

Phil Norrey
Chief Executive

To: The Chair and Members of the
Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 4 June 2019
Please ask for : Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk
:

CABINET

Wednesday, 12th June, 2019

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 15 May 2019 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.

4 Announcements (Pages 1 - 2)

The Leader will update the Cabinet on Devon's Climate Declaration, a copy of which is attached to the agenda.

5 Petitions

6 Question(s) from Members of the Council

FRAMEWORK DECISION

NIL

KEY DECISIONS

7 Devon Youth Service: Specification and Approval to Tender (Pages 3 - 28)

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, attached.

An Impact Assessment is also attached for the attention of Members at this meeting.

Electoral Divisions(s): All Divisions

MATTERS REFERRED

8 Notice(s) of Motion (Pages 29 - 38)

The following Notices of Motion submitted to the County Council have 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:

- (a) Free Personal Care (Cllr Biederman)
- (b) 10 Point Green Action Plan (Councillor Wright)
- (c) Community Waste Reduction and Recycling Organisations (Councillor Hodgson)

STANDING ITEMS

9 Question(s) from Members of the Public

10 Minutes

(a) Farms Estate Committee - 20 May 2019 (Pages 39 - 42)

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein:

[NB: Minutes of [County Council Committees](#) are published on the Council's Website:

Minutes of the [Devon Education \(Schools\) Forum](#):

Minutes of the [South West Waste Partnership](#)

Minutes of the [Devon & Cornwall Police & Crime Panel](#)

11 Delegated Action/Urgent Matters (Pages 43 - 44)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be 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 such decisions taken since the last meeting is attached.

12 Forward Plan (Pages 45 - 52)

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at: <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

13 Exclusion of the Press and Public

Recommendation: 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.


14 Skypark Development Partnership, Clyst Honiton (Pages 53 - 62)

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5).

Report of the Head of Economy, Enterprise and Skills ([EES/19/3](#)), attached.

Electoral Divisions(s): Broadclyst

<p><i>Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website.</i></p>
<p><i>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. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.</i></p>
<p><i>Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.</i></p>

Membership
Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons
Cabinet Member Remits
Councillors Hart (Policy, Corporate and Asset Management), Barker (Resources), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), R Gilbert (Economy & Skills) S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Karen Strahan, 01392 382264. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
Webcasting, Recording or Reporting of Meetings and Proceedings
The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/
In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
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Questions to the Cabinet / Public Participation
A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. The name of the person asking the question will be recorded in the minutes. For further information please contact Karen Strahan on 01392 382264 or look at our website
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If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.
 Induction loop system available

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The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

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NB   Denotes bus stops

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

Agenda Item 4

Devon Climate Declaration

1. This Declaration has been prepared by a consortium of public, private and voluntary organisations collaborating through a Devon Climate Emergency Response Group. It sets out an ambition to tackle climate change that covers all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate here.
2. We are aware of the significant implications of climate change for Devon's communities; it is already affecting our environment, infrastructure, economy and health & wellbeing. If not addressed, the impact on future generations will be profound and the ability to meet the United Nation's Sustainable Development Goals will be severely compromised.
3. We understand that the Intergovernmental Panel on Climate Change (IPCC) has advised that carbon emissions must reduce globally by at least 45% by 2030 from 2010 levels and reach net-zero by 2050 if we are to avoid the worst effects of climate change by keeping warming below 1.5 degrees.
4. We will lead in the global response to climate change through our collective action, innovation and influence.
5. Individually, we will review (within 6 months) our plans to reduce our organisation's carbon emissions to meet or exceed these targets, including ensuring the people we do business with are doing the same. We will publicly report our carbon emissions annually in accessible formats.
6. In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will openly report progress on its delivery. We know this transformational change will be challenging and will include:
 - Deploying more renewable, decentralised and smart energy systems
 - Retrofitting energy-efficiency measures into our existing buildings
 - Constructing zero-carbon new buildings
 - Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles
 - Changing our consumption to use less, re-use more and choose low-carbon options
 - Challenging all economic sectors to review their practices and the values of those they do business with
 - Divesting from fossil fuels
 - Changing our dietary patterns and reducing food waste
 - Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon
 - Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration
 - Empowering the people of Devon with the knowledge and skills to act collectively.
7. Additionally, we will work to understand the near-term and future risks of climate change for Devon to plan for how our infrastructure, public services and communities will have to adapt for a 1.5-degree warmer world.
8. Local organisations and communities cannot do this alone as national government plays a key role in many of the policy areas that are vital to reducing emissions and adapting to climate change. We call on government to prioritise decarbonisation and adaptation within decision making and work with us by using its powers to provide the resources and funding necessary to accelerate the transition to a low-carbon and resilient economy and society.
9. We challenge every organisation, business, community and individual to do the same.

Devon Youth Service: invitation to tender and authority to award a contract
Report of the Chief Officer for Communities, Public Health, Environment and Prosperity

Recommendations

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

It is recommended that:

(a) The Chief Officer for Communities, Public Health, Environment and Prosperity, in consultation with the Cabinet Member for Communities, Public Health, Environment and Prosperity 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.

(b) The invitation to tender reflects the requirements, budget and term outlined here:

a) Requirements

- A universal offer based on open access via 8 youth hubs
- Outreach and targeted support for more vulnerable young people
- Advice, guidance and support to voluntary and community groups across the county
- Focussed support to young people at risk of permanent exclusion from mainstream education
- Duke of Edinburgh Award Scheme (if eligibility criteria met)

b) Budget

- The budget for the core service will be £1.788 million in 2020/21.

c) Term

- 5 years (3+2)

Agenda Item 7

1. Introduction

- 1.1 Devon County Council's contract with DYS Space Ltd for youth services for Devon was due to expire on 31 January 2020. The current contract was awarded following a tender restricted to mutuals.
- 1.2 Representations were made at a "market warming" event with potential bidders on 15th May to extend the current contract by 2 months in order to allow more time for small providers to explore banding together to bid.
- 1.3 DYS Space is willing to continue to provide the service in line with the existing arrangements until 31 March 2020 so there is a fixed deadline of 1 April 2020 to conclude the Council's retender. Preparations are being made to extend the current contract with DYS Space so that it expires on 31 March 2020.
- 1.4 This report therefore seeks delegated authority from Cabinet for the Chief Officer of Communities, Public Health, Environment and Prosperity to launch an invitation to tender for a youth service from 1 April 2020.

2. Background

- 2.1 In 2014, the (in-house) youth service was very significantly revised:
 - Number of youth and community centres reduced from 32 to 8
 - Budget reduced from £3M to £1.65M
 - Staff resource reduced from 114FTE to 50 FTE
- 2.2 Following a procurement exercise in 2016, DYS Space was established as a staff mutual and was awarded a three-year contract by DCC to provide a youth service in Devon beginning in February 2017 at a cost of £1.738m fixed for 3 years.
- 2.3 DYS Space has nine buildings in its portfolio. There are eight Youth and Community Centres (in Barnstaple, Bideford, Exeter, Exmouth, Newton Abbot, Okehampton, Tiverton, and Totnes) which are bases for open access youth work. These centres are also used as a base for the targeted and outreach youth work which takes place in other places (to best suit the needs of young people).
- 2.4 As well as these buildings, DYS Space has a building in Dawlish to support its work with young people in mainstream schools who are at risk of permanent exclusion.
- 2.5 There is a sense nationally and locally that young people face increasingly complex challenges (including, but not limited to county lines drug trafficking, knife crime and sexual exploitation) and that a compelling youth service offer is important.
- 2.6 Devon can be proud of having retained significant investment in an infrastructure that supports both a universal and targeted offer and there are some signs that, after a period of time out of the policy limelight, Government might be contemplating new

requirements for Local Authorities in terms of a youth offer that would contain both a universal and targeted element.

3. Requirements for the future

3.1 Fundamental change to the current model of youth service provision across the county is **not** recommended at this stage. This approach is supported by recent feedback.

