

CABINET

9 November 2022

Present:-

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

Apologies:-

Councillors R Croad

Members attending in accordance with Standing Orders 8 and 25

J Brazil and C Whitton (in person)
J Bailey, F Biederman, A Dewhirst and M Wrigley (virtual attendance)

* 232

Minutes

RESOLVED that the minutes of the meeting held on 12 October 2022 be signed as a correct record.

* 233

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 234

Announcements

The Chair welcomed Mrs Mayes who was attending the meeting remotely in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 235

Petitions

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

* 236

Question(s) from Members of the Council

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

- average call waiting times for residents calling 0345 155 1015, overall and by directorates;
- terms of reference for Devon County Council's investigation into the John Humphreys case and publication thereof;
- support for vaccination programmes for badgers to prevent the spread of bovine TB;
- the badger cull in Devon and numbers culled on Devon County Council owned land

The Leader and 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]

* **237** **Budget Monitoring - Month 6**

(Councillors Biederman, Brazil, Dewhirst and Whitton 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/22/99) outlining the Budget Monitoring position at Month 6.

The Report outlined the financial position and forecast for the Authority at Month 6 (to the end of September) of the financial year and it was estimated that budgets would overspend by £6.3 million, excluding the dedicated schools grant deficit.

This was made up of an underlying overspend of £32.8 million reduced by £26.5 million of Financial Sustainability Programme (FSP) proposed savings and income.

An inflationary pressure risk continued to be present which could result in increases to the forecast overspend if it could not continue to be contained. In addition, the Cost of Living Crisis and geopolitical situation had created huge financial pressures nationally and the Council was not immune from this.

Immediate action had been taken to safeguard the financial sustainability of the authority for the current financial year and work continued to identify further in-year cost containment measures, including the identification of services and projects in both revenue and capital that could be transformed, modernised, remodelled, funded differently, ceased, or postponed. At Month 6, £26.5 million of in-year savings and additional income had been identified.

The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), was forecast to be £36.9 million, an increase of £3 million from Month 4. The outcome of the discussions with the

Department for Education as part of the Safety Valve Intervention were still awaited.

The table at section 2.1 of the Report detailed the forecast outturn position by service area at month 6. The underlying overspend, column (c), detailed the forecast outturn position before the impact of the financial sustainability programme (FSP) being taken into consideration. The impact of the proposed FSP savings was shown in column (d) and the final Month 6 overspend or underspend in column (e).

Integrated Adult Social Care were forecasting an overspend of £2.8 million and Children and Young People's Futures an overspend of £17.4 million and a further overspend of £36.9 million on Special Education Needs and Disabilities (SEND).

The remaining Directorates were forecasting an underspend of £6.2 million at Month 6. The underlying forecast position was a small underspend of £300,000. Additional savings identified as part of the FSP totalled £5.9 million.

Non-Service items, which included capital financing charges and business rates pooling gain were forecasting an underspend of £7.3 million. The underlying position was a forecast pressure of £4.8 million, predominantly the forecast impact of the 2022/23 pay award. The FSP had identified further savings of £12.2 million.

The Tactical Leadership Team (TLT) was continuing to identify, scope and develop proposals for consideration alongside monitoring and reviewing the overall progress and delivery of actions already underway. The Month 6 position reflected £28.6 million of proposed savings identified through the Financial Sustainability Programme and a high level summary by type of saving was included in the Report at section 3.3.

The approved capital programme for the Council was £217 million. This figure incorporated amounts brought forward from 2021/22, and other prior year approvals, of £42.2 million and approved in-year changes totalling a net of £9.7 million. The year-end forecast was £185.7 million of which £146.0 million was externally funded. Slippage was forecast at £31.3 million. Material and labour price increases continued to be experienced which were impacting the delivery costs and tender prices being returned, within the capital programme

The improved position was welcomed and the Financial Sustainability Programme continued to have a positive impact on the projected overspend, yet the underlying position continued to be hugely concerning due to the impact on future year's budgets.

Members paid tribute to the hard work of both finance staff and staff across the whole authority in addressing the budgetary issues.

The matter having been debated and the other relevant factors (e.g. financial, and risk impact) set out in the Director's 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 6 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;

(c) that the savings and additional income resulting from the Financial Sustainability Programme be noted;

(d) that the introduction of a new charge when novating contracts be agreed, with immediate effect;

(e) that changing the financing of the Special Educational Needs Capital Programme totalling £12.3 million from internal borrowing to external grant be approved; and

f) that authority be given to change the financing of other capital projects totalling £8.7 million from internal borrowing to Capital Receipts.

