

County Council Thursday, 2nd December, 2021



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To: Members of Devon County Council

County Hall Exeter EX2 4QD

24 November 2021

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on https://exeter.com/hursday.2nd/December.2021 at 2.15 pm.

Chief Executive

<u>A G E N D A</u>

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 7 October 2021.

- 3. Announcements
- 4. <u>Items Requiring Urgent Attention</u>
- 5. <u>Public Participation: Petitions, Questions and Representations</u>

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

- 6. <u>Petitions from Members of the Council</u>
- 7. Questions from Members of the Council

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

FRAMEWORK DECISION

8. <u>Devon County Council's Vision, Ambition and Priorities: Our Strategy for 2021 - 2025</u> (Pages 1 - 4)

To receive and approve the Report of the Chief Executive (CEX/21/1) together with Minute 68 of the Cabinet held on 10 November 2021 relating to the Council's Vision, Ambition and Priorities: Our Strategy for 2021 - 2025, attached.

The Council is asked

- (a) that the vision, ambition, and priorities for 2021 2025 as set out on the webpages at Devon County Council Strategic Plan 2021-2025 (https://beta.devon.gov.uk/devoncc-plan/) be endorsed; and
- (b) that the preparation and publication of an annual Council plan and progress report also be agreed.

Electoral Divisions(s): All Divisions

OTHER MATTERS

9. Cabinet Member Reports

To consider reports from Cabinet Members.

10. Minutes

To receive, adopt and approve the Minutes of the under mentioned Committees, including any unstarred minutes and the recommendations contained therein.

- (a) Appointments, Remuneration and Chief Officer Conduct Committee 20 October 2021 (Pages 5 6)
 - Council is asked to endorse minute 10 and agree the recommendation of appointment of the Director of Finance.
- (b) Appointments, Remuneration and Chief Officer Conduct Committee 16
 November 2021 (Pages 7 8)
 - Council is asked to endorse minute 13(b) and agree the recommendation of appointment of the Interim Monitoring Officer and Proper Officer and further endorse the post of Interim Returning Officer being included within that role.
- (c) Standards Committee 4 November 2021 (Pages 9 14)
- (d) <u>Procedures Committee 16 November 2021</u> (Pages 15 24)
 Including Council approval of Minute 12 Member Development Strategy 2021 2025, attached.

(e) Audit Committee - 23 November 2021

The minutes will be published here shortly - https://democracy.devon.gov.uk/ieListDocuments.aspx?Cld=161&Mld=4296 &Ver=4.

Council approval is required of minute 26 relating to the endorsement of Procurement Arrangements for External Audit 2023/24 to 2027/28.

(f) Public Rights of Way - 25 November 2021

The minutes of the meeting will be published here shortly. https://democracy.devon.gov.uk/ieListDocuments.aspx?Cld=171&Mld=4241 https://democracy.devon.gov.uk/ieListDocuments.aspx?Cld=171&Mld=4241

(g) Investment and Pension Committee - 26 November 2021

The minutes of the meeting will be published here shortly. https://democracy.devon.gov.uk/ieListDocuments.aspx?Cld=187&Mld=4279 &Ver=4

- (h) Children's Scrutiny Committee 9 November 2021 (Pages 25 30)
- (i) <u>Health and Adult Care Scrutiny Committee 11 November 2021</u> (Pages 31 38)
- (j) <u>Corporate Infrastructure and Regulatory Services Committee 19</u> November 2021 (Pages 39 - 46)

NOTICES OF MOTION

11. Supporting Devon Residents into Homes of Their Own (Minute 53 - 7 October 2021)

To receive and consider the recommendations of the Cabinet (Minute 73(a)) 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:

Devon County Council calls on the Government to:

- 1. End the tax dodge loop-hole of second home owners switching from Council Tax to Business Rates and then claiming 'small business' exemption, so they pay nothing at all.
- 2. To re-extend the notice period given to tenants to 6 months
- 3. Maintain the Local Housing Allowances at Covid-levels (plus cost-of-living increases) to support families into homes

and that the County Council will:

- Work with Devon's District, City and Borough councils to establish a 'housing taskforce' working across the county to tackle the flight to Air BnB and holiday rentals
- 2. Support the provision of urgently needed rented housing on County owned land

Council welcomes the research undertaken by property agents Colliers and published in August 2021, which confirms:

Local authorities are losing out on millions of pounds of council tax income because the Government's business rates system is still giving many holiday home and second home owners the opportunity to avoid paying the tax, provided they make their properties available to rent. This situation has been made even worse by the pandemic.

