

CABINET

13 April 2022

Present:-

Councillors R Croad, A Davis, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), A Saywell and P Twiss

Members attending in accordance with Standing Order 25

Councillors H Gent, R Hannaford, S Randall-Johnson and C Whitton attended in person

Councillors A Connett and A Dewhirst attended remotely

* 138

Minutes

RESOLVED that the minutes of the meeting held on 9 March 2022 be signed as a correct record.

* 139

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 140

Announcements

The Chair announced that this would be the last meeting of the Cabinet to be attended by Dave Black (Head of Planning, Transportation and Environment).

The Leader then thanked Dave Black for his many years of service to the Council and wished him well in his forthcoming retirement.

* 141

Petitions

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

* 142

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Members responded to 22 questions from Members of the Council on the following matters:

- work with schools to welcome Ukrainian refugee children;
- work with key partners to ensure the safety of Ukrainian refugee children from exploitation and or abuse;
- Second Homes in the Council area;

- long term empty homes registered in the Council area;
- Council Tax Premium on Second and Empty Homes;
- Council Tax Premium and Financial Benefit to the Council;
- Council Tax Premium and Key Worker Accommodation;
- Homes without access to mains gas;
- Data on alternative ways to heat and cook (oil, bottled gas, coal, wood etc);
- work being done with others to prevent households from being driven into extreme fuel poverty during the cost of living crisis;
- work to reach and support vulnerable people, to stay active and alive if they were being forced to heat or eat?
- number of park homes registered in the Council area?
- park home fuel poverty;
- The Energy Pricing (Off Gas Grid Households) Bill;
- lateral flow tests for Covid-19 and supporting Care Givers in obtaining these tests;
- Chancellor Spring Statement and School Budget Cuts and impacts in Devon;
- Public Accounts Committee Report and costs for essential repairs to school buildings and funding required in Devon;
- Ofsted and ratings based on inadequate buildings;
- whether the Council had made the Department of Education aware of Devon's School maintenance backlog;
- salary Levels at Academy Trusts;
- financial Assistance to Academies and Trusts; and
- announcement of funding from the Governments bus back better programme.

The Cabinet Members also 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]

KEY DECISIONS

*** 143 Highway Infrastructure Asset Management Policy and Strategy**

(Councillors Connett, Dewhirst, Gent and Hannaford 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/22/18) which sought approval of the Highway Infrastructure Asset Management Policy and Strategy, 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 Highway Infrastructure Asset Management Plan (HIAMP) was a suite of documents that laid out the Authority's policy, strategy and plan for the management and maintenance of all highway assets, the previous plan having been approved by Cabinet in 2016.

The documents had been refreshed to reflect the changes in Government guidance and to align to the recently published Strategic Plan 'Best Place'.

In 2013 guidance for Highway Infrastructure Asset Management was published by Highways Maintenance Efficiency Programme (HMEP) in association with the UK Roads Liaison Group and with the sponsorship of the Department for Transport (DfT). This document promoted a joined-up approach to determining how all highway infrastructure assets such as roads, bridges, streetlights etc. were managed and laid out the case for Highway Authorities to produce a HIAMP. The guidance recommends the following approach.

- Highway infrastructure asset management policy – a concise document describing what the Council's approach is and how it linked with the Council's overarching objectives.
- Highway infrastructure asset management strategy - the Organisation's overall approach to delivering highway asset management.
- Highway infrastructure asset management plan and annexes - detail and depth describing how the Council used asset management tools to develop effective processes to plan, operate, monitor and review the highway network assets.

The Highway Infrastructure Asset Management Policy and Strategy were provided in Annexes 1 and 2 respectively and following their adoption the Highway Infrastructure Asset Management Plan would be drafted to record and communicate the detailed approach to the management of assets and this would be brought to Cabinet later this year.

The Report also highlighted the results of the 2021 National Highways and Transport (NHT) Public Satisfaction Survey. The summary undertaken in June 2021 gave overall a comforting position and showed no significant change to the previous year's survey, however it highlighted areas in highway condition where the public were showing a satisfaction level slightly under the national average. The complete survey could be seen at [2021 Survey Public Reports \(nhtnetwork.co.uk\)](https://nhtnetwork.co.uk)

The Cabinet also noted that a Standing Overview Group of the Corporate, Infrastructure and Regulatory Services Scrutiny was held on the 3 March 2022 to consider the draft Policy and Strategy. The Overview Group recommendations were considered by the full Corporate, Infrastructure and Regulatory Services Scrutiny Committee on 24 March 2022.

