

CABINET

11 January 2017

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

Councillors J Brazil, A Connett, R Edgell, R Gilbert, B Greenslade, A Hannan, R Julian, J Owen, S Randall Johnson, R Vint and R Westlake

* 126 **Minutes**

RESOLVED that the minutes of the meeting held on 14 December 2016 be signed as a correct record.

* 127 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 128 **Chairman's Announcements**

There was no announcement by the Chairman at this meeting.

* 129 **Petitions**

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

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

In accordance with the Cabinet Procedure Rules, the Leader responded to 3 questions from a Member of the Council on the HoSW Devolution Prospectus & Affordable Housing and on representations to MPs on NHS Funding and Fairer Funding for Schools, responding orally to supplementary questions arising from the above.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> or <http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

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

The Chairman having exercised his discretion to vary the order of business to enable this item to be considered at this point in the meeting and, in accordance with the Council's Public Participation Rules, he then indicated that the Cabinet Member would respond direct to a question from a member of the public on the Schools Funding (High Needs Block) who was unable to be present at the meeting.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> or <http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below. See also Minute 134 below].

* **132 Budget 2017/18 (Minute 115/14 December 2016)**

(Councillors Connett, Greenslade, Julian, Owen and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/17/1) on the Provisional Local Government Settlement for 2017/18 and the impact thereof on the preparation of the budget for that year.

The Secretary of State for Communities and Local Government had announced, on 15 December 2016, the Council's Provisional Local Government Settlement for 2017/18 of £128,300,000, outlining also a number of changes to the previously announced core spending power figures for the period 2016/17 to 2019/20, as set out more fully in the County Treasurer's Report.

The Cabinet noted, in particular, that while the Social Care Precept on Council Tax in 2016/17 had originally been set at 2% per annum for the period 2016/17 to 2019/20 inclusive, the terms of that additional precept had been altered to allow it to be increased by up to 3% per annum in 2017/18 and 2018/19 or 2% per annum over the remaining 3 years of the 'quadrennial' core spending period (i.e. a total increase of 6%). Further, changes to the New Homes Bonus allocations would see the County Council's allocation reduced by £709,000; acknowledging that such reductions nationally had been utilised by Government to create a new Adult Social Care Support Grant for 2017/18 only, the County Council's share of which was £3,592,000. Whilst changes in the Business Rates Retention system would result in an additional £74,000 in 2017/18 this would be offset by a reduction in the local element of Business Rates. The 2017/18 Public Health grant had been confirmed at £28,238,000 in line with expectations while notification of the Dedicated Schools Grant and some other smaller grants had yet to be received.

The County Treasurer confirmed that, as in recent years, the level of Council Tax that would trigger a local referendum would be 2% (excluding any Social Care Precept).

Notwithstanding the above and acknowledging concerns expressed by Members attending this meeting under Standing Order 25 about the sufficiency of the Council's budget, the lack of progress demonstrated by Government in rebalancing funding as between urban and rural authorities and the need for fairer funding for schools and NHS and social care services, Cabinet Members noted that the service spending targets previously set by Cabinet on 14 December 2016 (based on earlier forecasts) were no worse than anticipated and that in the County Treasurer's view did not require any amendment. The County Treasurer therefore recommended that the provisional targets be confirmed and budgets set within those targets and scrutinised accordingly.

The Leader of the Council confirmed that he would be meeting with Devon MPs in the near future to continue to press the Council's case for increased funding including for those issues raised at this meeting.

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 Provisional Settlement of £128,300,000 be noted and the revenue spending targets for 2017/18 approved on 14 December 2016 (Minute *115) be confirmed.

* 133

Children's Services: Re-procurement of Services

(Councillors Connett, Hannan, Julian and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Joint Report of the Chief Officer for Communities, Public Health, Environment and Prosperity and the Chief Officer for Children's Services (CS/17/6) outlining the current contractual arrangements for Integrated Children's Services (currently provided by Virgin Care Limited) and on the proposed process for procuring a new contract/arrangements for commissioning of children's services upon the expiry of the current contract on 31 March 2018.