Colliers estimates the total loss to local authorities from business rates relief for holiday lets in England and Wales alone is currently around £110 million a year - a significant sum that could certainly help bridge the gap in local authority finances, now suffering because of the pandemic.

Property owners who make their properties available to rent as holiday lets for 140 days of the year can claim they are a small business and as such can elect to pay business rates instead of council tax.

However, as small businesses they can claim for relief on 100% of the business rates payable if their properties have a rateable value of less than £12,000. Those properties with a rateable value between £12,000 and £15,000 are also entitled to a relief on a sliding scale in line with the Government's business rates relief policy.

Colliers has analysed the rating lists for the South West of England (Cornwall, Devon, Somerset and Dorset) where 9,600 new properties, claiming 100% business rates relief have entered the list in the last four years- an 82 % increase since the start of the 2017 Ratings List.

According to Colliers' estimates this flip from the council tax to the business rates list is costing the local councils an extra £16 million a year in council tax income. The South West now has 21,312 properties in the rating list that are eligible for 100% business rates relief and Colliers has estimated that if these properties at least paid council tax the local councils would benefit by £35.5 million a year!

Council also notes that the Office for National Statistics has reported:

The number of households living in the private rented sector in the UK increased from 2.8 million in 2007 to 4.5 million in 2017, an increase of 1.7 million (63%).

Over this period, the number of owner occupier households remained broadly consistent at 17.7 million households.

However, households owned outright increased from 7.9 million to 9.4 million while households buying with a mortgage fell from 9.8 million to 8.3 million.

The number of social rented households decreased by 200,000 households to 4.5 million.

Younger households are more likely to rent privately, with those in the 25 to 34 years age group representing the largest group.

Households in the 45 to 54 years age group saw the biggest percentage increase from 11% in 2007 to 16% in 2017, an estimated increase of 384,000 households.

Council welcomed the protection for tenants but is concerned about a rise in evictions

Due to Government action during the Covid pandemic, thousands of private sector tenants were protected from homelessness by the national ban on evictions.

However, that protective shield was removed on 31 May this year and, in addition, the notice period that a landlord must give a tenant was cut from six to four months

Citizens Advice said there's been a **17 per cent increase in people with issues about being evicted from their private rented accommodation**, comparing the first four months of this year with the same period a year ago.

It said there's also been a **36 per cent increase in the number of people seeking help with all types of problems in the rental sector**.

Private rented homes are like Hens teeth...

In Devon, we are seeing a dramatic shift in the availability of private rented homes.

In North Devon, the Reach Plc news organisation, reported on 8 August that there are 2000 residents looking for social housing on Devon HomeChoice but only 20 residential properties available for rent via Rightmove. In Teignbridge, there are 1000 applicants on the Devon HomeChoice register, a search of Rightmove on 9 August showed 5 rental properties available in Newton Abbot, 7 in Dawlish, 1 in Teignmouth, 1 in Ide, 1 in Bovey Tracey, 2 in Chudleigh and 1 each in Ashburton and Buckfastleigh with none in Exminster. In East Devon, there were 22 rental properties displayed on Righmove. Anecdotal evidence from other districts suggests this pattern of high demand and very low supply is repeated across Devon.

And this is an extract from an online search on 09 August 2021 for Air BnB properties for let in Devon

500+ Devon Holiday Cottages | House and Apartment ... - Airbnb https://www.airbnb.co.uk > United Kingdom > England

Find the perfect self-catered holiday cottage for your trip to **Devon**. **Houses** with a kitchen and **apartments** with free parking await you on **Airbnb**.

The Guardian of February 2020 reported....

Out-of-control' dominance of rentals in some communities depriving locals of homes, critics say

The Devon village changed by Airbnb

In England, the area with the highest rate of Airbnb lets was <u>Woolacombe</u>, Georgeham and Croyde, in Devon, with 23 listings for every 100 properties.

https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one-airbnb-for-every-four-homes

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/15) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that the County Council assess the potential for it to offer accommodation to new social and key workers to attract them to work for Devon County Council;
- (b) that the County Council, as a member of Team Devon (Leaders and Chief Executives), propose to Team Devon that a Devon strategic housing taskforce be established to help draw together the work of existing pan-

Devon housing partnerships and focus on tackling homelessness and improving the availability of affordable housing in Devon; and

(c) that the County Council, as a member of Team Devon (Leaders and Chief Executives), proposes to Team Devon that it write to Devon Members of Parliament asking them to support changes to legislation and policy to address the housing problems in Devon described in the Notices of Motion. Team Devon's letter to MPs should propose strengthening the criteria on how a property becomes liable for Business Rates instead of Council Tax. Owners of these properties should have to show that they are commercially letting the property and not just declaring them available for rent.

