

CABINET

14 October 2020

Present:-

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

Members attending in accordance with Standing Order 25

Y Atkinson, K Ball, A Connett, A Dewhurst, R Hannaford, J Hodgson, C Slade and F Biederman

* 548

Minutes

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

RESOLVED that the minutes of the meeting held on 9 September 2020 be signed as a correct record.

* 549

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 550

Announcements

The Chair paid tribute to all those who had received honours in the Queen's birthday honours list, in particular those who had been recognised for their services to the community during the COVID-19 pandemic.

All Group Leaders echoed the words of the Leader and added their gratitude and congratulations.

* 551

Petitions

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

* 552

Question(s) from Members of the Council

There was no question from a Member of the Council.

* **553** **Tiverton Eastern Urban Extension (EUE) Access Junction - Phase 2**

(Councillors Biederman, Connett, Hannaford and Slade 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/20/24) relating to Phase 2 of the Tiverton Eastern Urban (EUE) Access Junction, 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 construct Phase 2 of the Tiverton EUE access junction off the A361 to the East of Tiverton which would provide direct access to the Tiverton Eastern Urban Extension (EUE) and allow the full allocation of houses to come forward on the site.

The Tiverton EUE development site, Appendix 1, was included in Mid Devon's Local Plan Review for up to 1830 dwellings and at least 30,000m² employment floorspace. This development had commenced, and the first dwellings were already occupied. The construction of Phase 1 of the A361 junction was completed in 2018 (westbound slip roads on the southern side of the A361) and Phase 2 would see the construction of an overbridge and eastbound slip roads on the northern side of the A361.

The Phase 2 scheme was shown in Appendix 2, plan C11017/68, and also included drainage and planting and would allow full movement to and from the new development and reduce the number of vehicles using the existing road network.

The A361 junction was included in Mid Devon District Council's masterplan for the Tiverton EUE site and also their Local Plan Review. Both documents had been through two stages of public consultation including local exhibitions.

The cost of constructing the junction was estimated to be £10m which would be funded by Mid Devon District Council who had obtained £8.2m from Homes England's Highways Infrastructure Fund, with the remaining funding coming from Mid Devon forward funding S106 contributions. The Council would be responsible for delivering the new junction, which would become part of the highway infrastructure, therefore needed to be included in the approved capital programme. As the Council would incur expenditure, regular claims to Mid Devon would be submitted for reimbursement.

An Environmental Impact Assessment had been carried out as part of the planning application for the junction and the development was considered to be located in a highly sustainable location.

The Head of Service's Report also contained an Impact Assessment for the attention of Members at this meeting. This highlighted that some residents living close to the scheme could be slightly adversely impacted by increases in traffic noise and the visual impacts, however the scheme had been adapted to overcome objections previously raised including the construction of bunds and acoustic fences and additional tree planting to mitigate the potential adverse impacts on residents.

In summary, the scheme was expected to benefit and advance equality of opportunity for all people, including those with protected characteristics. However, some groups of people could benefit slightly less, for example younger and older people due to lower car use among those groups, although there was still expected to be a net benefit.

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

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

RESOLVED

(a) that Cabinet authorise the Head of Planning, Transportation and Environment to negotiate and agree the terms of an agreement with Mid Devon District Council to fund the construction of Phase 2 of the Tiverton EUE access junction;

(b) that the junction design shown on drawing C11017/68 (attached to the Report – Appendix 2) be approved to go out to tender;

(c) that the scheme proceed to tender award and construction, subject to the funding agreement (referred to in Recommendation (a)) being signed, and a plan to overcome the issue of the construction of the link road being in place;

(d) that the Chief Officer for Highways, Infrastructure Development and Waste, in conjunction with the Cabinet Member for Infrastructure, Development and Waste and Local Member, be given delegated authority to make minor amendments to the scheme design and delivery programme; and

(e) that the enhancement of the 2020/21 and 2021/22 capital programme, once the funding agreement has been signed, funded by external contributions, be approved.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **554** **South West Exeter Housing Infrastructure Fund: Update on project including approval for funding, to progress relevant schemes and award tenders**

(Councillors Atkinson, Biederman, Connett, Dewhirst 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).

