County Council
Thursday, 21st July, 2022

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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

13 July 2022

Your attendance is requested at the Meeting of the Devon County Council to be held in the Council Chamber at County Hall, Exeter on Thursday, 21st July, 2022 at 2.15 pm.

Phil Norrey

Chief Executive

A G E N D A

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 26 May 2022.

3. Announcements

4. Items Requiring Urgent Attention

5. Waiver of 6 Month Councillor Attendance Rule

Section 85 (1) of the Local Government Act 1972 states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a member of the Authority."

Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.

The same Section 85 (1) enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.

Due to continued health issues which have impacted on attendance, the Council is asked to give approval of a dispensation for Councillor James Morrish.

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

NIL

OTHER MATTERS

9. Cabinet Member Reports

To consider reports from Cabinet Members.

10. Minutes

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

(a) Appointments, Remuneration and Chief Officer Conduct Committee - 25 May 2022 (Pages 1 - 2)

The Council is asked to endorse Minute 26 relating to the appointment of the Director of Integrated Adult Social Care.

(b) Appointments, Remuneration and Chief Officer Conduct Committee - 28 June 2022 (Pages 3 - 6)

The Council is asked to endorse Minute 31 relating to the appointment of

the Director of Legal and Democratic Services.

(c) Appointments, Remuneration and Chief Officer Conduct Committee - 21 July 2022

The minutes will be published as soon as possible after the meeting – Appointments, Remuneration and Chief Officer Conduct Committee 21st July 2022.

The Council is asked to endorse the minute relating to the approval of the appointment of the Chief Executive (Interim).

(d) Audit Committee - 7 June 2022 (Pages 7 - 10)

(e) Investment and Pension Fund Committee - 17 June 2022 (Pages 11 - 18)

(f) Public Rights of Way Committee - 30 June 2022 (Pages 19 - 22)

(g) Procedures Committee - 5 July 2022 (Pages 23 - 26)

Including the approval of the proposed amendments to the Constitution.

(h) Standards Assessment Sub Committee - 5 July 2022 (Pages 27 - 28)

(i) Standards Committee - 7 July 2022 (Pages 29 - 32)

(j) Children's Scrutiny Committee - 14 June 2022 (Pages 33 - 38)

(k) Health and Adult Care Scrutiny Committee - 21 June 2022 (Pages 39 - 46)

(l) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 23 June 2022 (Pages 47 - 54)

NOTICES OF MOTION

11. Better Buses For Devon (Minute 113 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194a – to be published shortly) 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

That this Council:-

a) Notes with great concern **the huge reduction in the bus network across Devon**, that has taken place **since privatisation, deregulation, and under funding**.
b) Believes buses are essential to freeing up congested road space, to cleaning up the air that we all breathe and above all to connecting people to jobs, friends and life opportunities.
c) Records the specific ongoing problems that our local **school pupils and college students** have in properly attending their places of education across Devon through inaccessible public transport.
d) Concludes that the bus service in Devon now presents itself as a failed model, to the extent that it no longer has widespread public confidence, because of its serious long term poor performance and

post pandemic dysfunctionality.

e) Notes the completely unacceptable regional imbalances in funding for public transport services which prioritise the South East of England, and believes this must be radically reformed, and central government must do more to provide significant funding to revitalise local transport in the South West.

f) Wants to develop, design and achieve a good public transport system that runs where people need it, when people need it and at a price that is affordable.

g) Understands that the Government's impact assessment of **the *Bus Service Act* (2017**) highlighted that public control would better address **six out of seven Local Transport Authority objectives** compared to an enhanced partnership and was the only method likely to deliver a "significant increase in patronage".

h) **Supports exercising powers to bring Devon's bus services back under local control via franchising, at the earliest practicable date.**

i) Acknowledges that the costs of franchising cannot be estimated accurately until a **"notice of intent"** has been released and the associated statutory powers to access bus operators' commercial data is employed.

Therefore, this Council requests that the Administration:-

(i) To conduct **a statutory assessment of franchising** at the earliest possible opportunity in 2022.

(ii) Explore **a notice of intent to prepare a franchising assessment** at the earliest opportunity.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon will show the resolution of the Cabinet.

12. First Homes Not Second Homes (Minute 114 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(b) – to be published shortly) 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

In response to Devon's serious and ongoing housing crisis council supports the following measures:

1) New powers from Government for Councils to progressively raise taxes on holiday lets and unused second homes, up to a quadrupling of council tax, where homes are left empty for much of the year.

2) A licensing regime for second homes, Airbnbs and holiday lets - with a minimum of 51% of homes in any community being for local people. Councils should have the powers to raise this level to reflect local

circumstances.

3) A " Last Shop in the Village Fund" - powers for local councils to introduce a Community Infrastructure Levy on holiday lets and Airbnbs, administered by local authorities, to support local shops, pharmacies, post offices and pubs.

