

CABINET

14 November 2018

Present:-

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes and B Parsons

Apologies:-

Councillors A Leadbetter and J McInnes

Members attending in accordance with Standing Orders 8 and 25

Councillor A Connett and A Dewhirst

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Minutes

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

RESOLVED that the minutes of the meeting held on 10 October 2018 be signed as a correct record.

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Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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Announcements

The Cabinet Member for Infrastructure, Development and Waste updated the Cabinet on the current position with the North Devon Link road. A planning application had been submitted to widen some 7.5km of carriageway and improvements to two junctions between Barnstaple and South Molton. The planning application was currently out for consultation and responses had to be received by 2nd December 2018.

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Petitions

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

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Question(s) from Members of the Council

There was no question from a Member of the Council.

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Sufficiency Strategy (Children's Services)

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

The Cabinet considered the Report of the Chief Officer for Children's Services (CS/18/39), circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, on a sufficiency strategy for placements and services for children in care, care leavers and disabled children.

The Report highlighted that as Corporate Parents, the Council was committed to ensuring children and young people in care achieved the best possible outcomes and were well prepared and supported to step into adulthood with the support they needed. When children

and young people could not remain within their family, they required permanence and stability in care in settings which met changing needs over time.

Section 22G of the Childrens Act (1989) set out a 'sufficiency' duty for Local Authorities, who were required to take steps to secure, so far as was reasonably practicable, sufficient accommodation for children in care within their local area. In 2010, the Statutory Guidance for the Sufficiency Duty was explicit in placing a duty on Local Authorities to act strategically to address gaps in provision.

Sufficiency was approached in collaboration with partners across the area, including Peninsula Commissioning Partners and other bordering authorities. The sufficiency strategy for placements and services for children in care, care leavers and disabled children was attached as Appendix 1 to the Report and had been informed by those principles. It further outlined how the Council would ensure that children and young people who needed to be in care could grow up in high quality provision that was well matched and effectively met their immediate and long-term needs. The Strategy linked to the Council's wider strategy for children in care, which included Devon's Corporate Parenting arrangements.

In developing the strategy, there was a stage of further engagement (after listening to children in care and working with providers) during September and October 2018 to allow a testing of the priorities. It was shared with commissioners and also reviewed as part of a Scrutiny Liaison Autumn Briefing session with Members in October 2018.

The Cabinet noted that the Sufficiency Strategy would be reviewed and refreshed on an annual basis.

The Strategy also outlined the commissioning intentions for 2018/19 and 2019/20, which included;

- Framework Agreement with providers of placements within Residential Children's Homes (a Peninsula contract with 4 neighbouring authorities), the Council's contributions being in the region of £12 million per year;
- Framework Agreement for Supported Living Options for the provision of accommodation and support for young people aged 16 and above who were Children in Care or Care Leavers. The value of this contract was in the region of £14 million over a 4-year period;
- Block contract to secure residential beds in Devon to the proposed value of £10.78 million over a 5-year period; and
- Some Residential Short Breaks Services, funded by the Council and NEW Devon CCG and South Devon & Torbay CCG. The value over a 5-year period was estimated at £6.5 million.

The Chief Officers Report also incorporated an Impact Assessment for the attention of Members at the meeting, which highlighted the potential for commissioning intentions and priorities identified within the Sufficiency Strategy for Children's Services to achieve positive social impacts for Devon's children in care, care leavers and disabled children and economic impacts for Devon as a whole. The Cabinet noted that any action plans responding to the commissioning intentions and priorities contained within the Children's Services Sufficiency Strategy produced would be monitored and overseen by Children's Services Senior Leadership Team.

The Chief Officer undertook to make minor amendments to the Strategy, as highlighted at the meeting.

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 Hart, **SECONDED** by Councillor Davis, and

RESOLVED

(a) that the Children's Services Sufficiency Strategy for placements and services for children in care, care leavers & disabled children be welcomed and endorsed for publication on the Council's website; and

(b) that the commissioning intentions, as set out in the strategy be approved and for the contract award decisions to be undertaken through a delegated decision by the Chief Officer for Children's Services in consultation with the Portfolio Holder for Children's Services and Schools for the Residential Children's Home Framework, Supported Living Options Framework, Residential Block Contract and Residential Short Breaks Contracts.

