

County Council
Thursday, 18th February, 2021



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

10 February 2021

Your attendance is requested at the Meeting of the Devon County Council to be held Virtually via Microsoft Teams on Thursday, 18th February, 2021 at 2.15 pm.

A handwritten signature in black ink that reads "Phil Dorrey".

Chief Executive

AGENDA

1. Meeting Processes

The Chair and Head of Democratic Services to present.

2. Apologies for Absence

3. Minutes

To approve as a correct record and sign the minutes of the meeting held on 3 December 2020.

4. Announcements

5. Items Requiring Urgent Attention

6. Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

7. **Petitions from Members of the Council**

8. **Questions from Members of the Council**

Answers to questions from Members of the Council pursuant to Standing Order 17.

FRAMEWORK DECISION

9. **Revenue Budget and Medium Term Financial Strategy 2021/22 - 2024/25 and Capital Programme 2021/22 - 2025/26** (Pages 1 - 24)

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2021/22 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://www.devon.gov.uk/impact/budget-2021-2022/>.

To receive and approve the Report of the County Treasurer (CT/21/17) together with the Minutes of the Cabinet held on 12th February 2021 relating to the budget and the Scrutiny Budget Resolutions from 28th January 2021, attached.

Minutes from the recent Scrutiny Budget meetings (Children's Scrutiny, Health and Adult Care and Corporate Infrastructure and Regulatory Services) are also attached for the information of Members.

The Report of the County Treasurer will follow.

The Cabinet Minutes will be available to view at <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=3838&Ver=4> shortly.

Electoral Divisions(s): All Divisions

BREAK

10. **Pay Policy Statement 2021/2022** (Pages 25 - 34)

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments, Remuneration and Chief Officer Conduct Committee (20 January 2021) (Minute 82 refers). The minutes and Pay Policy Statement are attached.

Electoral Divisions(s): All Divisions

OTHER MATTERS

11. **Cabinet Member Reports**

To consider reports from Cabinet Members.

12. Minutes

To receive and adopt and / or approve the Minutes of the under mentioned Committees

- (a) Development Management Committee - 2 December 2020 (Pages 35 - 38)
- (b) Appeals Committee - 7 December 2020 and 1 February 2021 (Pages 39 - 42)
- (c) Procedures Committee - 2 February 2021 (Pages 43 - 46)
- (d) Appointments, Remuneration and Chief Officer Conduct Committee - 20 January 2021 (Pages 47 - 50)
- (e) Children's Scrutiny Committee (Ordinary Meeting) - 25 January 2021 (Pages 51 - 56)
- (f) Health and Adult Care Scrutiny Committee (Ordinary Meeting) - 26 January 2021 (Pages 57 - 64)
- (g) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 28 January 2021 (Pages 65 - 70)

BREAK

NOTICES OF MOTION

14. Armed Forces (Minute 331 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Asvachin and referred thereto in accordance with Standing Order 8(2), namely:

'We call upon the council to make their armed forces champions and lead officers aware of the difficulties experienced by commonwealth veterans and ensure that those who are currently experiencing problems, whether financial or immigration difficulties, are not disadvantaged whilst their applications are ongoing.

We also call upon the leader of the council to write to the Prime Minister, Kevin Forster the Minister of State for Immigration, and Johnny Mercer the Minister of State for Veterans Affairs, outlining this Councils support for all Commonwealth veterans who have served a minimum of 4 years being granted automatic and free of charge right to remain in the UK and that any veteran who completes 12 years of service to be automatically given British Citizenship.

