

## CABINET

8 July 2020

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 25

Councillors F Biederman, A Connett, A Dewhirst, B Greenslade, R Hannaford, G Hook S Randall Johnson and C Whitton

\* **513**      **Meetings Procedures and Etiquette**

The Cabinet and attendees received a presentation from the Head of Democratic Services on the process and etiquette for remote meetings.

\* **514**      **Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

(Councillors Biederman, Connett, Hannaford and Hook attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Chair had decided that the Cabinet should consider this item as a matter of urgency, in order that it could consider the impact of the BBC's plans for cut backs in Devon, especially in the investigative reporting unit. This was in response to a proposed Motion from Councillor Connett that was due to be brought to the forthcoming Council meeting on 23 July 2020.

All Group Leaders indicated their support for the Motion.

**RESOLVED** that a letter signed by all Group Leaders be sent urgently to Director General of the BBC setting out the concerns and calling for a review of the planned cuts affecting Devon and Cornwall.

\* **515**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 13 May 2020 be signed as a correct record.

\* **516**      **Announcements**

There was no announcement by the Chair at this meeting.

\* **517**      **Petitions**

The Leader was presented virtually, by Councillor Connett, with a petition organised by local residents calling for the existing 30mph out of Exeter to be extended to include the Firs Park residential park home site at Bakers Hill. The short stretch of road past Firs Park was currently at the National Speed Limit.

The Petition contained approximately 56 signatures.

The Chair indicated that the relevant Cabinet Member for Highways Management or Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days.

The Cabinet for Highways Management also offered to visit the area in question.

*[NB: The relevant Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0>)]*

\* **518**      **Question(s) from Members of the Council**

In accordance with the Cabinet Procedure Rules, the Leader and/or relevant Cabinet Member responded to one question from a Member of the Council on facilitating cycling and walking since the Covid-19 lockdown and the amount spent by County division.

There was no supplementary question arising from the above.

*[NB: A copy of the questions and answers are available on webpage for meeting]*

**KEY DECISIONS**

\* **519**      **Approval to Revenue & Capital Outturn 2019/2020**

(Councillors Biederman, Connett, Dewhirst, Greenslade, Hannaford and Hook attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/20/48) which provided the Outturn position for 2019/2020, the Report being 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 noted that Members had received regular budget monitoring reports throughout 2019/20 in which budget pressures and risks had been identified, the most significant relating to Adult Services and Children's Services that had been forecasting an overspend of £6.2 millions and £6.0 millions respectively.

As set out in the Report, the final Outturn was slightly better than anticipated, making it possible to make a £3 million contribution to the Budget Management Reserve and £1 million to the Transformation Reserve as well as the usual contribution to the Business Rates Risk Reserve of the Business Rates Pooling gain.

The Dedicated Schools Grant had been under significant pressure due to Government underfunding of the Special Educational Needs and Disabilities (SEND) Service. The year-end position was a shortfall of £19.8 millions and as reported previously the sum was held in a negative reserve on the Balance Sheet. This was outlined in full at paragraph 5.2 and in the Earmarked Reserves table on page 12 of the Report.

The overall authority position, excluding the SEND underfunding and after transfers to and from Reserves, was a small underspending of £33,000. Detailed explanations of the final financial position for each service area were given in section 2 of the Report, but high level details included:

- Adult Care and Health Services - an overall net overspend of just under £5.7millions, after a carry forward request of £731,000 which related to the Better Care Fund and was explained in section 3 of the Report;
- Children's Services – an overspend of £4.4 millions;
- Communities, Public Health, Environment and Prosperity – an overall underspend of just over £1 millions, after taking into account grants and contributions carry forward, and other carry forward request (detailed on page 17);
- Corporate Services – an overspend of just over £1.1 millions after taking into account grants and contributions carry forward, and any other carry forward requests (shown on page 18); and
- Highways and Traffic Management - an overspend of £1.4 millions generated from safety defect repairs and income targets within highways network management, although partially offset by reduced winter service activities and underspends on street lighting energy savings from LED conversions.

The Report further outlined the position with the Better Care Fund, General Balances and Earmarked Reserves and other relevant issues such as interest receivable, the Council Tax Support Partnership budget, the Covid19 Pandemic which was still causing considerable financial uncertainty and the Brexit Preparation Grant which remained unspent.

