

## CABINET

13 July 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 Orders 8 and 25

Councillors T Adams, J Bailey, J Brazil, R Hannaford, F Letch MBE and S Randall-Johnson

Councillor F Biederman (remote attendance)

### \* 182 Minutes

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

### \* 183 Items Requiring Urgent Attention

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

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

The Chair had decided that the Cabinet should consider this item as a matter of urgency.

Ofsted and the Care Quality Commission had published their inspection report on the Council's SEND (Special Educational Needs and Disabilities) service. Their conclusion was that SEND services continued to require significant change. The Report could be found on [Ofsted's website](#).

It was acknowledged at an organisational level, that the Council had not made the progress it would have liked to see and that new leadership arrangements were still bedding in.

The findings needed to be assessed to see how the SEND service could be supported to achieve long term sustainable change and improvements, but the next steps were a meeting with the DfE to hear their proposals and also develop a rapid improvement plan.

The Cabinet Member made a personal apology to children and parents in Devon who had not received the standards and services they deserved and undertook to update all Members of the Council with a Cabinet Member Report at the Full Council on the 21<sup>st</sup> July.

\* **184**      **Announcements**

The Chair gave an update on the proposed interim Chief Executive arrangements, noting that an Appointments, Remuneration and Chief Officer Conduct Committee had been scheduled for the 21<sup>st</sup> July 2022.

\* **185**      **Petitions**

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

\* **186**      **Question(s) from Members of the Council**

In accordance with the Cabinet Procedure Rules, the Leader responded to seven questions from a Member of the Council on the following matters.

- the jailing of John Humphreys, the content of the independent investigation and what it might include;
- who might be commissioned to carry out an independent investigation and the officer and Member lead;
- awareness of allegations by the Leader and Cabinet Members and actions;
- review of Safeguarding since the conviction of John Humphreys;
- any connection between schools and voluntary organisations and John Humphreys;
- NSPCC referral and any notifications; and
- whether the Council informed the Conservative Party of allegations regarding John Humphreys.

The Leader 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]*

\* 187 **Future management of local bus network in Devon**

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

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/22/22) on the Council's Bus Service Improvement Plan (BSIP) bid following the indicative allocation from the Department for Transport (DfT). The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report also considered the reference from a special meeting of Exeter Highways and Traffic Orders Committee (HATOC) on 12 April convened to consider Bus Services in Exeter, highlighting the points made by Exeter HATOC about promoting the network and encouraging people back in buses was important and would be a key part of the work undertaken, including developing the Devon Bus brand across all services.

The Council had finally received an indicative funding allocation from the DfT on 4 April 2022 and the Report highlighted this and the next steps, noting that since the October 2021 Cabinet Report and the Council's BSIP submission to the DfT, local bus services had continued to go through a difficult period due to a number of factors including the COVID-19 pandemic, changed working patterns of commuters, inflation pressures, cost of fuel and staffing shortages. The Cabinet noted that Stagecoach service failures in Exeter had led to the Special Exeter HATOC meeting of 12 April 2022.

The Report set out two proposals, the first being the establishment of an Enhanced Partnership (EP) which followed a statutory process, defined in the guidance issued by DfT following the Bus Services Act 2017 and also updated in light of the National Bus Strategy. This would comprise of an EP plan (vision) and an EP scheme (detail of how it would be achieved). An EP Board would manage the Plan and scheme, prioritise future schemes and where funding was spent, and monitor targets on both the Council and bus companies. A bus forum would also be established. It was planned to have the Partnership in place by 15 September 2022.

Proposal Two was to seek to gain powers for the franchising of local bus services as a longer-term option as part of the Devon Devolution deal. Once the powers were available, an Authority required consent from the Secretary of State for Transport to initiate the franchising process and Franchising Authorities would need to conduct an assessment of their franchising scheme, or business case (which was quite a detailed process), as well as obtaining an independent audit report on its assessment. Following preparation of the assessment and receipt of the auditor's report the authority must consult widely on their proposals. Cabinet noted that there was a lot of work involved in any franchising option.

Proposal Three was to actively promote the use of public transport to restore public confidence and grow passenger numbers and the Report outlined how this might be achieved through the EP.

Transport was cross-cutting theme across all areas of the Council's Strategic Plan playing a key role in ensuring access to key services, including education, health, and employment. It also strongly linked to the themes of stronger communities, the climate emergency, and a financially secure Council.

Section 7 of the Report outlined that the indicative funding allocation from the DfT for Devon's BSIP was £8,811,000 capital and £5,246,270 revenue. This total funding of £14,057,270 was for the three financial years from 2022/23 through to 2024/25 and therefore the revised funding plans that had been submitted to the DfT.

In progressing the County Council's BSIP, an Impact Assessment had been prepared for Cabinet on 13 October 2021. [Bus Services Improvement Plan](#), and had been previously circulated.