Further, we call upon the Leader of the Council to write to our Devon MPs, on behalf of this council, to ask that they continue to press the government for a change in the legislation that affects those that have served diligently and honourably for this Country'

Having had regard to the aforementioned, any factual briefing/position statements on the matter as set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That Council

- (a) notes the work to date of Officers and the Council's Armed Forces Covenant (AFC) Lead Member in terms of their involvement in and contribution to the Consultation about the forthcoming legislation to enshrine the Armed Forces Covenant in Law and that Officers and the Council's AFC lead Member continue to work with "Forces Connect South West" (consortium of SW Councils) on matters concerning AFC including Commonwealth Veterans;
- (b) welcomes this impending legislation and will act upon its requirements as soon as has become enshrined in law;
- (c) recognises the situation regarding Commonwealth Veterans and therefore asks the Leader to write to Kevin Foster MP (Minister for Immigration) and Johnny Mercer MP (Minister of State for Veteran Affairs) asking that Commonwealth members of the Armed Forces be given adequate guidance on the steps required to obtain legal immigration status in Britain ahead of leaving their Service, in particular,
 - (i) that a longer period for application for leave to stay (12 - 18 months rather than currently the case where this must happen before or immediately upon leaving service);
 - (ii) during this period, they have the same rights that they had when in Service e.g. register with GP and find work;
 - (iii) apply for assistance from Local Authorities. (i.e. Housing); and
 - (iv) that the process of immigration in these cases is sped up with fair and affordable administrative charges.
- (d) continues to implement and apply policies that support former Armed Forces personnel and reservists as well as understanding the issues that veterans, reservist and their family members face and continue to work towards 'Gold' status in the Defence Employer Recognition Scheme, with improving the provisions of career based and personal support even more; and
- (e) ask the Corporate Infrastructure and Regulatory Services Scrutiny Committee to consider the issues in more depth, building on its previous task group work relating to the Armed Forces Covenant.

15. Loneliness and Isolation (Minute 332 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Connett and referred thereto in accordance with Standing Order 8(2), namely:

‘This Council notes that loneliness and isolation are a public health issue that must be tackled at a local, as well as at a national level. It is estimated one in ten people of pensionable age living in the Devon County Council area are likely to be classed as lonely or severely lonely. And that the Covid 19 pandemic will have increased the chronic nature of this loneliness.

This Council believes:

1. Loneliness increases the risk of heart disease and puts people at greater risk of blood clots.
2. Being chronically lonely is equivalent to smoking 15 cigarettes a day.
3. Loneliness makes people more likely to drink more alcohol, eat more and exercise less.
4. Raising awareness of the health impact of loneliness is important because it affects older people’s mortality and morbidity.
5. Councillors and the authority as a whole can play a key leadership role in ensuring Devon is an area in which people maintain and forge social connections.
6. The Health and Wellbeing Board must play a central role in mapping local services and supporting local interventions to help reduce social isolation and loneliness.

Devon County Council will work at three levels to address loneliness:

One to one:

1. Improve information and advice on existing services and activities that reduce loneliness and isolation. Make sure this information is available both off and online.
2. Launch a local campaign to raise awareness of the health effects of loneliness and isolation amongst target risk groups.

Neighbourhood:

3. Set up a pilot scheme in a selected Division to map local assets for, and barriers to, keeping connected in older age. Involve local businesses, police officers and voluntary organisations in the project.
4. Involve older people, including those experiencing or at risk of loneliness, in mapping local assets, determining responses, and co-producing solutions.
5. Support the voluntary and community sector to build referral partnerships with frontline healthcare staff, fire services and social workers.

Strategic:

6. To take an active interest and role in ensuring the public health problem of social isolation in Devon is recognised and assessed.
7. To regularly measure loneliness and mapping need through Joint Strategic Needs Assessment and/or lifestyle surveys. Use this to monitor impact of interventions.
8. To ensure addressing loneliness and isolation is part of any 'ageing well' or 'mental health' or other relevant priority in the Health and Wellbeing Board's Joint Health and Wellbeing Strategy.
9. Protect subsidies for public transport for over-60s, and improve accessibility to public and community transport.
10. Agree a plan, in conjunction with the Health and Wellbeing Board's Joint Health and Wellbeing Strategy, to take action to prevent and reduce loneliness.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that the Council be recommended to support and promote the actions outlined in [Devon's Charter to End Loneliness](#)'.