In conclusion, in spite of significant budget pressures, careful management throughout the year had allowed the Authority to end the year with a small underspending of £33,000. The financial impact of the Pandemic, the Country's departure from the EU, ongoing pressures in Social Care and the funding shortfall in SEND, meant the Authority was facing huge financial risk in both the short and medium term. This was coupled with ongoing uncertainty over Core Funding from Government in the future.

Both the Cabinet and Members speaking under Standing Order 25 placed on record their thanks to the Treasurer and her department for their work in delivering this Outturn Report.

The matter having been debate, it was **MOVED** by Councillor Barker, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

- (a) that the draft Outturn for 2019/20, after carry forwards and contributions to balances, reserves and provisions, showing an underspend of £33,000 against the approved revenue budget be noted;
- (b) that the 2019/20 revenue Outturn be approved, including transactions on earmarked reserves and provisions, spending against budget, treatment of over and under spending and the implications for balances, as set out in the tables and the narrative of the Report;
- (c) that the 2019/20 capital Outturn be approved including spending against budget and proposed carry forwards, in accordance with the tables;
- (d) that the use of capital finance as set out in the Determination of Capital Finance section 11 of the Report be approved;
- (e) that a total of £14.432 millions be set aside from revenue resources as Minimum Revenue Provision (provision for credit liabilities to repay debt);
- (f) that the Prudential Indicators as set out in section 10 of the Report be noted; and
- (g) that the total monies owing to the Council as at 31st March 2020 also be noted.

\* **520** **Proposals for Additional Highway Maintenance Capital Allocation 2020-21 - Pothole Fund - Budget 2020**

(Councillors Biederman, Connett, Dewhirst, Hannaford and Hook attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure, Development and Waste (HIW/20/23) on additional Highway Maintenance Capital Allocation 2020-21 (Pothole Fund) and proposals for its allocation in updated programmes, 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 Cabinet Member for Highways Management highlighted that overall the funding had been increased by over 50%, making the current year's allocation the largest annual investment in the road network.

The Report highlighted that in May 2020, the Cabinet (Report HIDW/20/19) approved the Highway Maintenance Capital Budget which identified the allocation of funding for the 2020/21 financial year. An updated version was shown in Table 1 and Table 2 (in section 5) and showed the anticipated financial profile, across 2020/21 and 2021/22, of the sum available. Appendices 1 and 2 detailed the revised budget heading allocations and financial year.

The Highway Infrastructure Asset Management Plan provided the relevant framework and key themes could also be added to reflect the current situation, such as increased structural damage to bridges, embankments and roads following the severe flooding during the winter and Covid-19 recovery and the emphasis on active travel modes.

The additional funding had been allocated across three broad categories: the A roads which were vital for transporting goods and services for the economy, the minor road network, where the largest proportion of the funding would be used for preventing potholes from forming and the bridges and structures, particularly highway embankments and retaining walls which had suffered from the extreme weather.

The Cabinet Member for Highways Management announced that since the Report had been written the Government had announced a further £5millions for the Council, to be spent specifically on the A380 between the Teign Viaduct and Ashcombe Cross.

He added it was a vast programme, particularly with current uncertainty and the approach was pragmatic and realistic. In addition, Covid 19 recovery was a key consideration, in particular, the shift in active travel to walking and cycling was underpinned with well maintained surfaces.

The Report highlighted the relevant Environmental Impact Considerations (Including Climate Change) and how maintenance work was undertaken to ensure that the effect on the surrounding environment was kept to a minimum. Also, that the maintenance of multi-use trails and infrastructure which facilitated sustainable travel had an important role by reducing the carbon emissions from transport by encouraging modal shift.

There was no specific impact assessment, however, the 2020/21 Budget Impact Assessment' for all service areas was relevant and had been previously circulated to all Members of the Council at: <https://www.devon.gov.uk/impact/budget-2020-2021>.

In summary, the programmes for Highways and Bridges and Structures struck a balance between applying the approved Asset Management Strategy and Plan, considering the risks in the current pandemic and the uncertainty surrounding future funding sources.