3.2 Rather, Cabinet is requested to agree that the core offer to be made available from 1st April should consist of the same key components:

- A universal offer based on open access via 8 youth hubs
- Outreach and targeted support for more vulnerable young people
- Advice, guidance and support to voluntary and community groups across the county
- Focussed support to young people at risk of permanent exclusion from mainstream education
- Duke of Edinburgh Award Scheme (if eligibility criteria met¹)

3.3 To ensure continuity of service provision it is recommended that the successful provider(s) be required to continue to operate out of the existing eight youth hubs:

- Georgies - 21 St George's Street, Barnstaple, EX32 7AU
- 100 Club - Wear Barton Road, Exeter, EX2 7EH
- Rushbrook Centre - Station Road, Totnes, TQ95HW
- The Hive – 61 Imperial Road, Exmouth, EX81AX
- Room 13 – St James Street, Okehampton, EX20 1DW
- Bideford YC - Kingsley Road, Bideford, EX39 2PF
- Tiverton YC - Bolham Road, Tiverton, EX16 6SG
- The Junction – Wain Lane, Newton Abbot TQ12 2SH

3.4 However, it is further recommended that a requirement is built into the specification and contract for the provider(s) to work with the Council to continuously review the location of the eight youth hubs against the needs of young people in Devon.

3.5 In addition to the buildings listed above, Red Rock (Sandy Lane, Dawlish EX7 0AF) will continue to be made available to support an offer to young people who are at risk of permanent exclusion from mainstream education.

3.6 It is also expected that there will be a (temporary) presence in both Cranbook and Sherford until a permanent facility is built and handed over to the respective town

¹ Only voluntary and charitable sector organisations are able to offer the Duke of Edinburgh so depending on the outcome of the procurement, alternative arrangements might need to be sought for this element

Agenda Item 7

councils (funded from time-limited S106 contributions). As new developments will emerge across the County over the lifetime of the new contract the same flexibility to vary the contract should be retained.

3.7 The table below summarises the procurement timeline:

Finalisation of specification and ITT	July 2019
Tender Launches	Aug 2019
Tender Closes	Oct 2019
Evaluation and Approval	Nov – Dec 2019
Contract Award	Jan 2020
Mobilisation including TUPE	Jan 2020 – March 2020
Contract Starts	1 st April 2020

3.8 The timetable is tight and does not allow for a “root and branch” review of youth services across Devon before going to the market. Instead, it is recommended that such a review take place once we have a provider confirmed to inform the future development of the service.

3.9 The review should use a refreshed needs analysis, allowing the Council to consider if it has the right configuration of buildings and networks of organisations delivering the right services in the right places. Children’s scrutiny committee has indicated that they would be keen to work with commissioners on such a review.

3.10 In the meantime, to maximise the likelihood of our being able to appoint a provider with the values and experience that we think our young people should have access to and be supported by, it is recommended building into the evaluation a requirement for bidders to set out their approach to providing excellent services for all young people and tailored services for young people needing more help.

3.11 Informed by helpful comments from a wide range of colleagues within and beyond the Council, as well as members of Children’s Scrutiny Committee (8 May 2019) and from potential suppliers (15 May 2019) commissioners will develop an evaluation framework to ensure DCC awards a contract in line with the following principles:

We want to work with a provider who is able to demonstrate they can and will:

- Listen to young people
- Build trust and understanding
- Start with what’s interesting to and what matters to young people
- Reach out to those young people furthest away from statutory services
- Engage with all young people and is equipped to work with young people with a variety of difficult or challenging life situations
- Create opportunities for young people to learn about and develop skills, knowledge and resilience to improve their mental health and wellbeing
- Understand issues facing and needs of young people and have the flexibility to respond to changing local needs
- Innovate
- Collaborate
- Deliver

- i) There will be a continuing need for the provider to engage with, support and fund the many voluntary and community sector organisations who offer valuable services to young people in areas of the county not supported by a hub;
 - ii) There will be a continuing need for the provider to provide effective interventions for young people who are at risk of being permanently excluded from mainstream education;
 - iii) There is a valuable contribution to be made in supporting young people to access the Duke of Edinburgh scheme
- 3.13 A budget of £1.788m has been identified to support the tender. Current intentions are to award the contract on a rising fixed-fee², guaranteeing income to the provider to enable them to plan and acknowledging the likelihood that some costs will increase, with the onus on the provider to absorb increases greater than the fixed fee.
- 3.14 The budget identified will cover the costs of the core specification. However, we do know that the pressures faced by young people are significant, and that there are areas of the county where a provider could target more resource on building the capacity and capability of the voluntary and community sector. Simply put, with more money we would be able to do more good – and youth work that is both universal and targeted in its nature is a prime example of a cost-effective approach to both prevention (the universal offer) and early intervention (the outreach / targeted work).
- 3.15 To allow the provider a good chance of successfully planning for, mobilising, and delivering the service, it is recommended the Council awards a 5 year contract (on a 3 + 2 basis). A 3+2 contract will allow commissioners to take into account (a) any changes to the policy landscape (b) future funding and (c) provider performance.
- 3.16 If Cabinet is content with the approach described above officers will develop an Invitation to Tender (ITT) pack, incorporating a specification and evaluation framework reflecting this approach and budget.

4. Options/Alternatives

- 4.1 In 2017, the Council restricted the procurement exercise to mutuals under Regulation 77 of the Public Contracts Regulations 2015. Contracts awarded under Regulation 77 are limited to 3 years in length. Consequently, there has not been sufficient time to undertake a root-and-branch review of the youth service – and introduce any significant changes as a result – if the Council is to appoint and mobilise a provider by early 2020.
- 4.2 The intention is to award a new contract from 1 April 2020 for up to 5 years, in order to secure a continuous youth service offer in the short-term and to create the time and space for a more in-depth review, taking account of local issues and national policy changes, after a provider has been appointed.

² A rising fixed fee for the first three years, and the final 2 years to be increased by RPI

Agenda Item 7

- 4.3 Not retendering at all was considered. However, there was a strongly expressed view that a vibrant youth service offer is something that the Council should commission on behalf of all young people.
- 4.4 In addition, although there is potentially a small saving to the Authority from not retendering, withdrawing any commissioning responsibilities for a youth offer would:
- i. create additional pressures on other Council services; and
 - ii. create operational challenges and incur significant financial costs in relation to both people and buildings.
- 4.5 Commissioners have also explored whether there is scope to enhance the existing offer subject to identifying additional resource. The developments at Cranbrook and Sherford have highlighted gaps in our service offer – gaps that are likely to be in further evidence as more developments emerge in the county over coming years – and there are other areas in the county where additional youth work capacity would be helpful.
- 4.6 The contract could usefully invite the provider to deploy both additional staff and additional resource to help local communities grow their own capacity and capability to commission and / or provide youth services.

5. Consultation

- 5.1 This note has been informed by a wide range of colleagues, from across the Communities, Public Health and Economy Teams, as well as children’s services, and finance, legal, estates and procurement colleagues. In addition we have had discussions with colleagues outside the council (e.g. from the health and criminal justice sectors).
- 5.2 Officers ran a very constructive and productive workshop for members of the Children’s Scrutiny Committee on Wednesday 8th May. A note of the points discussed is attached at Appendix A but it is worth highlighting here that members:
- Endorsed the intention to recommission a youth service and welcomed the focus on prevention and early intervention;
 - Advocated that we build in a requirement for the successful bidder to be an “innovative” provider given (a) how quickly the issues facing young people evolve and (b) how quickly the world is changing for young people;
 - Accepted that the constraints on the timetable for the procurement meant that we should build in a clear expectation of evolving arrangements in partnership with the provider post-award of contract; and
 - Underlined the importance of ensuring that the successful bidder be required to seek the views of young people who are using (and who are not using) the service as part of a refreshed set of outcome-focussed key performance indicators.

5.3 Officers held a market warming event with potential suppliers on Wednesday May 15th. There was:

- Support for the intention to retender;
- Support for the model described;
- Representation made that more money should be found given the importance of community-based youth work.

5.4 There was a lively debate about whether a youth service needs to employ only trained youth workers. If there was a consensus view to emerge, it was perhaps that youth work training is very important but that the Council should seek to commission a service that has and will seek to retain a good mix of skills so as not to completely rule out different staffing models.

5.5 Finally, and crucially, the Council's Participation Team are 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 can be included in the draft specification.

6. Financial Considerations

6.1 A base budget (£1.788m) has been identified and, in response to comments made at the market warming event, officers recommend awarding the contract on a rising fixed-fee basis.

6.2 Potential suppliers felt strongly that a flat-cash contract award would only result in reductions in front-line services given that inflationary pressure alone could well exceed any potential efficiency gains.

6.3 A rising fixed-fee acknowledges this concern. It is likely some costs will rise, but at the same time the Authority should require the successful bidder to cover increases above the amounts specified.

6.4 As stated in 4.5, commissioners are also exploring whether additional funding could be made available to support this contract. There is a good case for strengthening the capacity and capability of voluntary and community sector-led provision within communities not served by one of the eight hubs and the successful bidder could be tasked with doing exactly that.

