

## CABINET

10 April 2024

### Present:-

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

### Apologies:-

Councillors L Samuel and P Twiss

### Members attending in accordance with Standing Orders 8 and 25

Councillor Biederman (remote attendance)  
Councillors C Leaver and C Whitton (in person)

#### \* 506 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#). The Leader indicated he would declare an interest under agenda item 15.

#### \* 507 **Minutes**

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

**RESOLVED** that the minutes of the meeting held on 13 March 2024 be signed as a correct record.

#### \* 508 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 509 **Announcements**

There was no announcement by the Chair at this meeting.

#### \* 510 **Petitions**

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

\* **511**      **Question(s) from Members of the Council**

There was no question from a Member of the Council.

**FRAMEWORK DECISION**

**512**      **Coroners Devon Wide Service - Adoption of Functions**

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

The Cabinet considered the Report of the Director of Legal and Democratic Services (LDS/23/16) which sought approval for adoption of duties and functions from Plymouth and Torbay and South Devon, following approval of the business case for the merge of the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the Ministry of Justice (MoJ) had requested the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon consider a merger of the coronial service on the retirement of the Senior Coroner for Plymouth Torbay and South Devon. The process required the production of a business case and in October 2023, the Cabinet agreed to submit a business case to go to consultation for the merger of the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon. The consultation was launched, the MoJ reviewed the results and on 31 January 2024 the Lord Chancellor determined that the Coroner Service in Devon be served by one jurisdiction, named the County of Devon, Plymouth and Torbay Coroner Service to cover the whole County of Devon, with Devon County Council as the lead authority for the new jurisdiction. The statutory instrument had been laid and published on Friday 8 March with an implementation date of 1 April 2024.

The Report gave an update on the Implementation Plan which included the numbers of cases likely to be dealt with, where they would be held and the numbers of open and live cases to be transferred. The facilities that were available for courts and jury inquests were also explained as well as the appointments to key posts. The current Coroner for Exeter and Greater Devon and Acting Senior Coroner for Plymouth, Torbay and South Devon will be appointed as the Senior Coroner for the new County of Devon, Plymouth and Torbay area. It was noted that additional administrative resource would be required initially to support the doubling of the caseload especially during the transition period and the ongoing increased telephone traffic as the public become familiar with the centralisation of the administration.

The introduction of the Statutory Medical Examiner Service in April/May 2024 would hope to see the number of referrals to the new area fall, although those cases referred to the Coroners Service were likely to be more complex. Close working would continue with the Medical Examiner Service to share good practice and align processes to ensure smooth implementation.

There was one Plymouth contract which would novate to Devon and there would be a transfer of the data held within the case management system in Plymouth to the Devon system.

The service would continue to look for efficiencies with a restructuring of the work between standard and complex casework, new processes for written and fast track inquest hearings, encouraging more use of virtual hearings and looking at the geography of the contracted services provided.

It was anticipated that all the Local Authorities would make efficiency savings as a result of the merger and further efficiencies were expected over time as the merged service delivered economies of scale; with the introduction of the medical examiner service and smarter working practices.

The Cabinet noted that under the Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2024 (SI 2024: [304]) (the “Order”), made by the Lord Chancellor in the exercise of powers set out in section 22 and Schedule 2 to the Coroners and Justice Act 2009, the new combined Coroner Area of The County of Devon, Plymouth and Torbay would be created on 1 April 2024. As Devon is the ‘relevant authority’ for the new combined coroner area under para. 3 of Schedule 2 to the Coroners and Justice Act 2009, Devon had statutory responsibilities for the provision of coroner services in the new combined area.

A service level agreement had been drafted for the provision of Coronial Services to the County of Devon, Plymouth and Torbay Coroner’s Area and would be signed by all authorities on 1 April 2024.

An Impact Assessment had previously been prepared and considered by the Cabinet when it made the decision relating to the approval of the business case.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council’s Strategic Plan) set out in the Director’s Report having been considered:

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

### **RESOLVED**

(a) that as the relevant lead authority for the Combined Coroner Area for the County of Devon, Plymouth and Torbay, to the extent necessary, recommend that Council adopt the duties and functions from Torbay and Plymouth under the Criminal Justice Act for the purposes of enabling Devon to deliver the Coroner's Service for the County of Devon, Plymouth and Torbay; and

(b) take assurance from the progress report presented.

### **KEY DECISIONS**

\* 513 **Plymouth and South Devon Freeport - Delivery of Spine Road and Pedestrian/Cycle Bridge**

(Councillors Biederman, Leaver 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/24/25) which sought approval for delivery of spine road and pedestrian/cycle bridge relating to the Plymouth and South Devon Freeport, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the Plymouth and South Devon (PASD) Freeport was one of eight current Freeports designated by Government. It was an ambitious programme aiming to create over 3500 jobs and play a crucial role in economic recovery and growth. The Council was leading on the delivery of key infrastructure, specifically an extension to the existing highway to deliver a spine road to serve the Langage employment development, a pedestrian/cycle bridge over the A38 at the Deep Lane junction and upgrades to access into the Langage employment area.

The spine road was proposed to serve the Langage employment development and was to be delivered in two phases, referred to as phases 1a and 1b. Phase 1a of the spine road was shown in Appendix 1 and the Council was committed to delivering the scheme by March 2025.