The Cabinet noted that all of the Commissioning Partners were committed to continuing strong working arrangements both as a commissioning partnership for children, young people and families, and strategically as part of the Devon Children, Young People and Families Alliance. Following discussions at the Pre-Procurement Board, Cabinet was now recommended to undertake a formal consultation on the options relating to the provision of public health nursing services before determining future arrangements, in line with the options [agreed by the Pre-Procurement Board] , namely:

- negotiation of a 12 month interim contract for the provision of children's services to allow for a full procurement with a contract start date of 1 April 2019 and which incorporated 0-19 Public Health Nursing Services;
- proceed with the independent procurement of 0-19 Public Health Nursing services; or
- transfer the 0-19 Public Health Nursing Service to Devon County Council from 1 April 2018, under the management of the Director of Public Health (as the statutory Director) until such time as strategic discussions on the configuration of children's services had been completed and a decision made on future commissioning/provision arrangements.

While it was not anticipated there would be any need for substantive changes in service provision as a result of any of these options the Cabinet was nonetheless recommended to endorse the approach outlined above and set out more fully in Report CS/17/6 in the interests of openness and transparency and to ensure the County Council determined the means of providing those services for which it was responsible.

The Chief Officer for Children's Services undertook to provide Members with the latest evaluation report of the current provider (Virgin Care Limited) which had recently been submitted to the People's Scrutiny Committee's Children's Standing Overview Group.

The Chief Officers' Report also referred to an Impact Assessment which would be finalised prior to the proposed consultations referred to above relating to the possible impacts of the proposal, for the attention of Members at the relevant meeting, in order that the Cabinet might then have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010: no unmanageable impacts having been identified to date.

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

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

RESOLVED that approval be given to consultations being undertaken on the options for children's services provision outlined in detail in Report CS/17/6 following the end of the current five-year contract on 31 March 2018; such consultation to take place during January and February 2017 with a further report to the Cabinet in March 2017 to determine the preferred option.

[NB: The Impact Assessment referred to above is available at: <http://new.devon.gov.uk/impact/>].

* **134 Schools Funding 2017/18: Dedicated Schools Grant and High Needs**

(Councillors Connett, Greenslade, Hannan, Julian and Owen attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Parsons declared a personal interest in this matter by virtue of being a parent of child in care).

The Cabinet considered the Joint Report of the County Treasurer and Chief Officer for Children's Services (CT/17/7) on the proposed transfer of funding between elements of the Dedicated Schools Grant.

High Needs expenditure was part of the ring fenced Dedicated Schools Grant and had grown rapidly (from £53,000,000 in 2014 to an estimated £61,000,000 in 2017/18): a situation experienced by a number of other low funded authorities. Additional funding had been added to High Needs (as well as action taken to restrain and control expenditure) with a significant increase of £16,000,000 in 2015/16 consequent upon the introduction of the 'Fairer Schools Funding' arrangements of which £14,000,000 had been allocated to individual school budgets.

Members noted that in recent months a significant forecast overspending on High Needs had emerged with an estimated overspend in the current year of £4,300,000. Members further noted that in October of 2016 consultations had been undertaken with Devon schools on a proposal to transfer funding of up to £4,500,000 from the Schools Block in 2017/18 allocations, to meet the expected level of expenditure in High Needs. Only 66 schools responded to that consultation of which 50 had opposed the transfer. The Devon Education Forum had also discussed the proposal at its meeting on 19 October 2016 and opposed the proposed transfer.

The Cabinet Member emphasised that Officers and Headteachers had continued to work together through the autumn, focussing on the need to lobby Devon MPs in order to persuade Government to allocate more funding for Devon education overall. He recognised that if Devon had not been underfunded per pupil relative to the national average, the difficulties now being faced would be much reduced and that High Needs was a national issue, reflecting decisions taken nationally.

Cabinet further noted that while some additional funding elements had been announced for future DSG Settlements, that funding would not be sufficient to cover the level of service now required within the High Needs Block.

Officers reiterated that even when further plans to contain spending were taken into account, the latest forecast indicated that a permanent injection of £2,220,000 was required in the 2017/18 budget to bring the expected deficit down to zero by outturn 2018/19. This was a more accurate estimate than the previous figure of 'up to £4.5 million' proposed to the Devon Education Forum and while the Cabinet must have regard to Schools' views on the matter the allocations of the budget was ultimately a matter for the County Council to determine.

