on a comprehensive risk assessment and was judged adequate. It was also her view that the Capital Strategy and associated capital programme was affordable and the risks associated had been appropriately assessed.

The Cabinet was therefore assured that the budget before it was an effective and balanced budget, which could be commended to the Council.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above, including the separate risk analyses set out therein:

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

RESOLVED that the County Council be recommended to:

(a) have full regard to the responsibilities placed upon the Council in the exercise of its Public Sector Equality Duty under s149 of the Equality Act 2010 (as set out in the 'Budget 2019/20 Impact Assessment' circulated previously for the purposes of this meeting, and specific impact assessments undertaken as part of the budget's preparation) in considering the proposals and their impact, before making a decision;

(b) have regard to the views of the Council's Scrutiny Committees, the Devon Education Forum, the Business Community, the Voluntary Sector, and the Trades Unions and other consultees on the budget (set out elsewhere on the agenda);

(c) note the Final Settlement Funding of £101.542 millions;

(d) approve the budgets (pages 39 to 89) within the targets set;

(e) approve the Net budget of £509.988 millions as set out in Key Table 1 on page 8;

(f) approve that a 1% Adult Social Care Precept is set, as set out in Key Table 2 page 9;

(g) approve that the Council Tax requirement be set at £401,663,454.61 as set out in Key Table 2 page 9;

(h) approve the precepts required from each District Council and the levels of County Council Tax for each of the eight property valuation bands consequent upon the budget as amended by adjustments in collection in the current year, as set out in Key Table 2 on page 9;

(i) note the Medium Term Financial Strategy 2019/20 - 2022/23 as set out on pages 91 to 104;

(j) note the risk assessments set out on pages 123 to 136 and in particular, the risks associated with containing costs and maintaining service provision against a background of significant budget reductions;

(k) take account of the risks outlined on pages 123 to 136 in determining the final service budgets, levels of reserves and Council Tax figure being recommended to the Council;

(l) note the County Fund Balance and Earmarked Reserves 2019/20 as set out on pages 105 to 108;

(m) approve the Capital Strategy and Programme Overview 2019/20 - 2023/24 set out on pages 19 to 37;

(n) approve the Capital Programme for 2019/20 of £110.9 million and its financing as shown in Summary Table A on page 20;

(o) approve, for planning purposes, the indicative Capital Programmes for 2020/21, 2021/22, 2022/23 and 2023/24 shown in summary Table A on page 20. These levels will be reviewed in light of the overall level of revenue and capital resources available to the Council for each year;

(p) approve the adoption of the Treasury Management Strategy 2019/20 - 2021/22 as set out on pages 109 to 122;

(q) approve the Prudential Indicators for 2019/20 to 2023/2024 contained pages 109 to 122;

(r) approve the amendment to the Minimum Revenue Provision Strategy for 2018/19 as set out on pages 109 to 122;

(s) approve the minimum Revenue Provision Strategy for 2019/20 as set out on pages 109 to 122;

(t) delegate to the County Treasurer the authority to effect movements between the separately agreed limits for borrowing and other long-term liabilities;

(u) approve that changes to existing charges be agreed by the appropriate Cabinet Member in consultation with the County Treasurer; and

(v) approve the introduction of the new charge in Highways, as set out on page 137.

[NB: All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon, or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport or in relation to the setting of members' allowances or by being a parent or guardian of a child in a care or in receipt of a state pension. The Impact Assessments referred to above are available at: <https://new.devon.gov.uk/impact/budget-2019-2020/>

KEY DECISIONS

* **301** **Admission Arrangements and Education Travel Review: Approval to admission arrangements for subsequent academic year**

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

The Cabinet considered the Report of the Head of Education and Learning (CS/19/5) on the approval to Admission & Education Transport Policies for 2019-20 and 2020-21, 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 proposed policies, highlighted below, were attached to the agenda with changes annotated in red;

- Proposed 2019-20 In Year Co-ordinated Admissions Scheme;
- Proposed 2020-21 Normal Round Admissions Scheme;
- Proposed 2020-21 Education Transport Policy; and
- Proposed 2020-21 Post-16 Education Transport Policy.

Cabinet were also being asked to approve the published admission numbers for community and VC schools (appendix 1), catchment areas for community and VC schools for 2020/2021 (appendix 2) and the admissions cycle timetable drawn up for the following year's admissions at appendix 3.

The Local Authority (Devon LA) had a statutory responsibility to propose, consult on and determine admission arrangements for community and voluntary controlled (VC) schools and co-ordinated admission schemes for the normal round of admissions to all state-funded schools. Consultation in Devon was held ahead of the statutory deadline for annual determination by Cabinet. Schools that were their own admissions authority were responsible for their own arrangements and determined by the schools themselves.