In addition, at full Council on 26 May 2022, a Notice of Motion on Better Buses for Devon had been referred to the Cabinet for consideration. The Notice of Motion was set out in Appendix A and Cabinet were asked to consider the content of this Report when deciding its recommendation back to Council (later in the agenda of this meeting).

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 Director'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 establishment of an Enhanced Partnership (EP) with local bus companies to implement actions from the Government's National Bus Strategy and Bus Service Improvement Plan (BSIP) funding allocation be continued;

(b) that a review be undertaken by the Director of Climate Change, Environment and Transport on the state of the network by November 2022 when the Enhanced Partnership should be in place;

(c) that the use of public transport to restore public confidence and grow passenger numbers be actively promoted; and

(d) that the Director of Climate Change, Environment and Transport, in consultation with the Cabinet Member for Climate Change, Environment and Transport, be given delegated authority to continue to develop the County Council's Enhanced Partnership and respond to the commercial changes to the local bus network; and

(e) that the content of the Report be taken into account when making a decision on the Notice of Motion on Better Buses for Devon (later in the agenda for the meeting).

*(NB: The Impact Assessment referred to above is available on the <https://www.devon.gov.uk/impact/bus-services-improvement-plan/>).*

\* **188**      **20mph projects prioritised for delivery in 2022/23**

(Councillors Adams, Bailey, Biederman and Brazil attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/22/23) on the 20mph projects prioritised for delivery in 2022/23, 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. This was following the agreement of a framework for assessing and prioritising requests for 20 mph Speed Limits (20SPLs) at Cabinet in December 2021, at Appendix 1 to the Report.

In February 2022, Members were invited to engage with their communities and put together expressions of interest for new 20SPL schemes. 105 expressions of interest had been received which had been reviewed against the framework and placed in priority order according to the adopted ranking system (See Appendix 2 for the full list of schemes submitted, the top 23 with scores).

The following sites had been recommended and were included at Appendix 3:

- Tiverton (Mid Devon) – Selected areas
- Ashburton (Teignbridge)
- Atherington (North Devon)
- Winkleigh (Torridge) – Selected area

The sites were identified as priority sites via the scoring matrix. In addition to scoring, the sites were recommended for progression as they:

- provided a fair split over the County, covering 4 district areas
- provided a range of environments for study; "A" and "B" roads, schools, residential, commercial, and rural; and
- could be delivered within the available budget.

If agreed, detailed design would be progressed in liaison with the Local Member.

The Cabinet noted that the recommendations of the Report aligned with the Authority's Strategic Plan 2021-2025 ([The best place - Strategic Plan \(devon.gov.uk\)](#)) to address climate change; reduce carbon emissions by encouraging modal shift for local trips by making walking and cycling safer and easier.

An Impact Assessment had been prepared and circulated with the agenda for the attention of Members at the meeting as well as published on the website - [20mph projects prioritised for delivery in 22/23 - Impact Assessment \(devon.gov.uk\)](#). It was expected that introducing appropriate 20SPLs would assist in community cohesion and focus resources to areas where there was a higher risk of residents being affected by road safety matters. By including within the framework, the Index of Mass Deprivation this should help prioritise those areas with greatest need.

The Report also referred to the Notice of Motion on 20mph scheme delivery which had been referred to the Cabinet for consideration from Council on 26 May 2022. This highlighted that a budget of £100k had been allocated for 20SPLs for 2022/23 through the Local Transport Plan which would provide for schemes as detailed in Section 3 of the Report. In addition, Cabinet was due to consider the allocation of the 2023/24 Local Transport Plan Integrated Transport Block in the autumn at which time consideration could be made for future funding of 20mph speed limits alongside the other priorities for delivery. Cabinet was asked to consider the content of this when deciding its recommendation back to Council (later in the agenda of this meeting).

In summary, the proposal represented a fair prioritisation of schemes allowing a meaningful study to be completed utilising budgets currently available. All schemes would be subject to detailed design and safety audit and there would be liaison with the local elected Member. Also, the schemes implemented would provide data and information which would enable and inform a review of the proposed system and the Council's 20SPL Policy.

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 Director'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 recommended 20mph schemes for delivery in 2022/23 (pending detailed design, costing, and democratic process), be approved;

(b) that the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management and local Member be given delegated authority to approve the detailed design for each scheme; and

(c) that the content of the Report be taken into account when making a recommendation to Council on the Notice of Motion on the Implementation Process for 20mph Roads and zones, later on the agenda for the meeting.

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

\* 189

**Budget Monitoring - Month 2**

(Councillors Adams, Bailey, Biederman and Brazil attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Finance and Public Value (DF/22/68) on the Budget Monitoring Position at Month two, the Report having been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

At Month 2 it was estimated that budgets would overspend by £30.5 million, excluding the dedicated schools grant deficit below. There was a further risk that inflationary pressures could result in costs, in addition to this overspend, of more than £10 million this year. The Cabinet noted that immediate action must be taken to safeguard the financial sustainability of the authority and that work had commenced to identify services and projects in both revenue and capital that could be transformed, modernised, remodelled, funded differently, ceased, or postponed.