The Scrutiny Committee had resolved “that the report be accepted as an accurate record of the meeting held and that the recommendations contained therein be endorsed and commended to Cabinet, namely:

- (a) repair and maintenance of our road networks be underpinned by a positive and proactive approach and efforts to be made to implement this mindset into the working practices of DCC staff and contractors;
- (b) the Community Road Warden Scheme and the Snow Warden Scheme be continued and expanded;
- (c) annual work programmes be produced to cover integrated schemes and additional detail is included where these include drainage repair;
- (d) graffiti be explicitly recognised in the Plan as a notable problem and innovative solutions to graffiti removal be investigated; and
- (e) further exploration of local council involvement in highway maintenance is undertaken, to include closer relationships between local councils and the County Council.”

Cabinet noted that the draft documents had been updated to incorporate these recommendations and would be further developed in the review of the Highway Infrastructure Asset Management Plan and annexes, as paragraph 5.2 of the Report detailed.

An Impact Assessment was also attached for the attention of Members at this meeting - [Published Impact Assessments - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk). This highlighted that the Highway Infrastructure Asset Management Policy and Strategy addressed the travelling needs of all road users of the Devon highway network, both from a local and visiting user’s perspective, whichever mode of transport was used. Each scheme, programme and operation would necessitate specific considerations in relation to equality and its impact on the road user and this would be specifically addressed in line with the objectives and framework set out in the documents.

The Highways Infrastructure Asset Management documents had been revised to reflect the latest industry guidance and national code of practice. Cabinet noted that adopting the revised plans would help enable the Council to maximise its grant funding allocations from Government for highways maintenance and ensure the Council was managing its highway asset in an effective and efficient manner.

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 revised Highway Infrastructure Asset Management Policy and Strategy be adopted;

(b) that delegated authority be given to the Chief Officer for Highways, Infrastructure Development and Waste, in consultation with the Cabinet Member for Highways Management, to make minor amendments to the documents and continue the development of the Highway Infrastructure Asset Management Plan; and

(c) that Devon MP's be briefed outlining the pressures our highway service is under in maintaining the highway network.

(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](#)).

* 144 **County Road Highway Maintenance - Capital Budget and Progress on 2021/22 Schemes and Proposals for the 2022/23 Programmes and the On-street Parking Account 2022/23**

(Councillors Connett, Dewhirst, Gent, Hannaford 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/22/19) on the County Road Highway Maintenance Capital Budget and Progress on 2021/22 Schemes and Proposals for the 2022/23 Programmes and the On-street Parking Account 2022/23 which 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 the restoration or replacement of highway components which were dilapidated due to traffic loading, weather impacts or aging of assets was funded through capital investment. Sound capital investment in the highway network would ensure assets were kept structurally sound over its design life enabling officers to better plan future budget expenditure and mitigate the impact of unforeseen high-cost revenue funded reactive repairs. When investment was made at the right time, long term maintenance costs would be reduced.

Progress on the 2021/22 Highway Structural Maintenance Programme was shown in Appendix 2 of the Report and the 2021/22 Bridges Assessment and Strengthening Programme could be found in Appendix 3.

Section 7 detailed the proposals for capital funding of highway maintenance schemes in 2022/23.

The 2022/23 funding awarded to Devon County Council (DCC) from central government included in the Report, was approved by Full Council in February 2022. The Report sought approval to allocate the capital funding across the programmes and schemes proposed in 2022/23 as listed in appendices 4 and 5.

The allocations included an anticipated overprogramming brought forward of Local Transport Plan (LTP) monies from 2021/22 of £250,000, subject to approval of the revenue and capital outturn report, to be submitted to Cabinet in July.

The Report also sought approval for the programme of work identified in accordance with the provisions of Traffic Management Act 2004, to be funded from the On-street Parking Account, as listed in appendix 6.

Members noted that the relevant Impact Assessment for the County Road Highway Maintenance report was the 22/23 budget [Budget 2022/2023 - Impact Assessment \(devon.gov.uk\)](#) that had previously been circulated to Members.

As part of the Council's drive to become carbon neutral by 2030, it was continuing to investigate, consider, and embed new ways of working that helped reduce the carbon output when designing and commissioning highway maintenance operations. The Cabinet Member for Highways Management commented that the Council was taking opportunities to recycle highway materials and include carbon reduction plans in new construction contracts. Once the Street Lighting programme LED upgrade was complete, the Council would have reduced the carbon emissions generated by its streetlighting by 75%.

He further commented that the Service was performing well and could evidence this to Government and consequently was receiving additional funding through the Incentive Fund as a Band 3 authority for the 6th consecutive year.