This Report highlighted the outcome of the consultation on primary and secondary school admission arrangements for 2020-21 and the co-ordination of primary and secondary school admissions and to seek approval to the schemes. Admission to special schools and fee-paying independent schools was not included.

All policies were published at <http://devon.cc/lapolicies> and the changes annotated within the Reports attached to the agenda.

The Cabinet noted that the proposed admission arrangements had been consulted upon by the Local Authority, for community and voluntary controlled schools for which it was the admissions authority and on the proposed co-ordinated admission schemes for primary and secondary schools.

The number of responses received was low although a number of responses were received with regard to specific, local admissions issues, detailed at www.devon.gov.uk/admissionarrangements. This was in common with neighbouring Local Authorities.

Part of the co-ordinated admission arrangements included the Fair Access Protocol which provided for vulnerable children who otherwise would be out of school. It was continually reviewed and whilst there were no amendments to the Protocol since last year, further work was planned which would focus on learners who were ready to be reintegrated from Alternative/Medical Provision.

The Report also outlined the procedures in relation to those schools in Devon responsible for their own admissions policy and decisions in response to admissions applications which included academy, free, studio, voluntary aided and foundation schools and university technical colleges (UTCs). Devon met the requirement under the School Admissions Code to collate and publish the admission arrangements of all schools. Furthermore, Local Authorities should review the policies of all schools to ensure that they were legally compliant. Where any identified practices might be deemed unlawful, it would raise the issue and seek amendments.

In previous years, the Education Transport Policy had been included in the admissions consultation and Members had been requested to consider them at the same time. The arrangements proposed for 2020/21 for statutory age children and post-16 students were those previously determined for 2019/20 with changes proposed to the wording to improve understanding. Members were able access the tracked changes document reflecting the changes.

Equality of access to education opportunities was a fundamental feature of school admission arrangements and all the policies for consideration had been subject to an Equality Impact Needs Assessment, at www.devon.gov.uk/admissionarrangements. In addition, in a more autonomous school system, Local Authorities needed to ensure schools complied with the admissions code and should be prepared to challenge practice that was neither legal nor inclusive.

The Cabinet noted that the proposals ensured that the Council had met its statutory responsibilities in respect of school admissions.

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 McInnes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the Cabinet note that the admission arrangements were proposed and consulted on by the Local Authority;

(b) that the following be approved;

- (i) the Published Admission Numbers for community and VC schools for 2020-21 (Appendix One);
- (ii) the catchment areas for community and VC schools for 2020-21, (Appendix Two);
- (iii) the admissions cycle timetable drawn up for the admissions arrangements cycle (Appendix Three);
- (iv) the normal round co-ordinated admissions scheme for 2020-21 (Appendix Four);
- (v) the in-year co-ordinated admissions scheme for 2019-20 (Appendix Four);
- (vi) the Education Transport Policies for 2020-21 (see Appendix Five)

(c) that the proposal to make representations to the Department for Education regarding normal round co-ordination for new free schools, highlighted at section 4.2 of the Report, be endorsed.

* **302** **Highways Budget: Allocation of additional capital funding for carriageway structural maintenance and bridge structural repairs**

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

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/7) which sought approval to increase the 2018/19 Highways, Infrastructure Development and Waste (HIDW) capital programme with the additional funding received by the Government. The Report also clarified how the Council proposed to allocate the funding and was 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 highlighted the announcement from the Chancellor of the Exchequer in November 2018, that Government was allocating £420 million in the 2018/19 financial year for local highways maintenance, including the repair of potholes, to keep local bridges and structures open and safe, as well as to aid other minor highway works that might be needed. The Council's share was £18.754 million, in addition to the £41.132 million included in the County Road highway maintenance capital programme (Cabinet report (HIW/18/20) 11 April 2018).

The Department for Transport expected local authorities to make available on their website by the end of March 2019 details of how original funding and this new extra funding had been utilised. A selection of schemes needed to be published with pictorial evidence showing 'before' and 'after' photographs of works undertaken.

The Report outlined the proposal to allocate the new funding across the following programmes of the highways and structures capital programme.

Programme	Value £'000
Principal Named schemes	4,932
Principal Pre-patching for 2020/21 Preventative programme	1,099
Non-Principal Road Recovery Programme	6,501
Non-Principal Pre-patching for 2020/21 Preventative programme	4,434
Spray Injection Patching	530
Major refurbishments – bridges	1,258
Total	18,754

The Report outlined the data used to generate a list of schemes and how these might be prioritised, including taking into account future road conditions and the role of the Asset Management Plan.

The overall programme had been identified and programmed for delivery through a range of highway contractors and there was sufficient capacity in the market to complete the works during the remainder of the financial year. The Report also highlighted how the Council would ensure that all electoral divisions benefitted from the funding with the Cabinet noting that officers would work with elected members to propose and agree how a minimum of £60,000 would be allocated within each division.