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 to the Highways, Infrastructure Development and Waste capital programme by £24.249m million in 2020/21 and by £7.7 million in 2021/22, funded by external grants be approved;

(b) that the figure included in recommendation (a) includes £5 million in 2020/21 recently allocated by the DfT for the A380 Teign Viaduct to Ashcombe Cross Scheme be noted;

(c) that the updated capital funded highway maintenance programme as set out in Appendix 1 and 2 be approved;

(d) that detailed allocation of the available budget be determined by the Chief Officer for Highways, Infrastructure Development and Waste, in consultation with the Cabinet Member for Highway Management, on the basis of the Highways Infrastructure Asset Management Plan, and within the limits of the approved budget.

*[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/>].*

\* 521

**A Gateway to Northern Devon - A361/A39 North Devon Link Road South Molton to Bideford Approval to Proceed with submission of Full Business Case, Tender Award & Construction**

(Councillors Biederman, Connett, Dewhirst, Greenslade, Hannaford and Whitton) attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/20/11) seeking approval to proceed with submission of a Final Business Case, Tender Award & Construction for the A361/A39 North Devon Link Road South Molton to Bideford, 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 Report outlined the work that had been undertaken since the approval of the Cabinet Report (PTE/19/20) on 15th May 2019 and also the need for final approval for the Scheme to progress through the final stage required by the Department for Transport (DfT) for Local Majors Funding – the Full Business Case (FBC).

The Council proposed to submit the Full Business Case in summer 2020 and, pending approval from the DfT, award contracts to the preferred contractor(s) to build the Scheme, which had been developed over a period of 6 years, with inception beginning in 2014. A Plan of the final scheme was shown in full at Appendix A of the Report.

The Full Business Case outlined the strategic, commercial, management, economic and financial and viability of the Scheme as detailed in The Scheme Plan and other documents outlined on The Scheme website at <https://www.devon.gov.uk/ndlr/>.

The Report outlined the detail for the award of the main works contract, the award of three minor works contracts (Buckleigh, Heywood Road & Westleigh), the award of Bishop's Tawton contract and also the design for the pedestrian and cycle bridge at Landkey, shown at Appendix B.

They key dates included the submission of the Full Business Case by August 2020 with a decision and the appointment of contractor in Winter 2020. Advance works would commence in Winter 2020 with the main works in Spring/Summer 2021. Minor junction improvements would continue throughout with the Bishop's Tawton Junction anticipated completion in 2022 and full scheme opening in 2023. The Cabinet Member for Infrastructure Development and Waste commented that advanced tree planting works had already taken place.

A number of consultations had been undertaken over the course of the project and the results of those consultations could be found on The Scheme website.

The total estimated Scheme cost was £93 million, largely funded by the Department for Transport. However, as was standard practice a local contribution was required. £5 million would be provided by the Council (from the capital programme), and the other £5 million covered by North Devon and Torridge District Councils via Section 106 Developer Contributions and also the Local Transport Plan grant (which was £1 million).

An Environmental Impact Assessment had been submitted for the Scheme as part of the planning application process, which received no statutory objections. The majority of environmental impacts were either minor or negligible including noise and air quality. It was also expected there was going to be a net improvement of around 10% in terms of biodiversity.

The Head of Service's Report contained an Impact Assessment which had been made available for the attention of Members at this meeting and was also available at: <https://devon.gov.uk/ndlr/project-documents> and provided a summary of how impacts and issues relating to equality, environment and the economy had been appropriately and adequately addressed through the development of the Scheme proposals.

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 Davis, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

(a) that the submission of the Full Business Case for the North Devon Link Road ("The Scheme") to the Department for Transport be approved (subject to satisfactory acquisition of land) with any minor changes agreed by Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste;

(b) that power be delegated to the Chief Officer for Highways, Infrastructure Development and Waste, to award the following contracts, subject to them being within the overall budget of £93 million: the Main Works contract; the additional contracts for the construction of Westleigh, Buckleigh and Heywood Road using the minor works framework; and the tender and award of a contract to construct Bishop's Tawton Roundabout widening and underpass;

(c) that the design (drawing P\_08\_ST\_07) for a new pedestrian and cycling bridge at Landkey and the footprint required for land acquisition be approved with any minor changes being agreed by the Chief Officer for Highways, Infrastructure Development and Waste in consultation with Cabinet Member for Infrastructure, Development and Waste; and

(d) that the serving of notices, land entry and the construction of The Scheme, beginning at the earliest in October 2020 for mobilisation and advance works also be approved, with any minor changes being agreed by the Chief Officer for Highways, Infrastructure Development and Waste in consultation with Cabinet Member for Infrastructure, Development and Waste

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <https://devon.gov.uk/ndlr/project-documents>].

