

## CABINET

10 January 2018

Present:-

Councillors J Hart (Chair), S Barker, J Clatworthy, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons

Apologies:-

Councillors R Croad

Members attending in accordance with Standing Orders 8 and 25

Y Atkinson, F Biederman, J Brazil, A Dewhirst, R Gilbert, R Hannaford, J Hodgson, R Hosking, M Shaw and N Way

\* 102

**Minutes**

**RESOLVED** that the minutes of the meeting held on 13 December 2017 be signed as a correct record.

\* 103

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 104

**Announcements**

There was no announcement by the Chair at this meeting.

\* 105

**Petitions**

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

\* 106

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

There was no question from a Member of the Council.

\* 107

**Budget 2018/2019**

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

The Cabinet considered the Report of the County Treasurer (CT/18/07) on the impact of the Provisional Local Government Settlement for the forthcoming year, on the preparation of the 2018/19 budget and re-affirmation of service expenditure targets.

On 19th December 2017, the Secretary of State for the Department for Communities and Local Government, Rt. Hon. Sajid Javid MP, had made a statement to Parliament on the Provisional Local Government Finance Settlement for 2018/19. The main items of note were:

- that the Core Spending Power figures for the four year period of 2016/17 to 2019/20 were at the expected level of £115.2 millions for 2018/19;
- that the proposal to reduce the Rural Services Delivery Grant in 2018/19 from £65 millions to £50 millions was not going ahead and the Grant would remain at the current level;

- that in relation to the proposed changes to the New Homes Bonus Scheme, Government had decided not to go ahead and would keep the scheme unchanged from the current year (except for a reduction in the number of years benefit from 5 years currently to 4 years); and
- that there was a change in the annual Business Rates inflationary increase from Retail Price Index (RPI) to Consumer Price Index (CPI), effective from 2018/19, meaning a reduction to Business Rates received by Local Authorities as part of Core Funding.

The report further outlined the specific Grants, notified at the time of writing the report, with the omission of the Public Health Grant which had still to be received.

Cabinet further noted that the provisional settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2018/19; an increase of 1%.

The Report further outlined details on the 2018/19 100% Business Rate Retention Pilot. As the 13<sup>th</sup> December 2017 Cabinet report outlined, the Department for Communities and Local Government invited Local Authorities to submit applications to become 100% Business Rates Retention Pilots in 2018/19 to help design future local government finance reforms.

The Devon application was one of the ten successful bids. Whilst this would help inform future local government finance reforms, the pilot bid submitted estimated that for 2018/19 there could be a benefit of just under £17 millions to geographic Devon of which nearly £10 millions could come to the County Council. This was only an estimate and the final sums would not be known until the end of the Pilot year.

Cabinet finally noted that the revenue spending targets for 2018/19, agreed at the Cabinet meeting of 13<sup>th</sup> December 2017 could remain unchanged due to the provisional settlement being no worse than anticipated.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

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

**RESOLVED**

(a) that the content of the Provisional Settlement be noted;

(b) that the success of the Devon wide Business Rates Pilot application be noted; and

(c) that the revenue spending targets for 2018/19, previously approved at the 13<sup>th</sup> December 2017 Cabinet meeting, remain unchanged.

\* 108

**Budget Monitoring: Month 8**

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

The Cabinet considered the Report of the County Treasurer (CT/18/1) on the financial position at Month 8 and outlining areas of specific pressures on budgets, potential under and over-spending in the current financial year and management action being taken where individual budget lines were experiencing pressures.

The Cabinet noted that, overall, the forecast for revenue spending at year-end now showed an underspend of £2.6 millions, a slight increase on the month 6 position.

The Cabinet noted that Adult Care and Health services was forecast to underspend £4.769 millions, which was an increase of £599,000 from the underspend reported at month 6, mainly due to an improvement in the locality operational position, additional staff vacancy savings and savings on contracts. The position took into account £522,000 of management action yet to be achieved.