(Councillors Connett and Dewhirst declared personal interests in this matter by virtue of being Leader and Deputy Leader of Teignbridge District Council).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/20/25), 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 had followed a previously successful bid submitted to the Ministry of Housing, Communities and Local Government (MHCLG) in September 2018 for funding from the Housing Infrastructure Fund (HIF). The bid was for £55.14 million towards infrastructure to support development at South West Exeter. Due to the success of the bid, the Council had entered into a funding contract with Homes England in August 2020. The Report provided an update on the project as well as seeking approval for further elements to allow the continual progression of the project. Further approvals would be required for the rest of the overall project as it moved forward.

The HIF funding would enable the early delivery of the infrastructure to support the delivery of housing and the Report outlined the detail including signal junctions on the A379, realignment of Chudleigh Road, Southern Spine Road, employment access roundabout at Peamore, Devon Hotel Roundabout upgrade, Alphington Village enhancements, School access road, Pedestrian / cycle bridge, utility upgrades and community building. A plan identifying the development location and infrastructure to be delivered was included in Appendix I to the Report.

The funding contract allowed the Council to make additional progress with the design and delivery of the infrastructure and the expectation was that funding would be recovered from developers as the residential development was delivered.

Consultation regarding the proposed development at South West Exeter and infrastructure had taken place at a number of stages, including Local Plan Stage, examination by an independent Planning Inspector and the production and consultation of a Development Brief which provided further detail. Where the infrastructure required planning applications, these would be subject to appropriate consultation through the planning process. To ensure

stakeholders were kept up to date a [dedicated project website](#) had been set up as well as newsletters as the project progressed.

The expected spend profile of the funding was set out in the Report and the associated capital programme enhancement.

Year	Pre Contract	2020/21	2021/22	2022/23	2023/24
Funding	£0.64m	£8.72m	£11.18m	£17.83m	£16.78m

The planning applications for both housing and employment at South West Exeter, including consideration of the infrastructure, had reflected the environmental impacts of the development. The carbon footprint of end users of the transport infrastructure had been considered through the design of pedestrian/cycle provisions including linking the new development with the existing strategic pedestrian/cycle network. The scheme was expected to have a positive economic impact by supporting jobs through infrastructure delivery and new homes.

Supporting the Head of Service's Report was an Impact Assessment for the attention of Members at the meeting which outlined that no unmanageable impacts had been identified. In summary, the HIF project would support the development of a new urban extension to Exeter, the delivery of the community infrastructure, a school and the creation of a community. Consideration had been given to safe and sustainable access for all, including the provision of pedestrian / cycle routes and crossings and a new bridge.

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

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

RESOLVED

(a) that the update on the project and completion of the funding contract be noted;

(b) that the enhancement of the Planning, Transportation and Environment 2020/21 capital programme by £55.14 million profiled across financial years 2020/21 to 2023/24 as reflected in the table in section 6 of the Report, funded by the Housing Infrastructure Fund grant, be approved;

(c) that the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste be given delegated authority to approve flexibility in allocation of funding to develop the projects, and progress the planning and land agreements for infrastructure

identified within the Housing Infrastructure Fund project within the total award amount;

(d) that the proposals in relation to the allocation of funding recovered from developers including up to

- (i) £5.3 million towards the South West Exeter district heating network; and
- (ii) £6.55 million towards the A382 improvement scheme

be approved on the condition that funding is only allocated once it has been recovered from developers;

(e) that the allocation of £2.6 million of Housing Infrastructure Fund grant towards the delivery of the electricity substation be approved as well as the proposal to enter into a contract with Western Power Distribution for its delivery, submit a planning application, and following planning permission, acquire land relating to a new electricity substation using compulsory purchase powers if necessary;

(f) that the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste be given delegated power to progress the proposals for the pedestrian / cycle bridge and Chudleigh Road realignment including tender and to award contracts for the schemes within a budget threshold of £10.5million.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **555** **New Okehampton Special School: Approval of Capital Funding and Commencement of the Free School Presumption Process**

(Councillors Ball, 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 Planning, Transportation and Environment (PTE/20/26) 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 to obtain the necessary approvals to establish a new Special School through the Department for Education's Free School Presumption Process on land at East Okehampton Business Park, approval of capital and revenue funding to provide the new school, approval of the

appropriation of land and delegated powers to the Head of Planning, Transportation and Environment.