Phase 1b of the spine road was a further continuation of the phase 1a spine road, with a planning application expected to be submitted in September 2024.

The vision for PASD was to act as an exemplar to achieve net zero significantly ahead of 2050 and a new pedestrian / cycle bridge supported the decarbonisation of transport by improving active travel options for short to

medium distance journeys in the local area. The bridge would connect Sherford and the growing Langage employment development, providing safer access for active travel across the A38 Deep Lane junction. The bridge was to be located on the eastern side of the A38 Deep Lane junction, adjacent to the existing road bridge. A planning application had been submitted in December 2023, but was withdrawn to consider comments relating to the adequacy of safe crossing facilities for pedestrians and cyclists. Appendix 3 showed the revised design, which included widening on the slip road and signal crossings on both the slip road and B3416. Once planning permission was granted, a tender would be progressed, with the works expected to start on site in December 2024, subject to the necessary approvals.

The schemes would be subject to formal consultation as part of the planning process, but consultation had taken place with relevant stakeholders as part of the proposals with the landowners and interested parties, and National Highways in relation to the A38 bridge. As identified above, a consultation had also been undertaken on the preferred location for the bridge.

The proposals were well aligned with a range of the Strategic Plan priorities, and the table at section 7 summarised how the proposals would impact achievement of relevant Strategic Plan actions according to a seven-point scale.

The total estimated cost for the schemes was £18.908 million (excluding Sandy Road/Holland Road roundabout which was still in development), to be funded by a combination of seed capital funding from the Freeport programme and borrowing by DCC. Approval was already in place for the Freeport programme including DCC borrowing. The Report contained a table of projected profile of expenditure and the 2024/25 figure included the approved 2024/25 budget of £2.568 million plus projected slippage of £2.786 million, from 2023/24. The Director of Climate Change, Environment and Transport clarified that the first column of the table at page 11 of the agenda pack should have read £'000 not £m.

There were a number of legal considerations outlined in the Report relating to funding agreements, subsidy control tests, section 6 agreement (Highways Act 1980), Traffic Regulation Orders and agreements for a license for the land. The Cabinet also noted that the planning applications submitted, and to be submitted, would consider the environmental impacts of the schemes and would all include the statutory ecological, landscape and environmental assessments.

Risk registers were also in place for the schemes and were reviewed and updated regularly.

An Impact Assessment had been prepared for the attention of Members at the meetings and was available on the web at - <https://www.devon.gov.uk/impact/transport-infrastructure-plymouth-and-south-devon-freeport>. This highlighted that improvements to the walking and cycling

infrastructure was expected to support increased participation in active travel amongst less represented groups and was detailed in the Report. More broadly, the employment development supported by the infrastructure would provide new jobs and opportunities, including increasing female representation in science, technology engineering and mathematics (STEM).

In summary, approval of the recommendations would enable schemes to be delivered to support the PASD Freeport. It provided facilities for sustainable travel, in line with Freeport aims to achieve net zero carbon ahead of 2050. In developing the schemes, consideration had been given to the needs of future development and ensuring the schemes maximised development potential and avoided impacting on future planned infrastructure upgrades, including at the A38 Deep Lane junction. Progression of the schemes would allow the Freeport seed capital funding to be spent within the funding availability period.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

### **RESOLVED**

(a) that the following schemes for tender, subject to the resolution of legal and land assembly agreements, and planning consents, be approved;

- I.Spine road phase 1a as shown in Appendix 1
- II.Spine road phase 1b as shown in Appendix 2
- III.Pedestrian/cycle bridge as shown in Appendix 3;

(b) that any necessary Traffic Regulation Orders be advertised, and if no objections received, be made and sealed;

(c) that following receipt of planning consents, land acquisition is commenced by negotiation and approval given to use compulsory purchase powers, if required;

(d) that the Director of Climate Change, Environment and Transport be given delegated authority, in consultation with the Cabinet Member for Highway Management and the Cabinet Member for Climate Change, Environment and Transport to award the construction contract for delivery of the Schemes in Appendix 1, 2 and 3 with a combined cost of £18.908 million; and

(e) that the Director of Climate Change, Environment and Transport be given delegated authority, in consultation with the Cabinet Member for Highway Management, the Cabinet Member for Climate Change, Environment and Transport and the relevant Local Members to make minor amendments to the scheme, as required.

\* 514 **Commissioning services to address Domestic Abuse in Devon**

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

The Cabinet considered the Report of the Head of Communities (SC/24/1) which sought approval to commissioning an Integrated Domestic Abuse Service for Devon, from April 2025, 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.

Interpersonal and gender-based violence and abuse (IG-BVA) was a global public health issue rooted in gender inequality. Whilst the Report was focused on Domestic Abuse, it was noted that the three elements were intrinsically linked.

In 2021 the new Domestic Abuse (DA) Act came into force and with it a new duty for Devon County Council to establish and convene a Local Partnership Board and, through an assessment of need, develop and deliver a Strategy for Domestic Abuse support. The Council had received allocated funding from the Department of Levelling up, Housing and Communities of approximately £1.48 million yearly. [The 'Strategy for delivering Domestic Abuse support in safe accommodation - Domestic and Sexual Violence and Abuse'](#) defined the Council's objectives in reference to this and its Strategic Needs assessment, to improve understanding of communities and individuals affected by Domestic Abuse in Devon, was refreshed in November 2023.