The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), was forecast to be £32.1 million and discussions with the Department for Education as part of the Safety Valve Intervention continued.

Integrated Adult Social Care services were forecast to overspend by £6.0 million and Children's and Young People's Futures services were forecasting an overspend of £17.9 million (excluding the projected deficit of £32.1 million on Special Education Needs and Disabilities (SEND)). At the end of 2021/22

the DSG reported a cumulative deficit of £86.5 million which had been carried forward as a deficit reserve as per government guidance. When combined with the current year forecast the deficit was expected to be £118.7 million by the end of 2022/23.

In relation to the Safety Valve Intervention programme, it was expected that the DfE would be submitting a business case to Treasury in July. The timescale for resolution of the Safety Valve Intervention was set by Central Government.

The Climate Change, Environment and Transport directorate was forecast to outturn to budget as well as Public Health, Communities and Prosperity. Corporate services were forecasting an overspend of £394,000, mainly as a result of pressures within Legal and Democratic Services due primarily to additional legal costs supporting Adults and Childrens services.

Whilst national pay negotiations were at an early stage, indications were that increases to the National Living Wage coupled with the cost-of-living crisis would result in a higher than expected pay claim this year, but the estimated cost had been included within the forecast overspend.

Corporate debt stood at £2.9 million, being just under 0.9% of the annual value of invoices, against the annual target of 1.9%.

The Cabinet also noted that an organisation wide Financial Sustainability Programme had been created to examine areas of expenditure and to propose financial recovery options for Members to consider. It was vital that every service, across the authority, responded at pace and at scale.

Whilst it was very early in the financial year, the current forecast position was unprecedented and immediate action must be taken. The Council had never before faced a combination of demand growth and price shock pressures of this scale.

The matter having been debated and the other relevant factors as set out in the Directors Report and/or referred to above having been considered:

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

### **RESOLVED**

(a) that the month 2 budget monitoring forecast and the very challenging financial position faced by the Council be noted;

(b) that the immediate action being taken to safeguard the financial sustainability of the authority be supported; and

c) that progress on the Safety Valve Intervention programme also be noted.

\* 190 **Recommissioning of Young People's Homelessness Prevention Services**

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

The Cabinet considered the Report of the Director of Children and Young People's Futures (CS/22/7) on the commissioning for supported accommodation and housing-related support for 16/17 year-olds and care experienced young people.

The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report sought approval on the proposed retendering of supported accommodation and housing-related support services for 16/17-year-olds and care leavers. The services would support young people aged 16/17 years at risk of homelessness who did not need to be accommodated by the Council (DCC) as a child in care, as well as care experienced young people aged 18-25.

The services would be delivered by support providers offering support in settings including, but not limited to:

- i. Supported lodgings with host families.
- ii. Foyers.
- iii. Training flats or shared houses.
- iv. Private sector accommodation.
- v. Social housing or social landlords.
- vi. Specialist services.

The proposals had been developed in consultation with District Councils (Local Housing Authorities) in Devon. Both this Council and District Councils had responsibilities towards the young people accessing support via this contract. Accommodation and Intensive Housing Management costs for young people supported through this contract would be met through Housing Benefit via the District Council to which they had a local connection, subject to eligibility, with the County Council contract covering support elements of the contract. Although Devon County Council funded the support and not the accommodation, access to suitable accommodation for young people was a key qualifying criterion for providers to successfully be able to bid for this contract.

The availability and provision of supported accommodation and housing-related support for young people enabled both DCC and District Councils in meeting statutory duties under social care and housing legislation. It also supported in delivering strategic priorities as outlined in:

- (i) [A Place Called Home](#); and
- (ii) [Devon's Corporate Parenting Strategy](#).

In developing the proposed commissioning and procurement arrangements for supported accommodation and housing-related support services for 16/17-year-olds and care leavers, several options (outlined in full in section 3 of the Report) and approaches to the market had been considered.

The recommended approach was to tender for a multi-provider Dynamic Purchasing System with a number of block contracts called off from the agreement for a minimum period of 3 years, with an option to extend for up to a further 2 years. This option was being recommended as it would allow sufficient stability to ensure sufficiency for young people and to engage strategically with providers around the development and delivery of services.

Section four of the Report outlined the elements that would be contained within the new arrangement as well as the proposed contract design.

There had been extensive consultation to inform the Report which was outlined in full at section 5 including a table with examples of themes, ideas and feedback that had emerged through engagement with young people, providers and other stakeholders.

The Council's overall budget for Homelessness Prevention Services for 2023/24 was £919,000, which included £158,000 outside of contract through the contribution to the Homelessness Prevention Worker function which was joint funded with District Councils.