4) Commitment to build affordable homes and social housing across the South West with a priority for local people.

5) Lock in the discount of new homes for future renters and buyers to ensure affordable homes are not lost after the first families move on.

Council therefore resolves to formally write to the Government, including the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities, requesting the appropriate changes in legislation to secure these much needed changes as a matter of urgency.

Furthermore, Council resolves to formally write to all our local Devon Members of Parliament advising them of the Councils decision, urging them to also urgently propose, lobby for, support and crucially vote for these vital measures in Parliament.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon will show the resolution of the Cabinet.

13. MOT Certification Scheme (Minute 115 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(c) - to be published shortly) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Letch and referred thereto in accordance with Standing Order 8(2), namely

‘This Council recognises the value of the MOT Certificate scheme to assure roadworthiness of vehicles and will investigate the way to introduce an MOT Certificate scheme for the County's roads to assure everyone that they are fit for use by us all.’

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon will show the resolution of the Cabinet.

14. Implementation Process of 20mph Roads and Zones (Minute 116 of 26 May 2022)

To receive and consider the recommendations of the Cabinet (Minute 194(d) 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

> 'In light of the level of response to the recent call by DCC for Town and Parish Councils to nominate roads for 20mph speed limits and zones, the Council will seek to investigate, support and implement at least 50% of the applications in this financial year, and consider the remainder for implementation in 2023/24'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in (CSO/22/14) and other suggestions or alternatives considered at that meeting, the Cabinet minutes (to be published here shortly - Agenda for Cabinet on Wednesday, 13th July, 2022, 10.30 am - Democracy in Devon will show the resolution of the Cabinet.

15. Building on Devon County Council Owned Brown-field Land to provide Homes for Devon

Councillor Wrigley to move

The Council notes:

- The world-wide concerns on the supply of food, in particular wheat following the war in Ukraine and climate change issues globally.
- The need for improved food security in the UK, encouraging more food production requiring grade 1 agricultural land including use in less intensive ways.
- The need for affordable homes, especially for health and social care workers set in sustainable locations.
- The change of work patterns of many Devon residents to have fewer days in an office setting and more days working from home in a hybrid model.

This Council commends:

The acquisition of 34 Hectares of Grade One agricultural land for county owned Markham's Farm in 2009 with the express purpose to make the farm viable.

In the light of the need for thousands more affordable homes for Devon families, the lack of any form of homes to rent long-term in Devon, and to enable homes for incoming workers for health and social care provision this council resolves to:

1) Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the

council.

2) Work with the District Councils and their registered provider partners as housing providers
3) Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements.
4) Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability.

In the site review particular attention will be given to the Topsham Road County Hall site. This site is antiquated and in the wrong place for modern council operation. Office space and meeting space would be far more efficient in a modern working location such as alongside the council's other offices in Sowton or in Marsh Barton – both out of the town centre but well connected by train, bus and by road.

The current County Hall site would be far more effective if it were re-modelled to become homes for rental, with a proportion reserved for NHS and social Care staff and many at social rent levels. This would provide much needed affordable homes and a rental income stream for the council. Turning a liability into a significant revenue generating asset.

Converting the existing office blocks and building new homes on the enormous supply of parking space would provide a highly desirable and green residential location with good connection to the RD&E hospital site and the city centre.

The hundreds of rented flats delivered would not only provide homes for local families, but also a long-term rental income for the Council that should exceed the cost of out-of-town office space.

Other sites owned by the council across the county should be identified and used in a similar way.

16. <u>Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s</u>

Councillor Hannaford to move:

Council notes that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 67,000 of the affected women are in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of

maladministration in its handling of the State Pension Age increase for women born in the 1950s.

- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that "the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice."
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.
- WASPI's figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.
- Despite the Ombudsman's findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.

Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Devon and on local government, not least because:

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brough about among women born in the 1950s

Council supports:

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

Council asks:

- The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the communities in Devon and to seek their support for an immediate compensation package.

17. Sewage Discharges and Impacts on Wildlife and Public Health

Councillor Bailey to move:

Sewage discharges not only harm wildlife but also pose a serious risk to public health as has been recently confirmed by Chief Medical Officer Professor Chris Whitty.

According to data from the Rivers Trust there were 12,436 sewage spills for a duration of 120,933 hours in Devon in 2021.

Sewage was discharged into the River Otter for 8457 hours in 2021. This includes discharges at Fluxton for 723 hours and upstream at Honiton where sewage was discharged continually for 1974 hours from 16th January 2021 to 10th April 2021.

This Council considers sewage discharges and the associated harm to wildlife and public health totally unacceptable and agrees to write to South West Water to express its very great concern about the impact of sewage discharges on the rivers of Devon and to urge South West Water that this practice must cease urgently.

This Council also requests that the CEO Susan Davey, in recognition of the severity of the situation, considers not taking the whole of her current annual salary of £1.7 million until such time as a substantially improved situation is achieved.

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