The Report highlighted the context in relation to the demand for Special Education provision, complex needs, the offer of flexible provision, demographic change, inward migration and house building. The need for new provision was outlined in the SEND Strategic Review 2017/18 and in March 2018, Cabinet approved the Strategic Review of Special Needs Places (CS/18/10). Whilst significant progress had been made, demand still outstripped supply and a gap in provision had been identified along the A30 corridor (east of Exeter).

An opportunity had arisen to secure land already in the Council's ownership to bring forward a new special school in Okehampton subject to gaining planning consent.

The proposal was that the new Special Needs School would provide 80-100 places for pupils with Social, Emotional and Mental Health/Autistic Spectrum needs for primary and secondary aged students. The site was shown edged in red on the plan at Appendix 1 to the Report and formed part of East Okehampton Business Park, with easy access to the strategic road network.

The illustration within the Report showed the number of children with an EHCP with a primary need of SEMH, ASD or SLCN (1099) living within a 20 mile radius of the proposed school site.

Under Section 6A of the Education and Inspections Act 2006, the Local Authority was under a duty to seek proposals to establish an academy/free school under the free school presumption process. There was a delegated Cabinet Member decision in March 2020 to proceed to the initial consultation and approval to proceed to the formal process of seeking a sponsor was now sought. The statutory process included advertising for a sponsor, assessment of applications and making a recommendation to the Regional Schools Commission (RSC) on the Council's preferred sponsor.

The new school was planned to be operational by September 2023 at the latest, although potentially in 2022.

As required, an initial consultation had been undertaken to gain views on the new special needs school and to inform the specification. The consultation ended on 18th September 2020 and positive responses had been received.

The Local Authority was required to meet the associated capital and pre/post opening costs related to the new school. The estimated capital cost of the proposal was £8m which would be met from existing SEND capital funding approved within the Planning Transportation and Environment Capital Programme.

Revenue Funding would be met from the High Needs Block. However, longer term, it was anticipated there could be savings achieved in the region of between £1.7 millions - £2.1 millions per year as demand was removed from the independent sector.

In order to appropriate the Site for planning purposes, the Council had to be satisfied that it was no longer required for the purpose for which it was currently held and the purpose to which the Site was to be appropriated was one which the Council could acquire land by agreement, that the appropriation facilitated the development of the Site; and that development would contribute to the promotion and / or improvement of the economic, and/or social and / or environmental well-being of the area.

In summary, the need for a new special school was a priority to meet the growing demand for places to enhance choice and diversity for a changing population as well as helping to meet the budgetary shortfall on the High Needs Block. All new schools were required to be Free Schools and it was therefore necessary to undertake the statutory procedures to seek proposers for this new special school as well as secure the land, capital and revenue to start the process. The Okehampton site was well located and no other suitable sites had been identified. Once open, the school would greatly enhance the education and wellbeing of SEND children in western Devon.

The Head of Service's Report contained an Impact Assessment for the attention of Members at the meeting. The investment in the new Special School would have a positive equalities impact for pupils requiring more flexible provision which met local needs and where there had been an increasing demand for the provision. The wide geographical spread of provision meant there remained unmet need for a number of children who were finding it increasingly difficult to access mainstream provision.