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 progress on 2021/22 capital funded highway maintenance schemes detailed in Appendices 2 and 3 to the Report be noted;

(b) that the capital funded highway maintenance programmes for 2022/23 as set out in Appendices 4 and 5 be approved;

(c) that the Highways, Infrastructure Development and Waste 2022/23 capital programme be enhanced by £11.691million (as explained in section 3 of this report) funded by external grants;

(d) that the 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; and

(e) that the programme funded from the On-street Parking Account for 2022/23, as set out in Appendix 6, 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](#)).

* 145 **Formal Consultation Submission to the Devon Climate Emergency Partnership's responses to the recommendations of the Devon Climate Assembly**

(Councillors Connett, Dewhirst, Gent, Hannaford and Whitton 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/22/15) which outlined the proposed consultation submission to the Devon Climate Emergency partnership's responses to the recommendations of the Devon Climate Assembly, 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 Consultation had been live between the 17th March and 14th April 2022.

The Devon Climate Assembly was held last summer after a year's delay due to COVID-19. Seventy randomly-selected individuals, representative of Devon's population, had been invited to discuss three of Devon's key climate issues: onshore wind, how to encourage less car use, and how to accelerate the upgrading of buildings.

The Authorities response was outlined at section 3, but also highlighted the exemplar of citizen engagement.

In relation to wind farms, the Council believes where sited appropriately to minimise effects on communities and the environment, could be part of providing Devon's energy needs and that the benefits of new energy infrastructure should be retained locally where possible. It also supported the view that Devon needed better active and public transport infrastructure.

The Council was already delivering projects as part of its emergency response that helped deliver many of the recommendations of the Assembly, for example the £200k Community Energy Fund, transport improvements and Local Cycling and Walking Improvement Plans, electric-vehicle charging infrastructure, development of strategic multi-use trails, submission to government of the Bus Service Improvement Plan, the £6m Sustainable Warmth project and the Devon energy advice service in partnership with community energy organisations.

The Council continued to be committed to playing its part in achieving net-zero in Devon by 2050 at the latest and looked forward to receiving the next iteration of the Devon Carbon Plan for consideration later in the year.

An Impact Assessment is also attached for the attention of Members at the meeting and can be viewed online at - [Proposed Responses to the Devon Climate Assembly - Impact Assessment](#). This highlighted that Climate change would affect everybody in the County, and those people less able to adapt the most, for example less affluent people, those with physical and mental health conditions and coastal communities. Implementing the recommendation would help grow efforts to reduce international carbon emissions and minimise the impacts on everyone and implementing the Interim Devon Carbon Plan and the proposed responses would require fundamental changes to the way the Authority's services were provided, which had the potential to impact negatively and positively on service users depending on the specifics of the proposals. Future tactical-level changes to services would need their own impact assessment, however the Plan had been designed with an overarching principle (Principle 9) that:

"A just transition is required to ensure that:

- a) Vulnerable and low-income segments of society and rural communities are not disadvantaged.*
- b) The differing impacts of climate change on different groups e.g. disabled, minorities, gender, are addressed.*
- c) Actions to decarbonise Devon must not be at the expense of other communities or ecology globally"*

The Authority endorsed the proposed responses developed by the partnership and would do what it could to implement relevant actions within its areas of responsibility.

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 that the consultation submission from Devon County Council to the Devon Climate Emergency partnership's consultation on its responses to the recommendations of the Devon Climate Assembly (section 3 of the Report) 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](#)).

* 146

South West Exeter Housing Infrastructure Fund: Update on project including approval for submission of planning application and to award tenders

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

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/22/16) which provided an update on the project as well as requesting approval for some elements to allow for the continual progression of the project. 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.

South West Exeter was a strategic allocation of 2,500 dwellings and 5 hectares of employment within the administrative areas of Teignbridge District Council and Exeter City Council. It was a complex site, with various constraints. The Council had been successful with its bid of £55.14 million to the Housing Infrastructure Fund (HIF), which would enable the early delivery of the infrastructure to support the planned housing development. The infrastructure to be delivered included:

- Delivery of four signal junctions on the A379
- Realignment of Chudleigh Road
- Southern Spine Road
- Devon Hotel Roundabout upgrade
- Alphington Village enhancements

- School access road
- Pedestrian / cycle bridge
- Suitable Alternative Natural Green Space (SANGS)
- New electricity substation
- Community building which is intended to include a GP surgery.

Previously included had been a new roundabout at Peamore and an upgrade to the foul drainage system, but both of these schemes were proposed to be delivered by developers without HIF funding.

A plan identifying the development location and infrastructure to be delivered was included in Appendix 1.

