

## CABINET

12 June 2019

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

Councillors A Connett, A Dewhirst, R Hannaford, J Hodgson, S Randall-Johnson C Whitton and C Wright

\* 354

**Minutes**

**RESOLVED** that the minutes of the meeting held on 15 May 2019 be signed as a correct record.

\* 355

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 356

**Announcements**

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

The Chair firstly congratulated Jennie Stephens (Chief Officer for Adult Care and Health) for becoming a Member of the Order of the British Empire (MBE) in the Queens New Year's Honours List for her Services to Social Care.

Second, the Chair updated the Cabinet on Devon's Climate Declaration, a copy of which was attached to the agenda.

This was a ten-point plan, prepared by a consortium of public, private and voluntary organisations collaborating through a Devon Climate Emergency Response Group, setting out an ambition to tackle climate change that covered all of Devon, including those who lived, worked in and visited the County, and those businesses who were based or operated in Devon.

The declaration highlighted the significant implications of climate change for communities, affecting the environment, infrastructure, economy and health & wellbeing and impact on future generations. There was a commitment to review plans to reduce the Council's carbon emissions and to publicly report carbon emissions annually as well as implementing a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations (at the latest) and reporting on progress of delivery.

The transformational change required was also outlined in terms of potential solutions (to name but a few) of more renewable, decentralised and smart energy systems, energy-efficiency measures in existing buildings, travelling less, use less and re-use more, divesting from fossil fuels, reducing food waste, agricultural practices, encouraging carbon storage and calling on Government to prioritise decarbonisation and adaptation within decision making.

The declaration also challenged every organisation, business, community and individual to do the same.

The Cabinet Member for Community, Public Health, Transportation and Environmental Services highlighted that the County Council had made budget provision of £250,000 and the University of Exeter had contributed a further £150,000 to the pot.

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

**RESOLVED** that Cabinet fully support and endorse the declaration, circulated with the agenda, and that Devon County Council becomes a signatory to the declaration.

\* 357

**Petitions**

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

\* 358

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

There was no question from a Member of the Council.

\* 359

**Devon Youth Service: Specification and Approval to Tender**

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

The Cabinet considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity on the Devon Youth Service invitation to tender and authority to award a contract, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report highlighted that the Council's contract with DYS Space Ltd for youth services was due to expire on 31 January 2020, after a three-year period. The current contract had been awarded following a tender process restricted to mutuals. Representations were made at a 'market warming' event with potential bidders on 15th May 2019 to extend the current contract by two months in order to allow more time for smaller providers to explore banding together in order to bid. DYS Space was willing to continue to provide the service until 31 March 2020 so there was a fixed deadline of 1 April 2020 to conclude the retender.

Currently, DYS Space had nine buildings in its portfolio with eight Youth and Community Centres (Barnstaple, Bideford, Exeter, Exmouth, Newton Abbot, Okehampton, Tiverton, and Totnes) which were bases for open access youth work as well as being used as a base for targeted and outreach youth work. There was also a building in Dawlish to support its work with young people in mainstream schools who were at risk of permanent exclusion.

The Report outlined that young people faced increasingly complex challenges (for example, county lines, knife crime and sexual exploitation) but also that Government was considering new requirements for Local Authorities in terms of an offer that would contain both a universal and targeted element.

The Report proposed there was not fundamental change to the current model of youth service provision and listed a number of key components that any new provision should contain, highlighted in the final recommendation below. The successful provider(s) would be required to continue to operate out of the existing eight youth hubs (although this would be continuously reviewed against the needs of young people) and the Dawlish facility continued to be available. It was also expected there would be a (temporary) presence in Cranbook and Sherford until a permanent facility could be built and handed over to town councils.

The Report outlined the procurement timeline, highlighting the timetable was tight and did not allow for a 'root and branch' review of youth services. It was proposed this commenced when a provider was confirmed to inform the future development of the service. The Children's

Scrutiny Committee had indicated its willingness to work with commissioners on such a review.