An Impact Assessment has also been prepared for the attention of Members at the meeting, attached and available online at <https://www.devon.gov.uk/impact/young-peoples-supported-accommodation-08-07-2022/> which considered the impact of decisions on the health and well-being of young people, including the groups currently supported by the contract and those that could be supported in the future. It also considered the potential positive impact of the recommendations being made on outcomes for young people, including improved health and wellbeing outcomes from having access to suitable accommodation, improved access to family and support networks through improved options for young people to remain within their geographical hub, where possible.

The Cabinet noted that the proposals gave the best option to ensure sufficiency as well as allowing for economies of scale and to use available resources effectively. The overarching DPS with core blocks drawn off to meet the majority of need provided a sustainable service within available resources and allowed flexibility to respond to areas of emerging need. It would also allow the Council to work with partners and providers on market development of key areas, which allowed for management of the quality and costs of services.

It was proposed that the new arrangements would go live from the 1<sup>st</sup> April 2023.

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 Directors Report and/or referred to above having been considered:

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

**RESOLVED**

(a) that Option 4 (Multi-provider Dynamic Purchasing System (DPS)); as outlined at section 3.5 of the Report, as a procurement approach to the provider market be approved;

(b) that the preferred option for contract partners, as outlined in 3.8 of the Report, enabling District Council's to be named as potential users within the new Dynamic Purchasing System (DPS) arrangement be further approved;

(c) that a tendering process to be undertaken during August 2022 – January 2023 for the provision of supported accommodation and housing-related support to:

- (i) young people aged 16/17 years at risk of homelessness, who do not need to come into care under section 20 of the Children Act; and
- (ii) care experienced young people aged 18-25 years.

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

(e) 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 supported accommodation and housing-related support for 16/17 year olds and care leavers.

*(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](#)).*

\* **191** **Commissioning for Peninsula Residential Children's Homes, with Independent Residential Children's Home Providers Tender Approval and Arrangements for Award of the Contract.**

*(An item taken in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 with the consent of the relevant Scrutiny Committee Chair).*

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

The Cabinet considered the Report of the Director of Children and Young People's Futures (CS/22/99) on the commissioning for peninsula residential children's homes, with independent residential children's home providers, seeking tender approval and arrangements for award of the contract.

The services would support children in care, in a safe, stable, and caring environment whilst also supporting the Council and Peninsula Partners with sufficiency of high-quality placements. The proposal had been developed by the Council acting as the lead on behalf of Peninsula Partners (Somerset County Council, Torbay Council and Plymouth City Council) and aimed to jointly and collaboratively commission services to benefit children and young people living across the Peninsula authorities.

The availability and provision of Independent Residential Children's Homes supported the Council in delivering statutory duties and strategic priorities as outlined in [Devon's A Place Called Home is the Devon Sufficiency Strategy](#); duties as corporate parents for children and young people in care as outlined in [Devon's Corporate Parenting Strategy](#), and the vision and priorities for families and children and young people with SEND as outlined in [Devon's SEND strategy](#).

The current Independent Residential Children's Homes (IRCH) contract provided children and young people in the Council's care with the opportunity to live in a residential home environment equipped to support a broad range of needs, including emotional and behavioural issues, allowing them to achieve the best possible outcomes.

In developing the proposed commissioning and procurement arrangements, Peninsula Partners had considered several options and approaches to the market. 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 4 years in 2-year blocks. It was felt this option would increase sufficiency and quality, provide flexibility, and ensure value for money, alongside ultimately supporting children and young people to thrive in secure and stable residential children's homes. The new arrangement focussed on the provision of 2 types of residential children's home services for children and young people which were Standard Residential Placements and also Bespoke Partnership Working (Call-Off) Competition by Co-Design.

It was further proposed the tender would take the form of a Dynamic Purchasing System (DPS) in which there would be no guaranteed volumes of business as the value of spend would be driven by the demand for placements. If approved, new commissioning arrangements would begin on 1<sup>st</sup> February 2023.

An options appraisal and analysis process had been undertaken by the Peninsula Commissioning and Procurement Partnership as part of re-commissioning activity, outlining 6 potential options, why each was preferred or not favoured and the reasoning for this.

Section 6 of the Report outlined the Consultations, Engagement and Representations which included virtual workshops, reviews with forum groups, surveys and individual meetings. The table in section 5.3 summarised the themes, ideas and feedback that emerged through the engagement events and had been used to shape and inform the commissioning and procurement approach.

The projected gross budgeted expenditure for the financial year 2022/2023 was £24,949,000.00 Budgeted expenditure allowed for a 2.5% inflationary increase for placements being made for children and young people. It was noted that this was not reflective of the current financial environment and there would be future challenges.

An Impact Assessment had been prepared and circulated with the agenda for Members at the meeting, as well as being available on the website at - [Peninsula Residential Children's Homes - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk). Social impacts and mitigations within the impact assessment considered the impact of decisions on health and well-being of residential support staff and children and young people and how service specifications, contracting arrangements and service design supported protected characteristics. It also considered the potential positive impact of the recommendations on knowledge and skills of staff groups as well as job opportunities.