The Leader also referred to representations received subsequently from Teachers' Phase Associations and on continuing discussions with Devon MPs to press the Council's case for additional, fairer funding.

The Chief Officers' Report referred to an Impact Assessment which would also form part of the 2017/18 Revenue Budget Impact Assessment, relating to the possible impacts of the proposal which was referred to and acknowledged, for the attention of Members, at the 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, where relevant. No unmanageable impacts had been identified to date: the proposals could be achieved without breaching any legal requirements.

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

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

RESOLVED

(a) that approval be given to the transfer of £2,220,000 within the Dedicated Schools Grant from Individual Schools Budgets to the High Needs budget, being a reduction in the Age Weighted Pupil Unit (AWPU) of £33 (s4 of Report CT/17/7);

(b) that the expected need to take a proposal to the Devon Education Forum to carry forward an overspend in High Needs into the 2017/18 financial year be noted.

[NB: 1. See also response to Question referred to at Minute 133 above. 2. The Impact Assessment referred will be available at: <http://new.devon.gov.uk/impact/>].

* 135

Budget Monitoring 2016/17

(Councillors Connett, Greenslade, Julian, Owen and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/17/6) on the financial position at Month 8 outlining those areas of specific pressures on budgets, potential under- and over-spending in the current financial year and on management action being taken where individual budget lines were experiencing such pressures.

The Cabinet noted that, overall, the forecast for revenue spending at year-end now showed an overspend of £8,100,000, an increase of £600,000 over the position at Month 6 although that could be reduced to £1,100,000 should the New Burdens Resilience Budget be applied.

The latest projected increase was attributable in the main to an increased overspend of £1,786,000 in the People's Services forecast (Adult Social Care, £1,158,000; Children's Social Work and Child Protection, £242,000; Education and Learning, £321,000), offset in part by some identified savings, giving a total projected overspend for those service areas of £8,786,000. Place and Corporate Services budgets were now both forecast to underspend at year end (£672,000 in total).

While projected revenue budget overspend could, as previously posited, be offset in part by using centrally held budgets that would not alone address the potential impact of spending pressures in future years. The County Treasurer advised that, despite the efforts being made by Services, the projected overspending continued to increase and the time and opportunity to contain or reverse this before the end of the financial year were limited. Accordingly and in line with the Cabinet's previous decision (Minute 105 refers) arrangements had been put in place, with effect from 1 January 2017, that recruitment to vacant posts would be restricted to those that were 'business critical' and recruitment to any vacant post would only be considered where not filling that post would lead to a significant risk to the Council fulfilling its statutory responsibilities or to effective budgetary control; further, and with the exception of front line social work posts, the engagement of any consultant, interim staff or agency staff would require the authorisation of the Chief Executive, and would only be considered in exceptional circumstances.

In relation to capital expenditure, spending was estimated at £146,500,000 with slippage of £17,800,000 in a number of schemes including the Dartington CE Primary School, Marsh Barton Railway Station, Roundswell (Phase 2) and the North Devon Hub.

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 position based on Month 8 and actions being taken to balance budget pressures be noted.

* 136 **Environmental Policies and Action Plans (Minute 104(c)/9 November 2016 and County Council Minute 71/8 December 2016)**

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

The Cabinet considered the Report of the Head of Planning, Transportation & Environment (PTE/17/2) on the proposed revision of the Council's Environmental Policies and related Action Plans relating specifically to Waste, Procurement and Countryside & Heritage service areas to enable the Council to continue to enhance its environmental performance and deliver its over-arching Environmental Policy: arising in part from the Council's determination of a Notice of Motion on this matter previously submitted by Councillor Wright, requiring the Cabinet to review existing policies and action plans.

The Head of Service commended the proposals now before Cabinet which would contribute to delivering the Environmental Policy, enable the Council to demonstrate vital community leadership on environmental best practice and provide improved measures for managing legislative compliance and insulating the Council from rising commodity prices. The Cabinet Member for Community & Environmental Services nonetheless undertook to review the wording of the overarching aims of the strategy set out in Report PTE/17/2 to be more definitive wherever possible.