The Domestic Abuse Act recognised for the first time in legislation, children and young people (CYP) affected by familial Domestic Abuse as victims in their own right.

The Council had a duty to provide support in safe accommodation and the District Council's had a duty to cooperate with County Council to meet the statutory requirements. However, Safe Accommodation in Devon was substantially depleted several years ago following reductions in funding. Further detailed information about the local needs could be found in the 2023 strategic needs assessment published here: [Interpersonal & Gender-based Violence & Abuse - Safer Devon](#).

The Council wished to remodel and recommission the provision of Domestic Abuse support services for the County, with an anticipated commencement date for the new services on the 1<sup>st</sup> of April 2025. The proposed new Service

would form an integrated model that covered access, prevention and early intervention, risk planning & advocacy, support in safe accommodation and recovery, and to work with those that harm (demonstrated in Appendix A of the Report). The impact of trauma from domestic abuse was debilitating and long-standing and affected people well beyond the event.

It was essential that a different delivery model followed the life journey of victims/survivors and their families and supported children and young people more effectively. It would facilitate community and support network's engagement and be designed to address harmful behaviours, reduce risk, and prevent reoccurring victimisation and break the intergenerational cycle of abuse.

The options were outlined in full at section 4 of the Report, as outlined below but options 2 and 3 had been assessed and considered not viable in supporting those affected by domestic abuse effectively and meeting the Council's statutory duties.

1. Option 1 - to Commission a full integrated service, as proposed, from 2025 (as described in the Report).
2. Option 2 - to extend the current community contract until 2026 and continue grant funding the remainder of the projects as per 2024/25.
3. Option 3 - extend community contract for one or two more years (max 2) and commission support in safe accommodation and therapeutic support only.

The Devon Interpersonal and Gender-based Violence and Abuse Partnership Board had been pivotal in allowing ongoing consultation with stakeholders and partners since its inception in 2021 and the full details of all consultations were outlined in full in section 5 of the Report.

It was proposed that to ensure delivery was viable, that the contract would need to be over a period of 5 years with an additional 4-year extension possible.

An Impact Assessment had been prepared for Members and was also available on the web at - [Commissioning Services to address Domestic Abuse in Devon - Impact Assessment](#). The service would align to the Equality Act and the Council's Equality and Diversity Policies. The integrated service would be required to proactively address barriers to access such as language and cultural barriers and was required to be sensitive to intersectionality and tailored to be accessible to marginalised groups.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Head of Service's Report having been considered:



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

**RESOLVED**

(a) that Option 1 - the commissioning of an Integrated Domestic Abuse Service for Devon from April 2025, including improved access, prevention and early intervention, risk planning and advocacy, support for those in safe accommodation and in recovery, and to work with those that harm - be approved; and

(b) that delegated authority be given to the Director of Public Health, Communities and Prosperity in consultation with the Cabinet Member for Public Health, Communities and Equality, the Chief Executive and the S151 Officer to award the contract.

\* **515** **Sexual and Reproductive Health Recommissioning**

(Councillors Biederman, Leaver and Whitton 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 (PH/24/05) which sought authority to recommission Sexual and Reproductive Health Services, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the Health and Social Care Act 2012 stated that Local Authorities had a statutory responsibility to provide open access sexual health services for everyone in their area, and it formed part of the conditions attached to the Public Health Grant. The requirements covered free testing and treatment for sexually transmitted infections (STI); notification of sexual partners of infected persons; free contraception; and ensuring reasonable access to all methods of contraception.

The Council's current contracts for the provision of these services expires on 30 June 2025 and in line with the previous procurement exercise, the Council was working with Torbay Council to create a single service specification to ensure consistency in provision of service across Devon. In addition, the Public Health grant had reduced by over 25% in real terms over the past 7 years, against a backdrop of rising infections and increasing demand for some services. The public health team had benchmarked and spoken to different local authorities to gather evidence on the different service delivery models. The benchmarking indicated that generally, Devon had better sexual and reproductive health outcomes and the costs were generally higher or similar when compared to our statistical comparator local authorities.

The Report also commented on the recent report by the UK Health Security Agency (UKHSA) ([Sexually transmitted infections and screening for chlamydia in England: 2022 report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118444/sexual-transmitted-infections-screening-for-chlamydia-in-england-2022-report.pdf)) which highlighted a post-pandemic increasing trend in sexually transmitted infections in England which emphasised the need for Devon to be well prepared to respond to challenges locally.

The Cabinet noted the intention to develop a specification, which would be reinforced contractually, that shifted focus (and resource) away from activity in specialist services and into preventative activity and to self-management and providers would be invited to set out how they would deliver this through a combination of a universal digital offer, a range of local services (place-based health provision), specialist sexual health services, and education and training.

The Report outlined the Services provided currently and highlighted that the changes being proposed did not materially change the types of services being delivered but would seek to organise, deliver, and develop them in new ways to keep pace with changing need and expectations.

The Health and Care Act 2022 introduced a new procurement regime for selecting providers of healthcare services called the Provider Selection Regime (PSR), therefore the re-procurement had to be compliant with this and assess potential providers against quality and innovation; value; integration, collaboration and service sustainability; improving access, reducing health inequalities and facilitating choice; and social value.