The Cabinet Member for Highways Management commented that the additional funding provided a welcome injection of funding and would help in providing a value for money approach in reducing the backlog of repairs required to maintain and operate the highway network more effectively.

The recommendation proposed enabled the Council to take best advantage of the funding allocation and minimised disruption to the current programme and by taking a longer-term approach, all localities would see benefits and the funding used in an effective way to address the backlog of highway and structures repairs.

Members also noted that a copy of an updated overview of the Budget 2018-19 Equality Impact Assessment for all service areas had previously been circulated separately and was available at: <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), 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 Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the increase in the 2018/19 Highways, Infrastructure, Development and Waste capital programme by £18,754,000, funded by external grant, be approved;

(b) that the proposed allocation of these monies to the programmes identified in the Report be noted; and

(c) that the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highways Management, be given delegated powers to make variations to the programme to maximise delivery.

* **303** **Newton Abbot Exeter Road Improvements seeking approval to commence land acquisition and go to tender**

(Councillors Hannaford, Hodgson and J Hook 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/19/8), which sought approval to proceed with land acquisition, side roads orders and a tender exercise for a scheme to widen the existing footway and highway between Whitehill Close and Churchills Roundabout on the A382, Newton Abbot, the Report having been 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 scheme was based upon achieving delivery of development to the west of Newton Abbot, improved safety on the A382 and the encouragement of the use of sustainable modes of transport.

The Report outlined the current issues in terms of the existing road having poor alignment, high traffic flows, poor facilities for pedestrians or cyclists, a higher than average (17%) collision rate including a fatality in 2012, narrow footways and a need to improve cycle routes. It further highlighted that Teignbridge District Council's adopted Local Plan set out proposed residential and employment developments in the area between 2013 and 2033 including a large amount of development to the west of Newton Abbot, including Whitehill, Forches Cross and Houghton Barton, all of which had direct access onto the A382.

The Report described the scheme in detail, for example, widening of the highway to 6m, widening of the footway to a 3.5m shared pedestrian and cycle path and a new pedestrian refuge island to the north of Whitehill Close. The improvements were one phase of the wider A382 Corridor Improvement scheme which included realignment and widening of the A382 and a new shared pedestrian and cycle path between Drumbridges roundabout and Whitehill Cross.

It further highlighted the outcome of the public consultation which was undertaken between Friday 5 October and Friday 2 November 2018. The majority of responses received were positive towards the scheme (62%). Negative responses received (38%) related to value for money, traffic disruption and safety concerns for pedestrians and cyclists using the proposed facilities.

Private land belonging to six land owners was required for this scheme and the Council would attempt to acquire the land through negotiation. The amount of land required would have an impact on the rear gardens of the six houses and bring the road closer to the properties.

The Scheme was estimated to cost £2.4m, the funding likely to come from several sources, including The Local Transport Plan, The Heart of the South West Local Enterprise Partnership and developer contributions through Teignbridge District Council's Community Infrastructure Levy.

The Head of Services Report incorporated an Impact Assessment, circulated for the attention of Members at the meeting, which highlighted the positive impact that the scheme would have on pedestrians and cyclists with the provision of a new shared pedestrian and cycle path and improved pedestrian access from Whitehill Close to bus services on the A382, enabling sustainable travel from residential areas to Newton Abbot town centre.

In economic terms the scheme would contribute to facilitating development and travel along the A382, which would have a beneficial impact upon the local economy by enabling employment and housing development in the area to proceed with relevant mitigated impact.

The Exeter Road Improvements were within or adjacent to the highway, and as such the scheme was designed to minimise its environmental impact. However, there were several

trees alongside the road on both sides and discussions would take place with the Local Planning Authority on how best to mitigate this impact.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including 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 Hart, **SECONDED** by Councillor McInnes, and

RESOLVED

(a) that the scheme layout as shown on drawing DWG B15013/43 (attached to the Report at Appendix 2) be approved, to proceed in line with the recommendations below;

(b) that authority be given to obtain the land required for the scheme, including Compulsory Purchase Orders if necessary;

(c) that any necessary Side Roads Orders and Traffic Regulation Orders be advertised and if no objections received, be made and sealed;

(d) that a tender exercise be undertaken for construction of the scheme, with award of tender only when funding is secured; and

(e) that the Head of Planning, Transportation and Environment, in consultation with the Local Member and relevant Cabinet 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/>].

MATTERS REFERRED

* **304** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Planned & Reactive Maintenance Task Group Report (Minute 110)**

(Councillors Ball, Connett, Dewhurst, Hannaford, Hodgson, Saywell and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that at its meeting on 29 January 2019, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the Report of the Planned & Reactive Maintenance: Potholes and Drainage Task Group (Minute *110 refers) and the recommendations contained therein.

