

CABINET

10 March 2021

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

F Biederman, A Connett, A Dewhirst, R Hannaford, J Hodgson and R Hosking

* 635

Minutes

RESOLVED that the minutes of the meeting held on 12 February 2021 be signed as a correct record.

* 636

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 637

Announcements

There was no announcement made by the Chair.

* 638

Petitions

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

* 639

Questions from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Members responded to four questions from a Member of the Council on the following;

- how the Council would make full use of the budget allocation for domestic violence programmes, and funding a network of respite rooms for homeless women;
- re-instatement of passenger services on the Okehampton to Exeter line, subject to the final approval of costs and contracts;
- potential financial and economic impacts on the economy from Plymouth being officially designated as a Freeport; and

- the New Towns Deal and locations of nearest initiatives and other economic regeneration monies and growth funding available

The Cabinet Members responded orally to supplementary questions arising from the above.

[NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through the webcast of this meeting]

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

(The Chair exercised his discretion to vary the order of business to take this item before the consideration of Notices of Motion).

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on the Climate and Ecological Emergency (CEE) Bill, support of the Council Motion and any obstacles to supporting.

The Cabinet Member responded orally to the supplementary question arising from the above.

(NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through [the webcast of this meeting](#) – see Notes below)

* **641** **Budget Monitoring - Month 10**

(Councillors Biederman, Connett, Dewhirst and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/21/02) outlining the financial position and forecast for the Authority at month 10, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This Report outlined that an expected underspend of £3.7 millions had been anticipated, a reduction of £5.6 millions from the month 8 forecast. The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), was forecast to be £30.1 millions. However, in line with Department of Education guidance this deficit would not be dealt with in the current financial year but carried forward to future years.

Revenue expenditure for Adult Care and Health Services was forecast to overspend by £921,000, a reduction of £1.5 millions from month 8.

In Children's Services, an overspend of £2.2 millions was projected, a reduction of £1.4 millions from month 8 (not including the projected deficit of £30.1 millions on Special Education Needs and Disabilities (SEND)).

In Highways, Infrastructure Development and Waste, there was a forecast underspend of £1.4 millions, which was a change from the reported breakeven position at month 8.

Communities, Public Health, Environment and Prosperity (COPHEP) were forecasting an underspend of just under £3 millions and Corporate Services an underspend of £187,000, a reduction of £324,000 from month 8.

Non- service items, which included capital financing charges, were forecast to underspend by £2.3 millions.

The approved capital programme for the Council was £198.4 millions. The year-end forecast was £162.6 millions, producing forecast slippage of £35.8 millions, mainly attributable to variations and programme delays in Highways, Planning and Transportation which reflected the complexity of the major schemes.

Corporate debt stood at £3.5 millions, being just over 2% of the annual value of invoices, against the annual target of 1.9%.

The Report then outlined that in response to the COVID-19 outbreak, Government had put in place a number of grant funding streams to help support Local Authorities in responding to the pandemic. The Council was in direct receipt of 13 different pandemic related grants with a confirmed value of £91 millions, of which £88.6 millions had been received and £53.7 millions spent.

The Cabinet noted that the level of uncertainty and pressures being faced by the public sector this year were unprecedented and continued to evolve. Whilst the projected underspend was welcomed there remained significant and far reaching risks associated with the impact of the pandemic, which could be financially destabilising as well as the ongoing pressures being experienced within the Dedicated Schools Grant.

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

it was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and
RESOLVED

(a) that the month 10 budget monitoring forecast position be noted; and

(b) that the Pandemic funding update, outlined in the Report, also be noted

* **642** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Active Travel**

(Councillors Biederman, Connett, Dewhirst, Hannaford, Hodgson and Hosking attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet noted that at the Corporate Infrastructure and Regulatory Services Scrutiny Committee on 28 January 2021, the Committee had considered the Report of the Head of Planning, Transportation and Environment (PTE/21/3) relating to Active Travel in Devon (Minute *216 referred) and subsequently resolved (a) *‘that Cabinet be asked to develop policy which supports local people to develop and realise cycle and multi-use trails in local areas and to include Scrutiny where appropriate in the development of policy; and (b) that Cabinet to include consideration of 20 mph areas in positive active travel strategies’*.