The timeline was to launch the procurement in July 2024 to ensure contract award recommendation and contract award no later than January 2025, leaving time to mobilise the new arrangements before being fully operational by 1<sup>st</sup> July 2025.

There had been a number of engagement exercises over the last 18 months, and this was outlined in full at section 6 of the Report as well as highlighting that the proposed service model aligned well with the Strategic Plan.

The proposals would need to be met from within the ring-fenced Public Health grant and it was anticipated contracting with a provider (or providers) for ten years, through a five-year contract (to 30 June 2030), with the option to extend for up to a further total 5 years. The total budget could be in the region of £50 million over the 10 years.

An Impact Assessment had been prepared for the meeting and was also available on the web at - <https://www.devon.gov.uk/impact/sexual-and-reproductive-health-recommissioning>. This highlighted that public health programmes were targeted to people and communities in greatest need to minimise an adverse impact on health inequalities. It was possible that there would be negative impacts to some people because of the changes from the

current to the proposed Integrated Sexual and Reproductive Health service, and the Report and Impact Assessment outlined the mitigations accordingly.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

**RESOLVED**

(a) that the joint re-procurement of sexual and reproductive health services by Devon County Council and Torbay Council be approved; and

(b) that the Director of Public Health, Communities & Prosperity be given delegated authority to approve contract award recommendations and enter into the new contractual arrangements, in consultation with the Cabinet Member for Public Health, Communities and Equality, the Chief Executive and the S151 Officer.

\* **516** **Fostering Allowance Uplift 23/24 and 24/25**

(Councillors Biederman, Leaver and Whitton 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/24/50) which sought approval for increases to fostering allowances, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the availability of local foster placements was key to the Council's sufficiency of suitable placements for children looked after and as the corporate parent for all the children looked after, it was essential that in-house foster carers received the right level of support, training and financial recompense to meet the often complex and varied needs of our children in care.

As of March 2024, there were 888 children looked after by the Council; Of those, 570 (64%) are in foster care, 377 (42.3% of the total number) resided within the Council's own fostering provision and 185 (20.8% of the total) were placed with a foster carer provided by an Independent Fostering Agency (IFA). There had been an 18% rise in the number of Children in Care in Devon in the last three years but no net gain of in-house foster carers.

An assumed increase of 6.4% for fostering allowances had been built into the 2023/24 budget, but after the budget had been set, the DfE had published the National Minimum Allowances (NMA) for fostering allowances. This was more than what had been budgeted for.

There was also a challenge in recruiting and retaining foster carers, with recruitment declining and the number of children looked after increasing. In addition, neighbouring authorities and Independent Fostering Agencies offered competitive packages of financial support which meant that other Local Authorities in the South West fared better in the recruitment and retention of Foster carers. The table at 3.5 of the report detailed the comparative data.

In considering how best to allocate the budgeted funds available for foster carers, a number of factors had been considered, including the need for any increase to be financially sustainable and meet the NMA. It should also be increased for internal fostering, CPAT, PACE, Staying put, SGO, CAO and adoption to ensure the maximum number of carers benefitted from any uplift. Fees in relation to attendance at support groups and training should be combined and it was not proposed to increase the birthday / festival allowances, hospitality, childminding, transport, and training expenses.

A number of options had been considered with the budgetary impact outlined (paragraph 4.1).

1. Option 1 was to increase the standard allowance for 16/17 year olds only by 7.49% with no other increases to the standard allowance for other age groups.
2. Option 2 was increasing the allowance for 16/17-year-olds by 7.49% and all other standard allowances by 6.33%. There would be no increases to any other allowances or fee payments.
3. Option 3 was to increase the standard fostering allowance by 7.49% for all allowances.
4. Option 4 was increasing the standard fostering allowance by 7.49% for 16-17 year olds and 6.33% for all other child related allowances. Increase the training and support group fee by 5.92%.

Option 4 was the preferred option as it allowed for inflation recognition across both the child related allowance and the foster carer fee payments. Whilst there were no uplifts to additional payments, this option allowed for all foster carers to benefit from the uplift. The Cabinet also noted the cost pressure associated with option 4 given backdating some increases to 3rd April 2023 and this was outlined in full at section 7 of the Report.

A consultation had taken place on the proposed uplifts for 23/24 and 24/25, with the outcome reported at section 5 and the Report highlighted that no equality implications had been identified as part of the proposals.

In summary, the proposal ensured that the Council was meeting the national minimum rates for 16/17-year-old carers and provided an increase in the allowances and fees paid to all carers within the fostering budget.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

**RESOLVED**

(a) that the standard fostering allowance for 16–17-year-olds increases by 7.49% (in line with the DfE National Minimum Rates) and all other standard fostering allowances for children aged 0-15 years be increased by 6.33% from 3rd April 2023;

(b) that a 5.92% increase in the foster carer fee (previously linked to attendance at support groups and training) from 3rd April 2023, be agreed;

(c) that the standard fostering allowance for 16–17-year-olds increases by 6.88% (in line with the DfE National Minimum Rates) and the standard fostering allowances for children aged 0-15 increases by 3% from 1st April 2024;

(d) that a 3% increase to the foster carer fee from 1st April 2024 be agreed; and

(e) note that the impact of these increases in the fostering allowances, backdated to April 2023, will increase the Children's Services Outturn by £690,000, compared to the Month 10 forecast.