* 238

Highways and Traffic Management Policy Reviews

(Councillors Biederman, Brazil, Dewhirst and Whitton 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/22/66), 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 of the submission of an application to the DfT to acquire powers to enforce Moving Traffic Offences, approval of a policy for Parking Management in Communities (including Pay & Display) and a proposed policy for sponsorship and advertising on highway assets and associated infrastructure.

Regarding Moving Traffic Offences, following the introduction of new legislation, the list of restrictions available for local authorities to enforce using MTO powers was shown in Appendix A. The intention was to apply for inclusion in tranche 3, expected to be open for applications in July 2023 with powers likely to be confirmed by the end of 2023. The application would

include the whole of Devon which was already designated as a civil enforcement area for parking conventions.

It was important that any proposed sites were underpinned by an accurate Traffic Regulation Order and that appropriate signs and markings were in place. Any equipment proposed for enforcement must be approved by the Vehicle Certification Agency. It was proposed to use DCC's existing CCTV cameras to capture contraventions. Contraventions would be identified by a mixture of manual observations from recordings at proposed locations and artificial intelligence using externally sourced software.

Whilst an order covering the whole of Devon already designated as a civil enforcement area for parking conventions would be applied for, it was proposed to include a limited number of sites for the initial enforcement activity which had been identified based on concerns over safety, congestion, active travel priority or public transport reliability, as below.

1. Heavitree Fore Street, Exeter – Bus Lane
2. Exe Bridges, Exeter – Bus Lane
3. Exe Bridges, Exeter – Yellow Box Junction
4. Penn Inn, Roundabout Newton Abbot – Yellow Box Junction
5. Topsham Road / Burnthouse Lane, Exeter – Bus Lane
6. The Square (near Boutport Street) Barnstaple – Bus Lane.

A Spotlight Review into Moving Traffic Offences had been undertaken by the Corporate Infrastructure and Regulatory Services Scrutiny Committee in July 2022. The Report recommended that the Authority applied for powers. Cabinet further noted the proposal to report to Scrutiny 12 months after the start of enforcement.

In relation to Pay and Display, it was proposed that a Policy be adopted to proactively review parking management in communities and introduce pay & display where there was a traffic management need. The Policy had been developed by the highways team in liaison with the Economy team and was included in Appendix D. The Policy identified 8 communities as priorities for review, a list of which was available in Appendix E and it was proposed that schemes were developed and advertised for those communities later this year.

The third proposal related to advertising on the highway and it was proposed to procure a contractor to manage sponsorship and advertising on highway assets on behalf of the Authority. This model of business would provide the contractor with motivation to realise the full commercial value of assets and seek sponsors. A basic desktop analysis suggested the Council had between 100-120 roundabouts which would be suitable for sponsorship and in the region of 79,000 lighting columns, however, it was likely that only a proportion of lighting stock would be appropriate or commercially attractive for sponsorship.

It was proposed that any standards relating to sponsorship would utilise rules and guidelines laid out by the Advertising Standards Agency (ASA) and uphold the rules laid out in the British Codes of Advertising and Sales Promotion and the Code of Recommended Practice on Local Authority Publicity.

Appendix F to the Report would act as the policy position to guide on the principles around sign dimension, content, environmental and safety considerations being required.

The Cabinet Member highlighted that it was not the intention to cover the County with obtrusive signage but merely formalise and bring a greater level of consistency to how the current offer was managed and where arrangements existed with current sponsors, or parish councils they could continue, if they wished.

The Report outlined the consultations and processes undertaken. In relation to the latter two matters, these had been discussed with Scrutiny Commissioning Liaison Members.

Section 5 of the Report highlighted in full how the proposals aligned with the aims and objectives of the Council's Strategic Plan and Section 6 outlined the financial considerations of each policy and proposal.

There were three Impact Assessments attached for the attention of Members at the meeting which could be found at <https://www.devon.gov.uk/impact/published/>.

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 in relation to Moving Traffic Offences (MTOs)

- (i) the submission of an application to the DfT to acquire powers to enforce MTOs under Part 6 of The Traffic Management Act 2004 in Tranche 3 of applications expected to be July 2023 be approved; and
- (ii) that the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management be given delegated authority to approve future enforcement sites.