Section three of the Report gave the detail on each of the proposals;

- Electricity Substation - expected to provide sufficient capacity for development at South-West Exeter as well as additional future development – details of the consultation were available at www.devon.gov.uk/swexeter.
- Devon Hotel Roundabout and Trood Lane improvements - including an extra lane on the western A379 entry arm, pedestrian and cycle crossing facilities and toucan crossing and in relation to Trood Lane a new signal junction, pedestrian and cycle connections and new bus laybys on the A379 - a plan of the scheme included in Appendix 2).
- Alphington Village Enhancements – the options explored and the scheme that would be developed based on the options was shown in Appendix 3.
- A379 Junctions – the detailed design for the remaining junctions on the A379 was progressing with a plan of the scheme included in Appendix 4.
- Community Building – the initial design for the community building, which included a GP surgery, had been undertaken, but the cost estimate was significantly over the budget allowed for in the HIF funding. However, it remained the intention to deliver a community building through revised designs and or phased works. Appendix 5 showed the site layout for the costed scheme.
- Southern Spine Road – which would connect the three development parcels to the south of the A379 together. Plans showing the expected alignment of the Spine Road were in Appendix 6.
- Recovered funding - funding would be recovered as development was delivered and would be in accordance with terms within legal agreements.

An Impact Assessment is also attached for the attention of Members at the meeting and can be viewed online at - <https://www.devon.gov.uk/impact/south-west-exeter-housing-infrastructure-fund-hif/>. This highlighted that the HIF project would support the development of a new urban extension to Exeter and the delivery of the community

infrastructure and school would support the creation of a community. Consideration had been, and would continue to be, given to safe and sustainable access for all.

The Cabinet noted that the proposal had been assessed and all necessary safeguards taken to safeguard the Council's position. A risk register was in place for the project which was reviewed and updated monthly.

The Local Member expressed his disappointment that money was being re-allocated to other areas of Devon and also that the recommendations didn't specifically mention consultation with the Local Member. The Head of Service explained some of the conditions of the HIF funding in terms of reinvestment of recouped funding from developments and the Leader further highlighted the Council's usual practice on consulting Local Members on matters that impacted on their ward.

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 Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Climate Change, Environment and Transport be given delegated authority to progress the proposals for;

- i. Devon Hotel roundabout and Trood Lane signal-controlled junction
- ii. Alphington village enhancements
- iii. Southern spine road
- iv. A379 junctions

including going out to tender and to award contracts for the schemes within the project budget;

(b) that the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Climate Change, Environment and Transport be given delegated powers to make any necessary changes to the design and progress the proposals for the community building and GP surgery and that this includes the submission of a planning application, going out to tender and to award contracts, subject to available project budget and necessary legal agreements to facilitate delivery;

(c) that the proposals in relation to the allocation of funding recovered from developers be conditionally approved including up to

- i. £5.5 million towards the electricity substation
- ii. £2 million towards Cranbrook community building;

(d) that the allocation of part of the Housing Infrastructure Fund grant towards the purchase of land and undergrounding of electricity cables associated with the delivery of the electricity substation and the proposal to enter into a contract with Western Power Distribution for the undergrounding of the cables 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](#)).

* 147 **Construction of a community facilities building in Cranbrook Town Centre providing flexible space for County Council services including children's, youth, and libraries**

(Councillors Connett, Gent, Hannaford and Randall-Johnson 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/22/17) which sought approval for the construction of a community facilities building in Cranbrook Town Centre to provide flexible space for Council services, such as children's, youth, and libraries. 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.

At its meeting on 9 October 2019, Cabinet considered Report PTE/19/38 relating to a community facilities building - [Construction of a community facilities building in Cranbrook Town Centre providing flexible space for County Council services including children's, youth and libraries](#)

Members will note the key issues from the 2019 Report which highlighted the development and future expansion of Cranbrook. However, the provision of facilities within the town centre had stalled and it remained the case that the only building in the town centre is the public house.

The original plan for the town centre was based on a 'traditional' model with numerous retail units and food store with these being delivered by the private sector. The Cranbrook New Community Partners (NCP) was seeking to revise the approved town centre plans with a reduced commercial / retail element and provision of additional residential dwellings instead.

However, some progress had been made with the Council securing outline planning permission in July 2020 on a 0.4-hectare site in the town centre.

The NCP was proposing a Memorandum of Understanding (MoU) which, if approved, would facilitate the revisions of the section 106 planning agreement. The MoU looked to agree the variation of the s106 in a number of areas and details of the offer letter from the NCP was attached as Appendix 1 to the Report. Other aspects included the agreement of the uses of parcels of land in the town centre; transfer of land for Town Council facilities; contribution to costs of the Town Council offices; provision of blue lights facility land; delivery of a town square; delivery of a supermarket; and offer of town centre land for East Devon District Council to purchase to deliver commercial uses in the town centre.