\* 517 **Assurance of LA delivery of duties (defined by Part 1 of Care Act (2014) by the Care Quality Commission (CQC)**

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

The Cabinet considered the Report of the Director of Integrated Adult Social Care (IASC/24/08), on the assurance of local authority delivery of its duties as defined by part one of the Care Act (2014) by the Care Quality Commission and its contribution to improving services and outcomes for people in receipt of adult social care including through self-assessment. 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 outlined the background to CQC assurance, including the Government White Paper '[People at the Heart of Care](#)', which was its 10-year vision for Adult Social Care. This included formal assessment of local authorities' delivery of their adult social care duties by the CQC. The Report highlighted the duties of local authorities under the [Care Act \(2014\)](#), but whilst some duties were delivered by partners (Devon Carers, Devon Partnership Trust), the Council remained accountable.

The CQC was implementing a new [Single Assessment Framework](#) across all of its regulation activity, adapted to [the assessment of local authorities](#) and comprised four domains with nine quality statements.

Following royal assent of the [Health and Care Act \(2022\)](#), primary legislation directed the CQC to assure the local authority delivery of its statutory adult social care duties and to assess the effectiveness and impact of [Integrated Care Systems](#) from April 2023.

The Council had been preparing for assurance reform since legislation had been published in Spring 2022 and had arrangements in place to respond to a notification at any time including, submitting a Self-Assessment, completing the information return, undertaking case tracking work, facilitating the onsite inspection and responding to the outcome.

The role of Members of the Council in CQC assurance was critical and the table at section 3.9 outlined the role of Members in CQC assurance.

The Council had also commissioned a peer review of adult social care facilitated by the LGA, establishing a [website](#) to contain all key materials relevant to the process. This has received positive comments from the Peer Team so in preparing for CQC assurance, the Council had elected to take a similar approach to ensure transparency and visibility.

The Report detailed the Council's current version of the '[Guide to Adult Social Care in Devon](#)' and section 3.17 onwards of the Report focussed on the '[Self-Assessment of Adult Social Care in Devon](#)'. In the [summary](#), there were six issues highlighted that the Council should be proud of and then seven areas of concern, one of which was financial sustainability. Finally, there were six challenges highlighted that would need to be addressed moving forward.

The matter having been debated and other relevant factors as set out in the Director's Report having been considered:

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

## **RESOLVED**

(a) that the requirements placed on Integrated Adult Social Care (ASC) through the Care Quality Commission (CQC) assurance framework be recognised and support the service in its preparedness for the assurance reform.

(b) that Members of the Cabinet are supported in their roles regarding assurance of local authority delivery of its duties as defined by part one of the Care Act (2014) by:

- i. being offered further Masterclasses on this and related topics;
- ii. being briefed on key developments via the newsletter of the Cabinet Member for Integrated Adult Social Care and Health;
- iii. having access to a [website](#) containing materials relevant to CQC assurance, a guide to adult social care in Devon, and our self-assessment; and
- iv. being offered group or individual briefing sessions ahead of any inspection visit by the CQC such as those facilitated by the Local Government Association (LGA) in January 2024.

## **MATTERS REFERRED**

\* 518 **North Devon Link Service (Call in of Cabinet Decision 491 of 13 March 2024)**

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

The Cabinet noted that in accordance with the Scrutiny Procedure Rules, the Chair of the Health and Adult Care Scrutiny Committee (Councillor Randall Johnson) invoked the call-in procedure in relation to the decision of the Cabinet (Minute \*491 refers) relating to the North Devon Link Centre.

The grounds for the call-in were that there was insufficient information provided to ensure service users' future support. Scrutiny had not been given the opportunity to receive evidence and additional information to ensure service users will be provided with a person-based support.

The Health and Adult Care Scrutiny Committee considered this matter at its meeting on 21<sup>st</sup> March 2024 (Minute \*165) and RESOLVED that.

*(i) the Committee expresses that it is satisfied with the decision of Cabinet but places on record its concerns and the need for further assurance relating to:*

- *the application and transition of the process as set out for people affected by the closure of link services, as soon as possible;*
- *the development of community-based solutions to meet the identified needs;*
- *how any gaps that have emerged have been addressed (noting that flexible resourcing was pledged);*
- *the emerging long-term pattern of community-based mental health support as a result of this process;*
- *and that Scrutiny would like to hear the direct experience of people as part of the reporting back; and*

*(ii) that an update is provided to the Health and Adult Care Scrutiny Committee in 6 months.*

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

**RESOLVED** that the recommendation of the Scrutiny Committee and its intention to monitor the position be noted and it be further noted that the original decision of the Cabinet had been implemented with immediate effect following the conclusion of the call-in process.

## **519**      **Notice of Motion**

(a) Flexibility and Action against holiday firms exploiting families, those working in schools and the holiday industry - Councillor Biederman

(Councillor Hart declared both a personal and pecuniary interest in this matter by virtue of being involved in the holiday trade (and left the meeting for consideration of the item).

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

The wording of the motion is outlined below.