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

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

## **RESOLVED**

(a) that the Flexible Purchasing System (known as a Dynamic Purchasing System (DPS) as a procurement approach for Independent Residential Children's Homes (IRCH), as outlined at paragraph 3.2.6 of the Report (Option 6), be approved;

(b) that a tendering process be undertaken during summer 2022 with Independent Residential Children's Homes (IRCH), for the delivery of residential children's home services from February 2023;

(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 agree non-material changes within the overarching strategy detailed in section 4 of the Report (proposal); and

(d) 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 Residential Children's Home Services with IRCHs.

*(NB: The Impact Assessment referred to above can be viewed alongside Minutes of this meeting and is available on the [Impact Assessment Webpages](#) at [Peninsula Residential Children's Homes - Impact Assessment \(devon.gov.uk\)](#)).*

\* **192** **Public Health Annual Report 2021/2022**

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

The Cabinet considered the Report of the Director of Public Health, Communities and Prosperity presenting the Public Health Annual Report 2021-22. The full report was available at - <https://www.devonhealthandwellbeing.org.uk/aphr/2021-22/>.

The Director of Public Health had a statutory duty to write an annual report, and the Local Authority a statutory duty to publish it (section 73B [5] & [6] of the 2006 NHS Act, inserted by section 31 of the 2012 Health and Social Care Act). This enabled the Director of Public Health to make an independent judgement about the state of the health of the local population.

The Annual Public Health Report 21/22 was the current Director's second Report in the capacity of Director of Public Health for the Council. This was the first annual report to be published in a digital format only, in recognition of the commitment to the climate change emergency.

The Report looked back over the past twelve months, describing how COVID-19 had continued to impact upon the lives of Devon residents and examined what living safely with Covid would look like. It further examined the impact of the 'cost-of-living crisis', driven by rising energy, fuel and food prices and inflation, and how this, like the pandemic was impacting on the poorest households in Devon and increasing health inequalities.

The Report stressed the need for the Local Authority to respond effectively to any additional pandemic waves as well as ensuring that the available resources were targeted at the most vulnerable households to help reduce the combined impact of the pandemic and 'cost-of-living crisis'.

A number of recommendations were set out in the Report, as follows.

1. Public Health Devon continues to maintain a surveillance system to monitor local cases and outbreaks across settings to enable swift public health actions, working closely with our partners.
2. Public Health Devon continues to support NHS partners in the promotion and delivery of the COVID-19 vaccination programme, with a particular focus on addressing inequalities in uptake.
3. Public Health Devon works with NHS partners to ensure the learning from the delivery of the COVID-19 vaccination programme is embedded in the delivery of all routine vaccination programmes.
4. Further research should be commissioned to gain a greater understanding of food insecurity and fuel poverty in Devon, its impact and the arrangements to support people at greatest risk.
5. Increase in publicity to raise awareness and encourage eligible homeowners in Devon to access free energy efficiency improvements through Cosy Devon.
6. The Council continues to work with Government and local partners in the commissioning and delivery of schemes which mitigate some of the impacts of food and fuel insecurity, through funding within the Household Support Fund and Holiday Activities and Food programme.
7. Public Health Devon work collaboratively with colleagues from Education and children and young people service providers to explore the delivery of an enhanced health and wellbeing programme offer.
8. Local strategic partners should consider working together, with people with lived experience, to better understand the wider impacts of poverty and explore opportunities to help tackle and prevent poverty in Devon.

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

**RESOLVED** that the Annual Report of the Director of Public Health 2021-22, which focuses on the impact to Devon residents of COVID-19 and the economic crisis, be received and the recommendations contained therein be noted.

\* **193** **Local Government Ombudsman Complaint and Report of Children's Services**

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

The Cabinet considered the Report of the Director of Children and Young People's Futures (CS/22/07) on a Local Government and Social Care Ombudsman (LGSCO) Public Interest Case.

Following a discussion at Council on 26 May 2022, the Cabinet Member for Children's Services and Schools agreed for the public interest report to be presented at a future Cabinet Meeting and also the opportunity to provide the additional findings of the new Interim SEN Strategic Director.

The Ombudsman press release (3 March 2022) and associated Report could be found here - <https://www.lgo.org.uk/information-centre/news/2022/mar/devon-teen-missed-out-on-education-because-of-council-delays>

A previous public interest Report had been considered at a meeting of the Health and Adult Social Care Scrutiny Committee, therefore in line with this the Public Interest report had been presented to the Children's Scrutiny Committee on 15 March 2022.

The case summary reflected the public interest because the Council had failed to respond adequately to a parent who had made a complaint about the Council's failure to provide their child with adequate education provision from the point at which they were due to transfer to post-16 education in September 2019. The family had not been offered the option to escalate their complaint to a Stage two process, due to the emergency response to the pandemic, and the stage two process being temporarily removed.