Children's Services were showing a forecast overspend of £3.335 millions, which was an increase on the month 6 position of £640,000, with children's social care forecast to overspend by £2.4 millions and the placements budget forecast to overspend by £2.6 millions. The key factors causing the cost pressures and the risks presented to the financial position had not changed from those previously reported at month 6.

Highways, Infrastructure Development and Waste were showing a small underspend of £212,000, however the risks to the position, such as extreme weather and waste disposal tonnages would be monitored throughout the year. Expected savings from the new arrangements with Skanska had been built into the budget and were being achieved and there was additional income received in respect of the Plymouth and Exeter energy from waste plants.

Corporate Services were forecast to break-even at the year end and Communities, Public Health, Environment and Prosperity (COPHEP) Services were showing a forecast overspend of £110,000 a slight improvement on month 6 of - £23,000, mainly due to staff savings.

The approved capital programme for the Council was £161.803 millions, with the year-end forecast of £139.268 millions, producing slippage of £22.534 millions. Significant areas of slippage had been identified in respect of Marsh Barton station, Tiverton Eastern Urban Extension, South Devon Highway, A361 Gornhay to M5 and Connecting Devon & Somerset.

In summary, Cabinet noted that the ongoing pressures in Children's Services were concerning; not only in relation to the current year but the ongoing impact over the medium term.

Whilst the forecast overall underspend of £2.6 millions was welcome; it had to be treated with caution as the remainder of the winter was still unknown and as an example the Council had incurred spending of approximately £250,000 on gritting operations over the last few weeks.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered:

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

**RESOLVED** that the financial position and forecast for the Authority at Month 8 (to end of November 2017) of the financial year be noted.

\* **109**      **Capital Flood Improvement Schemes at Ivybridge and Uplyme**

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

The Cabinet considered the Report of the Head of Planning, Transportation and Environment ([PTE/18/1](#)) on Capital Flood Improvement Schemes at Ivybridge and Uplyme.

The Report outlined that the town of Ivybridge and the village of Uplyme had both suffered repeat flooding in recent years, affecting properties and also the highway infrastructure and highlighted the history of flooding in the two communities and the ongoing high risk of future flood events during periods of heavy rainfall. The Report further outlined the proposed scheme options that had been developed to significantly reduce these ongoing risks and

recommended the Council supported the delivery of the proposed essential flood improvements through its capital programme.

Location plans were attached to the Report.

The scheme proposals were outlined in the Report, including for Ivybridge an upsizing of the existing culverted watercourse system as well as additional natural flood management measures being promoted outside of the contract.

For Uplyme, a number of measures were being proposed at different locations to improve conveyance through the village.

There had been a close working relationship between the Council, District Councils (South Hams and East Devon), Parish Council and relevant landowners. In addition, the respective planning departments had been consulted and confirmed that the schemes could be implemented as permitted development.

Business cases for both Ivybridge and Uplyme Flood Improvement Schemes were being prepared and would be submitted to the Environment Agency to bid for Defra Flood Defence Grant in Aid. Additional budget allocations had been requested from the Local Levy and, for the latter scheme, from East Devon District Council. A breakdown of the cost estimates and proposed funding sources was also outlined in the Report.

The flood improvements had been developed in accordance with the Equality and Environmental Assessments previously produced in support of the Devon Local Flood Risk Management Strategy. All elements of the scheme had been assessed at the appropriate stage using the corporate, integrated assessment tool, with relevant equality and environmental impacts identified and acted on as necessary. The outlined works were designed to improve the protection of the community thereby, supporting health and wellbeing, not to mention that flood water had the potential for transporting contaminants, so, reducing any flood risk had clear health benefits.

An environmental appraisal of the proposals indicated that, with appropriate mitigation, there would be limited impact upon landscape, historic and ecological interests and also the scheme would look to maximise any ecological opportunities.