12. Devon's Housing Crisis (Minute 54 - 7 October 2021)

To receive and consider the recommendations of the Cabinet (Minute 73(b)) 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 Devon is in the grips of a serious housing crisis. Second home sales are soaring, private landlords are switching to holiday letting in huge numbers, significantly fewer homes are available to buy or rent, and both renters and buyers are being priced out of the county in an unprecedented way.

The post pandemic far South West property boom has especially compounded decades of systemic under investment in social and affordable housing, that has prevented local councils, housing associations, alms houses and charities from investing in more much needed homes for local people and families.

We know that across Devon we have thousands on the Devon Home Choice waiting lists, with thousands more not eligible to apply, and thousands more in often poor quality private rental stock. Home ownership is now only a distant dream for so many.

People who've lived here for generations are being pushed further away by property prices that they simply cannot afford.

Furthermore, we also risk our communities becoming unsustainable, we have a county wide recruitment and retention problem across all sectors, including at Devon County Council.

Council therefore resolves to:

- Set up a high level action group to look at using Devon County Council resources to provide some key worker accommodation for our own staff such as adult and children's social workers.
- That Devon County Council use its convening powers to host and coordinate a county wide Devon Housing Forum with all key partners to

- develop a range of effective local and grassroots solutions to help solve Devon's housing crisis, including key workers such as nurses, care workers, teachers, hospitality and retail sector and those serving in the blue light services.
- Work with all our local Members of Parliament to ensure that new Secretary of State for Housing and Local Government fully understands the collective housing challenges that we urgently face in Devon, and to secure the necessary powers and resources through the Devon Devolution Deal to make significant and lasting progress to provide people in Devon with somewhere affordable, safe and secure to call home.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/15) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that the County Council assess the potential for it to offer accommodation to new social and key workers to attract them to work for Devon County Council;
- (b) that the County Council, as a member of Team Devon (Leaders and Chief Executives), propose to Team Devon that a Devon strategic housing taskforce be established to help draw together the work of existing pan-Devon housing partnerships and focus on tackling homelessness and improving the availability of affordable housing in Devon; and
- (c) that the County Council, as a member of Team Devon (Leaders and Chief Executives), proposes to Team Devon that it write to Devon Members of Parliament asking them to support changes to legislation and policy to address the housing problems in Devon described in the Notices of Motion. Team Devon's letter to MPs should propose strengthening the criteria on how a property becomes liable for Business Rates instead of Council Tax. Owners of these properties should have to show that they are commercially letting the property and not just declaring them available for rent.

13. School Uniform Costs (Minute 55 - 7 October 2021)

To receive and consider the recommendations of the Cabinet (Minute 73(c)) 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:

Thousands of parents across Devon were again forced to pay over the odds for <u>school uniforms</u> this academic year.

The Government failed to issue legally binding guidance obliging schools to ensure that their specified clothing is reasonably priced in time for the start of the new term.

Under a new law passed by Parliament in April, schools will be required

follow statutory guidance on uniform costs, forcing them to keep prices down.

It was widely understood that this guidance would be in place in time for the start of the 2021/2022 academic year

In addition to encouraging schools to consider making second-hand uniforms available, the guidance will also instruct them to look into allowing parents to kit out their children in cheaper high-street alternatives and to also demonstrate that they obtained the best value for money possible from their suppliers.

Parents with children in state schools spend on average £315 per year for each primary school child and £337 per year on uniform for each secondary school child, according to research from The Children's Society.

This is more than three times what parents think is a reasonable cost for primary (£85) and secondary (£105) uniform.

The new law, introduced as a Private Members' Bill by Labour MP Mike Amesbury, that had widespread cross party support, could save hard-pressed parents <u>hundreds of pounds</u> over the course of their children's academic careers.

Council therefore resolves to formally write to all Members of Parliament in the Devon County Council area, clearly raising all the ongoing issues and concerns around the rising cost of school uniforms, to urge them to actively support the implementation of these changes at the earliest opportunity.

Furthermore with cuts to universal credit, increasing fuel and heating costs, and rising inflation, we need to support our families now by making school uniforms more affordable in Devon as we cannot wait for government decisions.

Council therefore also resolves to write to all our schools this term to ask them to urgently reconsider their uniform policies, and check that parents and families have the option of buying school clothing that is less expensive. In line with previous Department of Education guidance to local authorities, governors and schools for setting school uniform policy.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/15) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council support the issues as raised and outlined in the Notice of Motion and accordingly;

(a) writes to Devon MPs; and

(b) that schools be reminded of the impending statutory guidance and ask that they take a proactive approach.