The Head of Service'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, where relevant. The Assessment acknowledged that the environmental aspects would have no negative effect on equality considerations - having been designed with the objective of improving environmental outcomes, providing benefits for the health and wellbeing of the whole population and help maintain the flow of natural resources into the local economy. No unmanageable impacts had been identified.

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

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

RESOLVED that the revised environmental policies relating to waste, procurement and countryside and heritage be endorsed; acknowledging also that the accompanying Countryside and Heritage Action Plan gives effect to the aims of the Notice of Motion referred to above.

[NB: The Impact Assessment referred to above is available at: <http://new.devon.gov.uk/impact/>].

* 137 **Notice of Motion - Pensions 'Triple Lock' (County Council Minute 75/8 December 2016)**

[NB: All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision]

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

The following Notice of Motion submitted to the County Council by Councillor Greenslade had been referred to the Cabinet in accordance with Standing Order 8(2) for consideration, to refer it to another committee or make a recommendation back to the Council:

'That the County Council considers the implications for Devon Pensioners and the county economy arising from the refusal by the Chancellor to commit to the "triple lock" for state pensions beyond 2020 in his Autumn Statement; accordingly the Corporate Services Scrutiny Committee be asked to consider this situation and recommend any lobbying action that should be taken.'

The Cabinet was reminded that notwithstanding State Pensions were the responsibility of Government and the ability of any Council to directly influence the impact of Pensions administration was limited, the County Council had previously considered and taken a view on the impact of changes upon individuals or categories of pensioners residing in Devon. Further and while neither the County Council nor the Cabinet would normally direct a Scrutiny Committee to look at a particular issue it was suggested that the Cabinet might wish to invite the Corporate Services Scrutiny Committee to examine the matters outlined in the Notice of Motion and comment thereon.

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

RESOLVED that the Corporate Services Scrutiny Committee be invited to examine the matters outlined in the Notice of Motion and comment to this Cabinet thereon prior to any recommendation being made to the County Council in accordance with Standing Orders 6 and 8.

* 138 **North Devon Locality (County) Committee : Flood Risk Management**

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

The Cabinet noted that the North Devon Locality (County) Committee had, on 20 December 2016 (Minute 2) received a presentation by the Head of Planning, Environment & Transportation (PTE/16/67) on the role of the County Council as the Lead Local Flood Authority and the functions of the different organisations involved with flood risk management and efforts to ensure that legal and policy requirements were correctly applied and had resolved '(a) ..that this Committee express its concern at the time taken for any meaningful impacts to reduce the flooding risks in North Devon'.

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

RESOLVED that the views of the Locality Committee be noted and taken into account in the development of future work programmes.

* 139 **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/>

* 140

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 earlier date for consideration of the Tithebarn Link Road (Phase 2) scheme and the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0>)

* 141

Learning Development Joint Venture Partnership (Minute *435/11 January 2012)

(Councillors Connett, Julian, Owen and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Parsons declared a personal interest in this matter by virtue of being a County Council representative on the Babcock LDP Board and a parent of a child that might be in receipt of services offered by any contractor or partnership).

The Cabinet considered the Report of the Head of Education & Learning ([EL/17/2](#)) on the proposed extension of the Learning Development Joint Venture Partnership with Babcock LDP beyond the initial contract period of 2019. The current contract (which covered the provision of school improvement, learner support, safeguarding, education psychology and school attendance services) had been awarded to Babcock LDP from 1 April 2012 for an initial period of seven years with an option to extend for a further three years.

The Report outlined the background to the options and the associated assessments undertaken to arrive at this stage of the process, including the impact of the required period of notice to the existing provider and timetable for any new procurement exercise, should that prove necessary. The Head of Service's Report confirmed that there was sufficient evidence to provide assurance in all relevant areas and that the extension of the current contract could therefore be recommended. The aforementioned assessments demonstrated that the existing contractual arrangements provided the required flexibility needed to meet the Council's needs; provided both a high performing quality service (focused on outcomes for children) and security of ongoing quality service; ensured the Council benefited from an effective and responsive working relationship with the provider and from innovation and sharing of best practice and that there was low financial risk to the Council of continuing the current arrangements.