If Members accepted the NCP offer it was anticipated that work would restart on the preparation of a reserved matter planning application with a view to submitting the application in the autumn of 2022. It was envisaged that the building would be a well-designed two storey building facing into the town centre. As well as offering space for library, youth and children's services there was an ambition to provide flexible space for other uses such as public health nursing, hall space, meeting rooms and external multi-use games area.

The estimated costs of the provision of the building and ancillary external works was in the region of £4.5 to £5 million. The offer from the NCP totalled £3 million leaving a funding gap of £1.5 to £2 million. Approval was therefore sought to use the funds recovered from the SW Exeter HIF grant to bridge the funding gap, subject to approval from Homes England.

Whilst there was a funding gap it was considered that the provision of a single multi-purpose building represented the optimum way forward. The provision of an integrated flexible building aligned with the priorities of the Devon County Council Plan 2021 – 2025 and would assist in improving health and wellbeing in Cranbrook, provide opportunities for children and young people and provide appropriate support for the community of Cranbrook.

Cabinet noted that following the relevant approvals to progress the scheme, an Impact Assessment would be undertaken alongside development of detailed scheme design.

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

RESOLVED

(a) that the Cranbrook New Community Partners offer of a £3 million phased contribution towards the construction of a single building to provide flexible space for County Council services including children's, youth, and libraries be accepted;

(b) that the offer of a single 0.4ha of serviced land in a town centre location at Cranbrook to construct the building also be accepted;

(c) that a reserved matter planning application be prepared and submitted for the provision of the building;

(d) that approval be given to use up to £2 million of funds recovered from the South West Exeter Housing Infrastructure Fund grant to make up any shortfall between the developer contribution and the cost of the building; and

(e) that in the event that all of the funding is not secured a further report be presented to Cabinet to consider the financial implications of providing the building.

* **148** **Plymouth and South Devon Freeport**

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

The Cabinet considered the Joint Report of the Head of Economy, Enterprise and Skills and Director of Finance (EES/22/3) on the Plymouth and South Devon Freeport, 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 the approvals necessary to submit the Full Business case on 22nd April 2022, ahead of a tax site designation, enabling operations to begin in the early summer and to set up a Company Limited by Guarantee to operate the Freeport owned by Plymouth City Council (PCC), South Hams District Council (SHDC), and DCC, with director representation from PCC, SHDC, DCC and the private sector.

The Report had been submitted in parallel with approval processes taking place at Local Authority partners, South Hams District council (SHDC) and Plymouth City Council (PCC), with Plymouth and South Hams having approved recommendations at their March Cabinet meetings.

Freeports had been set up to act as hubs for global trade and investment across the UK, to act as designated tax and customs sites with benefits to

businesses from tax breaks, simplified customs, investment funding to open up sites and creating of high-skilled jobs.

Appendix 1 gave a description of a Freeport and the benefits to occupiers, which would be available for occupiers for 5 years, up until 2026/27.

The Plymouth and South Devon (PASD) Freeport was the result of a successful bid submitted in February 2021, with an Outline Business case submitted in November 2021. The business case showed that the establishment of the Freeport had the potential to unlock £314 million in inward investment and create 3,584 jobs. It would provide a new world class innovation space enabling the area to build on the global reputation for marine innovation and advanced engineering.

It would anchor some large employers, protect existing jobs and ensure they could expand their local operations. It would also unlock 130 Hectares of development land to provide space for high value advanced manufacturing and logistics companies.

The Full Business Case would set out the ambition to deliver a Freeport that also contributed positively to the achievement of Carbon Net Zero.

The Report gave full detail on the Plymouth and South Devon Freeport Proposal, including vision and partnership arrangements, the proposed three tax sites at South Yard in Devonport, Langage Energy Park and part of Sherford Employment Zone, Customs sites and proposed main customs sites within the tax site boundaries at Langage and Sherford. It also outlined Governance arrangements, Gateway Policy (avoiding displacement), Business Rates Relief Policy, Land Owner Agreements, expected outputs and timelines.

The total investment in the Freeport was predicted to reach £314 million (Appendix 5). This was made up of £25 million in Government seed capital grant with local public sector match funding of £29 million. For the South Yard site, Plymouth City Council was bidding for a further £10 million through levelling up grant income. It was anticipated that the total private sector investment levered would be close to £250 million.

The additional Business Rates generated on the Freeport tax and Customs sites collected by the local authority partners would be held in two ring fenced Freeport accounts.