\* **522** **Learner Services Contract Extension**

(Councillor Parsons declared a personal interest in this item by virtue of being the Council's representative on the Babcock Board, notwithstanding appointments to such bodies were covered by the Council's general dispensation to Members).

(Councillors Biederman, Connett and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Education and Learning seeking approval to extend the Learner Services Contract, the Report being 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 that the Council's 10-year learner services contract was due to end on 31<sup>st</sup> March 2022. Whilst the Council had been undertaking work on the future delivery options for the services since September 2019, the Covid-19 pandemic and subsequent emergency work meant a direct impact on the work being undertaken by these teams. It was important to ensure sufficient time for completing that work to the required quality, therefore the Learner Services Commissioning Project Board had recommended that the existing contract be negotiated and extended on a like for like basis for a maximum of 12 months. This would allow the additional time required to complete the commissioning process and also ensure that all of the correct consultations and engagements would be carried out.

Due to the importance and complexity of the services and the time required to implement any new service delivery model it would not be beneficial to remove or restrict any of the workstreams as this would have a direct impact on the future service delivered.

The Report outlined the relevant legal and risk management considerations and highlighted there were no further equality considerations for the service over those considered in the original impact assessment.

The matter having been debated and the options and/or alternatives 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** that the negotiation of an extension of the Service Contract for Learner Services with Babcock Learning and Development Partnership LLP (LLP) on the same terms for up to a maximum of 12 months be agreed and that authority be delegated to the Chief Officer for Children's Services in consultation with the Cabinet Member for Children's Services and Schools to agree the exact period of the extension (although not exceeding 12 months).

\* **523**      **SEND Sustainability of Statutory Duties**

(Councillors Biederman, Connett, Dewhirst, Hannaford and Whitton attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Education and Learning (CS/20/08) seeking approval to the SEN Business Case to ensure the sustainability of statutory SEND services during the Covid-19 recovery period and wider transformation programme. The Report had 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 Report highlighted the background of SEND services including the Ofsted inspection of Devon's SEND services in December 2018 and the Written Statement of Action (WSOA) which required improvement to four areas (including the timeliness and quality of Education, Health and Care Plans (EHCP)). Also, in 2019, the Children's Scrutiny Committee set up a task and finish group to examine (among other things) the impact for staff of the increase in the rise of EHCP plans. An outcome of this review was a level of concern for staff wellbeing who were facing increasingly complex and difficult cases combined with sickness rates placing additional demand on staff. Six staff were subsequently recruited to the SEN team and levels of sickness reduced.

Pressure within the system had continued and whilst performance had improved, the well-being of staff continued to be a major concern. Recent staff consultations revealed staff working many unpaid hours overtime each week and the impact of this on personal lives and mental health and wellbeing.

There was still a significant and continued growth in the number of requests for assessment for EHC Plans, the graph (new EHCPs issued in Calendar Year by Age (Jan 2020 SEN2) highlighted the trend. This in turn also increased the number of plans to be maintained. A number of other pressures were outlined in the Report and a list of other statutory work was at Appendix A of the Report.

The level of staffing within the SEN 0- 25 had not kept pace with the continued demand and staffing needs. This had therefore been assessed and demonstrated the need for 13.2 additional staff.

The total staffing cost would be £817,313 and the spreadsheet at Appendix B showed how the costs had been calculated and the split over 2 financial years. Additional costs for IT equipment and licences were also highlighted in Appendix B.

The Cabinet heard that by not investing meant the Council would not fully meet the SEND statutory duties and statutory timeframes would not be maintained.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. sustainability, risk management and legal considerations) 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** that the recruitment of 13.2 additional staff, for a period of 18 months to ensure sustainability of statutory SEND services during the Covid-19 recovery period and whilst a wider transformation programme is implemented be approved and the case for increased staffing in the SEN 0-25 team is based on work undertaken by HR, in partnership with Education and Learning.



## MATTERS REFERRED

### \* 524 Treasury Management Stewardship Outturn Report

(Councillors Connett, Dewhirst, Greenslade and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/20/47) outlining the Treasury Management action taken during the last financial year (in line with the CIPFA Code of Practice previously adopted by the Council) which had also been considered and endorsed by the Corporate Infrastructure and Regulatory Services Scrutiny Committee on 24th June 2020 and subsequently commended to the Cabinet (Minute \*180 referred).