6.5 The specification being developed reflects a budget of £1.788m, which is enough to require a geographically-constrained universal offer, a targeted / outreach offer, on-going support for voluntary and community groups, and an offer to young people at risk of exclusion from mainstream education along the lines of the current service.

6.6 Residual liabilities relating to premises and pensions will be reviewed once a preferred bidder is identified.

Agenda Item 7

- 6.7 If Cabinet were minded to support additional investment in the preventative, early intervention and community-safety focussed nature of a youth service, it is recommended that further strengthening the provider's ability to grow the capacity and capability of voluntary and community-sector led provision for young people in areas of the county not within easy reach of one of the hubs would be of significant benefit.

7. Legal Considerations

- 7.1 The lawful implications of the recommendations have been considered and taken into account in the preparation of this report and formulation of the recommendations.

8. Environmental Impact Considerations

- 8.1 None of significance.

9. Equality Considerations

- 9.1 Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
 - foster good relations between people by tackling prejudice and promoting understanding.
- 9.2 Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women / new and breastfeeding mothers, marriage / civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.
- 9.3 This may be achieved, for example, through completing a full Equality Impact Needs Assessment / Impact Assessment or other form of options/project management appraisal that achieves the same objective.
- 9.4 In progressing this particular proposal, an Impact Assessment has been prepared (attached at Appendix B and available alongside this Report on the Council's website at: <https://new.devon.gov.uk/impact/published/>) which Members will need to consider for the purposes of this item.

10. Risk Management Considerations

- 10.1 The recommendations in this report have been assessed and all necessary action taken to safeguard the Council's position.

11. Public Health Impact

- 11.1 A vibrant youth service makes a positive contribution to prevention (through the universal offer) and early intervention (through outreach and targeted work).
- 11.2 Developing the capacity and capability of community organisations to provide services in areas beyond the reach of the hubs is consistent with public health's support for building strong and supportive communities. The successful youth service provider will need to form effective relationships with other important commissioned services supporting, for example, young people's emotional and sexual health.

12. Reasons for Recommendations

- 12.1 Over the course of the current contract, the landscape has continued to shift for young people. Across Devon the Council and our partners have seen changes in issues, behaviours, and adolescent risk with emerging themes around gangs and knife crime and the links to County Lines and Child Exploitation.
- 12.2 There is a continuing need for a service that can help build the resilience of young people by identifying and responding quickly to the needs and / or issues facing young people. There is strong support for a universal offer and anecdotal evidence tells us young people form trusting relationships with the youth service because it is open to everyone. The approach suggested is also consistent with the principles underpinning the development of the new Children and Young People's Plan.
- 12.3 One of the most important aspects young people value through effective quality youth work is the honest and non-judgemental space it creates – it is somewhere they feel safe to talk and feel listened to.
- 12.4 At a national level, concerns about young people being exploited by adults, knife crime, school exclusion and poor mental health have dominated the youth agenda.
- 12.5 Government recently announced that they are reviewing the guidance that sets out local authorities' duty to provide appropriate local youth services³. In addition to this a new Youth Charter will be developed to set out a vision for young people over the next generation and beyond. In October 2018, the Home Secretary announced a £200m Youth Endowment Fund⁴. Delivered over 10 years, the Fund will deliver transformative change by focussing on those most at risk of involvement in serious violence, diverting young people away from becoming serious offenders.
- 12.6 The 'All-Party Parliamentary Group on Youth Affairs (APPG), Youth Work Inquiry, Final Report, April 2019⁵ described the 'ideal form' of youth work as:

³ <https://www.gov.uk/government/news/new-youth-charter-to-support-young-people-across-the-country>

⁴ Home Office Youth Endowment Fund Prospectus Dec 2018
<https://www.gov.uk/government/publications/youth-endowment-fund-call-for-proposals>

⁵ 'All-Party Parliamentary Group on Youth Affairs (APPG), Youth Work Inquiry, Final Report, April 2019'

Agenda Item 7

- Universal open access for all young people regardless of any defined needs or deficits
- More formal 1:1 and/or group sessions to explore issues and challenges
- Specific and tailored support for identified or complex needs⁶

12.7 The invitation to tender pack will invite bidders to say how they will respond positively to all of these issues and, in addition, work in effective partnerships to build the capacity and capability of voluntary sector organisations supporting young people across the county (in areas not within easy reach of one of the eight youth hubs).

12.8 Rather than run the risk of jeopardising continuity of provision at this point, and because of the short window to conclude the tender exercise, it is recommended that the sensible course of action is to require the successful bidder to use all of the existing buildings and to discuss with us the case for any change(s) during the lifetime of the contract.

Dr Virginia Pearson
Chief Officer for Communities, Public Health, Environment and Prosperity

Electoral Divisions: All

Cabinet Member for Communities, Public Health, Environment and Prosperity, Councillor Roger Croad

Local Government Act 1972: List of Background Papers

Contact for enquiries: Dominic Hudson

Room No.141 County Hall, Exeter

Tel No: 01392 383000

Background Paper	Date	File Reference
Impact Assessment	29 May 2019	Attached as Appendix B

⁶ The approach recommended to this tender exercise means the Council will be well placed to respond to future national challenges and any changes in policy

Appendix A: Children's Scrutiny Workshop Wednesday 8th May 2019

Key points from the discussion with Children's Scrutiny Committee.

- Members noted the national context around youth work and the growing recognition and value of this work across national policy makers.
- Devon's comparative funding and commitment to Youth Services far exceeded that of most peer Local Authorities
- Members support the proposed commissioning intentions and acknowledge the rationale for not recommissioning a different model due to current timescales and constraints
- Members would welcome a wider review of youth provision once a new provider has been appointed and a commitment over time to review the locations and remit of the eight youth hubs
- Members discussed their concerns around the historic cuts to youth service budgets and noted the implications of moving from universal open access to targeted provision. Members were keen that the service focuses on early-intervention and preventative work and that a significant commitment to open access is maintained.

Members would wish to continue to see ongoing development and a commitment from the future provider which: -

- Improved links with education e.g. the development of educational outreach programme with schools to reduce the numbers of pupils likely to off-roll
- Helped to join with other agencies focussed on career opportunities and apprenticeships
- Reaches out to hard to reach groups e.g. young people living in deprivation and within food poverty
- Supports sector sustainability – ideally in extending the voluntary network to cover the whole of Devon
- Provides flexibility over where support is provided e.g. hubs, outreach, pop-up, mobile
- Supports an increase in referrals from key partners e.g. police and youth justice
- Ensures the service is place-based, innovative and experimental
- Can reflect recent learning from Cranbrook and Sherford – Members are keen to ensure that new developments are future-proofed for youth provision
- Reviews KPIs aligned to the new contract to ensure the outcomes for Young People are understood.

Impact Assessment

Assessment of:	Youth Service for Devon
Service:	Communities, Public Health, Environment and Prosperity
Head of Service:	Simon Kitchen
Date of sign off by Head of Service:	29/05/2019
Assessment carried out by (incl. job title):	Emma Bristow, Project Manager.

Section 1 – Background

Description:	<p>In 2014, the (in-house) youth service was revised and remodelled as part of a spending reduction across all Councils:</p> <ul style="list-style-type: none"> • Number of youth and community centres reduced from 32 to 8 • Budget reduced from £3M to £1.65M • Staff resource reduced from 114FTE to 50 FTE <p>Following a procurement exercise in 2016 where the in-house youth service was outsourced, DYS Space was established as a Staff Mutual and was awarded a three-year contract by DCC to provide a youth service in Devon beginning in February 2017.</p> <p>The scope of the current provision is for:</p> <ol style="list-style-type: none"> 1. An open access youth service for young people.
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	<ol style="list-style-type: none"> 2. Targeted youth work for Young People and targeted group work with Young People with multiple needs as part of an integrated offer to vulnerable Young People. 3. Advice, guidance and support to voluntary and community groups (including managing the youth work in Devon fund) 4. Alternative Provision to mainstream education (e.g. supporting young people at risk of permanent exclusion) which will be commissioned and funded by DCC, schools and other education providers 5. Providing the Duke of Edinburgh award scheme. <p>The service uses the existing eight Youth and Community Centres in Tiverton, Barnstaple, Exeter, Totnes, Okehampton, Newton Abbot, Bideford and Exmouth as the bases for open access youth work. These centres are also used as a base for targeted youth work which also takes place in other venues on an outreach bases to best suit the needs of the Young Person. In addition to the above youth hubs, an additional centre in Dawlish (Red Rock) is exclusively used for alternative provision.</p>
Reason for change/review:	<p>The current contract with DYS Space for Youth Services was due to expire on 31st January 2020.</p> <p>Following representations made at a “market warming” event on 15th May preparations are being made to extend that contract for two months – to allow more time for organisations to bid for the new contract.</p> <p>The new service will not be fundamentally different and as such the expectation is that from 1st April 2020 we will continue with the current model of 8 youth hubs (one in each District) offering universal open access and complemented by an outreach / targeted offer.</p> <p>Once a new provider is in place a wider review of the needs of young people and the location and provision of youth services across Devon will be considered.</p>