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

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

#### **RESOLVED**

(a) that the Ivybridge Flood Improvement scheme at an estimated cost of £300,000 and the Uplyme Flood Improvement Scheme at an estimated cost of £226,140 be approved; and

(b) that the Planning, Transportation and Environment (PTE) 2017/18 capital programme be increased by £154,242 and 2018/19 by £300,000, funded £140,000 from the flood risk revenue budget, £19,242 from the revenue flood prevention works budget, £55,000 from external contributions and, £240,000 from external grants, £50,000 to be allocated from the flood prevention works 2018/19 capital programme, funded by capital receipts.

*[NB: The Impact Assessments, undertaken as part of the as part of the Local Flood Risk Management Strategy, referred to above may be viewed at: <https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/>*

**110**      **Notice of Motion - EU Sentience and EU LAW (Minute 63 - 7 December 2017)**

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

*'This Council is disappointed that the Government voted to omit an important clause in EU law relating to animal sentience, as part of the Withdrawal Bill.*

*This Council is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law.*

*However, this Council backs calls from the British Veterinary Association to commit to an appropriate timeframe to reinstate the vital obligation in EU law in Article 13, on the STATE being responsible for animal welfare, in addition to UK law, which states that only the KEEPER of the animal is responsible'.*

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally proposed, including clarification on firm timescales from Government. Members considered the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

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

**RESOLVED**

(a) that the Council be recommended to write to the Secretary of State (Michael Gove) stating that it is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law;

(b) that the Council notes the subsequent publication of the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill; and

(b) that, as a predominantly rural area where farming and agriculture are of critical importance to the local economy, the Council strongly backs the calls from the British Veterinary Association and others to commit to an appropriate timeframe giving certainty to the reinstatement of the protocol in Article 13; not only recognising animal sentience but also enshrining a duty of responsibility on the state for animal welfare.

**111**      **Notice of Motion - Pension Fund and Fossil Fuel Companies (Minute 64 - 7 December 2017)**

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

*In line with its recently affirmed commitment to mitigating climate change, this Council will divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step'.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members support for the recommendation now before the Cabinet, representations previously made and to actions

now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that in accordance with legislation (Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Section 101 of the Local Government Act 1972) and the Council's Constitution the Notice of Motion should be referred to the Investment and Pension Fund Committee.

**112**      **Notice of Motion - Council Budgets - Vulnerable Young and Elderly Residents (Minute 66 7 December 2017)**

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

*Devon County Council was very disappointed to see there was no help, to this council in the autumn statement with regard to Children's Services & Social Care. Children's Services budgets are overspent here and in 75% councils across the country, with a £2 billion shortfall in council budgets. If we are to deliver safe and effective services for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.*

*We write a cross party letter, to Devon MP's and the Minister signed by all group leaders expressing our concerns and urging Devon MP's and the Government to address this growing problem for our most vulnerable young and elderly residents.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED** that, in recognising the considerable financial pressure placed on Local Government and also various lobbying activities undertaken by the Council in recent years, and the events planned for the new year, it is also important to maintain the impetus, therefore, in support of the Notice of Motion, Council is recommended to write a cross party letter, signed by Group Leaders, to go to Devon MPs and the Minister to highlight this growing problem for vulnerable young and elderly residents.

**113**      **Notice of Motion - Post Brexit Arrangements (Membership of the European Single market and Customs Union) (Minute 65 7 December 2017)**

(Councillor Shaw attended in accordance with Standing Order 8 and Councillors Atkinson, Biederman, Brazil, Dewhirst, Hosking and Way in accordance with Standing Order 25(2) and spoke to this item).