The LGSCO had been told that due to the failings, Ms M's child missed out on educational provision and specialist support for her special educational needs. In addition, because the child was not in education, she stopped receiving tax credits and this caused unnecessary financial hardship as well as unnecessary stress. This resulted in the LGSCO report which was also circulated with the agenda. The Service accepted all of the recommendations immediately and was prompt in ensuring that all recommendations which had a direct impact on the family were completed within one month.

A response to the three-month recommendations was sent to the Ombudsman on 13 May 2022. It was further agreed that the Council would provide further documentary evidence and that the Service provided 'updated information about the educational and special needs support and provision it was making for Ms M and that this accorded with the current EHC Plan'. The team had continued to make regular contact to engage in order to update the

EHC Plan. The reassessment was planned to be considered on the 6 July 2022, however they had indicated they do not want to remain in education, therefore there had been work with colleagues in Adult Services to discuss what support might be available.

The Interim Director had personal oversight of the case and had undertaken more detailed investigations as part of her improvement work. In order to achieve the overall required improvements to the SEND, services must engage with children, young people and families in a way that was empathetic and deliver effective change that inspired families and partners to have confidence in the service.

The Interim Director had put tactical strategies in place to make improvements at pace, which were outlined in full at paragraph 16 of the Report. An assessment of the SEN service was presented to a Scrutiny SEND Masterclass on 18 May 2022.

The Cabinet noted it was normal practice to have periodic meetings with the LGSCO and the Council was arranging a meeting between the Interim Director for SEN and the LGSCO point of contact to build relationships with them.

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and **RESOLVED** that the Report and actions to date be noted.

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### **Notices of Motion**

#### **(a) Better Buses for Devon (Councillor Hannaford)**

(Councillor Hannaford attended in accordance with Standing Order 8)

The wording of the Motion highlighted below;

*That this Council:-*

- a) *Notes with great concern **the huge reduction in the bus network across Devon**, that has taken place **since privatisation, deregulation, and under funding**.*
- b) *Believes buses are essential to freeing up congested road space, to cleaning up the air that we all breathe and above all to connecting people to jobs, friends and life opportunities.*
- c) *Records the specific ongoing problems that our local **school pupils and college students** have in properly attending their places of education across Devon through inaccessible public transport.*
- d) ***Concludes that the bus service in Devon now presents itself as a failed model, to the extent that it no longer has widespread public confidence, because of its serious long term poor performance and post pandemic dysfunctionality.***

- e) *Notes the completely unacceptable regional imbalances in funding for public transport services which prioritise the South East of England, and believes this must be radically reformed, and central government must do more to provide significant funding to revitalise local transport in the South West.*
- f) ***Wants to develop, design and achieve a good public transport system that runs where people need it, when people need it and at a price that is affordable.***
- g) *Understands that the Government's impact assessment of **the Bus Service Act (2017)** highlighted that public control would better address **six out of seven Local Transport Authority objectives** compared to an enhanced partnership and was the only method likely to deliver a "significant increase in patronage".*
- h) ***Supports exercising powers to bring Devon's bus services back under local control via franchising, at the earliest practicable date.***
- i) *Acknowledges that the costs of franchising cannot be estimated accurately until a "**notice of intent**" has been released and the associated statutory powers to access bus operators' commercial data is employed.*

***Therefore, this Council requests that the Administration:-***

- (i) *To conduct a **statutory assessment of franchising** at the earliest possible opportunity in 2022.*
- (ii) *Explore a **notice of intent to prepare a franchising assessment** at the earliest opportunity.*

Members considered the earlier Report in the agenda (agenda item 7), from the Director of Climate Change, Environment and Transport (CET/22/22) on the 'Future management of local bus network in Devon' and the proposals for franchising in the future to inform this Motion.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

**RESOLVED** that it is recommended that Council in response to the Devon Devolution deal seek to gain powers for the franchising of local bus services as a longer-term option, following the introduction of the Enhanced Partnership in the autumn.

**(b) First not Second Homes (Councillor Hannaford)**

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

The wording of the Motion is below;

*In response to Devon's serious and ongoing housing crisis council supports the following measures:*

*1) New powers from Government for Councils to progressively raise taxes on holiday lets and unused second homes, up to a quadrupling of council tax, where homes are left empty for much of the year.*

*2) A licensing regime for second homes, Airbnbs and holiday lets - with a minimum of 51% of homes in any community being for local people. Councils should have the powers to raise this level to reflect local circumstances.*

*3) A " Last Shop in the Village Fund" - powers for local councils to introduce a Community Infrastructure Levy on holiday lets and Airbnbs, administered by local authorities, to support local shops, pharmacies, post offices and pubs.*

*4) Commitment to build affordable homes and social housing across the South West with a priority for local people.*

*5) Lock in the discount of new homes for future renters and buyers to ensure affordable homes are not lost after the first families move on.*

*Council therefore resolves to formally write to the Government, including the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities, requesting the appropriate changes in legislation to secure these much needed changes as a matter of urgency.*

*Furthermore, Council resolves to formally write to all our local Devon Members of Parliament advising them of the Councils decision, urging them to also urgently propose, lobby for, support and crucially vote for these vital measures in Parliament.*

Members considered the Officer's factual briefing note on the matter (CSO/22/11) which referred to the Council's previous resolution on this matter (2 December 2021) which agreed to assess the potential to offer accommodation to new social and key workers, establish a Devon strategic housing taskforce and also write to Devon Members of Parliament asking them to support changes to legislation and policy to address the housing

problems in Devon. The briefing note also explained the matters in the Notice of Motion that were being addressed and progressed.