14. Bovine Tuberculosis, Badgers and Vaccination (Minute 56 - 7 October 2021)

To receive and consider the recommendations of the Cabinet (Minute 73(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Bradford and referred thereto in accordance with Standing Order 8(2), namely:

The badger cull is an attack on a native mammal without precedent in any country, in modern times.

As such – we shouldn't – and can't - stand by and watch from the sidelines. It is our wildlife, our natural heritage that is being decimated for no good reason at all.

I therefore propose that Council

- 1. recognises the impact of Bovine Tuberculous on cattle, wildlife, and the farming community in the County
- 2. endorses good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculous;
- 3. confirms that this Council will not support the culling of badgers on Council land and will seek to amend its new leases accordingly. Any essential variation of such a lease clause will be subject to a formal request in writing and subsequent consent;
- 4. endorses vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Devon and resolves to support badger vaccination programmes, particularly in those areas most at risk of the spread of Bovine Tuberculous, and to commit in principle to support them financially with Council and other resources.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/21/15) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to:

- (a) recognise the impact of Bovine Tuberculous on cattle, wildlife, and the farming community in the County;
- (b) endorse good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculosis through the continued promotion and dissemination of DCCs TB information packs for farmers:

- (c) endorse vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Devon; and
- (d) continue to assess the implications of the government's evolving strategy in relation to bovine TB and the resultant impact on the County Farms Estate.

15. <u>Divestment (Fossil Fuels and Local Government Pension Scheme) (Minute 57 - 7 October 2021)</u>

To receive and consider the recommendations of the Investment and Pension Fund Committee (Minute 35) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely:

Devon County Council notes:

- Devon County Council has around £157 Million invested in fossil fuels via the Local Government Pension Scheme. This is about 3.9% of its total fund and currently the 5th highest of all the Local Government Pension schemes in the UK[1]
- The United Nations Paris 2015 Agreement commits our governments to keep the global temperature increase to under 2 degrees and aim for 1.5 degrees. Carbon budgets produced by the Intergovernmental Panel on Climate Change, United Nations and the International Energy Agency show that preventing two degrees of warming relies on not burning 60-80% of all proven fossil fuels.
- With COP26 taking place in Glasgow in November 2021, there is increased emphasis by the UK government on showing global climate leadership, especially in relation to finance. Divesting our pension is a clear and meaningful action that can be taken at a local government level.
- Fossil fuel investments are financially risky as a result of both the Covid19 pandemic and the global transition to a more sustainable economic and environmental model. They are now being consistently out-performed by renewables.[2]
- Former Bank of England Governor Mark Carney warned in December 2019 that fossil fuel investments risk becoming "stranded assets" (i.e., worthless) as investors exit the sector. "A question for every company, every financial institution, every asset manager, pension fund or insurer – what's your plan?"
- As continued investments in fossil fuels pose material financial risks to portfolios, funds have fiduciary duties to consider the benefits of decarbonising as part of their investment strategies. Fiduciary duty is defined by the Law Commission as 'ensuring that pensions can be paid, ensuring that this is undertaken at the best possible value'.
- Pension funds have a legal duty to treat members "fairly as between them". That means taking seriously the longer-term interests of younger

- members who may well be affected more by the climate transition.
- Continued engagement with fossil fuel companies does not stop them
 polluting and recent court action with Shell (DCC Treasurer's
 Investment Management Report to Pension Fund Committee 17.09.21)
 indicates that company's resistance to reduce its reliance on fossil fuels
 in line with the Paris Agreement.

This Council commits to:

- 1. Reviewing its Investment Strategy and developing and implementing a Responsible Investment Policy which rules out new investments in fossil fuel companies and divests as a matter of urgency from those fossil fuel companies it is currently invested in.
- 2. Calls on Devon County Council's Pension Fund to divest from fossil fuels by requesting its representative(s) on the Pension Fund Committee to call for the development and adoption of responsible investment policies which:
- a. Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies.[3]
- b. Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds to achieve net zero by **2030**, in line with the aspirations of our Devon Carbon Plan. This requires a faster rate of change than the current 7% transition per annum.
- c. Set out an approach to quantify and address climate change risks affecting all other investments.
- d. Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk.
- e. Seek investment in the Paris Aligned Benchmark via Brunel as part of the transition.
- 3. Recognising that fossil fuel investments should be considered as part of the council's 'carbon footprint' and divesting our pension fund is one of the most impactful steps we can take to reduce our impact on our community and the world. A detailed report on the carbon footprint of the Devon Pension Fund investments will be provided to this Council
- 4. Requests the Devon Pension Fund to poll its individual investors for their views of divestment from fossil fuel companies and increased investment in companies that support sustainable initiatives such as renewable energy.