The Cabinet Member for Highways Management commented that the current Cycling and Multi-Use Trail Strategy set out steps to support local walking and cycling aspirations and there were good examples of local communities raising their own funds to commission early feasibility work for their aspirational routes. He made reference to a document produced by the Council *‘Community Paths: a 10 step guide to improving public rights of way in your community’* to assist local groups, individuals and/or landowners considering ideas for improving access in their communities.

The Cycling and Multi Use Trail Strategy would be refreshed in the next twelve months and as part of the update, would incorporate policy to support local aspirations and involve Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee.

In relation to 20mph, he referred to the trial due to be undertaken in Newton Abbot, which would allow learning about the impacts and also gauge the level of support from the local community and then consider its potential application for active travel initiatives elsewhere in Devon.

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart and **RESOLVED** that Officers and the Cabinet Member for Highway Management;

(a) through the planned refresh of the Cycling and Multi Use Trail Strategy be asked to develop policy to enable local people to be actively involved in the delivery of Multi-Use Trails; and

(b) review the outcome of the Newton Abbot 20mph trial in terms of its impact on active travel as well as road safety and a range of other environmental factors.

643 **Notice(s) of Motion**

(a) Voting Systems (Councillor Shaw)

Councillors Biederman, Hannaford and Hodgson attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

This County Council regrets that under the current first-past-the-post system for electing councillors:

- 1. A large proportion and usually the majority of the votes cast do not help to elect a councillor, meaning that many voters see their votes wasted over many successive elections.*
- 2. This situation discourages participation in the electoral process since many people see no point in voting.*
- 3. A party is able to gain an overwhelming majority on the Council despite receiving only a minority of the votes across the county, reducing voters' faith in the fairness of elections.*

In this light, this Council welcomes the new legislation agreed by the Welsh Assembly to allow councils to choose to change their voting system to the proportional Single Transferable Vote system, which is already used for local elections in Scotland and Northern Ireland. This Council calls on the Government to introduce similar legislation for England so that we can make a choice of the best system for the people of Devon.

Members considered the Officer's factual briefing note on the matter (CSO/21/7) which referred to the number of different voting systems in use, for example First-Past-The-Post, Alternative Vote (AV), Supplementary Vote (SV), Single Transferable Vote (STV) and Additional Member System (AMS) and where these systems were used. It also referred to the outcome of the referendum that was held on 5 May 2011 on whether the electoral system for

UK general elections should be changed from the first past the post system to the AV system. It also highlighted the key points of the Local Government and Elections (Wales) Act 2021.

The Cabinet considered the recommendation now before them and the actions now proposed and any other relevant factors.

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

RESOLVED that Council be recommended to:

(a) note the various voting mechanisms in place and the lack of consistency across various organisations and throughout the UK;

(b) welcome the current Council campaign that has been designed to encourage candidates to stand in the Election and also the investment made to promote the Elections and increase public participation through voting safely in person, by post or by proxy;

(c) welcome any future legislative changes that increases participation in democratic processes; and

(d) in light of the public being given the opportunity to vote to change the current voting system in 2011 and the referendum being lost, the Council take no further action on the Notice of Motion.

(b) Elections – Campaigning (Councillor Shaw)

Councillors Hannaford and Hodgson also attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

This County Council regrets the Government's decision to continue with elections in May as planned, despite the difficulties of organising this safely for voters or polling staff, while banning leafleting and canvassing and failing to make postal voting easier.

In order to ensure the safe and equitable running of the elections, this Council calls on the Government to facilitate (1) online registration for postal voting, and (2) a free postal delivery of leaflets for each Council Election Candidate.

Members considered the Officer's factual briefing note on the matter (CSO/21/7) which referred to the current process for applying for a postal vote, the use of personal identifiers as required by the Electoral Administration Act 2006 and the intention of the Cabinet Office to introduce legislation to develop online postal voting (expected to be part of the Electoral Integrity Bill).

The briefing also updated on the most recent guidance, from the Cabinet Office, regarding campaigning and leafleting and that from the 8 March activists would be permitted to canvas and leaflet (subject to Covid secure caveats) with a further relaxation of the rules from the 29 March.