(b) in relation to Pay and Display

- (i) that the proposed policy for Parking Management in Communities (including Pay & Display) as laid out in Appendix D, be approved;
- (ii) that the advertising of schemes in the communities as laid out in Appendix E also be approved; and
- (iii) that the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management be given delegated authority to make minor amendments to policy and schemes where appropriate.

(c) regarding advertising on the highway

- (i) that the proposed policy for sponsorship and advertising on highway assets and associated infrastructure be approved; and
- (ii) that the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management be given delegated authority to make minor amendments to the policy where appropriate.

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

239

Notices of Motion

(a) Bus Passes- Councillor Brazil

(Councillor Brazil attended in accordance with Standing Order 8 and spoke to this item)

The text of the motion is below:

‘Pensioners can travel free on buses after 9.30am. This council will introduce an enhanced bus pass which will allow those aged 80 and over or registered blind to travel free before 9.30am. A similar scheme is available in Plymouth’.

Members considered the Officer’s factual briefing note on the matter (CSO/22/16) which referred to the key premise of the National Concessionary Travel Scheme and that within the scheme, a Local Transport Authority could apply discretion. It highlighted where the Council applied discretion and that the Concessionary Bus Travel budget for 2022/23 was £7.6million.

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

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

RESOLVED that the County Council keeps the time of free travel the same for all eligible residents as now – from 0930 Monday to Friday.

(b) Housing White Paper - Councillor Cllr Atkinson

The text of the motion is below:

Historically, the Government's answer to the housing shortage has been to broaden access to home ownership with schemes such as the discounted sale of council housing to sitting tenants. Effectively, this has provided each buyer with a subsidy of up to £100,000 via discount entitlement. The programme has contributed little to the supply of affordable housing in a locality yet its cost to local government is and has been colossal.

Because such costs have been incurred by means of accepting a below market price for a publicly owned asset rather than by direct government expenditure, the true cost of the scheme to the public purse has never been easily identifiable. However, if the government wishes to pursue its recently declared intention to promote housing association right to buy sales this would change as the associations concerned would expect Treasury compensation for the value of discounts approved.

What has not been identified is where would this money for the extension of the right to buy to Housing Associations would come from. It is worth noting that when this was last proposed in 2015 it was to come from the sale of high value council houses, which proved unworkable and the proposal was dropped.

This Council believes that the government should instead focus its policy on increasing the supply of affordable houses through measures such as the following first-time buyer assistance proposals and social housing development proposals:

1. Mandating developers to include below-market price housing for sale (as well as affordable rental) in residential developments on the grounds that the discount is effectively financed by taxing land value
2. Lowering both the income and wealth threshold for home ownership access, to the benefit of lower income households via the shared equity model (e.g. Help to Buy).

3. Enabling development of for-sale housing offers by state agencies such as local authorities or housing associations as a means of providing dwellings that can be sold to qualifying applicants at cost price (i.e. no need to factor-in profit), while also expanding overall housing supply to the benefit of the wider market
4. Provide a subsidy per dwelling to local authorities and housing associations to build houses for rent at social housing and affordable rents in areas where there is a waiting list for such properties and for those who do not qualify for the help to buy provisions in 2 & 3 above.

This **Council resolves** to propose the above measures to the Devon Housing Forum and to make representations supporting such recommendations to the government in response to the White Paper.

Members considered the Officer's factual briefing note on the matter (CSO/22/16) which referred to the importance of a balanced housing market for positive health and socio-economic outcomes (even though the Council was not a housing provider). It outlined the work of the Devon Housing Task Force and its objectives. The Council had committed resources to support the ongoing work of the Devon Housing Task Force.

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 notes the issues raised and will continue to work as part of the Devon Housing Task Force.

(c) Funding for Local Government - Councillor Whitton

The text of the motion is below:

This Council

- Notes the National Audit Office figures show central Government funding for local authorities in England has been cut by 52.3 percent overall in real terms between 2010-11 and 2020-21; in Devon County Council it has been closer to 75%.
- Believes the Government must address the financial challenges arising from this decade of underinvestment together with the additional financial pressures local authorities now face because of such factors as increasing fuel and staffing costs, increased social care referrals, high vacancy rates across frontline services and other challenges associated with covid-19, and loss of income.