An Impact Assessment was also circulated for the attention of Members at the meeting, which was also available at - <https://www.devon.gov.uk/impact/plymouth-and-south-devon-freeport/>. This highlighted that the Plymouth and South Devon Freeport was committed to equality and diversity and to ensuring that residents felt the benefit of the initiative. The assessment also explored the potential impacts for people with

protected characteristics and wider social impact and inequality such as access to employment and skills development in areas of deprivation. It also considered the wider social impacts in the Plymouth, South Hams and Devon areas. The shadow board had adopted the Equality and Diversity Statement and were committed to ensuring that residents and local people, especially those from deprived areas and marginalised communities, were able to reap the benefits of the Freeport.

The Cabinet Member for Economic Recovery and Skills expressed his gratitude to officers and the other Authorities, outlining the excellent working relationships that had been developed.

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 and Director of Finances and/or referred to above having been considered:

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

RESOLVED

(a) that the work undertaken by the partners towards government's approval of the Outline Business Case and towards the Full Business Case, due for submission to government on 22nd April 2022, be noted;

(b) that it also be noted that the Freeport designation ensures 25 years of retained business rates for the participating authorities, for the designated sites;

(c) that the Council borrows up to £15 million of capital investment to leverage the Government's seed capital funding of £9.6 million to deliver transport schemes, to support the development of the Freeport sites in Devon and that this borrowing will be repaid from retained business rates in future years;

(d) that the Council becomes a founder member of a company limited by guarantee to operate the Freeport, alongside South Hams District Council (SHDC) and Plymouth City Council (PCC) and that the appointment, in due course, of a Member of Devon County Council to serve as a director of the company, following the completion of steps required to effect such appointment also be approved;

(e) that the Head of Service for Economy Enterprise and Skills, in consultation with the Leader of the Council, portfolio holder for Economic Recovery and Skills and the Director of Finance and Head of Legal and Democratic Services be given delegated authority to:

- i. approve and submit the Final Business Case (FBC) for the Plymouth and South Devon Freeport;
- ii. approve the articles of association and reserved matters for the Freeport company and enter into member agreements for the company between SHDC, PCC and DCC;
- iii. enter into the business rates sharing agreement with South Hams District Council; and
- iv. approve the Freeport Business Rates Policy, which with the business rates sharing agreement defines the basis for loan repayments and distribution of any surplus achieved, which will include contributions to ongoing running costs of the Freeport company and other activities which aim to avoid Business Rate displacement.

(f) that Cabinet note appropriate scrutiny arrangements will be put into place in conjunction with SHDC and PCC regarding the operation of the Freeport.

* 149 **Bideford Library/Art Centre Project - Approval requested to award the Construction contract**

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

The Cabinet considered the Head of Communities (SC/22/1), 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 updated Cabinet on the progress of plans to create a multiple occupancy at Bideford Arts Centre building accommodating both Learn Devon and Libraries Unlimited Services, and to obtain approval to enter into a construction contract with Pearce Construction (Barnstaple) Limited. The proposed construction contract start date was 6 June 2022 to complete in March 2023.

There was a requirement in Bideford to relocate the Library from its existing location in the town into the Bideford Arts Centre building. The Bideford Arts Centre building was currently used and managed solely by Learn Devon, whilst the current Library building in Bideford constrained the physical delivery of a modern Library Service.

The Library Service in Bideford currently operated out of the Town Hall building, owned by Torridge District Council, with the Learn Devon Service being delivered from an under-utilised Bideford Arts Centre building owned by Devon County Council. The proposal was to create a multiple occupancy

Bideford Arts Centre building accommodating both Learn Devon and Libraries Unlimited Services.

Apart from the need and desire to update and improve the building, a passenger lift was required along with other interventions to make the facility fully accessible to all and to create an exciting and stimulating place where the advantages of a joint service could thrive to benefit Bideford and its wider community.

Consultation on the outline planning application was carried out in accordance with the statutory planning requirements (statutory consultees, members of the public and other stakeholders). Favourable decision notices from Torridge District Council confirming Listed Building Approval and Full Planning Application Approval, with no onerous conditions, had been obtained.

The Cabinet noted there was no Impact Assessment at this stage. Following relevant approvals to progress the scheme, an Assessment would be undertaken alongside development of detailed internal designs to ensure equality considerations were integrated in the Project design.

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 Croad, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that it be noted that the Council has completed a competitive tender procedure to award a contract to undertake works ("construction contract") to the Bideford Arts Centre building;

(b) that Cabinet further notes that an RIBA Stage 4 design was completed by NPS South West which informed the basis of the Council undertaking the tender procedure;

(c) that the total Project cost of £1,696,052.70 made up of the construction contract value of £1,431,571.70, and NPS South West's fees of £264,481 be approved;

(d) that the construction contract value falls within the Capital Programme budget previously agreed for this Project, and to approve virements in the sum of £100,000 from the Estates maintenance programme, and £16,052 from the Library Management Programme to cover the total Project cost be noted; and

(e) that the award of the construction contract to Pearce Construction (Barnstaple) Limited in the value of £1,431,571.70 be approved.