The matter having been debated and the alternatives explored as outlined in the Report) 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 referred to above having been considered:

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

RESOLVED

(a) that revenue funding, and the allocation of existing capital funding, to support the delivery of a new special school in Okehampton, the preparation of a reserved matters planning application following a grant of outline planning permission (which is presently being sought) and full design subject to securing the necessary planning consent be approved;

(b) that the Commencement of the Presumption Free School process subject to securing the necessary planning consent also be approved;

(c) that pursuant to s.122 of the Local Government Act 1972, the appropriation of land at East Okehampton Business Park such that it be held for planning purposes under s226(1)(a) of the Town and Country Planning Act 1990 be approved; and

(d) that delegated authority be given to the Head of Planning, Transportation and Environment to negotiate and authorise compensation payments and agreements which may be required pursuant to s.122 of the Local Government Act 1972 as a result of the appropriation of the land.

*[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/>].*

* **556** **Devon Economic Recovery Programme**

(Councillors Atkinson, Biederman Connett, Dewhirst, Hannaford and Hodgson 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 Economy, Enterprise and Skills (EES/20/4) relating to Devon's Economic Recovery Programme, 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 COVID-19 pandemic had and continued to have a significant impact on the Devon economy, businesses, communities and workforce. The Devon economy had contracted by circa 8% in terms of productivity and unemployment had risen to above 6%.

Recovery would not be at the same pace, with gaps emerging across the County, including significant impacts on the tourism and hospitality, retail, construction and manufacturing sectors, as well as high levels of youth unemployment, and a rise in worklessness amongst those over 50.

Conversely, a range of opportunities had been emerging to support economic recovery, for example the digital, health and care, social economy and clean growth sectors.

As more restrictions from Government were anticipated, the ongoing economic consequences were very hard to predict.

The Report outlined a proposal to seek financial investment from the Council to support the economic recovery of the hardest hit places, enterprises and individuals, and to take forward a number of opportunities to build back a

more resilient, inclusive and sustainable economy. This meant an investment of £6 million over the next two and / or three years to target four key economic recovery priorities which would be aligned to other funding streams;

- Support for small and medium enterprises - circa £1,560,000;
- Employment and Skills - circa £1,650,000;
- Opportunities and Green Recovery - circa £1,450,000; and
- Towns and hardest hit places - circa £1,050,000.

A small amount of circa £290,000 would be set aside for capacity building and resourcing to improve delivery capacity and the resilience of key business networks.

The above four packages would aim to support 385 businesses to take up digital solutions, 480 businesses to adapt their business practices, deliver a new Green Business Directory and Tool Kit, provide 2500 individuals with redeployment and employment support, support 500 additional apprenticeship places, deliver 700 new level two training places and 250 new level three training opportunities, support 500 start-up businesses to launch, engage 100 young people in start-up opportunities and create 20 new ventures, engage with 90 social entrepreneurs and create 40 new social enterprises, support 150 farms to become more resilient, establish 300 members in the Made In Devon programme, create 10 additional work hubs, 2-3 natural capital innovation pilots, 8 Urban Renewal Plans for the hardest hit towns and support up to 20 communities develop local energy networks.

The Head of Service's Report also contained an Impact Assessment which was included in the agenda for the attention of Members at the meeting. It highlighted that the proposals set out in the Report were seeking to alleviate the consequences of the pandemic and the measures set out focussed on some of the most vulnerable groups being impacted by the contraction of the economy, and targeted the hardest hit communities where there was already underlying deprivation and social challenges.

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

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

RESOLVED that an Economic Recovery Programme of £6 million over the next 2-3 years (as part of the 2021/22 budget setting process), be fully supported and endorsed.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* 557 **White Paper: Planning for the Future - Implications for Devon County Council**

(Councillors Atkinson, Biederman, Connett, Dewhirst, Hannaford and Hodgson 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/20/30) relating to the above White Paper, 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 White Paper was the Government's new vision for England's planning System, however, the Council's response had to be limited to those areas where there would be a direct impact on the planning functions, corporate goals and statutory responsibilities of the County Council.

The [Planning for the Future White Paper](#) consultation proposed reforms of the planning system to streamline and modernise, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land was available for development where needed. A [one-page summary of the White Paper](#) was also available.

It identified a series of national challenges including shortage of high-quality homes; combating climate change; improving biodiversity; and, supporting sustainable growth and considered the current planning system adversely impacted on addressing the challenges. A number of issues had been identified, for example, the system was too complex, took too long to adopt a local plan and had lost public trust.