A budget of £1.788m had been identified to support the tender and current intentions were to award the contract on a rising fixed-fee<sup>1</sup>. It was also recommended the Council awarded a 5-year contract (on a 3 + 2 basis).

The Report and proposal had been informed by a range of officers and service areas, from Communities, Public Health and Economy Teams, as well as Children's Services, Finance, Legal, Estates and Procurement colleagues as well as external stakeholders from the Health and Criminal Justice sectors. In addition, a workshop with Members of the Children's Scrutiny Committee had been held in May 2019, the key points of that discussion being outlined at Appendix A. The Council's Participation Team was facilitating focus group sessions with young people in each of the four localities plus engagement with Devon's Members of Youth Parliament to ensure their views were included in the draft specification.

The Cabinet noted that a vibrant youth service made a positive contribution to prevention (through the universal offer) and early intervention (through outreach and targeted work). The approach suggested was consistent with the principles underpinning the development of the new Children and Young People's Plan.

The Chief Officer's Report contained an Impact Assessment which had been circulated 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 assessment highlighted there was a potential for impact on both youth service staff and service users due to a potential change in provider, for example the fear of losing a youth worker or a change in 'culture' around delivery. However, the expectation, should there be a change in provider, was a detailed transition plan during the mobilisation and implementation phase.

A key principle of the specification was that any future provider would have to work with a wide range of young people and have a commitment to understand both their needs and the contemporary issues affecting young people and furthermore demonstrate their ability to respond to any changes in local need. The assessment reported there were no unmanageable impacts that had been identified.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, 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:

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

## **RESOLVED**

(a) that the Chief Officer for Communities, Public Health, Environment and Prosperity, in consultation with the Cabinet Member for Community, Public Health, Transportation and Environmental Services be given delegated authority to launch an invitation to tender in accordance with recommendation (b) below for youth services in Devon from 1st April 2020 and subsequently to award a contract following a competitive bidding process; and

(b) that Cabinet agrees the invitation to tender reflects the requirements, budget and term as outlined below;

### 1. Requirements

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<sup>1</sup> A rising fixed fee for the first three years, and the final 2 years to be increased by RPI

- 1.1 A universal offer based on open access via 8 youth hubs;
  - 1.2 Outreach and targeted support for more vulnerable young people;
  - 1.3 Advice, guidance and support to voluntary and community groups across the county;
  - 1.4 Focussed support to young people at risk of permanent exclusion from mainstream education; and
  - 1.5 Duke of Edinburgh Award Scheme (if eligibility criteria met)
2. The budget for the core service will be £1.788 million in 2020/21.
  3. A term of 5 years (3+2)

[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/>].

### 360 **Notice(s) of Motion**

#### **(a) Free Personal Care**

(Councillors Connett, Dewhirst, Hannaford, Hodgson, Whitton and Wright attended in accordance with 25(2) and spoke to this item).

*Devon County Council notes that over a million older people in England are struggling with unmet care needs and believes that in light of an ageing population we need bold changes to deliver a long term funding solution for social care.*

*Devon County Council believes that it is fundamentally unfair that to access basic care many older people face catastrophic costs that can run into hundreds of thousands of pounds, wipe out a lifetime of savings, and force families to sell their homes.*

*Devon County Council also believes that England's care system needs major reform to provide a long-term sustainable funding solution and to make care free at the point of use.*

*Devon County Council therefore supports Independent Age's call for the introduction of free personal care for all older people in England, alongside a new social care contribution to fully fund the policy on a sustainable basis.*

*Devon County Council calls on the Government to take the necessary steps to implement this policy as swiftly as possible to end the care crisis and properly support older people in Devon.*

*Devon County Council also calls on our local MP(s) to support the campaign for free personal care, and to speak up in favour of the policy in the House of Commons and through their wider engagements.*

Members considered the Officer's factual briefing note on the matter (CSO/19/14) which referred to the types of non-chargeable short-term support provided by the Council, provision of aids and minor housing adaptations, the aims of the Promoting Independence Policy, the rating of the Care Quality Commission for community care services and domiciliary care agencies across Devon. It also highlighted that the future of adult social care was an on-going national issue and that the anticipated Green Paper was expected to set out Government proposals for how adult social care would be funded and delivered, including ensuring a sufficient workforce. The Council would respond to any proposals and ensure that Members across the Council were engaged and had opportunities to contribute.