The Report highlighted the outturn position, reviewed performance and key matters arising from the Council's Treasury and Debt Management activities during the 2019/20 financial year. The Report also included an update on the 2020/21 Strategy and detailed the minimum revenue position, treasury management outturn position 2019/20 – borrowing and investments, prudential indicators, and a 2020/21 update.

The Scrutiny Committee had resolved that the Treasury Management outturn position 2019/20 be commended to the Cabinet and the County Treasurer's Treasury Team be congratulated for the positive outturn for 2019/20.

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

**RESOLVED** that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their review of the Annual Treasury Management Stewardship Report for 2019/2020 and that the document be further endorsed.

### \* 525 Children's and Health and Adult Care Scrutiny Committees - Special Educational Needs & Disability (SEND) Transitions Task Group

(Councillors Connett, Dewhirst, Hannaford, Randall-Johnson and Whitton attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

At its meeting on 9<sup>th</sup> June 2020, the Children's Scrutiny Committee considered the Report of the Special Educational Needs & Disability (SEND) Transitions Task Group (Minute \*174 refers) which focussed on 'transitions', in particular: understanding the experiences of parents/carers and children and young people with a range of needs and disabilities, their journey through the system and reviewing the local area's approach to preparing for adulthood, and the support provided.

The Scrutiny Committee thanked the Chair of the Review, other Members and the Scrutiny Officer for their excellent work. The Cabinet noted that this had been a joint piece of work between the Children's and Health and Adult Care Scrutiny Committees.

At the Children's Scrutiny Committee, both the Committee and Cabinet Member welcomed the report and **RESOLVED** that the key themes and potential areas for development contained in the Task Group report be commended to the Cabinet.

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

### **RESOLVED**

(a) that the Children's Scrutiny Committee and Health and Adult Care Scrutiny Committee both be thanked for its Task Group review and associated report; and

(b) that the relevant Cabinet Member's (Children's Services and Adult Social Care and Health Services) and Chief Officer for Children's Services and the Joint Associate Director of Commissioning be asked to take forward the Report and progress / co-ordinate progress towards the objectives identified in it, engaging other partners and community organisations as necessary.

### **OTHER MATTERS**

\* **526** **COVID-19 - Response, Progress and Funding**

(Councillors Dewhirst, Greenslade and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/20/58) giving a brief overview of COVID-19, and financial implications and governance arrangements, 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 outlined how Local Authorities had to respond quickly to new announcements from Government and understand their financial implications. A number of grant funding streams to support Local Authorities had been put in place and the most significant for the Council was a share of two main tranches of £1.6 billions, known as the Local Authority Support Grant. The Report focused on that funding stream, but highlighted other grants awarded to date, such as the adoption support grant, bus services support grant, infection control grant, emergency active travel fund and test and trace local action plan.

There was increasing national focus on the application of funding and the anticipated impact of the pandemic on Local Government finances, and as such, returns were being requested by the Ministry of Housing, Communities and Local Government.

Within the Council, a local Pandemic Incident Management Team (PIMT) was established in mid-March whose role was to provide tactical oversight to Service led Covid-19 responses. This also included an emergency Pandemic Funding Protocol (PFP) with delegated authority to incur expenditure during the emergency.

As part of the financial commitment monitoring process, the Pandemic Incident Management Team received weekly updates detailing both the agreed interventions and any pipeline proposals. The current value of the initial commitments was £45.3millions which included one-off support or set up costs, time limited interventions, ongoing commitments to support particular service sectors, lost income etc. It was anticipated that further PFPs would be received which could seek an extension to current arrangements which would lead to increased expenditure. Work was underway within Service areas which considered these forecasts. The Report outlined a table summarising the value of expected interventions by service area.

Trying to assess the impact on Council Tax collection and the tax base was very difficult at this point in the year. However, estimates provided on the Government's returns indicated losses of up to 13%. Due to the level of Business Rates Relief, the risk to lost Business Rates was much lower estimated to be around £1 million.

Whilst indications were that there could be further Pandemic funding for Local Government, it seemed unlikely it would cover the full cost. Current approved and pipeline response plans already exceeded the main grant of £36.7 millions by some £8.5 millions. It was imperative that the move from Response to Recovery, was done in a measured and affordable way.