Footnotes

- [1] 2021 figures taken from the report *Divesting to protect our pensions and the planet An analysis of local government investments in coal, oil and gas.* Available at: https://www.divest.org.uk/councils
- [2] Energy Investing: Exploring Risk and Return in the Capital Markets,

Joint Report by the International Energy Agency and the Centre for Climate Finance & Investment, Paris. Available at: https://www.iea.org/reports/energy-investing-exploring-risk-and-return-in-the-capital-markets

[3] As determined by the most recent Carbon Underground 200 list.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report of the Director of Finance and other suggestions and alternatives considered at that meeting, the Committee's **resolution** will be published here as soon as possible after the meeting - https://democracy.devon.gov.uk/ieListDocuments.aspx?Cld=187&Mld=4279&Ver=4

16. Restoring Railway Resilience

Councillor Hannaford to move:

Council warmly welcomes and celebrates the restoration of the Okehampton to Exeter daily rail services after an absence of forty nine years.

After many years of strong cross party support at Devon County Council, we are especially pleased and proud that the first reopening under the governments "Restoring Your Railway Programme" has taken place at the heart of Devon.

Hopefully heralding a national railway service revival across the whole country, that will see a transformational change in commuter movements, and a substantial reduction in harmful emissions.

Council also welcomes the £50,000 to develop a business case to reinstate passenger rail links between Tavistock and Plymouth, and the new additional funding to reopen Cullompton Railway Station.

However, council is greatly concerned, that there is still an estimated huge gap in regional railway service investment of 4.5 billion for the South West Region, based on its ONS projected population over the period to 2045.

Therefore in order to continue to build upon the restoring your railway programme, increase the far South West's general connectivity, secure our railway resilience, and crucially assist with the climate emergency, council commits its active support, working with others to lobby, help facilitate, and advocate for the following projects;

- The completion of the Great Western electrification programme.
- The development of the North of Dartmoor line, connecting Plymouth, via Okehampton and Tavistock.
- Additional passing loops, and an increase in line speeds, between

- Exeter and Salisbury to improve journey times between Exeter and Waterloo Station.
- Encouraging and working with the logistics sector to commit to a serious switch to rail freight for the distribution of consumer goods, food, and industrial products.

Furthermore, Council resolves to make formal representations to the Government, national and regional transport bodies, the business sector, and our local Devon Members of Parliament, to secure the necessary funding and investment to progress these much needed and long awaited improvements.

17. After COP 26

Councillor Atkinson to move:

The final draft of the COP26 agreement recognises " the urgent need for multilevel and cooperative action." which is understood by those negotiating on behalf of local government to refer to governance, and mean that action should include all levels of government from local to central.

This Council

- will work with Government and Local Government networks, to make sure the COP26 text is translated into meaningful local and national programmes to reduce carbon which are supported by agreed and sufficient financing by Government;
- demands that national plans formulated by the Government are discussed and negotiated between local and devolved Governments and not imposed centrally by Government;
- demands that when the Government promotes new financial measures addressing climate change, these should be discussed with local governments and associations before implementation to ensure that the resources are used effectively at a local level and provide value for money; and
- considers the current national Government competitive approach introduced in 2010, which has introduced an array of short-term and one-off funding pots for which Councils have to dedicate resources to bidding for to access to often small pots of money is not an effective way to address action to reduces global warming.

18. Behaviour Change and Phasing Out Fossil Fuels

Councillor Hodgson to move:

Further to the outcomes of COP26, which failed to secure strong commitments to phase out fossil fuels, this council will seek to support behaviour change in residents and businesses in the County by implementing initiatives modelled on the Welsh Government's One Planet Standard and associated Policies. This will include a commitment to switch funding from fossil fuel intense (e.g. new road building) projects to alternative (e.g. Active Travel) projects that will support low carbon, and healthier lifestyles.

Background information at this link - https://www.youtube.com/watch?v=eSDnAnpaGHs

19. <u>Community Composting Initiatives</u>

Councillor Hodgson to move:

In the spirit of COP 26 to reduce the carbon footprint of waste recycling, this Council will encourage and support community composting initiatives that are supported by Parish Councils in the County.

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Exeter has an excellent network of dedicated cycle routes. For further information see the <u>Travel Devon Webpages</u>.

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Members of the public may also use social media to report on proceedings.

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