*This County Council respects the majority vote in the Country to support leaving the European Union, but believes that the UK must secure post-Brexit arrangements which best support the economic and social wellbeing of Devon and the country as a whole. The Council therefore urges the Government to negotiate continued membership of the European Single Market and Customs Union, both of which bring considerable benefits to Devon.*

The Mover of the Notice of Motion (wording of Motion outlined above) having spoken seeking the Cabinet's support for the course of action proposed, the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members support for the recommendation now before the Cabinet and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact) and:

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

**RESOLVED**

(a) that the Council be recommended to note the opportunities and impacts from BREXIT on the Devon economy; and

(b) that the Council be assured that Cabinet will continue to assess the impacts and other implications for the Devon economy as details become more understood on the future arrangements agreed between Government and the EU Commission for trade and the labour market.

\* **114** **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **115** **Minutes**

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

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

Farms Estate Committee – 11 December 2017.

\* **116** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. 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 may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

\* **117** **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 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>)

\* **118**     **Family Based Care Tender (Fostering): Procurement Process**

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

(Councillor Parsons declared a Disclosable Pecuniary Interest in this matter by virtue of being a Foster Parent and their partner being in receipt of fostering payments and withdrew from the meeting during its consideration).

The Cabinet considered the Report of the Chief Officer for Children's Services (CS/18/01), on the Peninsula Fostering in Independent Fostering Agency Placements, Outcome of Tender and Award of Contract.

The contract, which was a Framework Agreement, was for the provision of fostering placements for children in care, staying put placements for young adults and for parent and child placements with family based care being the preferred model of care for most children in care. The aim was to increase the range and quality of foster placements, particularly for those with more complex needs or challenging behaviours.

The Report outlined the South West Peninsula Procurement collaboration and that the Framework Agreements would each be for four years commencing on 1<sup>st</sup> April 2018, with the Framework Agreements being divided into 3 geographical areas (Somerset, Devon (including Torbay and Plymouth) and Cornwall). There were also two separate Framework Agreements, for Parent and Child Fostering and one for Standard and Enhanced Fostering.

Lot 1 related to Standard Fostering, Lot 2 for Enhanced Fostering and Lot 3 for Parent and Child Fostering. It was felt that the new Independent Fostering contract would increase placement availability, easing sufficiency issues within the market.

The total estimated cost for a 4-year contract period for the whole Peninsula was;  
Lot 1 Standard Fostering: £95,960,000  
Lot 2 Enhanced Fostering: £10,800,000  
Lot 3 Parent and Child Fostering: £5,954,792

Cabinet noted that the value of the contract could vary due to an increase or decrease in the purchase in care volumes.

The contract would replace the current Peninsula Framework contract for fostering (all Peninsula Authorities) and the 'Cost and Volume for Fostering' contract (Plymouth, Devon and Torbay). For the tender, bidders were able to bid for any one or all of the Lots outlined in the Report.

The Chief Officer's report outlined that a Sustainability Impact Assessment was conducted pre-procurement, which was extensive and included consideration of the local economic, environmental and social needs of the local area. The likelihood and impact scores for the tender were low, but were all considered; with possible methods of risk and impact reduction inserted into the specification. Where areas of added social value benefits had been identified these had been incorporated into the specification.

Each Local Authority had been required to complete an individual Equalities Impact Assessment. A detailed impact assessment had been undertaken at the pre-procurement stage of the project which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010. The outcomes of that assessment were reflected in the construction of the tender and as such met the duties required under the Equalities Act. The Impact Assessment highlighted that Fostering was a regulated activity, independently inspected by Ofsted. All foster placements were subject to matching a child's needs, specifically referencing age, gender, race, culture, religion and disability and a formal



assessment of the carers' abilities to meet those needs. There was negligible environmental impact.

In addition, the fostering market was a competitive market and, with a good range of fostering agencies, sufficiency in family based care would be maintained.

The assessment also highlighted there would be regular contract monitoring meetings held quarterly with all fostering providers and each independent fostering placement was subject to statutory CLA reviews and statutory social work monitoring visits.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy and

**RESOLVED** that the press and public be now excluded from the meeting during subsequent discussion on this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a preferred bidder or tenderer for the provision or supply of council goods or services, 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.