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

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Budget Monitoring: Month 6

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

The Cabinet considered the Report of the County Treasurer (CT/18/9) on the Budget Monitoring position at Month 6 for 2018/2019, 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 Member for Resources Management highlighted that the total overspend at month 6 was forecast at £8.15 millions, an increase of £50,000 from month 4. However, the position assumed a request to carry forward £2.4 millions to next years Dedicated Schools Grant (DSG), to be agreed by the Devon Education Forum.

Adult Care and Health Services were forecast to underspend by £488,000. At month 4 the service was forecasting a breakeven outturn. This position took into account £455,000 of management action yet to be achieved but assessed as achievable.

Children's Services were showing a forecast overspend of £9.9 millions, an increase of £1.2 millions from month 4, with, in the main, overspending on children's social care. Pressure continued within residential placements but were also appearing across the disabled children short breaks service, social work teams and the Atkinson secure home.

Highways, Infrastructure Development and Waste were also forecasting a break-even position at Month 6.

Communities, Public Health, Environment and Prosperity (COPHEP) were showing a forecast overspend of £153,000, the result of the countywide research and intelligence review project.

Corporate Services were forecasting a breakeven position, but this was dependent upon services still delivering management action totalling £65,000, but this was also assessed as achievable.

Non-service items were forecast to underspend by £1.4 millions, mainly due to additional investment income and a one-off underspend associated with an estimate for remedial works being undertaken at Dartington School not fully materialising in the year, the release of £302,000 of the schools improvement grant and a review of the pension contribution shortfall releasing £319,000.

The capital programme for the Council was £149.6 millions, with a year end forecast of £131.5 millions, of which £110.8 millions was externally funded, so slippage of £18.0 millions,

in the main, due to scheme variations and programme delays in Highways (£1.3 millions), Adult Care & Health (£2.9 millions) and Planning and Transportation (£6.7 millions).

The Autumn Budget Statement confirmed additional Capital funding for 2018/19, therefore the Council was expecting to receive up to £4.0 millions additional capital funding for Highways and up to £5.2 millions for Schools. Disabled Facilities Grants could increase by £800,000.

The Report then outlined a number of additional savings initiatives to reduce expenditure by just under £5 millions, which ranged from introducing a process whereby recruitment to fill vacancies commenced two months after a post holder had left employment, capitalisation of more revenue expenditure and other initiatives such as cessation of non-essential overtime, conference attendance, hospitality and travel and subsistence allowances unless externally funded and staff being able to purchase additional leave.

The Chief Executive re-assured Members that many of the suggestions related to 'improved housekeeping'. In addition, that any critical frontline posts would not be subject to the new vacancy management process.

In summary, the Council was grappling with high levels of demand for Children Services, with residential placements proving difficult to contain within the budget and pressures against the high needs block of the dedicated schools grant.

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 Barker, **SECONDED** by Councillor Hart, and

RESOLVED that the forecast overspending of £8.15 millions, the proposed savings initiatives and their potential impact and the need to take action to contain and reduce the projection be noted.

255 **Notice(s) of Motion (Referred from Council 4 October 2018)**

(a) Devon and Cornwall Police and Dorset Police Merger

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

Since 2015, Devon & Cornwall Police and Dorset Police (DC&D) have been working together through a 'Strategic Alliance'. Operational police departments such as Operations, Roads Policing and Prevention as well as 17 other business areas are already operating across the three counties with a further 11 departments currently going through changes which will see them aligned.

The Chief Constables of DC&D Police recently announced their intention to explore a voluntary merger of the two forces. There are no recent examples of successful voluntary mergers of police forces.

Work is now underway to develop a business case for the merger for submission to the Home Office in October 2018, with a decision expected in January 2019.

- *The Police and Crime Commissioner (PCC) commenced a public engagement programme across the three counties in August which ended on 28th August, the full business case was not to be shared with stakeholders or the PCP before the end of this consultation.*
- *It is understood that at a PCP meeting on 5th October some of the business case may be shared with the PCP before its submission to the Home Office.*

- *Devon County Council (DCC) had not formally been consulted and this has not been discussed at Cabinet or Scrutiny Committee*

The proposed merger will impact funding and on Council Tax across Devon. A much higher proportion of Devon and Cornwall's total funding (61.5%) comes from government. Only 53% of Dorset's funding comes from government and a higher proportion comes from the police precept element.