The paper then set out a series of ambitions for a new planning system such as ambition for the places created, moving democracy forward in the planning process, improve the user experience, support home ownership, increase the supply of land available, support innovative developers and promote the stewardship and improvement of the countryside and environment.

The key proposals were described in three pillars;

- Pillar 1 – planning for development;
- Pillar 2 – planning for beautiful and sustainable places; and
- Pillar 3 – planning for infrastructure and connected places

In terms of the Pillar One proposals these would impact on the Council's planning functions in three specific ways, identification of Minerals and Waste Sites, Local Issues for Minerals and Waste Sites and Essential Infrastructure Issues and the Report explained these implications in more detail.

For Pillar Two (planning for beautiful and sustainable places), it was recognised that good design was key to providing development acceptable to local communities and specifically referenced its wider vision for cycling and walking. This was welcomed and the Council, in its role as transportation authority, would have an important role.

For Pillar three, the issues related to the funding of Essential Infrastructure and a Levy based on Final Value and again the Report explained the issues in more detail.

In summary, the White Paper raised several specific and technical issues which would have a direct impact on the planning functions, corporate goals and statutory responsibilities of the Council. The Report highlighted the five most significant issues, and it was therefore considered appropriate for officers, in consultation with the Leader, to submit a response to the Government consultation.

The Head of Planning, Transportation and Environment highlighted that some of the concerns of Members speaking under Standing Order 25 would form part of the response.

The Leader also stressed the importance of District Councils making appropriate representations to the consultation on the issues which most affected their respective organisations.

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

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

RESOLVED that the content of the Report be noted and the preparation of a detailed response to the White Paper questions be delegated to the Head of Planning, Transportation and Environment in consultation with the Leader of the Council.

* 558 **Proposal to Merge Torbay Safeguarding Adult Board with Devon Safeguarding Adult Partnership Board**

(Councillors Biederman, Connett, Dewhirst 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 Adult Care Operations and Health (ACOH/20/01) relating to a proposal to merge Torbay Safeguarding

Adult Board (TSAB) with the Devon Safeguarding Adult Partnership (DSAP). 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 Cabinet noted that work had been undertaken to understand what future arrangements could look like to deliver safeguarding duties and local priorities as effectively and efficiently as possible.

The recommendation of the Report to merge the Devon and Torbay Safeguarding Adult Boards was the result of an options appraisal conducted by statutory partners with targeted engagement from care providers and the people who had lived experiences of safeguarding in Devon and Torbay.

The proposal to form one Board meant a single set of priorities, a single chair, and a number of sub-groups across Devon and Torbay to enable a number of improvements, for example, keeping people in local communities safer, improving partnership working and public awareness, a single reporting framework, enhanced sharing of good practice, improved efficiency of governance arrangements and consistent messages being shared across boundaries.

Pending approval of the proposals, the first joint board would take place in December 2020 and an implementation group would oversee the necessary steps to ensure the delivery of statutory requirements.

Views from independent care providers had been obtained at an engagement event and no perceived disadvantages had been raised. The proposal to merge had the consensus of the attendees. Whilst it had not been the aim to make financial savings, there would be efficiencies from the benefits of merging two statutory boards.

The Head of Service's Report also incorporated an Impact Assessment attached for the attention of Members at the meeting. This highlighted that a more detailed impact assessment would be completed during the implementation stage and was also a live document to ensure constant review during the implementation stage. There were no unmanageable consequences anticipated as part of the proposals.

The matter having been debated and the 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 referred to above having been considered:

it was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and **RESOLVED** that the merger of Torbay Safeguarding Adult Board (TSAB) and Devon Safeguarding Adult Partnership (DSAP) be approved.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **559** **Health and Adult Care Scrutiny - Adult Social Care Market Sufficiency Statement**

(Councillors Dewhirst 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 noted that at its meeting 10th September 2020, in considering the Report of the Joint Associate Director of Commissioning, relating to Adult Social Care Market Sufficiency Statement (ACH/20/127) (Minute 202), the Health and Adult Care Scrutiny Committee had **RESOLVED** that the Cabinet be requested to consider and investigate the feasibility of an alternative business model(s) with a view to facilitating a pilot 'not for profit' organisation to help alleviate and address the recognised lack of domiciliary care workers in the County.