The Cabinet considered the recommendation now before them and the actions already undertaken and any other relevant factors:

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

**RESOLVED** that Council continues to play a leading role in the work of the Team Devon Housing Taskforce which is addressing Devon's serious and ongoing housing crisis.

**(c) MOT Certification Scheme (Councillor Letch)**

(Councillor Letch attended in accordance with Standing Order 8

The wording of the Motion is below;

*'This Council recognises the value of the MOT Certificate scheme to assure roadworthiness of vehicles and will investigate the way to introduce an MOT Certificate scheme for the County's roads to assure everyone that they are fit for use by us all.'*

Members considered the Officer's factual briefing note on the matter (CSO/22/11) which referred to the duties of a Highway Authority as set out in the Highways Act 1980, including Section 41 and the duty to maintain the public highway. The Highways and Traffic Management team manages a programme of Highway Safety Inspections across the whole of the highway asset including carriageways, footways, cycleways and public rights of way and this was outlined in the briefing note. The Authority had adopted a risk based approach to the inspection process with a variable frequency based on the strategic importance of the asset. The result of the assessment defined an appropriate response from immediate to no further action and the table 1.0 and response category definitions had been developed following consultation with Safety Inspectors, Insurance Manager, County Solicitor and other Stakeholders.

The Council also encouraged the public to report potholes through it's 'Report a Problem' web portal and the process for how these were dealt with.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken:

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

**RESOLVED** that Council recognises the robust safety inspection process that is in place to ensure highway assets are maintained in a safe condition for the travelling public and that this provides the level of assurance achieved by the MOT certification scheme.

**(d) Implementation Process of 20mph Roads and Zones (Councillor Hodgson)**

The wording of the Motion is below;

*'In light of the level of response to the recent call by DCC for Town and Parish Councils to nominate roads for 20mph speed limits and zones, the Council will seek to investigate, support and implement at least 50% of the applications in this financial year, and consider the remainder for implementation in 2023/24.'*

Members considered the earlier Report in the agenda (agenda item 8) from the Report of the Director of Climate Change, Environment and Transport (CET/22/23) on '20mph projects prioritised for delivery in 2022/23' and the proposals for 20mph schemes and zones to inform this Motion.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

**RESOLVED** that Council ask the Cabinet to provide an appropriate level of funding for the continuation of the roll out of 20mph speed limits, when considering all the proposals for the 2023/24 Local Transport Plan Integrated Transport Block expenditure in the autumn.

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**Treasury Management Stewardship Outturn Report**

The Cabinet considered the Report of the Director of Finance and Public Value (DF/22/67) outlining the Treasury Management action taken during the last financial year (in line with the CIPFA Code of Practice previously adopted by the Council).

Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee had received the same Report on Treasury Management at their meeting on 23 June 2022 and had welcomed the successful and prudent approach adopted within the Treasury Management Strategy (minute \*57 referred).

The Cabinet noted that the Council had adopted the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Services. The policy required the Council to agree an annual treasury strategy report, setting out the strategy and plans to be followed in the coming year, as part of the budget process.

The Report showed the outturn position, performance and key matters arising from the Council's Treasury and Debt Management activities during the 2021/22 financial year. This followed agreement of the Treasury Management

and Investment Strategy for 2021/22 by Council in February 2021 and formed part of the published budget book for the year. The Report covered the minimum revenue position, borrowing, the outturn position, prudential indicators; and a 2022/23 update.

The Cabinet noted that no long term or short-term borrowing had been undertaken during 2021/22 and no opportunities arose during the 2021/22 financial year to repay outstanding debt without incurring substantial premium penalties, which would have negated the benefit of repaying the debt.

Investment income of £1.095 million had been achieved in 2021/22 against a full year budget of £800,000. This represented a return of 0.50%, including the Property Fund investment. Successful prudent management of the Council's short-term cash reserves had delivered a surplus of £0.3 million for the 2021/22 financial year.

The matter having been debated and the other relevant factors being considered as set out in the Director of Finance and Public Values Report:

it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor McInnes, and **RESOLVED** that the Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their consideration and review of the Annual Treasury Management Stewardship Report for 2021/2022 and that the document be further endorsed.