**We must stop the exploitation by Holiday Firms on families and staff in our schools.**

**Devon County Council recognise the importance of children being at school for the maximum time possible in order for them to be able to thrive and succeed in life after school.**



Central government policy, Ofsted and this Council adopt a strong stance against schools and parents, who wish to take children out of school for a family holiday in term time. A five day unauthorised absence can mean a fine of £240 for a family with two school aged children.

The main reason for parents taking children out of school, with the financial and life pressures facing families in these incredibly tough times, is the cost of holidays in the holiday seasons. Holiday firms are clearly exploiting them.

From research on four holidays for a family of four, two adults and two children aged 5-15 for summer 2024, checking dates of 12th July 2024 and 9th August in the same accommodation, the figures are staggering.

1. Butlins Minehead - £946 July & £2437 August, difference £1491
2. Centre Parcs Longleat- £1748 July & £2348 August, difference £600
3. Ruda Croyde - £649 July & £1039 August, difference £390
4. Cyprus Pathos All Inclusive - £4239 July & £5769 August, difference £1524

Research proves that a family holiday can be very important and have massive positive outcomes for both children and parents.

Research conducted by the Family Holiday Association, the charity that helps struggling families to have a break, found that 49% of British people said their happiest memory is being on holiday with their family. The results from the poll of 2,000 British adults revealed that emotional, psychological and social benefits of family holidays last long after the break itself ends.

On these positive outcomes, McDonald of the Family Holiday Association said 'We consider these to be a 'happiness anchor' – reflecting on our happiest memories of joyful time spent together as a family can be extremely powerful in bringing relief and respite when faced with the darker times that life can bring.

"By using these memories as an anchor to take us back to more cheerful moments, we're often able to approach problems with a fresh sense of perspective.

"But for many without such memories, reigniting a sense of optimism for getting through the tougher times can seem like an impossible.

It also found children that have had the benefit of a holiday break are often inspired and learn better after a holiday.

It's not just children that suffer, many vital support staff in our schools are on low incomes and have no choice but to take holidays in the

School Holidays and so the way holiday companies are exploiting the prices, affects them too.

Devon County Council will

- (a) Write to Head Teachers, Academies in Devon Schools to urge them to be sympathetic to requests for holiday in term time, giving consideration to individual children's family circumstances, their previous attendance levels, and the importance of the school year that the child is in.
- (b) Write to Ofsted seeking their assurance that schools taking a more flexible approach to school absences for family holidays is not counted against them.
- (c) Write to the Local Government Association and appropriate government ministers to ask for a review of what holiday companies can charge. Butlins for example have increased their price by roughly x 2.5 the price of one month earlier.

The level at which holiday companies are increasing prices of course, means parents are willing to take the fine, as in all my examples, it's far less than the extra cost of taking the holiday in the school holidays ..... perhaps it's the Holiday firms that should be fined if they charge more than 20% extra on any holiday over their average price over the year.

Members considered the Officer's factual briefing note on the matter (LDS/24/17) which referred to the legal requirement under section 7 of the Education Act 1996 that children receive full-time education suitable to their age, ability and aptitude and to any special educational needs that they may have and the benefits of attending school regularly for academic attainment, safety, development and wellbeing. It also highlighted the Government guidance on requests for term time absence. The Council had also recently approved the School Penalty Notice Code of Conduct for unauthorised irregular attendance at school or exclusion from school. The briefing paper also recognised the change of attitude for term time holidays since the pandemic and the cost differential which allowed some families to take holidays, they would not otherwise be able to afford.

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

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

**RESOLVED** that Council be recommended to:

(a) recognise that every child has a right to access education and that it is the parent's legal responsibility to ensure their children of compulsory school age receive a suitable full-time education;

(b) acknowledge that regular attendance at school allows learners to make the most of their education, thereby improving their life chances into adulthood; and

(c) explores with Devon's Members of Parliament, the tourism sector, schools and parents ways to develop practical policy proposals for Government to limit the price differential between the cost of holidays in and out of school term-time.

## **MATTERS FOR INFORMATION**

### \* 520 **Smokefree Generation: Local Stop Smoking Service and Support Grant**

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

The Cabinet received the Report of the Director of Public Health, Communities and Prosperity (PH/24/05) which updated the Cabinet on the smoking grant award and progress work to tackle illegal vapes and tobacco.

The Director also gave a presentation at the meeting to accompany the briefing paper which focused on action to address smoking and vaping, the case for change in Devon, smoking prevalence, the Tobacco & Vapes Bill 2024, vaping, and work of the Heart of the South West Trading Standards with emerging issues and enforcement

In summary, the Department of Health and Social Care had launched its policy paper, Stopping the Start: our new plan to create a smokefree generation ([smokefree generation](#)) which set out the Government's ambition to create the first smokefree generation by bringing forward legislation so that children turning 15 this year or younger would never be legally sold tobacco products. The Tobacco and Vapes Bill had been introduced to Parliament on the 20<sup>th</sup> March 2023.

The Government had also announced a number of measures and financial investment to support the policy including funding to support LA's leading stop smoking services, anti-smoking campaigns, 'Swap to Stop', action on vapes and additional funding to support enforcement agencies tackle illicit trade.