Section 2 - Impacts, options and recommendations

<p>Options Appraisal and Recommendations:</p>	<p>Option 1 – Do not retender the Youth Service contract Whilst the option of not retendering the contract would result in a cost saving to the Authority, our view is that a vibrant youth service offer is something that we should, as an Authority, want to commission on behalf of all our young people.</p> <p>Option 2 – Undertake a detailed review of youth services in Devon and consider alternative delivery models In 2017, we restricted the procurement exercise to Mutuals under Regulation 77 of the Public Contracts Regulations 2015. Contracts awarded under Regulation 77 cannot legally be longer than 3 years, so we are not able to lawfully extend our current contract with DYS Space for any significant length of time. There has not been time to undertake a detailed review of the youth service if we are to appoint and mobilise a provider by early 2020.</p> <p>Option 3– Retender the Youth Service contract on a like-for-like basis The commissioner’s recommendation following due consideration, is to go to the market with a specification that is very similar to the one used three years ago, in order to secure a coherent youth service offer in the short-term and to create the time and space for a more fundamental review, taking account of both local issues and any national policy changes, once a provider has been appointed. This option is likely to reduce any risks of significant negative impacts, and provides the opportunity for further future review and development.</p>
<p>Social/equality impacts (summary):</p>	<p>There is potential for impact on both youth service staff and service users due to the potential change in provider. Young people accessing support from DYS Space might be concerned around a change in organisation and how it might affect them, for example the fear of losing a youth worker or a change in ‘culture’ around delivery that could result in loss of trust. Should there be a change in provider, our expectation is that a detailed transition plan during the mobilisation and implementation phase of the project will be developed. Equally this expectation would apply to any potential staff who may be affected by TUPE.</p>

	<p>One of the core principles of effective youth work provision is that it is open and accessible to all young people. Information collated through the current contract monitoring cycle shows that at least 30% of young people attending open access sessions have a protected characteristic.</p> <p>A key principle of the specification for tender will be that any future provider will need to be able to work with a wide range of young people and a commitment to understand their needs. Any future provider will need to understand the contemporary issues affecting young people and demonstrate their ability to respond to any changes in local need.</p>
Environmental impacts (summary):	There are unlikely to be significant environmental impacts from recommissioning this service. If more emphasis is placed on outreach support in the new contract then this may result in slightly more instances of workers needing to travel to where young people are located, but we are aware that youth workers already do this under the current contract. It is therefore likely that benefits of the improved service to young people are likely to significantly outweigh any minor impacts that may result from slightly increased travel.
Economic impacts (summary):	The service does not have a significant economic impact across Devon as a whole; it should employ local staff and volunteers.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	Whilst it is hard to measure the impact that good youth work has on the wider system, anecdotal evidence and qualitative data tells us that effective prevention and early interventions with young people (either as a result of open access or through targeted 1:1 or group session) can result in less young people requiring more formal and costly support and intervention from Children's Services or other statutory services (e.g. education, health, police, criminal justice).
How will impacts and actions be monitored?	Our expectation is that equality measures are built into the regular contract review meetings and any ongoing service evaluation of impact and outcomes.

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	The Youth Service for Devon will primarily work with young people aged between 13- 19 years (although this may flex dependant on local need for example if a particular geographic area may benefit from an open access session for young people aged 10-12 years). The age range may also be broader for some specific groups of young people for example targeted sessions with young people with learning disabilities up to the age of 25 years.
Diversity profile and needs assessment of affected people:	Some of the key demographic information about young people using the service is: Around 1300 young people attend open access youth sessions at the 8 hubs About 150 young people receive targeted needs-led support on a 1-2-1 with a youth worker at any one time (through around 3500 sessions each year) The support to the Duke of Edinburgh award scheme currently has 180 young people from SEN schools in the scheme. 77% of young people using the service are White or White – British
Other stakeholders (agencies etc.):	As well as the young people themselves other stakeholders/organisations/agencies that may be impacted by a potential change in provider include colleagues in Schools and Education, Children’s Social Work Teams, Early Help, other services for young people e.g. mental health and substance misuse services Families and friends of the young people who are supported by the contract. Youth services provided by the voluntary and community sector. Youth services provided by the current provider under service level agreements e.g. X-Plore LGBT youth group

	Other external stakeholders will include residents in the close vicinity of the youth hubs.
Consultation process and results:	<p>As part of the retendering process we have planned consultations with:</p> <ul style="list-style-type: none"> - Commissioning colleagues in Education, Children’s Services, Mental Health, OPCC and Public Health - Potential providers via a market warming event - Young People to find out more about their experiences and what they think is important for a new contract - Children’s Scrutiny Committee <p>Feedback from all the above forums will be included in to the development of the specification either as core principles of the future service or as quality criteria for evaluating submitted bids.</p>
Research and information used:	<p>The development of the new contract has been informed by:</p> <ul style="list-style-type: none"> - Previous contract; - Public Health Outcomes Framework; - Monitoring meetings with current providers; - Government policy/direction - National studies of best practice e.g. <u>All-Party Parliamentary Group on Youth Affairs (APPG)</u>, Youth Work Inquiry, Final Report, April 2019; - and through consultation with providers and young people as part of the retendering process.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to private and family life’).
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps'). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
All residents (include generic equality provisions):	Through a combination of universal open access sessions, targeted 1:1/group sessions and outreach work, the youth service for Devon will need to work with all young people regardless of gender, ethnicity, sexual orientation, religions and beliefs, and any future provider will need to ensure that staff do not discriminate against young people for any of these reasons	All providers will be required to demonstrate that they can work with young people from a variety of genders, ethnicities, sexual orientations, religions and beliefs, and that they will ensure staff do not discriminate against young people for any of these reasons. There may be some instances where it is appropriate for services to be targeted at specific groups if it can be demonstrated that these groups have specific needs or vulnerabilities. The specification and quality questions will need to specify the ability of providers to meet the needs of the whole client group.
Age:	Whilst the focus of Youth Service for Devon will be Young People aged 13 and 19 years old, "youth" is not necessarily a particular age but the developmental phase between childhood and adulthood. On this basis flexibility will be built into the contract to enable the provider to put in place particular arrangements for particular age groups outside of the scope of the contract (e.g. 11-13-year olds).	As this contract is for young people aged 13-19 years we will need to make sure that providers and commissioners are aware of the needs of this age group and able to work with them. By doing this we can ensure that the service is appropriately targeted to support young people and help them to address issues early.
Disability (incl. sensory, mobility, mental health, learning disability, ill	We can expect that a proportion of young people using the service will have a disability, a long-term illness and have recognised mental health needs. There could also be more young	Considering the prevalence of mental health needs among young people using the service we will need to ensure that there are good links between this service and other mental health services for children and

<p>health) and carers of disabled people:</p>	<p>people who do not have a diagnosed mental health need but are still in need with some mental health support, and there will also be young people who have been affected by a parent/carer with mental needs. We will therefore need to ensure that services are accessible to young people with disabilities, long-term illnesses and mental health needs to avoid disadvantaging these groups.</p> <p>Expectation on the provider to ensure that open access provision is available and welcoming to all, with the appropriate facilities available in each of the youth hubs.</p>	<p>young people and for care leavers, e.g. CAMHS, Early Help for Mental Health. Links with services for disabilities, health services and services for young people with learning disabilities will also be important. By ensuring that young people have access to the right support for their needs we can help to promote the wellbeing of these groups.</p> <p>Provider will be expected to consider ways in which specific groups for young people with disabilities could be delivered/supported.</p>
<p>Culture and ethnicity: nationality/national origin, skin colour, religion and belief:</p>	<p>Whilst 77% of young people accessing the youth service in 2017/18 were white British we also know that young people from a variety of ethnic groups use the service.</p> <p>The service will need to be able to work with a range of ethnic groups and to ensure that young people are not discriminated against on these grounds.</p>	<p>The service specifications will ensure that there is a duty for the provider to recognise and support the core principle that youth work in Devon is available and accessible to all groups of young people.</p> <p>A key principle of the specification is that we are looking to work with a provider who can engage with a wide range of marginalised groups (e.g. young asylum seekers) either through open access or targeted support. Monitoring information will show the demographics of individuals being supported</p>
<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and</p>	<p>Expectation on the provider to ensure that open access provision is available and welcoming to all, with the appropriate facilities available in each of the youth hubs.</p>	<p>Expectation on the provider to encourage participation of boys and girls equally and including the needs of trans young people through appropriate and relevant activities.</p>