The Committee heard that an internal website should be available shortly to provide information on highways works and also historic information. They also noted that raising awareness through the Highways and Traffic Orders Committees at Recommendation 1b would alleviate issues around communication.

The Corporate Infrastructure and Regulatory Services Scrutiny Committee had **RESOLVED** that the Task Group Report be commended to the Cabinet.

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

RESOLVED that

(a) the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for its Task Group Report and the recommendations be endorsed; and

(b) the relevant Cabinet Member and Chief Officer for Highways, Infrastructure Development and Waste be asked to take forward the Report and progress / co-ordinate the recommendations contained therein, engaging other partners and contractors as necessary.

OTHER MATTERS

* **305** Minutes

(Councillor Hodgson 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:

Devon and Exeter Rail Project Working Party – 19 January 2019
Devon Education Forum – 23 January 2019

* **306** 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/>.

* **307** 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>)

This included an item on the Teign Estuary Trail strategy update and approval to progress a planning application for the route which had been recently added to the published plan on the web, to be considered at the March meeting.

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 12.25 pm



QUESTIONS FROM MEMBERS OF THE PUBLIC Friday 15th February 2019

1. QUESTION FROM MR RIDDELL (NOT IN ATTENDANCE) Re: A382 Widening Scheme

We ask this question as owners and residents of 4 Whitehill Close.

Why does the widening of the road have to come into our garden when there is ample land between our garden fence and the existing wall on the edge of the east side of the A382 -- and there is also spare land on the west side of the road?

We have lived here since 1981 and the garden fence was situated to allow for the reasonable widening of the road when the house was built about 1976. It also gives environmental protection.

Our garden has been cared for with pride and joy since the former date. Now the Council wants to take part of it -- for a cycle path which will have very limited use and to widen the road where there is no accident history. All because Jetty Marsh 2 has been severely delayed.

Our full comments including Jetty Marsh 2 were contained in a detailed email dated 1st November 2018 when we were asked for our observations.

REPLY BY COUNCILLOR DAVIS

A recommendation is being given to widen the A382 at Exeter Road on the east side, following consideration of the implications of widening to the east or west. Widening on the east side provides a better overall alignment to the road, provides visibility improvements to both Church Path and the drive to Sanford Orleigh House, allows the construction of a smaller retaining wall, has better buildability and will result in less overall disruption to users of the A382 during construction.

It is necessary to encroach into the gardens beyond existing fence lines / boundary walls on the east side of Exeter Road to achieve the footprint of a 3.5m wide shared footway / cycleway and 6.0m wide carriageway. All available land within the limits of the existing highway boundary on the west side of Exeter Road has been utilised within this footprint.

Once the detailed design is established an assessment will be made of potential noise and visual impact from the Exeter Road Improvements. If mitigation measures are required, such as acoustic fencing, these would be implemented.

Exeter Road is part of the main transport artery connecting Newton Abbot to the new developments along the A382, employment at Heathfield, the A38 and wider Devon. It is anticipated traffic, pedestrian and cyclist flows will increase and the road needs to be ungraded to provide for all users. These improvements work alongside an extension to Jetty Marsh 2 to provide a long term solution to the future growth of the area. As detailed in the Cabinet report, there was a fatal collision on this section of the A382 in 2012.

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2. QUESTION FROM MR D BESLEY (NOT IN ATTENDANCE)

Re: A382 – Impact on Property

I am the owner of 3 Whitehill Close and will be severely affected by the above proposed works. If the proposal goes ahead we will lose a large amount of garden and the new wall will be less than 2 metres from our lounge window.

I am submitting my question for Friday's meeting which relates to where you are getting your data/opinions from and how you have made your decision.

We are a young married couple who moved in to the property in June 2018 - where have our views been taken in to consideration? You say that 62% were positive towards the scheme but we were never asked for an opinion so where has this data come from? You say after public consultation that the preference is for the East! Where did this opinion come from?

You also said you've considered both East and West options and have gone for the East option - this is only because it suits you and makes the construction cheaper and easier for you – the decision has not been made on what the public want or think!

I look forward to some answers.

REPLY BY COUNCILLOR DAVIS

A public consultation regarding the scheme was held between 5 October and 2 November 2018. A leaflet was distributed to nearby properties, including Whitehill Close, asking members of the public to send in their comments, including any comments on which side they considered (if any) was most appropriate. Of those which expressed a preference, the majority was for the east. The results of the consultation have been taken into consideration when making the final decision.

A Consultation Summary Report can be found on the following web page under the heading "The Scheme"

<https://new.devon.gov.uk/roadsandtransport/traffic-information/transport-planning/newton-abbot-east-west-shared-use-path/>