- Notes recent Local Government Association analysis that social care-providing authorities are spending more than 60 percent of their outgoings on these essential care services.
- Believes we need locally led initiatives to improve equality, sustainability and resilience, including providing genuinely affordable, energy efficient homes, supporting socially necessary bus services, providing adult and child social care, support for older people, looked-after children, care leavers, people with disabilities or special educational needs, survivors of domestic violence and low-income families in crisis.
- Believes the government must take action to ensure the financial stability of local government and its ability to plan, sustain and improve community and essential frontline services.
- Believes the need for the government to address the financial pressures on local authorities and their ability to deliver frontline services is urgent and immediate.

This Council resolves

To call on the Government to develop a national funding strategy that will provide Devon and other local authorities with the funds required to protect and restore spending on social care, community and frontline services to sustainable levels and reset local economies in the autumn budget.

Members considered the Officer's factual briefing note on the matter (CSO/22/16) which referred to the support to the Local Government Association and County Councils Network in seeking the earliest possible resumption of the Fair Funding Review by Government and that reform of Local Government finance that recognised the true costs of delivering public services in rural areas, and that addressed the needs of Devon's urban, rural and coastal communities was more pressing than ever.

The Briefing further referred to the work of Team Devon, championing the case for the devolution of power and finance from Government as well as the financial pressures facing the Council and the practical measures that could be implemented quickly to ease some of the pressures.

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

(a) that the County Council supports the LGA and CCN in calling for the earliest possible resumption of the Government's Fair Funding Review to ensure that the true costs of delivering public services particularly in rural areas are properly funded and the needs of all our communities – rural, coastal and urban – are met;

(b) that the County Council supports the LGA and CCN in calling on Government to ensure this year's Local Government Settlement recognises the unprecedented pressures on the sector so that Councils are adequately funded to protect public services;

(c) that the County Council calls on Government to delay the charging reforms to adult social care services, and to reinvest funding earmarked for these proposals in local government to help ease the pressures on social care;

(d) that the County Council calls on Government to rebalance funding between health and social care, by allocating more of the £13bn committed to tackling the NHS backlog to Councils who can work with NHS partners to invest in preventative social care and help ease the pressure on our hospitals; and;

(e) that the County Council calls on Government to urgently approve the Council's Safety Valve Intervention Fund proposal or provide temporary respite by rolling the Dedicated Schools Grant deficit forward a further year.

(d) Second Homes and Council Tax Premium - Councillor Brazil

(Councillor Brazil attended in accordance with Standing Order 8 and spoke to this item).

The text of the motion is below:

This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows.

Members considered the Officer's factual briefing note on the matter (CSO/22/16) which referred to the work of the Devon Housing Task Force which was looking at the collective action that authorities could take to deal with the housing issues across the County, which included a range of measures including Council Tax premiums on second homes that could help mitigate the strain on housing availability and affordability.

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 as soon as legislation allows the County Council will ask each of the District Councils to give consideration to adding the Council Tax premium on second homes to their Council Tax schemes.

(e) Pedestrian Priority in Highways Policies - Councillor Wrigley

(Councillor Wrigley attended in accordance with Standing Order 8 and spoke to this item).

The text of the motion is below:

In January 2022 the new version of the Highway code reinforced the principles that pedestrians have higher priority than cars, as do cyclists and others.

In Devon County Highway discussions, too often the impression is given that car drivers have priority of consideration in the design of road layout, speeds and other considerations.

This Council asks for a systematic review and re-appraisal of priorities in Highways policies such that pedestrians are actively and always considered first, and vehicle traffic takes second place, in line with the new highway code.

In particular this should be emphasised in the considerations of speed limits and restrictions, pedestrian crossings, parking restrictions and in consultation responses for planning of new developments. Consideration of pedestrians must include safety and the perception of safety from a pedestrian point of view.

Council asks for this review to be done within 6 months and to receive reports on changes required in currently applied policies or demonstration of how pedestrian considerations and experience is prioritised.

Members considered the Officer's factual briefing note on the matter (CSO/22/16) which highlighted each of the 'Place' based services across the Climate Change, Environment and Transport directorate focused on both the safety and priority of vulnerable road users, particularly pedestrians throughout the various roles they delivered. The briefing highlighted how this was achieved through Transport Planning, Highway Design, Highway Maintenance and Operation, Development Management and Vision Zero South West.

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 that the safety of pedestrians and vulnerable road users is paramount in the planning, delivery, operation and maintenance of highway infrastructure and the planned review of the Local Transport Plan should be used to reinforce the hierarchy of users.