pregnancy and maternity (including women's right to breastfeed).		
Sexual orientation and marriage/civil partnership:	<p>Young people accessing the youth service have a variety of sexual orientations, including heterosexual, gay, lesbian, bisexual and young people who are not yet sure or who prefer not to say.</p> <p>A key principle of the specification is that we are looking to work with a provider who will engage with a wide range of marginalised groups and is sensitive to the needs of young people from all these groups and that young people are not discriminated against on any of these grounds.</p>	Provider will be expected to consider ways in which specific LGBT groups could be delivered supported.
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	The service is free to access, and open access sessions are available at days of the day that make them accessible to young people e.g. after school/early evening. However, rural isolation may be an issue for some young people affecting their ability to access one of the eight youth hubs. The expectation is that the provider will consider the travel arrangements to venues for targeted and group work. To extend and sustain the voluntary youth work sector in Devon, the provider will be expected to help local communities grow their own capacity and capability to commission and / or provide youth services	The contract will require the provider(s) to work with young people to support them to get into or remain in employment, education or training. The specification includes; <ul style="list-style-type: none"> - Offering accreditation opportunities such as the Duke of Edinburgh Award Scheme - Providing informal social education programmes and activities for Young People

	<p>In some areas of the county young people are faced with challenges around low wages and productivity, with skills shortages and high rates of youth unemployment. The impact of poverty and deprivation, with high costs of living contribute to a number of problems for young people including food poverty and homelessness. In response to this a key requirement of the service is to engage with a wide range of marginalised groups, including but not limited to;</p> <ul style="list-style-type: none"> - Young people living with deprivation and food poverty - Young people not in education, employment or training - Young people on the edge of the criminal justice system <ul style="list-style-type: none"> • Some of the issues affecting Young People in Devon, although not uniformly across the county, include teenage pregnancy, self-harm and living in homes where domestic violence is present. <ul style="list-style-type: none"> - The service will work with Young People with multiple needs and must work in an integrated way with Partners as part of the Early-Help system to ensure a co-ordinated response to young people and their families 	
Human rights considerations:	No adverse impact on human rights has been identified	

Supporting independence, wellbeing and resilience:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	This requirement will be built into the specification (as is now within the existing contract) as the provider will be expected to consider how they can achieve this through the activities they deliver to young people.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The service works with young people in a strength-based way. A requirement of the service is the ability to work with partners to ensure that young people have access to high quality expert information, advice and support (for example, mental health, physical health, sexual health, relationship health)
In what way can you help people to be connected, and involved in community activities?	The service will support young people to access opportunities within their local communities wherever possible. This could include work, volunteering and community activities. The existing contract requires the provider to work with and support a range of community youth groups and organisations as well as facilitating the distribution of a significant grant from the Council across communities.

Section 4b - Environmental impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:	n/a	n/a
Conserve and enhance wildlife:	n/a	n/a
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	n/a	n/a

Conserve and enhance Devon's cultural and historic heritage:	n/a	n/a
Minimise greenhouse gas emissions:	n/a	n/a
Minimise pollution (including air, land, water, light and noise):	n/a	n/a
Contribute to reducing water consumption:	n/a	n/a
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	n/a	n/a
Other (please state below):	n/a	n/a

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	No negative impacts have been identified.	A key principle of the commissioned youth service is the requirement to work alongside the voluntary and community sector workforce when specific skills or subject expertise is required. This will have a positive impact on the voluntary sector youth workforce in terms of increasing the skills and knowledge available

		which in turn will improve the quality of provision available to young people.
Impact on employment levels:	No negative impacts have been identified.	The requirement for the service to work alongside the voluntary and community sector workforce when specific skills or subject expertise is required will help to strengthen the voluntary youth work sector and in turn create employment opportunities.
Impact on local business:	No negative impacts have been identified.	The requirement for the service to work alongside the voluntary and community sector workforce will create sustainable community-based youth provision around the county which in turn will increase the availability of quality youth work for young people.

Section 4d - Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	Nothing significant identified
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Section 5 - 'Social Value' of planned commissioned/procured services

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	The service needs to link into other services for children and young people (including Early-Help and Education) as well as connect with local voluntary and community youth groups. The tender process will ensure the provider offering the best reach and offer to young Devon residents will be successful and the evaluation questions are designed to understand how the provider will do this.
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NOTICES OF MOTION

Report of the County Solicitor

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

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

*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.*

### **Briefing Note / Position Statement from the Joint Associate Director of Commissioning**

Devon County Council already provides non-chargeable short-term support, also known as intermediate care or reablement. This type of care can include personal care and is provided free of charge after discharge from hospital, normally up to six weeks but can be longer based on individual needs.

# Agenda Item 8

This free short-term support gives people the time and space to recover, rebuild their strengths and regain or even improve the level of independence they had prior to their hospital admission.

The Council also provides aids and minor housing adaptations up to the value of £1000 free of charge.

This approach, is a key element of the Promoting Independence Policy that seeks to enable as many citizens as possible to stay healthy and active in their own homes and communities for as long as possible as this is what people say they want.

In Devon 92% of new service users over the age of 65 who receive reablement do not return to hospital within 91 days; this is above national (77%) and comparator (81%) authority levels. Work continues to improve the reach and effectiveness of these types of services.

The Care Quality Commission rate 86% of community care services across Devon as either good or outstanding. This is better performance than both our comparator authority areas (74%) and the England average (73%).

The Care Quality Commission rate 88% of domiciliary care agencies across Devon as either good or outstanding. This is better performance than both our comparator authority areas (72%) and the England average (67%).

The future of adult social care is an on-going national issue. The much-anticipated Green Paper is expected to set out government proposals for how adult social care will be funded and delivered; both for older people and working age adults. At this stage there are still wide-ranging views as to the likely proposals of the Green Paper.

The most significant challenge within adult social care at present is ensuring a sufficient workforce. Future proposals on the future funding and delivery of adult social care must be cognisant of that, and of the likely resulting pressures of any proposals.

When the Green Paper is eventually published, Devon County Council will respond to the proposals and ensure that Members across the council are engaged and have opportunities to contribute.

## **(b) 10 Point Green Action Plan (Councillor Wright)**

*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>*

**Briefing Note / Position Statement from the Head of Planning, Transportation and Environment**

The 'Special Report on Global Warming' published by the Intergovernmental Panel on Climate Change highlighted the need for rapid, far-reaching and unprecedented changes in all aspects of society if we are to limit the rise in global temperatures to 1.5°C and, thereby, avoid the worst of the anticipated impacts of climate change. It was in this context that this Authority declared a Climate Emergency and is now working collaboratively with other strategic bodies to this end.

In a similar vein, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services has just released its first-ever assessment, indicating that nature is declining globally at rates unprecedented in human history. More than just an

# Agenda Item 8

environmental crisis, this is characterised as a developmental, economic, security, social and moral issue which requires ‘transformative change’ at every level, from local to global. On this basis, it forms a direct parallel to the Climate Emergency and demands urgent consideration by all, including Devon County Council.

This Authority’s approach to minimising its impact upon the environment and supporting the protection and enhancement of Devon’s distinctive natural, historical and cultural surroundings is based around the nine objectives of its Environmental Policy. Since 2014 the role of implementing this policy has been overseen by an Environmental Performance Board and an associated Management Group. This has included the production of a suite of Strategy and Action Plan documents covering the following topics: energy; renewable energy; waste; plastics; water; environmentally sustainable procurement; environmental risk; and countryside and heritage interests, including an associated pollinators plan. All of these documents are available on the County Council’s web pages (see: <https://www.devon.gov.uk/environment/environmental-policy>).

The 10 Point Green Action Plan promoted by this Notice of Motion has been devised in the context of the Climate Emergency recognised by Devon County Council and sets out proposals which are directly relevant to this Authority’s environmental performance agenda.

Appendix 1 lists each of these proposed actions and provides a summary assessment of constraints and opportunities associated with each. This might be used to inform the consideration of their appropriateness and practicality for adoption.