16. Children's Social Workers (Minute 333 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely:

'Once again Devon's Children's Social Care Services has failed its OFSTED inspection. DCC continues to fail some of the most vulnerable, the very people we should be doing our utmost to support and protect. Cornwall Children's Social Care Services is rated excellent. In comparison Devon's children's social workers have worse terms and conditions of employment including training and career progression. Not surprisingly Devon has a high turnover of social workers and employs a higher number temporary (and more expensive) agency staff.

As a matter of urgency DCC will commit to improving the terms and conditions of employment and invest in the support of these social workers'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council be asked to support the recent Cabinet proposals to improve the recruitment and retention of qualified social workers in Devon'.

17. Rural Proofing (Minute 334 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

‘Given the Government’s failure to fair fund rural Devon’s schools economy health services police and local government and to recognise the Great South West’s Industrial strategy this councils considers the Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Devon.

This Council considers a reformed approach to rural proofing should be introduced and take into account the following:

- A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No legislation should be brought forward without an accompanying rural assessment statement;
- The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across government in the Government’s annual report on the implementation of the rural strategy;
- All relevant public bodies including Government, Devon County Council and the HoSW LEP should be required to rural proof, monitor and report annually on the rural impacts of relevant policies;
- The Government should put in place the appropriate structures to facilitate a more robust rural proofing regime; and
- Agrees to write to the Government and MPs across the SW and the LEP in response to this motion’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

(a) to await the publication of the Government report and when this is issued, review accordingly and provide a Devon County Council response, using the Notice of Motion to help guide that response, seeking input from partner organisations and evidence where relevant, highlighting the rural opportunities and challenges across a number of service areas;

(b) note the issues previously identified by the Council that require addressing in relation to rural proofing; and

(c) to follow up, as appropriate, on any matters arising.

18. Climate Change and Fossil Fuel Projects (Minute 335 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

‘The UK export finance (UKEF) has used £3.5bn of public funds to support polluting projects since the government signed up to the Paris climate agreement and has directed £6bn of public money into fossil fuel projects around the world in the last decade.

It is considering requests for financial support for seven projects involving fossil fuels that may be agreed in 2021, and has received a further 10 applications for trade finance support in the sector.

Britain must lead by example by urgently aligning our stated net zero priorities at home with our practices abroad in view of our COP presidency next year. The government’s seeming willingness to pump billions of pounds of UK public money into overseas oil and gas demonstrates a reckless and inconsistent approach to climate action.

Devon County Council calls on the Government to:

- end all financing for new foreign fossil fuel projects immediately or risk undermining its own commitment to tackling the global climate crisis; and
- change the mandate of its credit agency, UK export finance (UKEF), to stop offering billions of pounds in financial support to companies that bid for work on fossil fuel projects overseas despite a pledge to be carbon neutral at home’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to take action as follows:

(a) Whilst supporting the objectives of facilitating international trade and assisting viable UK export businesses, Council shares the concern highlighted by the Notice of Motion about the environmental consequences of UK trade finance support directed towards the fossil fuel sector; and

(b) Call on Government to accelerate the change in policy and approach through UK Export Finance to achieve consistency with the international commitment to tackle climate change as well as the UK’s own net zero

carbon target and the recently published Ten Point Plan for a Green Industrial Revolution.

19. Public Sector Pay (Minute 336 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

‘Research from the Institute for Fiscal Studies showed that public sector pay is 1.5% lower than in 2010 after inflation, and among the lowest levels relative to private sector earnings in decades.