The Cabinet considered the recommendation now before them and the actions now proposed and any other relevant factors.

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

RESOLVED that Council be recommended to:

- (a) support the work of the Cabinet Office in developing online postal voting and furthermore supports any mechanism which gives choice to the electorate in terms of voting, but also notes that any changes would not be possible for the forthcoming Elections on the 6th May 2021, given the legislative changes required; and
- (b) that in light of the new guidance issued by the Cabinet Office, which states that from the 8th March people campaigning in support of the electoral success of candidates or political parties will be allowed to deliver leaflets and canvass electors in relation to the elections, Council be recommended to take no further action on the Notice of Motion.

(c) Climate and Ecological Emergency Bill (Councillor Hodgson)

Councillor Hodgson attended remotely in accordance with Standing Order 8 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

In line with our formal declaration of a climate and biodiversity emergency, and our commitment to actions to change behaviour to address the causes of this situation and mitigate the impacts, this Council supports the Climate and Ecological Emergency Bill proposed by a coalition of scientists, academics and lawyers with the aim of bringing the UK's climate policy into one with evolving scientific evidence. This proposed Bill is also supported by 96 cross-party members of parliament. Nationally we need a strong legislative framework that embeds the Government's targets in law, enabling us as supportive players, to plan and develop our future trajectories, to fit in with those targets.

Council therefore resolves to:

- i. Support the Climate and Ecological Emergency Bill
- ii. Inform the local media of this decision;
- iii. Write to local MPs, asking them to support the Bill; and
- iv. Write to the [CEE Bill Alliance](https://www.ceebill.org.uk), the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.org.uk).

Members considered the Officer's factual briefing note on the matter (CSO/21/7) which referred to the declaration of a climate emergency in February 2019 and the convening of the Devon Climate Emergency partnership and the aim of creating a resilient, net-zero carbon Devon. It also reported on the origins of the Climate and Ecological Emergency Bill and its objectives in tackling the climate and ecological emergency, many of which were closely aligned to the Devon Climate Declaration and the work of the Devon Local Nature Partnership.

The Cabinet considered the recommendation now before them and the actions now proposed and those already undertaken.

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

RESOLVED that Council be recommended to endorse the Notice of Motion and encourage local MPs to support the Bill. In doing so, Council will ask local MPs to work with Government colleagues to provide a national framework of necessary legislative changes and additional resources to facilitate the unprecedented levels of behaviour change, skills development, technology deployment and investment that will be necessary to meet Paris Agreement commitments.

(d) Beach Breaks, Mental Health and Support of Initiatives (Councillor Biederman)

Councillor Biederman attended in accordance with Standing Order 8 and Councillors Dewhirst, Hannaford and Hodgson also attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

'This Council recognises that many children in Devon have never been to the beach or because of financial limitations on families can often find it beyond their means.

Visiting a beach can have fantastic health benefits for young people and their family, particularly their mental health, as well as connecting them with our beautiful environment, if communities are better

connected to our natural environment, they will be more inclined to preserve it for future generations.

Pensioners can access the beaches with their free bus pass, we believe this should also be available to our young people.

So, this Council commits to work with our travel partners to provide vouchers to families on low incomes for free travel to the beach at weekends and/or during school holiday periods.

Cabinet are asked to provide a budget to support this, from the public health budget.

We also lobby Government for more Public Health Funding to help support these type of initiatives’.

Members considered the Officer’s factual briefing note on the matter (CSO/21/7) which referred to the body of evidence which suggested regularly accessing both green and blue spaces had benefits to physical and mental health. Much of Devon’s landscape had been defined as rural greenspace, although the type of green and blue space that was beneficial to health also applied to ‘any area of public or private vegetated land (urban or rural), or any natural or built environment that prominently featured water’, for example parks, playing fields, woodland, allotments, streams, ponds, canals, rivers, and the sea. Barriers to access included perceived cost, distance, low levels of confidence in where to visit, and lack of time. There were several ongoing workstreams to support increasing access to green and blue spaces which were outlined in the briefing paper.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that Council:

- (a) ask that Public Health Devon explore with the Devon Local Nature Partnership (LNP) and/or other partners to conduct a pilot study examining possible options to increase engagement with green and blue spaces in children, young people, and families on low income;
- (b) further ask Public Health Devon work with the Devon LNP and Active Devon to review and if necessary develop resources to promote local opportunities for walks or activities in green/blue space for to a wide variety of users e.g. family friendly, pram friendly, wheelchair accessible etc; and
- (c) increase communications using a social marketing approach that are targeted and relatable to improve confidence and allay anxieties about accessing the natural environment and facilitate behaviour change.