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

*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)*

## **Briefing Note / Position Statement from the Head of Planning, Transportation and Environment**

The Notice of Motion is referring to the Reuse Credit Scheme (RCS) which is one of the schemes to which the Devon Authorities Strategic Waste Committee (DASWC) contributes an element of its budget. This Committee is made up of the waste portfolio member from each of the district councils, Torbay Council and the County Council and each authority contributes to the committee's annual budget.

The committee's annual budget for 2019/20 is £182,800 is made up of contributions top-sliced from the statutory recycling credits paid to the districts by the county along with a contribution from the County Council and Torbay Council. Groups that meet the RCS scheme criteria are paid in the region of £60/tonne for each tonne of furniture and other items they divert from disposal. The groups repair the items if necessary and sell them on at low prices, often to those on low incomes. Since 1996 the committee has supported the RCS to the value of £770,000 with 14,000 tonnes of furniture and other items diverted from disposal. The annual allocation of DASWC funds to the groups is currently £49,000. It is understood that the turnover of the groups is in the region of £1million.

Consideration is being given to whether to continue this allocation of funding or whether to modify the scheme both to ensure value for money and to be sure that the scheme is fulfilling the policies and priorities of DASWC. A consultation was held for several weeks in early Spring this year. 880 responses were received, along with a petition containing just over 1000 signatures.

DASWC will be considering the results of the consultation and the options for this scheme at its meeting later this year when the budget is set for 2020/21.

Community Composting: The County Council has paid discretionary recycling credits to community composting groups for many years. In 2017 following a consultation, it was agreed that the credits should be reduced over 3 years from approximately £50/t to £25/t in line with a reduction in the market rate for composting. The most recent data available shows the tonnage composted consistent with previous years prior to the reduction of the credits, at approximately 1200 tonnes.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

### **Local Government Act 1972: List of Background Papers**

Contact for Enquiries: K Strahan

Tel No: 01392 382264

Room: G31

**Background Paper**

**Date**

**File Reference**

Nil

# Agenda Item 8



|    | <b>10 POINT GREEN ACTION PLAN MOTION FOR DEVON</b>                                                                                                                                                                                                            | <b>COMMENTARY ON OPPORTUNITIES AND CONSTRAINTS TO INFORM POTENTIAL ACTION BY DCC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Call on the government to offer all pollinators full legal protection from harm                                                                                                                                                                               | <p>According to the national charity Buglife, wild pollinators include bumblebees and other bees (250 species), butterflies and moths (2200 species), flies (6700) and various other insects such as beetles, wasps and thrips. On this basis, calling on government to offer all pollinators full legal protection from harm would not appear to be a pragmatic option.</p> <p>A wide range of readily available insecticides have the potential to harm bees; DCC does not hold details of Devon outlets stocking such products. In any event, the targeting of Devon outlets is questionable when such authorised products remain readily available to purchase / order from elsewhere. There might also be legal and financial constraints related to such an approach in the light of the regulatory functions exercised by Trading Standards and their need to maintain a non-political / non-campaigning stance and avoid any potential future claims of bias or civil claims relating to financial losses.</p> <p>In relation to both 1. and 2., this Authority's current proactive approach in relation to the pollinators issue is set out through the DCC Pollinators Action Plan, which includes support for the Devon LNP's 'Keep Devon Buzzing' campaign.</p> |
| 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) | <p>In the absence of any cyclic programme of weed spraying by DCC through its highway management activities, any usage would be through exceptional circumstances. However, glyphosate is currently used for several other Council activities, particularly through the grounds maintenance contract and the tree works contract (as a stump killer) and, less regularly, through specific landscaping schemes and some management operations linked to public rights of way and country parks. To limit such applications, the majority of such use is highly targeted (i.e. selective treatment, rather than blanket spraying).</p> <p>At present there is no clear consensus on the safety risks associated with the use of glyphosate or related formulations, nor on suitable alternatives which offer the same practical advantages. More informed choices should become possible as this evidence emerges.</p>                                                                                                                                                                                                                                                                                                                                                       |
| 4. | Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023                                                                                                                               | <p>The underlying purpose of the County Farms Estate is to provide people with their first opportunity to farm, whilst also realising financial and environmental objectives. The following points on the management of the estate are relevant to the consideration of Green Action Plan points 4, 5 and 6.</p> <p>The County Council's agricultural tenancy agreements have been reviewed by a Chartered Surveyor and Lawyer and, as far as we can see, provided the tenant is acting within the law and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5. | Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>6.</p> | <p>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</p> | <p>industry best practice, there are no provisions within the leases that would enable the landlord to prevent the tenant using artificial fertilisers. Similarly, the landlord is not able to insist any proportion of the farm is set aside for wildlife and/or wildflower mixes for pollinators or for tree planting.</p> <p>Despite this, the County Council actively supports, signposts and encourages participation in all agri-environment scheme contracts by tenants, such as the current Countryside Stewardship Scheme or the standalone 'Wildlife Offer', through which they can apply for funding towards the establishment costs of creating nectar and pollen rich environments for insect pollinators, plus annual payments for maintaining these areas under a five-year contract. Tree planting can be supported through a Woodland Creation Grant, which is also available through the Countryside Stewardship Scheme. Tenants attending the recent Training Academy received a presentation from a consultant on applying for the current Countryside Stewardship grant.</p> <p>It is important to note that Tenants would be ineligible for these government-funded schemes if the works or management was already a requirement of the tenancy agreement.</p> <p>Where tenants have more than 15 hectares of arable land, of which less than 75% is in permanent grass, temporary grass, herbaceous forage or leguminous crops, they will need to put 5% of that land into an Ecological Focus Area (EFA) to claim their Basic Payment Scheme Entitlements. The EFA can include 'options' such as AB1 – Nectar flower mix, AB8 – Flower rich margins and crops and AB16 – Autumn sown bumblebird mix.</p> <p>The rapidly developing 'Payment for Ecosystems Services' market may well offer potential opportunities for the County Farms Estate. An example of how this operates is through reverse tender process to put land into specific management schemes which deliver public benefits in terms of improved water quality. This concept is currently being explored through Defra's 25-Year Environment Plan 'Pioneer' within the North Devon Biosphere Reserve, as well as by South West Water through its 'Upstream Thinking' initiative. DCC will need to consider carefully any specific management requirements or restrictions on its tenants which might prevent them from benefiting from this developing market.</p> |
| <p>7.</p> | <p>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</p>  | <p>DCC is already working with the Devon Ash Dieback Resilience Forum to investigate ways of promoting tree planting across Devon. Specific consideration is being given to ways in which this might be encouraged through town and parish councils and community groups, particularly to compensate for the loss of ash. Cabinet previously approved the allocation of £250k in support of such compensatory planting, with this being offered as potential match-funding for the 'Saving Devon's Treescapes' project, which is focussed on exactly this type of initiative and for which lottery funding is being sought. A meeting is already planned with the Woodland Trust in June to explore how such action might be promoted in the interim.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                   | <p>Soil health is vital to the sustainability of agriculture / food production and to providing resilience to climate change and flood risk. Whilst there is no overarching DCC policy relating to this, it is specifically addressed through the letting of County Farms Estate holdings. In particular, soil health and condition is covered by clauses within all new farm tenancy agreements. There is a requirement to comply with the DEFRA Code of Good Agricultural Practice for farmers, growers and land managers – covering the protection of water, soil and air – which includes a need to produce a soil management plan. In addition, Tenants are required to take soil samples on entry to the farm and to put, keep and leave soil pH levels, and macro and micro nutrients at prescribed maintenance levels. They are also prohibited from exporting manure off the holding, ensuring that all manure produced on the holding is spread on the holding to ensure good levels of organic material are maintained.</p> <p>Soil condition is also being addressed through a range of natural flood risk management initiatives in which DCC is a partner. This included support for the publication of the excellent guide to soils and natural flood management in Devon and Cornwall, which was produced through the East Devon Catchment Partnership in 2018 and will soon be made available in an interactive web format.</p> |
| 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                                                                                        | DCC has developed a range of strategies and action plans linked to its environmental performance agenda, the most recent of which specifically deals with water consumption. The immediate corporate priority for this action plan is addressing the objective of reducing water usage by DCC. However, broader issues of good water practice will form part of the climate adaptation agenda to be addressed in Devon through the collective response to the Climate Emergency, which South West Water is now party to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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 - <a href="https://www.devonwildlifetrust.org/take-action/marine-conservation-zones">https://www.devonwildlifetrust.org/take-action/marine-conservation-zones</a> | In recognition of the outstanding wildlife associated with the County's estuaries and coastal waters, the 2012 advice to Government from Natural England and the Joint Nature Conservation Committee on the potential designation of Marine Conservation Zones included 14 Devon sites. Since then, the designation of only six of these sites has been confirmed. This was followed in summer 2018 by a Defra consultation on the designation of a further eight sites; however, the outcome of this consultation is still awaited. Clarification of the intended status of these remaining areas would appear to be long overdue and would help to dispel the current, unhelpful, uncertainty.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



## FARMS ESTATE COMMITTEE

20 May 2019

Present:

County Councillors

Councillors R Edgell (Chair), J Brook, J Berry, T Inch, C Whitton and J Yabsley

Co-opted Members

L Warner (Tenants' representative)

Apologies

Councillors A Dewhurst and H Bellew

\* 86

**Minutes**

**RESOLVED** that the minutes of the meeting held on 25 February 2019 be signed as a correct record.

\* 87

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 88

**Announcements**

The Committee extended their thanks to all those involved in the organisation of the Farmwise event at the Devon County Show and the Committee also wished NPS Land Agent, Claire Sampson good luck on her move to the Dartmoor National Park after 13 years of working on the County Farms Estate.