The Cabinet Member for Adult Care and Health asked Members of the Council for any examples to support this work.

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

RESOLVED

(a) that Cabinet recognise the potential in the proposed model suggested, but the immediate priority for the Council is to secure the workforce to meet demand this winter and during the COVID-19 pandemic;

(b) that the Council will focus the resources of Council officers in this area and look to run localised recruitment campaigns in market towns and given Councillor Saywell's offer at the Scrutiny Committee, the Council will start in the Torrington locality and develop and roll out according to the scale of risk in each area;

(c) that the role of the economy team in supporting business model development is important and it be noted that they will support the work once it commences; and

(d) that the Scrutiny Committee be thanked for its interest in this matter and that the issue be reconsidered in the Spring when the challenge of immediate winter pressures and COVID-19 has receded.

* 560 **Corporate Infrastructure and Regulatory Services Scrutiny Committee - 5G Spotlight Review update**

(Councillors Dewhirst and Hodgson 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 noted that at its meeting on 17th September 2020, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the Report of the 5G Spotlight Review (Minute *192 refers). The Committee RESOLVED that Cabinet be asked to write to the Parliamentary Digital, Culture, Media and Sport Committee, with copies to the Local Government Association, Public Health England and Devon MPs, to request that this Select Committee gives consideration to the earnest concerns expressed by some residents of this County and beyond about the health and environmental impacts of 5G and supports this Government to address those concerns by providing greater reassurance and evidence to the general public that the technology is safe. If such reassurance and evidence cannot be provided, then we suggest further research is urgently undertaken.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Parsons, and

RESOLVED

(a) that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their work to date on 5G, noting specifically that the Council does not have the ability to make recommendations that affect planning policy or national guidance;

(b) that Cabinet accept the recommendation of the Corporate Infrastructure and Regulatory Services Scrutiny Committee that it writes to the Parliamentary Digital, Culture, Media and Sport Committee, with copies to the Local Government Association, Public Health England and Devon MPs, to request that this Select Committee gives consideration to the earnest concerns expressed by some residents of this County and beyond about the health and environmental impacts of 5G and supports this Government to address those concerns by providing greater reassurance and evidence to the general public that the technology is safe; and

(c) that if such reassurance and evidence cannot be provided, then it is suggested that further research is urgently undertaken.

* **561** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Council Buildings - Fire Safety Review**

(Councillor Dewhirst 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 noted that at its meeting on 17th September 2020, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered a Report of the Head of Digital Transformation and Business Support (minute *195 refers) which provided an update on the Council's fire safety measures and the actions taken following the Grenfell Tower fire on 14th June 2017, and the fire in the block of flats housing students from the University of Bolton in November 2019.

The Corporate Infrastructure and Regulatory Services Scrutiny Committee **RESOLVED** that the Committee commend to the Cabinet the progress of work so far.

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

RESOLVED that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their review of this important work and Cabinet very much welcomes the positive comments made.

* **562** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Gambling Update**

(Councillors Biederman, Dewhirst 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 noted that at its meeting on 17th September 2020, the Corporate Infrastructure and Regulatory Services Scrutiny Committee received a draft letter for the attention of Nigel Huddleston MP in relation to problem gambling (Minute *193 refers). The Committee had **RESOLVED** that the letter be sent to the Parliamentary Under Secretary of State for Sport, Tourism and Heritage, subject to the Chair approving final amendments, and that a copy be sent to the Cabinet.

A copy of the letter was attached for the information of the Cabinet.

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

RESOLVED that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their innovative work in this important area, which has received national acclaim, and Cabinet welcomes and supports the contents of the letter.