(e) Sustainable future funding for Local Welfare Assistance (Councillor Atkinson)

Councillor Atkinson attended in accordance with Standing Order 8 and Councillor Hodgson also attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

This Council notes that:

- 1. Until 2013, emergency financial assistance was principally provided by central Government through the Discretionary Social Fund.*
- 2. From 2013, the Government implemented wholesale reform of the Discretionary Social Fund. Some parts were kept, however, the government abolished Crisis Loans (other than Alignment Payments) and Community Care Grants.*
- 3. Responsibility for emergency financial assistance was devolved to the local level and funding transferred to local authorities in England on a non-ring-fenced basis, with the intention that they establish their own Local Welfare Assistance (LWA) Schemes to support local people facing a crisis.*
- 4. The Government then decided that from 2015/16 onwards there would be no separate LWA funding stream. Instead, it would become part of the general Revenue Support Grant that central government provides to councils to support their spending on any local services.*
- 5. In the intervening years, with reduced overall funding for councils, a lack of guidance from central government, and the absence of a statutory requirement for local authorities to deliver emergency financial assistance, local authorities faced difficult decisions about funding and maintaining LWA schemes. In many areas local welfare provision was either significantly reduced or closed completely.*
- 6. In 2020/21, in response to significant levels of need during the COVID-19 pandemic, Government provided additional funding to local authorities to deliver emergency financial assistance. £63million was provided through the Local Authority Emergency Assistance Grant for food and essential items, whilst a further £170million was provided through the COVID Winter Support Scheme.*

This Council believes that:

- 1. As a result of the COVID-19 pandemic and its economic impacts, we can expect there to be significant ongoing need for emergency financial assistance, with many families in this country at some time facing a 'financial crisis' point – a financial problem which puts the immediate health and wellbeing of family members at risk.*
- 2. If properly resourced, local authorities are uniquely placed to support residents facing financial crisis, with LWA schemes central to that support. Local schemes can be underpinned by the existing knowledge that councils have of need in their communities, alongside the relationships they hold with local voluntary and community sector partners.*
- 3. Whilst local authorities have other mechanisms such as Discretionary Housing Payments and Local Council Tax Support Schemes to support low income households, Covid-19 has demonstrated how important it is for Councils to have the capacity to deliver timely and discretionary emergency support to households reaching crisis point.*
- 4. Central Government should therefore provide sustainable, long-term funding for local welfare assistance- to give councils the confidence and certainty that they need to develop an effective local welfare offer.*

This Council, therefore, resolves:

- 1. To [establish/maintain] a Local Welfare Assistance Scheme to support residents facing financial crisis.*
- 2. To campaign for a new funding allocation for councils from central government to provide Local Welfare Assistance schemes to be made available at the next comprehensive spending review and protected in real terms over the following years.*
- 3. To write to the Chancellor, the Secretary of State for Housing, Communities and Local Government and Secretary of State for Work and Pensions to request that they make such a funding allocation available to local authorities.*

Members considered the Officer's factual briefing note on the matter (CSO/21/7) which referred to the 2013 abolition of the Discretionary Social Fund and the subsequent grant of approximately £1.2m made to the Council. A partnership agreement with Districts had worked well until Government funding was withdrawn in 2015/16, however, a small local welfare scheme had been maintained in South West Devon. However, at the onset of the COVID19 pandemic, the Council devolved £1m through Team Devon to District Councils under a similar funding agreement for various types of support. The funding had since been topped up. The fund had been recognised as a good example of Team Devon working across local government and case studies were being gathered. It was recognised that there were wide gaps appearing in terms of social and economic deprivation

and as such, the Council would continue to lobby the Government for a strategy for dealing with hardship in the medium term.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that Council be recommended to:

(a) maintain the Team Devon Financial Hardship scheme to support, as far as the resources permit, residents facing financial crisis for 2021/22;

(b) campaign for a new funding allocation for councils from central government to provide schemes to address financial hardship and economic vulnerability be made available at the next comprehensive spending review and protected in real terms over the following years;

(c) write to the Chancellor, the Secretary of State for Housing, Communities and Local Government and Secretary of State for Work and Pensions to request that they make such a funding allocation available to local authorities, and;

(d) continue to work and engage partners as necessary to create the appropriate climate for job creation in the County to improve its prosperity.