\* 89

**Revenue Monitoring (Final Outturn) 2018/19 and Revenue Budget 2019/20**

The Committee received the Report of the County Treasurer (CT/19/51) on the County Farms Estate Revenue Monitoring (Final Outturn) 2018/19 and Revenue Budget 2019/20, noting that the final outturn for 2018/19 provided a net surplus of £412,000 compared to the target surplus of £414,000; and that the increased target surplus for 2019/20 was £464,000.

The Committee was further informed that the £50,000 increase in target surplus for 2019/20 was expected to be realised as a result of increased income generation and not via savings in running costs.

\* 90

**Capital Monitoring (Final Outturn) 2018/19 and Capital Budget 2019/20**

The Committee received the Report of the County Treasurer (CT/19/50) on the County Farms Estate Capital Monitoring (Final Outturn) 2018/19 and Capital Budget 2019/20, noting that:

- (a) the approved capital programme for 2018/19 included new schemes totalling £600,000, scheme slippage and savings from 2017/18 of £1,304,955, and an insurance provision of £19,122 all of which combined to resulted in a total capital scheme for 2018/19 of £1,924,077. Total spend against the 2018/19 capital programme was £1,365,740 resulting in slippage of £558,337 to 2019/20.

No land acquisitions were made during 2018/19.

# Agenda Item 10a

2

FARMS ESTATE COMMITTEE  
20/05/19

- (b) the total capital budget for 2019/20 was £1,158,337, which included new schemes totalling £600,000 and scheme slippage of £558,337 from 2018/19.

\* **91**      **Management and Restructuring Issues**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/19/05) on the County Farms Estate management and restructuring issues.

**Merrifield Farm, Holsworthy**

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Yabsley and

**RESOLVED**

- (a) that the tenant's surrender notice of Merrifield Farm be accepted, and the tenant be released from the holding at 25 March 2020; and
- (b) that Merrifield Farm be advertised to let as a 73.30 acre or thereabouts residential equipped mixed livestock starter farm on the open market for a term commencing 25 March 2020 and expiring 25 March 2027, subject to terms being agreed.

\* **92**      **Exclusion of the Press and Public**

**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 Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and 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 outweighed the public interest in disclosing the information.

\* **93**      **Holdings and Tenancies etc.**

*(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)*

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/19/04) on requests for extension of tenancy, with the respective tenants in attendance:

(a)      **Lomans Farm, Broadhempston**

The extension to tenancy request was in keeping with current policy for starter holdings, which allowed a tenant to stay on a starter farm for a maximum term of 14 years.

It was **MOVED** by Councillor Inch, **SECONDED** by Councillor Brook and

**RESOLVED** that the tenant of Lomans Farm, Broadhempston be granted a further but final 12 month Farm Business Tenancy of the holding commencing 25 March 2020 and terminating 25 March 2021, subject to terms being agreed.

(b)      **Higher Bradaford Farm, Virginstow**

The extension to tenancy request was in keeping with current policy, which allowed a tenant to stay on the Estate for a maximum term of 25 years.

It was **MOVED** by Councillor Whitton, **SECONDED** by Councillor Yabsley and

**RESOLVED** that the tenant of Higher Bradaford Farm, Virginstow be granted a further but final two year Farm Business Tenancy of the holding commencing 25 March 2020 and terminating 25 March 2022, subject to terms being agreed.

(c) **Southacott Farm, Mariansleigh**

The Committee noted the tenancy extension request was contrary to the general aims of the Estate but listened to the tenant present a genuine and achievable business case for progression beyond the Estate within the two year extension period.

It was **MOVED** by Councillor Yabsley, **SECONDED** by Councillor Brook and

**RESOLVED**

- (i) that the tenant of Southacott Farm, Mariansleigh be granted a further but absolute final two year Farm Business Tenancy of the holding commencing 25 March 2020 and terminating 25 March 2022, subject to terms being agreed;
- (ii) that further extensions to tenancy will not be granted;
- (iii) that this resolution is conditional on the tenant providing by the end of November 2019:
  - (1) evidence of a sufficient and confirmed mortgage/loan facility from the Bank;
  - (2) a copy of the submitted and validated planning application for the proposed development;
  - (3) evidence of a conditional contract being worked on with a view to exchange of conditional contracts taking place before planning consent is granted; and
- (iv) that this resolution is also conditional on the tenant agreeing an upfront valuation of the end of tenancy compensation for tenant's improvements, fixtures, fittings and chattels, and agreeing an indication of the likely value of the end of tenancy compensation for routine improvements, by the end of November 2019.

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

The Meeting started at 2.15 pm and finished at 3.55 pm

1. The Minutes of this Committee are published on the County Council's Website.  
2. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.  
3. Members of the Council have been granted a dispensation to allow them to speak and vote in any debate as a consequence of being a representative of the County Council on any County Council wholly owned, controlled or joint local authority company or Joint Venture Partnership unless the matter under consideration relates to any personal remuneration or involvement therein.

# Agenda Item 10a



| <b>SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING</b> |                                                                                                                                             |                       |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Cabinet Remit/Officer</b>                                             | <b>Matter for Decision</b>                                                                                                                  | <b>Effective Date</b> |
| Policy, Corporate & Asset Management                                     | Approval to declare land at Roundswell (Barnstaple) surplus and dispose of for a mixed Extra Care Housing (ECH) and residential development | 9 May 2019            |
|                                                                          | Approval to declare the former Civic Centre tower block at Barnstaple surplus to the requirements of DCC                                    | 9 May 2019            |
|                                                                          | Approval to declare a former highways stone landing adjoining the A386 south of Tavistock surplus to requirements                           | 24 May 2019           |
| Resources                                                                | Approval to variation of Capital Programme 2018/19 FIN 558                                                                                  | 3 June 2019           |
| Children's Services and Schools                                          | Approval to lower the age range at Clawton Primary School                                                                                   | 10 June 2019          |

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of 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/>



# DEVON COUNTY COUNCIL

## COUNCIL/CABINET FORWARD PLAN

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Devon County Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any Framework Decisions to be made by the County Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The County Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one division are to be made by the Cabinet or a Committee of the Cabinet. Framework Decisions are those decisions, which, in line with Article 4 of the Council's Constitution must be made by the County Council.

The Cabinet will, at every meeting, review its forthcoming business and determine which items are to be defined as key decisions and the date of the meeting at which every such decision is to be made, indicating what documents will be considered and where, in line with legislation, any item may exceptionally be considered in the absence of the press and public. The revised Plan will be published immediately after each meeting. *Where possible the County Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion may need to be rescheduled.* Please ensure therefore that you refer to the most up to date Plan.

An up to date version of the Plan will available for inspection at the Democratic Services & Scrutiny Secretariat in the Office of the County Solicitor at County Hall, Topsham Road, Exeter (Telephone: 01392 382264) between the hours of 9.30am and 4.30am on Mondays to Thursdays and 9.30am and 3.30pm on Fridays, free of charge, or on the County Council's web site, 'Information Devon', (<http://www.devon.gov.uk/dcc/committee/>) at any time.