* 150 **Commissioning for Peninsula Fostering Services, with Independent Fostering Agencies Tender Approval and Arrangements for Award of the Contract.**

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

The Cabinet considered the Report of the Head of Children's Health and Wellbeing (CS/22/5) which sought approval on the proposed commissioning and procurement arrangements of independent fostering services (IFAs), 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 services would support children in care and children, and young people with SEND, who were eligible for a short break service. These services would be delivered by IFAs and typically used when foster families were not available through the inhouse fostering service. The proposal had been developed by the Peninsula Commissioning & Procurement Partnership which aimed to jointly and collaboratively commission services to benefit children and young people living across the Peninsula authorities.

The availability and provision of fostering services and short break services supported the Council in meeting statutory duties, and in delivering strategic priorities and duties as corporate parents.

The family based short breaks for children and young people with SEND enabled parents to receive a break from caring responsibilities, whilst giving children and young people an opportunity to have positive experiences outside their families. The proposed new framework agreement would ensure this continued and increased to provide more opportunities for children and young people, and their families.

The proposal was to tender for a multi provider framework agreement for a minimum period of 5 years, with the option to extend for up to a further 2 years. This option was being recommended as it would maintain, and increase sufficiency, increase quality, provide flexibility, and ensure value for money, alongside ultimately supporting children and young people to thrive in secure and stable foster families. It was intended that commissioning and procurement arrangements would begin on 1st October 2022. Section three of the Report gave a full overview of options appraisal and analysis and section 4 focussed on the proposed contract design including the rationale and benefits analysis for proposed commissioning and procurement arrangements.

Under the proposed framework agreement there would be no guaranteed volumes of business as the value of spend was driven by the demand for placements. However, the Council's total gross spend on independent fostering placements, including family based short breaks, for the last full financial year (2020/2021) was £8,941,000. The projected gross budgeted expenditure for the financial year 2022/2023 was £9,312,000. It was also recognised there was a risk in terms of increased prices arising from the cost of living, health and social care taxes and wage rises.

In terms of the scope of the Services, the Peninsula Commissioning and Procurement Partnership were proposing a new arrangement focusing on the provision of 6 types of fostering services which included Standard Fostering Services, Enhanced Fostering Services, Emergency Fostering Services, Staying Put, Family Based Short Breaks services and Parent and child services.

Engagement activities undertaken with stakeholders were explained at Section 5 of the Report and described virtual workshops, surveys and individual meetings undertaken to inform the commissioning approach summarised in section 4 and the service specifications that would form the tender pack. A summary of the themes, ideas and feedback that had emerged through the engagement events were described and that they had been used to shape and inform the commissioning and procurement approach.

The Head of Service's Report contained an Impact Assessment circulated for the attention of Members at the meeting, which considered the impact of decisions on health and well-being of foster carers and children and young people. It also explored how service specifications, contracting arrangements and recommended service design would support protected characteristics. It also considered the potential positive impact of the recommendations being made on knowledge, skills, and expertise of staffing groups.

The Cabinet noted that the proposed approach would secure a high-quality fostering service through providers that had been tested for capacity, capability, cost, and quality. The arrangement would have the flexibility to meet known future demands and the ability to develop to meet unforeseen future changes.

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 Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be given for a tendering process to be undertaken during summer 2022 with independent fostering agencies (IFAs), for the delivery of fostering services from October 2022, as per the recommendations and design set out in this Report;

(b) that the Chief Officer for Children's Services, in consultation with the Cabinet Member for Children's Services & Schools, be given delegated authority to agree non-material changes within the overarching strategy detailed in section 4 (proposal); and

(c) that the Chief Officer for Children's Services, in consultation with the Cabinet Member for Children's Services & Schools, be given delegated authority to approve contract award recommendations for Peninsula Fostering Services with IFAs.

(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](#)).

* 151

Workforce Stability: Attracting Agency Children's Social Workers to Devon - Agency Pay Rate Proposals

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

The Cabinet considered the Report from Head of Children's Social Work (CS/22/06) relating to Workforce Stability and proposals for attracting agency children's social workers via agency pay rate proposals, 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.

Cabinet noted there had been challenges in recruiting and retaining the best workforce and that there were 44 social work immediate vacancies across social work services.