* **563** **Devon Safeguarding Adults Annual Report**

(Councillors Biederman, Connett, Dewhirst 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 welcomed the Chair of the Devon Safeguarding Adults Board to the meeting and then considered the Report of the Chair of the Devon Safeguarding Adults Board which summarised the work which had taken place during 2019-20. This included the work of the various subgroups including the Safeguarding Adults Review Core Group (SARCG), Operational Delivery Group (ODG), the Mental Capacity Act (MCA) Subgroup, Learning and Improvement (L&I) Subgroup and Community Reference Group (CRG) Subgroup.

More detailed information about the work of the Partnership was available on the [DSAP website](#):

The Report contained information on the multi-agency partner achievements during the year and set out what the Board had achieved against the DSAP strategic priorities for the year which had included finding the right solution at the right time for the most at-risk people, increasing public awareness of Safeguarding, improving the experience of children transitioning (moving) to adult services, working together to ensure they remain safe and improving staff legal literacy.

The Annual Report had been published on the website along with full details of all the Safeguarding Adult Reviews which had also been published in 2019/2020.

In terms of the Safeguarding Adult Reviews (SARs), in 2019/ 2020 the DSAP had agreed 2 SARs – the Atlas Care Homes SAR and SAR Charles. The former had taken considerable resources as the abuse highlighted in the Crown Court Case was complex and had required input by many organisations outside Devon.

There had been two SARs agreed by the Board in the previous reporting year, but these had been published in 2019/ 2020, these were called SAR Rita and SAR Sally.

The period of time covered by the Report ended at 31 March 2020, therefore both the impact of COVID-19 and challenging times ahead remained. However, partners had shown continuous commitment to the key strategic areas and this would be reported within the next Annual Report.

Both the Cabinet and Officers of the Council paid tribute to Sian Walker for her dedication to the Board and hard work over the last five years and wished her well in her forthcoming retirement.

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

RESOLVED that the Board be thanked for their hard work and the informative Annual Report, the contents of which be noted, welcomed and supported.

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

The Chair exercised his discretion and had varied the order of the agenda. The questions from members of the public had been taken with agenda item 14, before the resolution of minute 560.

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to three questions from Members of the public, all relating to agenda item 14 '5G Spotlight Review update'. The questions including why the Council was making a referral to the Select Committee and the role of the Council in safeguarding the public from pollutants, the Council's next action to protect citizens from 5G radio frequency radiation and <https://actionagainst5g.org> and an associated court case.

The Cabinet Member responded orally to supplementary questions arising from the above.

(NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through [the webcast of this meeting](#) – see Notes below)

* **565** **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:

Farms Estate Committee – 21 September 2020

* **566** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, 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.

* **567** **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.

* **568** **Exclusion of the Press and Public**

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

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of the a third party and of the County Council 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.

It was further **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and **RESOLVED** that the meeting recommence at 13.15pm.

* **569** **Industrial Estates Development**

(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).

Councillors Connett, Dewhirst 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).

(Councillors Connett and Dewhirst declared personal interests in this matter by virtue of being District Councillors and Leader and Deputy Leader of Teignbridge District Council).

The Cabinet considered the Report of the Head of Economy, Enterprise and Skills (EES/20/5), relating to industrial estates and relevant development.

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 Gilbert, **SECONDED** by Councillor Hart, and

RESOLVED that recommendations (a) to (d), outlined fully in Report, relating to negotiations, capital and revenue costs and implications thereof and the development of a business plan, be approved.

* **570** **Skypark Development Partnership Joint Venture - Update to Proposals**

(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 Dewhirst 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 Joint report of the Head of Economy, Enterprise and Skills and the County Treasurer (EES/20/6), relating to Skypark Development Partnership and an update to proposals outlined in the June 2019 Cabinet paper.

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 Gilbert, **SECONDED** by Councillor Hart, and

RESOLVED that Cabinet notes the progress made and work undertaken to take forward the recommendations from the June 2019 Cabinet paper and that recommendations (b)(i) and (b)(ii) relating to future development at Skypark, as outlined in the Report, be approved.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

DENOTES DELEGATED MATTER WITH POWER TO ACT

The Meeting started at 10.30 am and finished at 1.31 pm