The Council had received £949,746 for 2024/25 (out of a share of £70 million) and this was ring-fenced for use on local stop smoking services and support. This would be used to build capacity in local stop smoking services as well as

strengthening partnerships in local healthcare systems and ensuring a focus on reducing inequalities. Funding would also be allocated to the Trading Standards Service to enhance enforcement to tackle illicit sales of tobacco and vapes.

The funding would support the Council's strategic plan as smoking was not only the biggest cause of inequalities in health, but also had a significant detrimental impact on many other elements, which were detailed in full in the Report at section 4.

The Cabinet received the update, noting the additional funding allocated to the Council to enhance local stop smoking services and to tackle the rise in youth vaping and noted the ongoing work in this area via the presentation given at the meeting, appended to these minutes.

## STANDING ITEMS

\* **521**     **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **522**     **Minutes**

(Councillor Davis declared a prejudicial interest in this matter by virtue of her son working for the Devon Audit Partnership and left the meeting during this item).

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

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 Audit Partnership Committee - 14th March 2024  
Devon Education Forum - 20th March 2024

\* **523**     **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.

\* 524 **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 12.40 pm



# A Smokefree Generation

## Action to address smoking and vaping

Ambition for England to become  
'smokefree' by 2030.

*(smoking prevalence falls to 5% or less:  
current rate is 12.9%)*

Page 1

### Towards a Smokefree Generation

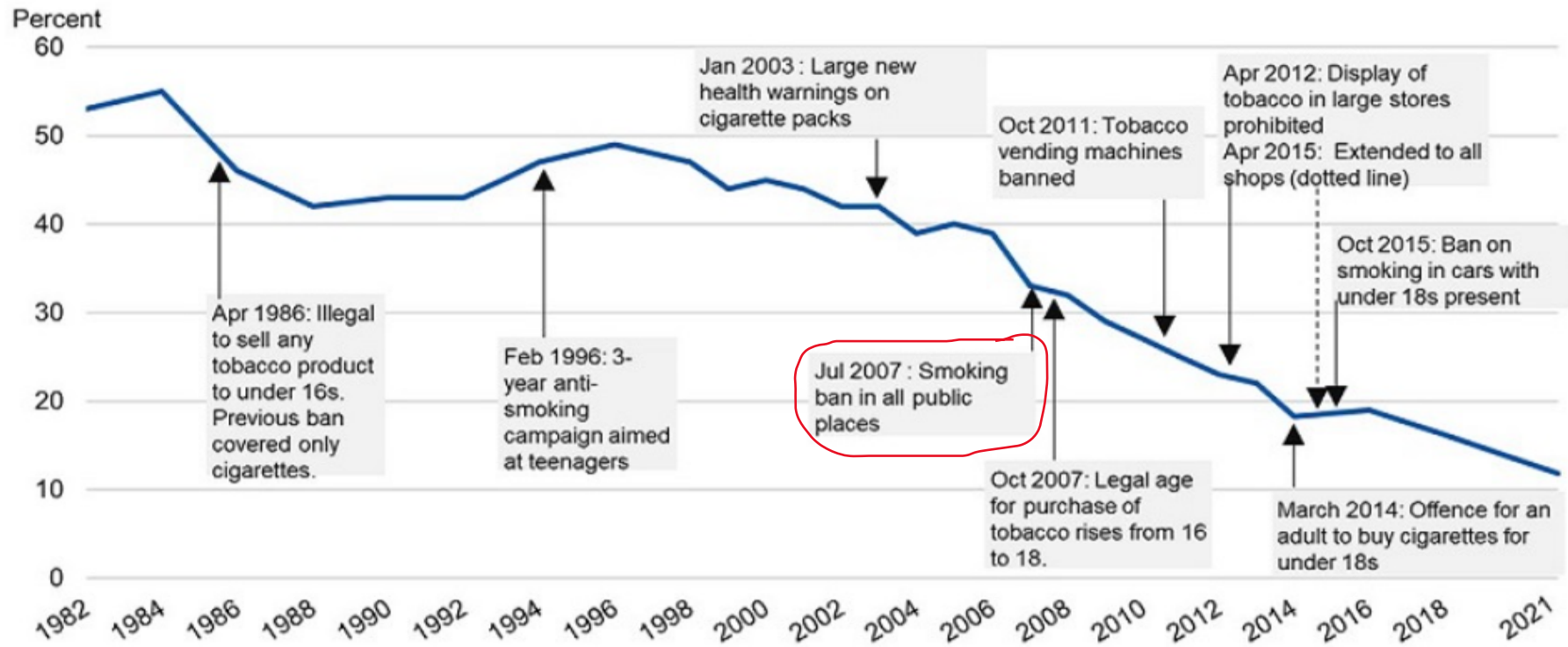
A Tobacco Control Plan for England

# Case for Change

- Smoking is the single biggest cause of health inequality in England
- Tobacco is the one of the most preventable causes of ill health, disability and death, responsible for **64,000** deaths in England a year
- Almost every minute of every day someone is admitted to hospital because of smoking
- **75,000** GP appointments could be attributed to smoking each month
- It is estimated that the total costs of smoking in England are over **£17 billion** including **£14 billion** loss to productivity
- **80%** of smokers start when they are teenagers.
- Three-quarters of current smokers would never have started if they had the choice again



# Smoking Prevalence in England



# Case for Change: Devon

- Smoking rate in DCC is **13.9%** (12.9% England average) but this masks huge variations according to deprivation from 8% to 21%.
- Smoking-related hospital admissions and the treatment of smoking related illness via primary care costing **£29.7million** in Devon per year (ASH, 2023).
- Estimated smoking costs to Devon Social Care Services **£17.4million** per year (ASH, 2023).
- Smoking negatively affects earnings and employment prospects; the cumulative impact of these effects amounts to productivity losses of **£475.3million** per year in Devon (ASH, 2023).
- The illicit tobacco trade is often part of **organised criminal activity** and is linked to a range of other illegal trades including alcohol production, people-trafficking and drug smuggling.