Further, and given that education provision was still in a period of significant change nationally, the Head of Service was of the view that the contract extension would ensure the continued provision of good quality services allowing the Council to continue to champion all Devon's children. Members acknowledged that the delivery of the arrangements provided under this contract was central to the ability of the Council to support SEND and vulnerable groups and any failure to continue providing such services would disadvantage those groups of children disproportionately.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, 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 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 Head of Education & Learning ([EL/17/3](#)) summarising the necessary detailed financial considerations relating to the proposed extension of the contract with Babcock LDP for a further three year period from 1 April 2019.

Following discussion of Report EL/17/3 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 Hughes, and

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

Following further comment and discussion and in replying to the debate, the Cabinet Member for Children, Schools and Skills commended the recommendations now before the Cabinet.

The matter having been fully debated and the options and/or alternatives and other relevant factors (e.g. financial, equality and legal considerations) set out in the Head of Service'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

(a) that the option for a three year extension, contained in the Devon County Council and Babcock LDP contract, be approved; and

(b) that the County Solicitor be authorised to execute all necessary legal agreements or documentation required to be signed or entered into by the Council in respect of this contract.

[NB: The Impact Assessment referred to above may be viewed at: <http://new.devon.gov.uk/impact/>].

* 142

Devon Independent Living Integrated Service: Tenders and Award of Contract

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

The Cabinet considered the Report of the Head of Adult Commissioning & Health ([ACH/17/57](#)) on the background to, process for and evaluation of a recent tender exercise undertaken in conjunction with partner organisations for the *Devon Independent Living Integrated Service* (providing Community Equipment, Assistive Technology and Minor Adaptations and information, advice and signposting services) replacing two existing contracts.

The Cabinet was advised that tenders had initially been sought for the *Devon Independent Living Integrated Service* contract in December 2013 but that exercise had to be aborted. Extensive work had subsequently been undertaken by the DILIS Project Group to ensure any future tender documentation was robust and would deliver outcomes required by the Commissioners and reduce the risks associated with any procurement. Consequently a new Invitation to Tender had been advertised in June 2016 on behalf of the County Council, NHS

Northern, Eastern and Western Devon Clinical Commissioning Group and NHS South Devon and Torbay Clinical Commissioning Group (the Commissioners). Any ensuing contract (for a 5 year term with an option to extend for up to a further 2 years) would be between the County Council and the successful bidder.

The total estimated value of the contract would be approximately £41,000,000 (over the full 7 year term) acknowledging this was a demand led service where volumes of business could fluctuated through a range of factors as recognised and amplified in the Reports now submitted.

The Head of Service recommended the proposed way forward as it would support the personalisation agenda by improving the way people could directly access a range of equipment and other practical products and services to promote independence and help them maximise their independence and safety without the need to contact statutory authorities. All of the Commissioners were committed to securing a provider who could recognise and meet the particular challenges associated with supplying services to adults, children and young people with varying levels of need in a large rural county, including hard to reach areas. He confirmed also that all necessary transitional arrangements would now take place during the 'mobilisation' period.

It was then **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, 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 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 Head of Adult Commissioning & Health ([ACH/17/58](#)) on the outcome of the procurement process and the evaluation of the three tenders received, to facilitate the contract award.

Members were advised that the procurement process had been conducted in accordance with all relevant legal requirements, best practice principles, the procedures detailed in the tender documentation and the principles of transparency, equality, fairness and proportionality as stipulated by the Public Contracts Regulations 2015. The process had also been subjected to robust peer review of outcomes with evaluation of scoring being moderated by the Devon Audit Partnership.

Following discussion of Report [ACH/17/58](#) 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 Hughes, and

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

Following further comment and discussion and in replying to the debate, the Cabinet Member for Adult Social Care & Heath Services commended the recommendations now before the Cabinet.

The Head of Service's Report also referred to the Impact Assessment produced prior to the procurement exercise which was referred to and acknowledged, which had been made available for the attention of Members at this meeting, in order that the Cabinet might have regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010, where relevant.