(f) Use of Neonicotinoids (Councillor Wright)

Councillors Biederman and Hodgson also attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item). The wording of the Motion outlined below.

This Council regrets the Government's u-turn on using Neonicotinoids, banned under EU law, and which have proved to be damaging to our vital bee population, other insects and birds and water courses.

This Council calls on the Government to urgently reverse its decision.

Members considered the Officer's factual briefing note on the matter (CSO/21/7) which referred to Neonicotinoids, also known as 'neonics', being the most widely used insecticides in the world, due to efficacy against sap-feeding insects, such as aphids, and the diseases they transmit. Inadvertently they had a highly detrimental effect on bees and other insects and cascading effects up the food chain affecting birds and fish.

In December 2013 the European Commission (EC) introduced a precautionary ban on the three most common neonics. Since 2018, 10 EU countries had been granted emergency use authorisations for neonicotinoid seed treatments. The latest emergency use authorisation was approved by Defra in January this year to counter the threat to sugar beet crops from beet yellow virus. The use of neonics appeared to be inconsistent with the UK government's policy support for pollinators and the wider environmental objectives set out in its 25 Year Environment Plan.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that Council be recommended to:

(a) endorse the spirit of this Notice of Motion given the significant environmental concerns relating to the use of neonicotinoids and calls on Government to carefully review its consideration of emergency use applications to ensure consistency with the objectives of the National Pollinator Strategy and the 25 Year Environment Plan; and

(b) and note that with the new guidance recently received the motion has been superseded by Government action.

* **644** **Minutes**

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

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

Standing Advisory Council on Religious Education – 11 February 2021
Farms Estate Committee – 22 February 2021.

* **645** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [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.

* **646** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the [Forward Plan](#) and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

* **647** **Future Arrangements for the Provision of Education and Inclusion Services**

(Councillors Biederman, Connett, Dewhirst, Hannaford and Hodgson attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Education and Learning CS/21/04 on the future arrangements for the provision of Education and Inclusion Services, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This Report explained the background and process which had taken place over the past 15 months to ensure the effective delivery of a significant number of the Local Authority's statutory duties in relation to Education when the current contract with Babcock LDP expired.

The current contract had worked well and was valued, however, moving forward the Council needed to prioritise the integration of SEND services so it could continue to improve its ability to meet the needs of children and their families.

The recommendations therefore supported a fully integrated SEND Service whilst also securing safe delivery of the remaining statutory duties and services which were important to the inclusive education of pupils in schools.

In terms of the future service delivery, there was an ambitious partnership vision for all children. The services covered within the Report had been listed in paragraphs 3.9 and 3.10 and were significant for the delivery of a wide range of statutory duties which the Local Authority held to safeguard all children and ensure that they could access high quality inclusive education. The SEND transformation vision was in line with the priorities of the Children and Young People's Plan and SEND strategy.

There was evidence that to deliver the full integration required, a number of SEND services would need to be brought into the direct delivery of the Council (Education Psychology, Early Years support & advice, Children

Missing Education, Physical & Sensory Support, Social, Emotional & Mental Health, Communication & Interaction and Multi-sensory impairment).

Bringing in these services created a knock-on consequence for the viability of a service contract to deliver the remaining services and included Elective Home Education support and monitoring (EHE), Ethnic Minority, Travel and English as an additional language, Education Welfare Service, Teaching, Curriculum & Learning Advisory Support, Governance, School Improvement and Quality Assurance and Education Safeguarding.

A market assessment highlighted it was unlikely there were providers in a position to deliver the remaining services, should the SEND services be brought into direct delivery.