The Cabinet considered the recommendation now before them 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 Leadbetter, and

**RESOLVED**

(a) that the Council urges the Government to publish the Adult Social Care Green Paper without further delay and, furthermore, responds to the proposals in that Green Paper when it is published and ensures that Members across the Council are engaged and can contribute to such an important issue; and

(b) that the Cabinet Member for Adult Social Care and Health Services, continue his dialogue with Devon MPs to lobby central Government for the health and care arrangements, including the workforce requirements, that are in the best interests of all adults in Devon regardless of their age or specific health and care needs.

**(b) 10 Point Green Action Plan**

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

*This council notes its resolution on declaring a climate emergency in Devon, in February.*

*This council notes also that officers launched the policy on wildflower verges earlier this month. Huge congratulations to the officers who helped bring this about.*

*The government has now declared a state of climate emergency across the UK, following the actions of Extinction Rebellion.*

*Climate change and other human activity is now causing species to decline at a rate unprecedented in human history, with three-quarters of land-based environments and two-thirds of the marine environment significantly altered.*

*Devon County Council, with its positive record on the environment is well placed to work with others to help mitigate the catastrophe coming our way.*

*Therefore, this council agrees to:*

- 1. Call on the government to offer all pollinators full legal protection from harm*
- 2. Write to all Devon outlets stocking bee harming pesticides, and urge them to permanently cancel their order with the suppliers*
- 3. Take action to phase out all glyphosate pesticides used in council weed spraying or any other council related activity, by December 2019 (there may be exceptional circumstances such as dealing with specific non native species, such as Japanese knotweed)*
- 4. Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023*
- 5. Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators*

6. *Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust to support Devon County Council tenant farmers to set aside five per cent of their land for tree planting*
7. *Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust on supporting town and parish councils, schools and community groups to set aside land for tree planting*
8. *Develop a policy on soil health good practice, with an emphasis on allowing land to recover and phasing out damaging chemicals, which are ultimately sterilising the land. This would include setting appropriate and reasonable targets for Devon County Council tenant farmers*
9. *Work with South West Water on a campaign to save water across the county, with an emphasis on education about future water scarcity. Specifically target town and parish councils, community groups and schools to raise awareness of the importance of good water practice*
10. *Support Devon Wildlife Trust's campaign by calling on the Environment Secretary to allocate a further eight Marine Conservation Zones to Devon's waters. Details can be found on the DWT website - <https://www.devonwildlifetrust.org/take-action/marine-conservation-zones>*

Members considered the Officer's factual briefing note on the matter (CSO/19/14) which referred to the 'Special Report on Global Warming' published by the Intergovernmental Panel on Climate Change, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and its first-ever assessment, which had indicated that nature was declining globally at unprecedented rates, this Authority's approach to minimising impacts upon the environment, the role of the Environmental Performance Board and relevant Strategy and Action Plan documents on energy; renewable energy; waste; plastics; water; sustainable procurement; environmental risk; and countryside and heritage interests, all available at <https://www.devon.gov.uk/environment/environmental-policy>. The briefing note also included an appendix 1 which listed each of the proposed actions in the 10 point action plan and provided a summary assessment of constraints and opportunities associated with each.