The proposal to increase the agency social worker pay rate was to stabilise the workforce and reduce the high turnover until the Council could improve the workload and stability of the permanent workforce. Ofsted had also commented that whilst senior leaders understood the recruitment and retention priority, the situation had yet to improve as well as on the workloads of the current workforce.

In order to reflect current market forces, there was an urgent need to be more competitive and financially attractive in the agency job marketplace and this

could only be achieved in the short-term by increasing the agency worker pay rate, whilst the Council focussed on reshaping and transforming permanent recruitment and attraction activity in the external candidate marketplace.

The proposed increase in agency social worker pay rates would be as follows for all social work positions in hard to fill service areas, e.g. MASH, C&F, IRT, DCS and P&T:

- Up to an additional £4 per hour for Experienced Social Workers
- Up to an additional £2 per hour for Assistant Team Managers and Team Managers

To apply the proposed uplifted costs across all current agency staff within 'hard to recruit teams' would require investment of £785,347.

The Cabinet noted that the appointment of competent agency social workers for a minimum 6 month placement, would have a positive impact on children and families in our communities – specifically those who are in need or who require protection. It was also critical to ensure that Devon had sufficient high quality experienced social workers and managers to effectively work with children, young people and their families/carers, whilst keeping children and young people consistently safe and risk minimised.

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 Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED that up to an additional £1.4 million to be funded from reserves, to strengthen the recruitment and retention of agency social workers, as set out in the Report, be approved.

MATTERS REFERRED

* **152** **Children's Scrutiny Committee: Children's Standing Overview Group**

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

The Cabinet noted that at its meeting on 15th March 2022, the Children's Scrutiny Committee considered the Minutes of the Children's Standing Overview Group (Minute 38 referred), and had **RESOLVED** to:

- (b) Raise concern to Cabinet about the critical lack of affordable housing as a barrier to recruitment and retention in Devon. The Committee understand that the Devon Housing Taskforce are looking at housing in

the county as part of any potential devolution deal and will be drawing up strategic recommendations. Nevertheless, we raise our concern to Cabinet about the immediate challenge that the lack of affordable housing is having now on our recruitment and retention of key staff, not just in Children's Services but across the wider public sector.

- (c) Asks Cabinet to recognise that in order to continue to deliver our statutory duties in Children's Services, the Council must be equipped to attract and accommodate a highly skilled, diverse workforce right across the County. At this time, the lack of accommodation for prospective permanent and agency staff places us at a major disadvantage compared with other local authorities. In particular, there is an immediate need for solutions in the north of the County in order to recruit to these areas.
- (d) Asks Cabinet to consider investing in pilot schemes to provide accommodation for those who cannot currently secure accommodation. This might include the temporary solutions and home share initiatives being explored by Cornwall Council or the Council of the Isles of Scilly. The Council previously did this over the COVID-19 Pandemic for other sectors and services for temporary accommodation. This would be limited to 'move on' housing solutions such as bulk renting hotel rooms, renting properties, buying properties or other innovative housing solutions such as 'micro homes'.
- (e) Asks Cabinet to work with other partners such as registered social landlords and government agencies such as Homes England to explore these solutions.
- (f) Asks the Devon Housing Taskforce, via the Cabinet and Team Devon, to meet as soon as is practicable to look into this issue as part of their work and report this back to the Committee.
- (g) Asks Cabinet, when considering these matters, to also consider suitable, affordable accommodation for our care leavers too.

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

RESOLVED

- (a) that increases in house prices and rents; overall reduction in the number of properties available to rent; and lack of affordable, good quality housing is contributing to difficulties in recruiting and retaining a wide range workers whose jobs are critical to the safety, health and wellbeing of everyone in Devon be noted;
- (b) that it be noted that at its meeting on 2 December 2021 the Council agreed to take action to address Devon's housing crisis and that Team Devon

(Leaders and Chief Executives) has now established a Devon Housing Task Force;

(c) that Cabinet continue to work with Devon's Members of Parliament on supporting the powers, funding and flexibilities proposed in the Devon, Plymouth and Torbay devolution deal which would improve the availability, quality and affordability of both new and existing housing; and

(d) that the Council contribute to the work of Devon's District Councils, housing providers, registered social landlords, Homes England and the NHS in finding short, medium and long-term solutions to the provision of suitable, secure and affordable accommodation.

STANDING ITEMS

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

There was no question from a Member of the public.

* **154** **Minutes**

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

Devon Audit Partnership – 8 March 2022
Devon Education Forum – 16 March 2022

* **155** **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.

* **156** **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 and noted the additional item for May 2022 'Bid Into Government Levelling Up Fund – Round 2'.

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 1.32 pm