*[NB: The following part of the Cabinet's proceedings on this matter took place, as summarised below, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and 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 aforementioned Regulations].*

The Cabinet then considered the Report of the Chief Officer for Children's Services (CS/18/2) on the recommendations to award the Peninsula Fostering in Independent Fostering Framework Agreements for the Devon Lots; Standard and Enhanced Fostering Placements and Parent and Child (Fostering).

Cabinet noted that the procurement process had been conducted in accordance with EU Procurement Regulations and also in line with Part 2, Chapter 3, Section 7 of the Public Contracts Regulations 2015 (PCR 2015) – Social and Other Specific Services.

Following discussion of Report CS/18/2 and having had regard to the information therein, the Cabinet was of the view that the press and public need no longer be excluded from the meeting during its final determination of the matter and:

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy and

**RESOLVED** that the press and public be now readmitted to the meeting.

Following further comment and discussion and in replying to the debate and in commending the adoption of the recommendations now before the Cabinet, the Cabinet Member for Children's Services and Schools added their support for the proposals.

The matter having been fully debated and the options and/or alternatives and other relevant factors (e.g. financial, staffing, assets and property, procurement policies, risk management, equality and legal considerations and Public Health impact) set out in the Chief Officer's Report and/or referred to above having been considered, and balancing all of those factors and comments made at the meeting:

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

**RESOLVED** that the recommendation to award the Peninsula Fostering in Independent Fostering Framework Agreements (CP1519-17) for the Devon Lots; Standard and Enhanced Fostering Placements and Parent and Child (Fostering) on the basis of the evidence provided within the Report be approved, including the ranking position for each provider (signifying the

order in which the referrals would be made), for Lot 1b Standard Fostering – Devon, Lot 2b Enhanced – Devon and Lot 3 Parent & Child Fostering – Devon, as below.

### Lot 1b Standard Fostering – Devon

Lot 1 Devon Year 1	rank	Lot 1 Devon Year 2	rank	Lot 1 Devon Year 3	rank	Lot 1 Devon Year 4	rank
Swiis Foster Care Ltd	1	Swiis Foster Care Ltd	1	TACT	1	TACT	1
TACT	2	TACT	2	Swiis Foster Care Ltd	2	Swiis Foster Care Ltd	2
Compass Children's Homes Limited	3	Compass Children's Homes Limited	3	Regional Foster Care Ltd	3	Regional Foster Care Ltd	3
Regional Foster Care Ltd	4	Regional Foster Care Ltd	4	Compass Children's Homes Limited	4	Compass Children's Homes Limited	4
Pathway Care South West Limited	5	Pathway Care South West Limited	5	Pathway Care South West Limited	5	Pathway Care South West Limited	5
Capstone Fostercare	6	Capstone Fostercare	6	The National Fostering Agency Ltd	6	Fusion Fostering Ltd	6
The National Fostering Agency Ltd	7	The National Fostering Agency Ltd	7	Capstone Fostercare	7	Capstone Fostercare	7
Five Rivers Child Care Limited	8	Five Rivers Child Care Limited	8	Blue Sky Fostering	8	The National Fostering Agency Ltd	8
The Fostering Foundation Limited	9	The Fostering Foundation Limited	9	Five Rivers Child Care Limited	9	Blue Sky Fostering	9
Blue Sky Fostering	10	Blue Sky Fostering	10	Fusion Fostering Ltd	10	Five Rivers Child Care Limited	10
Action for Children Enhanced Foster Care	11	Action for Children	11	The Fostering Foundation Limited	11	Action for Children	11
Fusion Fostering Ltd	12	Fusion Fostering Ltd	12	Action for Children	12	The Fostering Foundation Limited	12
Fusion Fostering Ltd	13	Enhanced Foster Care	13	Enhanced Foster Care	13	Enhanced Foster Care	13
Foster Care Associates	14	Foster Care Associates	14	Foster Care Associates	14	Foster Care Associates	14
By the Bridge Limited	15	By the Bridge Limited	15	By the Bridge Limited	15	By the Bridge Limited	15