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 Croad, and

#### **RESOLVED**

(a) that the Council endorse the principle of further action by Devon County Council to address environmental issues in line with the global concerns highlighted through relevant intergovernmental panels; and

(b) mandates the Environmental Performance Board to consider how relevant issues raised by the 10 Point Green Action Plan might be addressed through relevant changes or additions to its suite of action plans, in the light of the opportunities and constraints highlighted by Appendix 1 of Report (CSO/19/14).

### **(c) Community Waste Reduction and Recycling Organisations**

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

*Full Council recognises the valuable and considerable contribution community groups and associated enterprises make towards waste reduction and recycling. To this end it commits to continued financial support where a waste project has proved successful in supporting the delivery of the Council's waste services in line with its policies and priorities. Full Council further recognises that continued financial support can be vital to the viability of such organisations*

*The recent public consultation on the Reuse Credit Scheme (RCS) demonstrated the success and popularity of the three main community organisations who deliver these services and divert an extensive tonnage of waste from landfill for less than £50,000 p.a. These organisations have made a clear case that DCC financial support for their services is essential to their continued viability.*

*(when DCC ceased its funding of the large number of community composting groups, and reduced the landfill tax support it paid them for diverting waste - approximately 60 groups at the time- over half of them ceased to operate within 12 months; resulting in a major reduction in the volume of biodegradable waste being diverted from landfill)*

Members considered the Officer's factual briefing note on the matter (CSO/19/14) which referred to the Reuse Credit Scheme (RCS) and the budget contribution of the Devon Authorities Strategic Waste Committee (DASWC), the RCS scheme criteria and that the Committee, since 1996, had supported the RCS to the value of £770,000 with 14,000 tonnes of furniture and other items diverted from disposal. The scheme would shortly be reviewed (a consultation was held for several weeks in Spring this year) with the DASWC considering the 880 responses and petition with approximately 1100 signatures at its meeting later this year when the budget would be set for 2020/21. The briefing note highlighted the current position with community composting, including data on the tonnage composted.

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 take no further action at this time, but that the Cabinet Member for Infrastructure Development and Waste considers the Notice of Motion alongside the results of the consultation and the priorities of Devon Authorities Strategic Waste Committee, when the matter is considered by that Committee.

\* 361

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

In accordance with the Council's Public Participation Rules, the Leader and relevant Cabinet Members responded to 13 questions from members of the public on the climate crisis and the transport budget for active transport, pension fund investments and Unison's 'Divest from Carbon Campaign', procurement policies and supporting the local economy, the Climate Emergency Response Group (DCERG) and working with RegenSW on a Renewable Energy Strategy, the Council's work with schools on energy-efficient buildings and on-site renewable energy generation, public transport provision and accessibility and affordability to reduce emissions, assurances of the safety of 5G technology and risk assessments, health effects of the introduction of 5G technology, duty of care regarding 5G technology, the position with the roll-out of 5G in Devon, environmental and risk analysis assessments relating to 5G inception, work with providers of public transport to promote the use of renewable energy generation and the County Council's position on 5G roll-out in Devon.

A copy of the questions would be sent to those who were not present at the meeting.

The Leader and Cabinet Members also responded 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> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

\* **362** **Minutes**

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

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

Farms Estate Committee - 20 May 2019

\* **363** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members and property transactions approved by NPS 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/>.

\* **364** **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>).

\* **365** **Exclusion of the Press and Public**

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

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

\* **366** **Skypark Development Partnership, Clyst Honiton**

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



(Councillors Connett, Hannaford, Randall-Johnson and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Economy, Enterprise and Skills (EES/19/3) on the Skypark Development Partnership, Clyst Honiton, 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 Economy and Skills highlighted the proposals would ensure the economic development objectives for Skypark continued to be delivered and the Leader endeavoured to keep Local Members informed.

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 Gilbert, **SECONDED** by Councillor Hart, and

**RESOLVED** that the proposals in relation to both the future and economic development of Skypark, as outlined in the Report, be approved.

**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 12.27 pm