The future of the LLP was explored further at paragraphs 3.15 to 3.17 and it was noted there were three options;

1. remain 'as was' to deliver the traded services;
2. the Council sold its interest in the LLP to Babcock or a third party;
- or
3. the LLP was wound up.

It was stressed that the Council would need to explore the options with Babcock Education Holdings Ltd with the aim of agreeing a joint way forward.

An options appraisal had been undertaken which considered the way that the services within the current contract worked together and how they are connected to other services outside the contract to provide the whole system of support. Significant market engagement had also been undertaken to fully explore market appetite and a full report completed on this.

Consultation had taken place with schools through a design workshop, two surveys and 3 consultation events held virtually. The main schools' consultation had taken place as part of the Schools Funding Consultation in October and the outcome of this was outlined in full at section 5 of the Report.

The proposals would see a significant number of staff becoming Council employees and an initial financial analysis had been undertaken, a summary of which was provided in the Report.

The Risk Management considerations outlined that a risk register was in place for the project and risks had been analysed. The most significant risks identified from a service and an organisational perspective were described.

In summary, as a result of the extensive analysis and consultation work carried out over the last 15 months and the findings of the market engagement work and the risk identified of no competitive provider market for

the remaining services, it was recommended to the Cabinet that all of the Education and Inclusion services currently provided by Babcock LDP were brought in for direct delivery.

The Cabinet noted the issue of Education and Inclusion had been considered by the Children's Scrutiny Committee Standing Overview Group in 2021 with their comments attached to the Report.

An options appraisal had been undertaken to consider the ways in which Education and Inclusion Services could be delivered going forward and the Impact Assessment (attached to the agenda) followed the appraisal and aimed to consider the impact of the recommendation to deliver Education and Inclusion Services through a different set of arrangements from 2022/23.

The recommended change would provide a greater opportunity for integration and to support SEND transformation and improve outcomes for children so no unmanageable impacts had been identified and mitigations were in place, where required, within the Assessment.

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

it was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes (following consideration of the Part 2 Report), and

RESOLVED

(a) that the outcomes of the consultation and engagement process that has taken place over the past 15 months be noted;

(b) that following expiry or termination of the existing service contracts with Babcock Learning and Development Partnership LLP the Education and Inclusion Services be brought into direct delivery by the Council, through the Education and Learning teams.

(c) that authorisation be given to the County Treasurer, County Solicitor, and Head of Digital Transformation & Business Support (in consultation with the Leader of the Council and the Lead Member) to:

(i) determine the Council's preferred option for the future of the LLP after the existing service contract for Learner Services has come to an end;

(ii) enter into discussions with Babcock Education Holdings Ltd to agree the future of the LLP; and

(iii) execute all legal and financial agreements necessary to effect any decisions or agreements reached with regard to the future of the LLP;

(d) that in the event that the LLP is wound up or otherwise ceases to provide the traded services, that authorisation be given to the Chief Officer for Children's Services (in consultation with the County Treasurer, County Solicitor, Head of Digital Transformation & Business Support, Head of Education & Learning, the Lead Member for Childrens Services and the Leader of the Council) to consider the future of appropriate traded services in accordance with the commitment provided at paragraph 3.17 in the Report and recognising that the future of the services will be subject to further consultation and scrutiny, as appropriate and Cabinet in due course.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **648** **Exclusion of the Press and Public**

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

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves 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 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.

* **649** **Education and Inclusion Services Commissioning**

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

(Councillors Connett, Dewhirst and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Education and Learning which contained information on the staffing and financial implications of the proposals for the Education and Inclusions Service contract as set out in Report (CS/21/04) at item 14 on the agenda.

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

RESOLVED that the contents of the Report be noted and taken on board for the consideration of the recommendations as set out in Report CS/21/04 (minute *647 refers).

Councillor Hart then **MOVED** and Councillor McInnes **SECONDED** that the press and public be readmitted to the meeting.

The Motion was put to the vote and declared carried.

(Note – See agenda item 14 for resolution of this item).

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

DENOTES DELEGATED MATTER WITH POWER TO ACT

The Meeting started at 10.30 am and finished at 1.16 pm