Overall, government funding is more per head for Devon and Cornwall (£103) than Dorset (£85). This would fall to £97.6 per head for a combined force.

Having received minimal information regarding the financial impact or benefits of the potential merger, it is difficult to know whether current levels of funding, alongside the substantial reserves held by both forces, would prove sufficient to underwrite any additional costs arising from the merger of the force areas. This is particularly relevant in attempting to understand how the additional 430 police officers or staff would be funded as a result of the merger. At the moment, tax payers in Dorset in an average Band D property pay around £18 a year more for their policing than householders in Devon and Cornwall.

Legally, the levels of police precept for both areas must be harmonised for the merger to take place. Will Dorset rates be harmonised down to the Devon and Cornwall level? This seems to have been ruled out. Another proposal is that the rate for Devon and Cornwall will be increased to the Dorset level to fund extra police officers. The estimated increase would mean an extra payment of £1-3 per month (£18 per year) for average Band D residents in Devon and Cornwall.

This motion proposes that

- *the Council writes to the PCC to request that the full business case is sent to DCC for its comments before any proposal is submitted to the Home Secretary;*
- *the Council opposes the merger on information it currently has available to it that it will mean an increase of £18 per year council tax for average Band D residents in Devon and Cornwall and writes to the PCC and if appropriate the Home secretary with its views.*
- *the Council censures the PCC in relation to her consultation on the merger as the stakeholder consultation was carried out while important local authority stakeholders were in summer recess and without the business case being made available to stakeholders so that no meaningful consultation could take place.*

Members considered the Officer's factual briefing note (CSO/18/32) on the matter which referred to the recent activities of the Devon & Cornwall Police and Crime Panel and the position of the Police and Crime Commissioner that she was minded not to support the submission of the proposed full business case to the Home Office. The proposal to create a new force incorporating Cornwall, Devon and Dorset would therefore not progress further.

The Cabinet then considered the recommendation before them, and actions 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 Croad, **SECONDED** by Councillor Hart, and

RESOLVED that Council be advised no further action should be taken on the Notice of Motion.

(b) Bed Poverty

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

More children are living in poverty than at any other time in the past ten years, with 4.1 million children across the UK living below the headline.

Shockingly its thought that there are over 400,000 children in the UK who do not have a bed of their own.

Without somewhere to rest their head, bedtime routines become difficult, stress levels rise, and getting a good night's sleep is often near to impossible.

Furthermore, educational performance deteriorates and safeguarding risks rise.

Over the last five years, Dreams Beds has provided Buttle UK with nearly 10,000 children's beds to donate to those families in desperate need — more than ever before.

With the number of beds that they supplied during those five years rising by 77 percent.

We applaud the work of this charity, and businesses, social enterprises, church groups, and others across the country in trying to tackle this national scandal.

As corporate parents with a duty of care to all of Devon's children, we resolve that the council formally writes to The Rt Hon. James Brokenshire MP, the Secretary of State for Housing, Communities and Local Government, and our local members of Parliament, to highlight this issue, and call for serious consideration to be given for a national grants scheme, that allows those in need to apply for help and assistance, to put an end to children's bed poverty.

Members considered the Officer's factual briefing note on the matter (CSO/18/32) which referred to the Council's multi-agency early help system, which could support families to access the services and resources required. Also moving forward that the in-sourcing of Public Health Nursing in April 2019 would give the Council unprecedented access to families of very young children which would help ensure that the safety net was made available at the earliest opportunity.

The Cabinet considered the recommendation now before them and the actions now proposed and 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 Hart, **SECONDED** by Councillor Davis, and

RESOLVED that the Council be recommended to accept the Notice of Motion and make representations to James Brokenshire MP, the Secretary of State for Housing, Communities and Local Government, copying the same to local Devon MPs, raising the issue of bed poverty, endorsing the work of the Buttle Trust and seeking support for a national scheme that would enable families to get the support they need.

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Question(s) from Members of the Public

There was no question from a Member of the public.

* 257 **Minutes**

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

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

- Devon Authorities Strategic Waste Committee – 17 October 2018.

* 258 **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/>

* 259 **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>)

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 10.33 am and finished at 11.16 am