Copies of Agenda and Reports of the Cabinet or other Committees of the County Council referred to in this Plan area also on the Council's Website at (<http://www.devon.gov.uk/dcc/committee/mingifs.html>)

## FORWARD PLAN

All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to The Democratic Services & Scrutiny Secretariat, County Hall, Exeter, EX2 4QD or by email to: [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk)

### PART A - KEY DECISIONS

(To Be made by the Cabinet)

Page 40

| Date of Decision | Matter for Decision                                                                                                                                                 | Consultees                            | Means of Consultation**                          | Documents to be considered in making decision                                                                                                                                                                    | County Council Electoral Division(s) affected by matter |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                  | <i>Regular / Annual Matters for Consideration</i>                                                                                                                   |                                       |                                                  |                                                                                                                                                                                                                  |                                                         |
| December 2019    | Target Budget for forthcoming year                                                                                                                                  |                                       |                                                  | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions                                           |
| 14 February 2020 | Admission Arrangements and Education Travel Review: Approval to admission arrangements for subsequent academic year                                                 |                                       |                                                  | Report of the pa head of education outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                             | All Divisions                                           |
| 11 March 2020    | Flood Risk Management Action Plan – Update on the current year’s programme and approval of schemes and proposed investment in 2020/21                               | All other Risk Management Authorities | Liaison through Devon Operational Drainage Group | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                 | All Divisions                                           |
| 8 April 2020     | County Road Highway Maintenance Capital Budget<br>Update on current years programmes and approval of schemes and proposed programmes for forthcoming financial year | N/A                                   | N/A                                              | Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions                                           |

|            |       |                                                                                                                                                                                                                                                                                                                            |                                                                              |                                                                                          |                                                                                                                                                                                                                          |               |
|------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 8<br>2020  | April | County Road Highway Maintenance Revenue Budget and On Street Parking Account Allocation of highway maintenance funding allocated by the Council in the budget for the current/forthcoming financial year                                                                                                                   | N/A                                                                          | N/A                                                                                      | Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.         | All Divisions |
| 8<br>2020  | April | Transport Capital Programme 2019/20: For approval                                                                                                                                                                                                                                                                          | Public, HoSW LEP\LTB, District Councils, Stakeholders and Delivery Partners. | LTP 2011-2026 consultation, meetings, planning applications and local plan consultation. | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                         | All Divisions |
| 20<br>2020 | May   | Approval to Revenue & Capital Outturn, for the preceding financial year                                                                                                                                                                                                                                                    | N/A                                                                          | N/A                                                                                      | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                         | All Divisions |
|            |       | <i>Specific Matters for Consideration</i>                                                                                                                                                                                                                                                                                  |                                                                              |                                                                                          |                                                                                                                                                                                                                          |               |
| 20<br>2019 | June  | Devon Youth Service: Specification and Approval to Tender.                                                                                                                                                                                                                                                                 | Children's Scrutiny, Service Users,                                          |                                                                                          | Report of the Chief Officer for Communities, Public Health, Environment and Prosperity outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| 12<br>2019 | June  | Skypark Development Partnership, Clyst Honiton<br><i>This matter will be considered in Part 2, 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.</i> | N/A                                                                          | N/A                                                                                      | Report of the Head of Economy, Enterprise and Skills outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                   | Broadclyst    |
| 10<br>2019 | July  | SEND Resource Bid                                                                                                                                                                                                                                                                                                          |                                                                              |                                                                                          | Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                           | All Divisions |
| 10<br>2019 | July  | Children and Young People Plan Approval to Children & Young People's Plan for 2018 onwards                                                                                                                                                                                                                                 |                                                                              |                                                                                          | Report of the Chief Officer for Childrens Services outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                     | All Divisions |

|                              |                                                                                     |                                                                |                                                                                                                                               |                                                                                                                                                                                                                                                                    |                                                     |
|------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 11 September 2019            | Budget Monitoring - Month 4                                                         |                                                                |                                                                                                                                               | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                                                                   | All Divisions                                       |
| 11 September 2019            | Park and Change facility, nr Exeter Science Park: Scheme and cost estimate approval | Public consultation including statutory consultees; landowners | Consultation via Reserved Matters planning application, which was submitted to and approved by East Devon District Council on 16 October 2018 | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                                   | Broadclyst                                          |
| 11 September 2019<br>Page 48 | A382 Corridor Improvement Scheme Phase 1: Award of Contract Approval                | Public, LEP, Teignbridge District Council, landowners          | Local Plan, LEP Business Case Bid, Public Consultation (incl. exhibition, websites, leaflet, press release, have your say)                    | Report of the Head of Planning, Transportation and Environment, Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | Bovey Rural; Newton Abbot North; Newton Abbot South |
| 11 September 2019            | Exeter Transport Strategy 2020-2030: For approval                                   | Public Consultation                                            | Online Public Consultation – including Strategy Document, Leaflet, Evidence Base and Online Questionnaire Meetings with key stakeholders      | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                                   | All in Exeter                                       |

|                  |                                                                 |                                                                                                                                                                             |                                               |                                                                                                                                                                                                                  |               |
|------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 9 October 2019   | Streetworks Permitting Scheme – Full Plan Proposal for approval | All companies that undertake works on the highway including DCC contractors, Utility companies, parish, town and district councils, transport operators, emergency services | Have your say page / formal TRO advertisement | Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| 9 October 2019   | Accommodation Strategy                                          |                                                                                                                                                                             |                                               | Report of the Head of Adult Commissioning and Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                           | All Divisions |
| 13 November 2019 | Budget Monitoring - Month 6                                     |                                                                                                                                                                             |                                               | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions |
| 8 January 2020   | Budget Monitoring - Month 8                                     |                                                                                                                                                                             |                                               | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions |
| 11 March 2020    | Budget Monitoring - Month 10                                    |                                                                                                                                                                             |                                               | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions |

| <b>PART B - FRAMEWORK DECISIONS</b><br>(Requiring approval of the County Council) |                                                                                                                          |                                         |                                                                         |                                                                                                                                                                   |                                                                |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>Date of Decision</b>                                                           | <b>Matter for Decision</b>                                                                                               | <b>Consultees</b>                       | <b>Means of Consultation**</b>                                          | <b>Documents to be considered in making decision</b>                                                                                                              | <b>County Council Electoral Division(s) affected by matter</b> |
| 14 February 2020                                                                  | Revenue Budget, Medium Term Financial Strategy 2020/2021 - 2023/2024 and the Capital Programme for 2020/2021 - 2024/2025 |                                         | Scrutiny Committees<br>Budget Consultation Meetings<br>Leader Roadshows | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.  | All Divisions                                                  |
| 11 February 2019<br>20 January 2020                                               | Pay Policy Statement<br>To approve the pay policy statement for the forthcoming year.                                    | Appointments and Remuneration Committee |                                                                         | Report of the County Solicitor, outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions                                                  |

Page 50



## PART C - OTHER MATTERS

(i.e. Neither Key Nor Framework Decisions)

| Date of Decision                                                           | Matter for Decision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Consultees                                                                                                       | Means of Consultation** | Documents to be considered in making decision                                                                                                                                                                         | County Council Electoral Division(s) affected by matter |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                                                                            | <i>Regular / Annual Matters for Consideration</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                  |                         |                                                                                                                                                                                                                       |                                                         |
| Between 12 June 2019 and 31 December 2020                                  | Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | As necessary                                                                                                     |                         | Report of the TBC outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                                   | All Divisions                                           |
| Between 12 June 2019 and 1 May 2021<br>Between 12 June 2019 and 1 May 2021 | Standing items on the future management, occupation, use and improvement of individual holdings and the estate, monitoring the delivery of the Budget & the Estate Useable Capital Receipts Reserve in line with the approved policy and budget framework<br><i>[NB: Items relating to the letting or occupancy of individual holdings may contain information about, or which is likely to reveal the identity of, an applicant for a holding and about the financial and business affairs of the Council and any prospective or existing tenant that may need to be discussed in the absence of the press and public]</i> | To be considered at the Farms Estates Committee, including any advice of the Council's Agents NPS South West Ltd |                         | Report of the County Treasurer, Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions                                           |
| 10 July 2019                                                               | Treasury Management Stewardship Outturn Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Corporate Infrastructure and Regulatory Services Scrutiny Committee                                              | n/a                     | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                      | All Divisions                                           |

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|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 13<br>November<br>2019                    | Annual Childcare Sufficiency Report:<br>Endorsement of Annual report<br>Outlining how the Council is meeting its statutory duty to secure sufficient early years and childcare places and identifying challenges and actions for the coming year in relation | TBC | TBC | Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                           | All Divisions |
| 20 May<br>2020                            | Public Health Annual Report<br>Cabinet to receive the Public Health Annual Report of the Director of Public Health                                                                                                                                           |     |     | Report of the Chief Officer for Communities, Public Health, Environment and Prosperity outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| <i>Specific Matters for Consideration</i> |                                                                                                                                                                                                                                                              |     |     |                                                                                                                                                                                                                          |               |

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