The matter having been fully debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, risk management and equality considerations) set out in the Head of Service's Reports 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 Barker, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the contract for *Devon Independent Living Integrated Service* (CP1223-15) be awarded to Millbrook Healthcare; and

(b) that the County Solicitor be authorised to execute all necessary legal agreements or documentation required to be signed or entered into by the Council in respect of this contract.

[NB: The Impact Assessment referred to above may be viewed 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 12.36 pm



QUESTIONS FROM MEMBERS OF THE COUNCIL **Wednesday, 11 January 2017**

1. QUESTION FROM COUNCILLOR VINT

Re: HoSW Devolution Prospectus/Affordable Housing

May I thank the Leader for supporting my Motion on Affordable Housing at the Council meeting of 8 December and ask how and where the Council proposes that references to the need for affordable housing will be added to the Devolution Prospectus and how this matter will be raised with other members of the Heart of the South West Partnership?

REPLY BY COUNCILLOR HART

I can confirm that references to Affordable Housing will be made in the update of the Devolution Prospectus which is the Productivity Plan. The Plan will be a refresh of the Single Economic Plan for the Heart of the South West and Members will have opportunities to influence this Plan as it develops.

As Councillor Vint will of course be aware the Council's decision is in the public domain and available for all to see!

2. QUESTION FROM COUNCILLOR VINT

Re: Representations to Devon MPs - Health Funding

What requests have the Council made to Devon's MPs in consequence of the resolutions on Cuts to Devon Health Services and on the NHS 'Success Regime' made at the last Council meeting?

REPLY BY COUNCILLOR HART

As required, Officers wrote to all Devon MPs, the NHS England Chief Executive and to the Secretary of State conveying the Council's concerns. I am happy to supply Councillor Vint with copies of those letters.

3. QUESTION FROM COUNCILLOR VINT

Re: Representations to Devon MPs – Fair Funding for Schools

What requests have the Council made to Devon's MPs in consequence of the resolutions on fair funding for schools made at the last Council meeting?

REPLY BY COUNCILLOR HART

I can again confirm that, as required, Officers wrote to all Devon MP's before Christmas with a detailed briefing extending an invitation to meet with them in Westminster early in the New Year to discuss the impact of the Government's proposed changes and a number of them have already indicated their desire so to do. I am happy to supply Councillor Vint with copies of that communication as well.

I would also add that Officers have undertaken a considerable amount of work on this issue, working with the Devon Education Forum's specially appointed Task and Finish Group, to co-ordinate a lobbying campaign of County MPs by schools and the professional associations which resulted in separate letters being sent to MPs which has again led to some positive feedback.



QUESTIONS FROM MEMBERS OF THE PUBLIC **Wednesday, 11 January 2017**

1. QUESTION FROM MR P WALKER **Re: Movement of Funding – High Needs Block**

We would like to ask if members are aware of the full consequences of the movement of funding from the Schools Block to the High Needs Block and that all other options have been considered. The recent DEF meeting opposed this move at a rate of £55 per child, we remain opposed at the current suggestion of £33 per child. To achieve the required £2.2 million, actually just under £3million is required due to the impact of the Minimum Funding Guarantee. This proposal is coming at a time when schools are also about to lose £62 per child from the Education Service Grant. The National Funding Formula is also on the horizon, again the impact in Devon being reductions on the per pupil unit of funding. This proposal will put many schools in unmanageable financial situations. It will also mean that when the new formula is introduced, Devon Schools will have a lower baseline figure. During the implementation of the new formula we are protected against massive drops in funding. However, we will be protected from a lower rate meaning schools will be penalised. We urge Cabinet to consider all other possible options.

REPLY BY COUNCILLOR MCINNES

I am well aware of and understand the valid concerns schools have around funding and the additional impact this transfer will have on already stretched budgets. Given the seriousness of the issue, Cabinet Members were thoroughly briefed before Christmas on the concerns of schools as well as the technical content of the issues to be considered.

As the matter is to be discussed today, I have reminded Members of your concerns and will ensure they are fully advised on all of the issues. As the Leader has previously made clear the Council has been, and still is, very active in working with schools to lobby MPs on all aspects of school funding. Additionally the Council has written to the Secretary of State expressing it's explicit concerns around the lack of funding for High Needs.