The actual spend and lost income was being closely monitored and would be reported to Cabinet as part of the normal Budget Monitoring governance procedures.

The County Treasurer and Cabinet Member for Resources Management also commented that since the Report had been published, there was a further grant to be made available to Local Authorities, but the details and allocations were as yet unknown.

The matter having been debated as 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 current levels of confirmed central government funding to respond to the COVID-19 pandemic and the current levels of financial commitment against this funding be noted.

\* 527

### **Local Outbreak Management Plan**

(Councillor Dewhirst declared a personal interest in this matter by virtue of being a Director of a holiday park)

(Councillors Dewhirst, Greenslade, Hannaford and Whitton attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Director of Public Health (Chief Officer for Communities, Public Health, Environment and Prosperity) (PH/20/02) giving an update on the Local Outbreak Management Plan and the associated (non-statutory) governance arrangements, 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 on the outturn position for 2019/2020.

The Cabinet noted that on 22<sup>nd</sup> May 2020, Government announced new arrangements for Local Authorities to take a lead role in the management of COVID-19 as lockdown was released. This required Upper Tier Local Authority (County Councils and Unitary Authorities) to publish a Local Outbreak Management Plan by 30<sup>th</sup> June 2020.

As part of this process, upper tier Local Authorities had to establish COVID-19 Health Protection Boards, which were multi-agency strategic partnerships, non-statutory, working to detect, manage and contain outbreaks of COVID-19, working under the existing statutory duties of the Director of Public Health. This Board would be chaired by the Director of Public Health and its role was to oversee the Local Outbreak Management Plan and resource deployment via tactical and operational management, data and intelligence (with Joint Biosecurity Centre), leading the local Public Health response with Public Health England (and NHS Test and Trace) and assurance and reporting to other groups as required.

Councils were also required to establish Local Outbreak Engagement Boards which were also non-statutory and designed to provide political oversight of the local delivery of the Local Outbreak Management Plan and the local response as well as communicating and engaging with residents, businesses and communities. This Engagement Board would be chaired by the Leader of the Council.

It was noted that Local Outbreak Management Plans were dynamic and would be updated according to local need and any change in national requirements.

The Government had allocated £300 million to Upper Tier Local Authorities in the form of a ring-fenced Local Authority Test and Trace grant to support this work and the Council's allocation was £2,618,508.

The Cabinet noted in the Report the increasing evidence of the differential impact of the COVID-19 pandemic on certain populations including older people, people from a black and minority ethnic background, and those with learning disability. The emergence of a greater inequality gap in vulnerable groups was of concern in the move into Recovery.

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 Chief Officer's Report and/or referred to above having been considered:

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

**RESOLVED** that the Local Outbreak Management Plan and the associated (non-statutory) governance arrangements be noted.

## **STANDING ITEMS**

\* **528** **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **529** **Minutes**

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

**RESOLVED** that the Minutes of the following be endorsed and any recommendations to Cabinet therein be approved:

Devon Education Forum – 17 June 2020

\* **530** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection on the [website](#), in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. 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/>.

\* **531** **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>).

\* **532**      **Exclusion of the Press and Public**

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

**RESOLVED** that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely the financial or business affairs of persons tendering for the provision of council goods or services and of the County Council, in both cases, and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**KEY DECISION**

\* **533**      **Street Lighting Term Maintenance Contract 2020 - 2030**

*(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).*

(Councillor Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure, Development and Waste (HIW/20/24) relating to the streetlighting term maintenance contract 2020 to 2030, 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 Highways Management commented that Cabinet, on 9th January 2019, agreed to commence a procurement exercise for the Street Lighting Term Service Contract. The contract included routine and reactive maintenance, LED upgrading, the provision of a lighting asset management system and replacement of the central management system in Exeter. The procurement exercise was also being undertaken in collaboration with Torbay, with Devon as the lead authority.

The Chief Officer's Report also contained an Impact Assessment of the proposals which Members fully considered as part of the debate.

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

**RESOLVED**

(a) that approval be given to award the contract for the Council's new Street Lighting Term Maintenance Contract to SSE Contracting Ltd;

(b) that collaborative work continues with Torbay Council and the contractor; and

(c) that the County Solicitor be authorised to execute all necessary legal agreements in relation to the new Street Lighting Term Maintenance Contract.

**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 1.38 pm