**Lot 2b Enhanced – Devon**

Lot 2 Devon Year 1	rank	Lot 2 Devon Year 2	rank	Lot 2 Devon Year 3	rank	Lot 2 Devon Year 4	rank
TACT	1	TACT	1	TACT	1	TACT	1
The National Fostering Agency Ltd	2	The National Fostering Agency Ltd	2	Capstone Fostercare	2	The National Fostering Agency Ltd	2
Capstone Fostercare	3	Capstone Fostercare	3	The National Fostering Agency Ltd	3	Capstone Fostercare	3
Regional Fostare Care Ltd	4	Regional Fostare Care Ltd	4	Regional Fostare Care Ltd	4	Regional Fostare Care Ltd	4
Blue Sky Fostering	5	Blue Sky Fostering	5	Blue Sky Fostering	5	Blue Sky Fostering	5
Pathway Care South West Limited	6	Pathway Care South West Limited	6	Pathway Care South West Limited	6	Pathway Care South West Limited	6
Enhanced Foster Care	7	Swiis Foster Care Ltd	7	Swiis Foster Care Ltd	7	Swiis Foster Care Ltd	7
Fusion Fostering Ltd	8	Enhanced Foster Care	8	Fusion Fostering Ltd	8	Foster Care Associates	8
Swiis Foster Care Ltd	9	Fusion Fostering Ltd	9	Enhanced Foster Care	9	Fusion Fostering Ltd	9
Foster Care Associates	10	Foster Care Associates	10	Foster Care Associates	10	Enhanced Foster Care	10
Five Rivers Child Care Limited	11	Action for Children	11	Action for Children	11	Action for Children	11
Action for Children	12	Five Rivers Child Care Limited	12	Five Rivers Child Care Limited	12	Five Rivers Child Care Limited	12
By the Bridge Limited	13	By the Bridge Limited	13	By the Bridge Limited	13	By the Bridge Limited	13

### Lot 3 Parent & Child Fostering – Devon

Lot 3 Devon Year 1	rank	Lot 3 Devon Year 2	rank	Lot 3 Devon Year 3	rank	Lot 3 Devon Year 4	rank
Swiis Foster Care Ltd	1	Swiis Foster Care Ltd	1	Swiis Foster Care Ltd	1	Swiis Foster Care Ltd	1
Compass Children's Homes Limited	2	Compass Children's Homes Limited	2	TACT	2	TACT	2
TACT	3	TACT	3	Compass Children's Homes Limited	3	Compass Children's Homes Limited	3
The Fostering Foundation Limited	4	The Fostering Foundation Limited	4	The Fostering Foundation Limited	4	The Fostering Foundation Limited	4
Enhanced Foster Care	5	Capstone FosterCare	5	Capstone FosterCare	5	Capstone FosterCare	5
Capstone FosterCare	6	Enhanced Foster Care	6	Enhanced Foster Care	6	The National Fostering Agency Ltd	6
The National Fostering Agency Ltd	7	The National Fostering Agency Ltd	7	The National Fostering Agency Ltd	7	Enhanced Foster Care	7
Five Rivers Child Care Limited	8	Five Rivers Child Care Limited	8	Foster Care Associates	8	Foster Care Associates	8
Foster Care Associates	9	Foster Care Associates	9	Five Rivers Child Care Limited	9	Action for Children	9
Action for Children	10	Action for Children	10	Action for Children	10	Five Rivers Child Care Limited	10
Pathway Care South West Limited	11	Pathway Care South West Limited	11	Pathway Care South West Limited	11	Pathway Care South West Limited	11
Blue Sky Fostering	12	Blue Sky Fostering	12	Blue Sky Fostering	12	Blue Sky Fostering	12
By the Bridge Limited	13	By the Bridge Limited	13	By the Bridge Limited	13	By the Bridge Limited	13

[NB: The Impact Assessment referred to above may be viewed as part of the reports pack of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

#### \* 119 **Joint Carer Services Lots 1 and 2 contract award(s)**

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

(Councillor Parsons declared a Disclosable Pecuniary Interest in this matter by virtue of being a foster parent and their partner in receipt of the fostering payment and withdrew from the meeting during its consideration).