Devon County Council

- deplores the governments renewed squeeze or pay freeze on public sector pay and should not be attacking public sector workers who have done much to support the emergency response to the coronavirus pandemic;
- considers this will seriously affect morale and services at DCC;
- will exacerbate difficulties with hiring workers and retaining existing employees; and
- agrees to write to the Government to and local M.P’s to ask it to not implement this’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council

- (a) recognise and is very appreciative of the work of the Local Government workforce in response to the Pandemic and also believes it is important to try to maintain pay parity across the public sector and with the NHS;
- (b) notes there are specialist areas within the Local Government workforce where professional shortages significantly impact on service delivery, such as teachers, social workers, engineers and solicitors and a decline in the pay and conditions of the public sector workforce will not help with recruitment and retention and the perceived value society puts on the local government; and
- (c) through the Leader of the Council, will write to Devon MP’s to request they encourage proposals which support pay parity, to ensure that the Public Sector is held in equal value and doesn’t fall behind the NHS.

20. The British Horse Society - Dead Slow Campaign (Minute 337 of 3 December 2020)

To receive and consider the recommendations of the Cabinet (Minute 615(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely:

Council notes with concern that:

Numbers of road collisions involving horses in the South West are higher than anywhere else in the country, according to the latest figures.

New statistics released by the British Horse Society (BHS) show that 203 incidents were reported to the charity during 2019-20, down slightly from 239 in 2018-19.

Devon reported over half of the overall total with 104 incidents, one human fatality and 33 horse fatalities, also making it the county with the highest equine fatality rate in the UK.

The BHS has collated incident statistics to tie in with Road Safety Week (November 16-22) run by Brake, the road safety charity, to understand the rate of incidents involving horses on UK roads.

Of the 1,037 incidents reported nationally, 80 horses have died and 136 have been injured.

Furthermore, the BHS reveals that 81% of them occurred due to vehicles passing by too closely and close to half (43%) of riders were subject to road rage or abuse. It adds that 40% of incidents occurred because a vehicle passed by too quickly.

Overall, since November 2010, 4,774 road incidents have been reported to the BHS, 44 people have lost their lives and 1,220 have been injured, and 395 horses have been killed, with another 1,080 injured.

Council supports:

The Dead Slow campaign that can be visited at the website bhs.org.uk/dead_slow, consists of four key behavioral change messages to drivers in relation to horses and riders:

- Slow down to a maximum of 15mph;
- Be patient – I won't sound my horn or rev my engine;
- Pass the horse wide and slow (if safe to do so), at least a car's width if possible;
- Drive slowly away.

Council Resolves:

With the documented increase in speeding incidents we support the charity in urging drivers to be very careful when passing horses on the road, and for them to adhere to its Dead Slow campaign messages.

We join with the BHS to encourage all riders and horse owners to report their incidents to the charity at horseincidents.org.uk.

Furthermore, as Devons highways authority we will aim to work with horse owners & riders, local communities, District, Town and Parish Councils, charities and others to wherever possible promote this campaign, in tandem with other measures such as better signage, to achieve behavioral change and secure better equine safety for all'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to;

(a) work with local communities, through partnerships with other agencies, and on-line to support the BHS in urging drivers to be very careful when passing horses on the road, and for them to adhere to its Dead Slow campaign messages;

(b) join with the BHS to encourage all riders and horse owners to report their incidents to the charity at horseincidents.org.uk;

(c) undertake a study of the detailed data from the BHS of the reported equestrian incidents within the county; and

(d) use the results of the study to identify any problem areas and patterns for signing intervention to improve driver awareness and to target education.

21. Election Voting System

Councillor Shaw to move:

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.

22. Elections - Campaigning

Councillor Shaw to move:

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.

23. Climate and Ecological Emergency Bill

Councillor Hodgson to move:

'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](#), the organisers of the campaign

for the Bill, expressing its support (campaign@ceebill.uk)’.

24. Beach Breaks, Mental Health and Support of Initiatives

Councillor Biederman to move:

‘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’.

25. Sustainable future funding for Local Welfare Assistance

Councillor Atkinson to move:

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.

26. Use of Neonicotinoids

Councillor Wright to move:

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.

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Declarations of Interest for Members of the Council

It is to be noted that Members of the Council 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.

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Induction Loop available