# Smokefree Generation: Tobacco & Vapes Bill 2024

- Legislation so that children turning **15 this year** or younger will never be legally sold tobacco products – **To make it harder for children to start smoking**
- An additional **£70million** per year for 5 years to support local authority-led stop smoking services (DCC = £949,746 per year for 5 years) – **This will enable an increase in capacity in local stop smoking services**
- Funding for new national **anti-smoking campaigns (£15mill per year)**
- Roll out of new national **‘Swap to Stop’** scheme (encouraging smokers to swap their cigarettes for vapes).

# Vaping

- The evidence is clear for **smokers**, vaping is a **far less risky** option and poses a **small fraction** of the risks of smoking in the short and medium term. **BUT** Vaping is **not risk free** and is **NOT** for children
- The number of children (11-18yrs) smoking is increasing **6%** (2022) - 4.1% (2021) and vaping is increasing **8.6%** (2022) – 4% (2021)
- Adults vaping prevalence in England is about **7%**
- **Tobacco & Vapes Bills 2024 includes key action on Vaping**
  - Restricting flavours and regulating point of sale displays in retail outlets, etc

# Heart of the South West Trading Standards Service

Commissioned by Devon, Plymouth, Somerset and Torbay Councils



# VAPES

## Current Legal controls:

- Regulate the sale and supply of Refillable E-cigarettes, replacement parts, Single use e-cigarettes containing nicotine and e-liquids containing nicotine.
- Covers notifications and approval by MHRA
- Sets out product requirements including labelling and presentation requirements
- Penalties - conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.
- Nicotine containing vapes can only be sold to over 18's

## Emerging Issues:

- Non-EU marketplace products entering supply chain
- Large tanks on products
- Over strength products (too much nicotine)
- Counterfeit e-cigarettes
- Safety issues with chargers
- Child appealing
- Environmental issues
- CBD Products - Unless these products contain Nicotine, which is very rare they are not caught by TS legislation. Higher levels of THC will make the product a controlled drug and remove the product from TS control into that of Police

# Heart of the South West Trading Standards Service



## Child Appealing Products:





# Enforcement

## Operation Joseph:

In April 2023 the Department for Health and Social Care allocated £3 million in funding to support Trading Standards to tackle the issues of non-compliance. Funding for;

- Test purchasing of 'legal' vapes (those approved by MHRA)
- Online test purchasing
- Storage & Destruction costs
- HoftSW Trading Standards are one of a few TS to undertake this funded work – 40 samples taken, initial results indicate over half fail the requirements

# Enforcement

## Issues for us:

- Linked with supply of illegal tobacco & OCGs
- Use of hides and restocking
- Limited resources - planned operations this year are restricted to two per quarter in each LA area and focused on illegal tobacco as well as vapes.
- Use of disruption – Closure notices, Multi Agency Approach, cash seizures
- Storage of seized product
- Close working with Police

# Illicit Tobacco

- Linked with criminality and OCGs
- Undermines Public Health stop smoking initiatives
- Sold for “pocket money prices” – Legitimate = £15 per packet, illegal = £7.30 per packet
- Sold to children

# Heart of the South West Trading Standards Service



# Heart of the South West Trading Standards Service



## Enforcement Action – Seizures

Product	Quantity	Street Value	Genuine retail value
Cigarettes	43933 (packets of 20 sticks)	<b>£320,710</b> (£7.30 per packet)	<b>£658,995</b> (avg £15 per packet)
Rolling Tobacco	8189 (50g pouches)	<b>£20000</b> (NDP £20 per pouch) <b>£61537</b> (Counterfeit £8.56 per pouch)	<b>£311,182</b> (avg £38 per packet)
Vapes	7897 units (varying size)	<b>£118,455 - £157,940</b> (£15 – 20 per unit – depending on size)	N/A

In the past year we have conducted 7 Underage sales operations targeting vapes.

# Tobacco & Vapes Bill 2024

- Providing powers for ministers to regulate:
  - the flavours and contents of vaping products
  - the packaging and product presentation of vaping products
  - point of sale displays of vaping products
- Making it an offence to sell non-nicotine vaping products to someone who is under 18 and banning free distribution
- Providing ministers with powers to extend the measures for vaping products to other nicotine products such as nicotine pouches.
- Also.... £30 million across HMRC, Border Force and Trading Standards and 'On the spot' fines to be introduced to clamp down on underage sales of tobacco and vaping products of £100
- **The Environmental Protection (Single-use Vapes) (England) Regulations 2024** which propose to ban the sale and supply of single use disposable vapes