\* 196 **Cabinet (9 March 2022) and East Devon Highways and Traffic Orders Committee (14 February 2022): (A3052: Speed Limits and Facilities for Active Travel - Greendale to Cat & Fiddle)**

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

The Cabinet noted that at its meeting on 14 February 2022, the East Devon Highways and Traffic Orders Committee had considered the Report of the Chief Officer for Highways Infrastructure Development and Waste (HIW/22/4) and RESOLVED (a) that Cabinet be requested to support an extension of the 40mph speed limit to the eastern boundary of the Cat and Fiddle (minute \*24 referred).

The Cabinet had considered this referral on 9 March 2022 and the Cabinet Member for Highway Management had highlighted that a reduction in the speed limit along the A3052 from 50 mph to 40 mph had been considered several times in the past.

At the Cabinet meeting, the Cabinet Member acknowledged that Members had been concerned about the speed and increasing number of large HGVs, the inadequate size of the road island at the Cat and Fiddle, increased use of the Exeter City Football Club youth training ground and planning permission for a 30 bed hotel at the Cat and Fiddle car park site and therefore the

Cabinet RESOLVED that the matter be deferred pending a site visit for the Cabinet Member for Highway Management to meet the local Members, police, and road safety officers. (minute \*130 referred).

The Cabinet Member thanked all those who attended the site meeting and that the concerns of the community related to vehicle speeds, especially those of larger vehicles such as HGVs and that a reduction in speed limit from the existing 50mph to 40mph had been requested. He highlighted that mean speeds showed that drivers complied with the existing speed limit and that there had been no speed related collisions, but nonetheless with a gateway treatment it was likely that a new 40mph limit would also be compliant.

Local Members emphasised the commitment from the community to make this work using the existing Community Speed Watch Group and the potential to introduce a community funded Vehicle Activated Sign (VAS) if required.

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

and **RESOLVED** that subject to funding:

(a) a Traffic Regulation Order be advertised to reduce the existing 50mph speed limit to 40mph from the existing 40mph terminal point at Clyst St Mary to a point East of the Cat & Fiddle Inn on the A3052, aligning with current community nameplate; and

(b) that a basic gateway treatment including refreshed community nameplate, terminal signs and carriageway roundels be introduced to compliment the new speed limit.

\* 197 **Children's Scrutiny Committee (14th June 2022) - Child Friendly Devon Task Group**

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

The Cabinet noted that the Children's Scrutiny Committee, had, at its meeting on 14 June 2022, considered the Report of the Child Friendly Devon Task Group, which contained a number of recommendations therein; with a report on the initial progress of the vision, progress against the strategic plan and progress against the recommendations no later than in twelve months via a Child Friendly Devon Annual Report (by June 2023).

The Children's Scrutiny Committee had RESOLVED (minute \*49 referred) that that the Report and Recommendations be endorsed and commended to Cabinet.

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

**RESOLVED**

(a) that the Children's Scrutiny Committee be thanked for its commitment and dedication to creating a Child Friendly Devon that is evident from the work of the Task Group review and associated report; and

(b) that the Cabinet Member for Children's Services and Director for Children and Young People's Futures support the submission of a report to Leadership Group that recommends that the Council establishes a dedicated corporate resource to deliver against the objectives and recommendations identified therein; and

(c) that the corporate resource, when agreed, reports back to Scrutiny on a regular basis.

\* **198**      **South Western Ambulance Service Trust: Spotlight Review**

(Councillors Adams, Biederman, Brazil and Randall Johnson attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that at its meeting on 21<sup>st</sup> June 2022, the Health and Adult Care Scrutiny Committee had considered the Report relating to the South Western Ambulance Service Trust: Spotlight Review, with reference to delays in transfers, response times, impact on patients and personnel, role of NHS 111; and work with key partners within the Devon Integrated Care System. The Committee had RESOLVED (Minute \*53 referred)

(a) that the Spotlight Review be commended (subject to the change in Recommendation 1 below) and that the Cabinet and the NHS in Devon endorse the report and recommendations with a response on progress back to Committee in January 2023; and

(b) that Recommendation 1 be amended to the following:

That the Committee calls for a system wide commitment to substantially improve average ambulance response times urgently.

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

**RESOLVED**

(a) that the Adult Care and Health Scrutiny Committee be thanked for its Spotlight Review into Ambulance Waiting Times and associated Report;

(b) that the Cabinet Member for Adult Care and Health and the Director of Integrated Adult Social Care (Interim) take forward the Report and co-ordinate progress towards the objectives and recommendations identified therein, engaging the NHS and other partners and stakeholders as necessary; and

(c) that a progress report be taken to the Adult Care and Health Scrutiny Committee in six months' time.

\* 199 **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* 200 **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:

- Standing Advisory Council on Religious Education – 16 June 2022
- Devon Education Forum – 22 June 2022, including the endorsement of Minute 51(b) relating to the Finance Update as below:

(c) that the Early Years surplus carry forwards as set out in [Section 7, table 5](#) be approved; (Vote: Schools, Academies and PVI members)

- Devon Authorities Strategic Waste Committee – 29 June 2022

\* 201 **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.

\* **202**      **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.

**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 1.09 pm