The Cabinet considered the Report of Chief Officer Adult Care and Health and the Chief Officer Children's Services (ACH/18/76) on the Joint Carers Service tender process and provision of Carer Support Services for Adult Carers (Lot 1) and Young Carers (Lot 2).

Carer Services in Devon were provided under joint commissioning arrangements between the Council, Northern, Eastern and Western (NEW) Devon Clinical Commissioning Group (CCG) and South Devon and Torbay, with the Council as the lead agency.

The Adult Carers (Lot 1) supported the objectives and outcomes of the Joint Strategy for Adult Carers and the specification was outlined in the Report. It would also work to the same practice standards as DCC care management staff, including promoting independence and building carer resilience.

The Young Carers Service (Lot 2) had been designed to be delivered as part of Devon's Early Help Offer, adopting a multi-agency partnership approach whereby targeted service intervention would be provided for young carers. The design of the targeted service offer (Getting Advice, Getting Help, and Getting More Help) had been influenced by what young carers had said during the engagement activities.

The total estimated value of Adult Carers (Lot 1) was £10.9 million over 5 years, and for Young Carers (Lot 2) £1.125 million over 5 years. The contract would be for a 5 year term with an option to extend for up to two further single year periods.

It would also consolidate changes arising from the Care Act 2014 and Children and Families Act 2014 as well as taking account of extensive engagement and feedback from carers.

The Report outlined in full the engagement and consultation process (including 21 full and half-day engagement events with Carers over a period of 4 months) as well as online surveys and a "drop-in" engagement event during Carers' Week.

The Chief Officer's Report also incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010. This was undertaken at the pre-procurement stage of the project and the outcomes reflected the construction of the tender and contract documentation The Equalities Impact Assessment was available at:  
<https://new.devon.gov.uk/impact/published/page/3/>

The assessment recognised the potential for a positive impact of the new contract and that no unmanageable impacts had been identified.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy and

**RESOLVED** that the press and public be now excluded from the meeting during subsequent discussion on this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a preferred bidder or tenderer for the provision or supply of council goods or services, 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.

*[NB: The following part of the Cabinet's proceedings on this matter took place, as summarised below, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and, with the consent of the relevant Scrutiny Committee Chair, 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 aforementioned Regulations].*

The Cabinet then received the Report of the Chief Officer Adult Care and Health, and the Chief Officer for Children's Services (ACH/18/77) on the outcomes of the procurement process leading to the Council's contract for the Joint Carers Services; Adults Carers (Lot 1) and Young Carers (Lot 2).

The Cabinet further noted that the procurement process had been conducted in line with EU Procurement Regulations and was fully compliant.

Following discussion of Report (ACH/18/77) and having had regard to the information therein, the Cabinet was of the view that the press and public need no longer be excluded from the meeting during its final determination of the matter and:

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy and

**RESOLVED** that the press and public be now readmitted to the meeting.

Following further comment and discussion and in replying to the debate and in commending the adoption of the recommendations now before the Cabinet, the Cabinet Members' for Children's Services and Schools and Adult Social Care and Health added their support for the proposals.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal

considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

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

**RESOLVED** that the contracts for the Joint Carers Services be awarded as follows:

(a) Lot 1 Adult Carers - Westbank Community Health and Care; and

(b) Lot 2 Young Carers - Westbank Community Health and Care

[NB: The Impact Assessment referred to above may be viewed alongside the agenda and reports of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

**NOTES:**

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

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

The Meeting started at 10.30 am and finished at 12.20 pm