(f) Environmental Protections - Councillor Bailey

(Councillor Bailey attended in accordance with Standing Order 8 and spoke to this item).

The text of the motion is below:

This Council is strongly opposed to the reckless ripping up of environmental protections by the Conservative Government including the creation 38 new investment zones which have been described by the RSPB as “an attack on Nature”. This Council urges the Government to uphold the legal protections which are vital for wildlife particularly as the UK is one of the most nature depleted countries in the world (it is in the bottom 10% of the world’s countries well below China and the last among the G7 group of nations).

Members considered the Officer’s factual briefing note on the matter (CSO/22/16) which referred to the work of the Wildlife and Countryside Link in campaigning on the perceived Government threat to environmental protection. They highlighted three specific points, the first relating to the potential removal or weakening of important laws that protected nature and ensured standards for water quality, pollution and pesticides. Second, the commitment to introduce a Planning and Infrastructure Bill, designed to accelerate infrastructure delivery by “*minimising the burden of environmental assessments*” and by “*reforming habitats and species regulation*” and third, a signalled review of Environmental Land Management (ELM) and concern over the amount of funding different ELM schemes would receive and whether alternatives to ELM funding would be introduced.

Other threats included the lifting of the moratorium on fracking, proposals for new offshore drilling and the expected financial cuts to public bodies.

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

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

RESOLVED that it is recommended that the County Council writes to the Secretary of State for the Environment to highlight:

- (a) the concerns about the currently perceived policy threats to nature;
- (b) the importance of strong environmental protection alongside other statutory considerations to achieve our strategic aim of supporting sustainable and inclusive economic prosperity that improves the health and wellbeing of our residents; and
- (c) that careful streamlining of the delivery of regulatory requirements, rather than their weakening or removal, is the most effective way of ensuring that environmental interests do not cause inappropriate delay or constraint to future growth.

(g) Glyphosate Use on all Council Owned Land - Councillor Hodgson

The text of the motion is below:

This Council will ban the use of the pesticide Glyphosate on all Council owned land from January 1st 2023.

Members considered the Officer's factual briefing note on the matter (CSO/22/16) which referred to previous reviews of Glyphosate which had identified limited instances where it or other herbicides were, routinely, applied. For Council services, the main use of glyphosate was through a small number of highway maintenance activities, but attempts were made to reduce such use. Herbicide use was, sometimes, the only practical option, for example in treating invasive and non-native weeds such as Japanese / Giant Knotweed.

Glyphosate could also be used on Council owned land forming part of its Farms Estate, with this being at the discretion of individual tenants. The Council was unable to ban such herbicide use for existing tenants and would not want to do so for new tenants while it remained a licenced and freely available product and until there was a suitable alternative on the market which would not disadvantage them.

However, the desirability of reducing direct pesticide use, including glyphosate, through Council services was recognised by its Environmental Policy which stated that the Authority will, "*only use pesticides if absolutely necessary where practical alternatives are not available.*"

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 in line with its adopted Environmental Policy, County Council services should only use glyphosate if absolutely necessary, where practical alternatives are not available.

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

There was no question from a Member of the public.

* 241 **Minutes**

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

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

Devon Education Forum - 28 September 2022

* 242 **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.

* 243 **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.

* **244** **Exclusion of the Press and Public**

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

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

* **245** **North Devon Link Road Project Update (Part 2 item)**

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

(Councillor Biederman 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/22/67) giving a Project Update on the North Devon Link Road, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

On 8 July 2020 Cabinet approved the submission of the Full Business Case (FBC) and award of contracts for the North Devon Link Road project (PTE/20/11). A copy of the scope of the scheme at the time of the FBC was included at Appendix 1 to the Report and the delivery of the project consisted of a number of contracts for the construction.

The Cabinet noted that the strategic aims and objectives of the project aligned well with the Council's Plan 2021-2025, and the proposed design changes outlined in the Report had little impact on the benefits.

In progressing the scheme, an Impact Assessment had been previously prepared for the July 2020 Cabinet meeting previously circulated. It was further available on the Council's website at: [North Devon Link Road - Impact Assessment](#). The proposed changes did not affect the Impact Assessment.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations) 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 that the design changes to the North Devon Link Road, as outlined in the recommendations section of the Report, be approved.

NOTES:

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

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.43 am