

County Council
Thursday, 6th October, 2022



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

28 September 2022

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 6th October, 2022 at 2.15 pm.

A handwritten signature in blue ink, appearing to read 'S. Carter'.

Chief Executive

AGENDA

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 21 July 2022.

3. Announcements

4. Items Requiring Urgent Attention

5. 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.

6. Petitions from Members of the Council

7. Questions from Members of the Council

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

FRAMEWORK DECISION

8. Update on Race Equality Progress (Pages 1 - 4)

To receive and endorse the Report giving an update on Race Equality Progress, as recommended by Cabinet (26 September 2022) (Minute 208 refers as replicated below).

- (a) that the progress on race equality made throughout 2022 be noted;
- (b) that the planned next steps to further advance race equality and commit to a 'zero tolerance' approach to racism be supported; and
- (c) that attendance at the elected Member Masterclass on Equality, Diversity and Inclusion 'Legal and Moral Duties' on 23rd November 2022 be encouraged.

The Report is attached.

Electoral Divisions(s): All Divisions

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) Development Management Committee - 27 July 2022 (Pages 5 - 8)
- (b) Development Management Committee - 21 September 2022 (Pages 9 - 12)
- (c) Appeals Committee - 5 September 2022 (Pages 13 - 14)
- (d) Procedures Committee - 20 September 2022 (Pages 15 - 18)
- (e) Audit Committee - 27 September 2022

The minutes will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=161&MId=4566>

(f) Investment and Pension Committee - 4 October 2022

The minutes for this meeting will be published here as soon as possible after the meeting -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=187&MId=4522&Ver=4>

(g) Children's Scrutiny Committee - 6 September 2022 (Pages 19 - 24)

(h) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 22 September 2022 (Pages 25 - 30)

(i) Health and Adult Care Scrutiny Committee - 28 September 2022

The minutes of this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=429&MId=4527&Ver=4>

NOTICES OF MOTION

11. Building on Devon County Council Owned Brown-field Land to provide Homes for Devon (Minute 130 - 21 July 2022)

To receive and consider the recommendations of the Cabinet (Minute 214(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wrigley and referred thereto in accordance with Standing Order 8(2), namely;

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 remodelled 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.

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 subsequently **resolved**:

that Council be recommended to;

(a) note the number of affordable housing units across Devon which the Council's land has enabled over the past five years;

(b) confirm that in the short to medium term (3-5 years) the Council does not have plans to dispose of County Hall;

(c) endorse the approach to review the use of DCC assets as part of the Council's financial sustainability programme to identify opportunities for the provision of (in particular) DCC key worker accommodation;

(d) note the continuing work of the Devon Housing Task Force and DCCs involvement in this; and

(e) support the inclusion of strategic DCC farm land in relevant local plan allocations (including land at Markham's and Manor Farm) as part of the Council's work to support housing provision across the County whilst ensuring that farm holdings remain viable and where possible land is replenished (subject to financial resources being available) to maintain the Farms Estate at c10k acres.

12. Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s (Minute 131 - 21 July 2022)

To receive and consider the recommendations of the Cabinet (Minute 214(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 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 brought 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.

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 subsequently **resolved**:

It is recommended that the Leader of the Council writes to each of the Devon Members of Parliament and the Secretary of State for Work and Pensions supporting the July 2021 findings of the Parliamentary and Health Service Ombudsman; highlighting the impacts on women in Devon and

urging the Government to offer compensation as a matter of urgency.

13. **Sewage Discharges and Impacts on Wildlife and Public Health (Minute 132 - 21 July 2022)**

To receive and consider the recommendations of the Cabinet (Minute 214(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Bailey and referred thereto in accordance with Standing Order 8(2), namely:

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.

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 subsequently **resolved**:

That as reflected by the Notice of Motion, it is recommended that Council:

(a) recognises the unacceptable extent of storm overflow discharges into Devon's watercourses and coastal waters and the huge public concern relating to these and the wider impacts of water pollution on public health and wildlife; and

(b) urges all those with a specific role, including South West Water, the Environment Agency, Ofwat and central government, to pursue relevant action to adequately address this problem.

14. Bus Passes

Councillor Brazil to move:

‘Pensioners can travel free on buses after 9.30am. This council will introduce an enhanced bus pass which will allow those aged 80 and over or registered blind to travel free before 9.30am. A similar scheme is available in Plymouth’.

15. Housing White Paper

Councillor Atkinson to move:

Historically, the government’s answer to the housing shortage has been to broaden access to home ownership with schemes such as the discounted sale of council housing to sitting tenants. Effectively, this has provided each buyer with a subsidy of up to £100,000 via discount entitlement. The programme has contributed little to the supply of affordable housing in a locality yet its cost to local government is and has been colossal.

Because such costs have been incurred by means of accepting a below market price for a publicly owned asset rather than by direct government expenditure, the true cost of the scheme to the public purse has never been easily identifiable. However, if the government wishes to pursue its recently declared intention to promote housing association right to buy sales this would change as the associations concerned would expect Treasury compensation for the value of discounts approved.

What has not been identified is where would this money for the extension of the right to buy to Housing Associations would come from. It is worth noting that when this was last proposed in 2015 it was to come from the sale of high value council houses, which proved unworkable and the proposal was dropped.

This Council believes that the government should instead focus its policy on increasing the supply of affordable houses through measures such as the following first-time buyer assistance proposals and social housing development proposals:

1. Mandating developers to include below-market price housing for sale (as well as affordable rental) in residential developments on the grounds that the discount is effectively financed by taxing land value
2. Lowering both the income and wealth threshold for home ownership access, to the benefit of lower income households via the shared equity model (e.g. Help to Buy).

3. Enabling development of for-sale housing offers by state agencies such as local authorities or housing associations as a means of providing dwellings that can be sold to qualifying applicants at cost price (i.e. no need to factor-in profit), while also expanding overall housing supply to the benefit of the wider market

4. Provide a subsidy per dwelling to local authorities and housing associations to build houses for rent at social housing and affordable rents in areas where there is a waiting list for such properties and for those who do not qualify for the help to buy provisions in 2 & 3 above.

This Council resolves to propose the above measures to the Devon Housing Forum and to make representations supporting such recommendations to the government in response to the White Paper.

16. Funding for Local Government

Councillor Whitton to move:

This Council

- Notes the National Audit Office figures show central Government funding for local authorities in England has been cut by 52.3 percent overall in real terms between 2010-11 and 2020-21; in Devon County Council it has been closer to 75%.
- Believes the Government must address the financial challenges arising from this decade of underinvestment together with the additional financial pressures local authorities now face because of such factors as increasing fuel and staffing costs, increased social care referrals, high vacancy rates across frontline services and other challenges associated with covid-19, and loss of income.
- Notes recent Local Government Association analysis that social care-providing authorities are spending more than 60 percent of their outgoings on these essential care services.
- Believes we need locally led initiatives to improve equality, sustainability and resilience, including providing genuinely affordable, energy efficient homes, supporting socially necessary bus services, providing adult and child social care, support for older people, looked-after children, care leavers, people with disabilities or special educational needs, survivors of domestic violence and low-income families in crisis.
- Believes the government must take action to ensure the financial stability of local government and its ability to plan, sustain and improve community and essential frontline services.
- Believes the need for the government to address the financial pressures on local authorities and their ability to deliver frontline services is urgent and immediate.

This Council resolves

To call on the Government to develop a national funding strategy that will provide Devon and other local authorities with the funds required to protect and restore spending on social care, community and frontline services to sustainable levels and reset local economies in the autumn budget.

17. Second Homes and Council Tax Premium

Councillor Brazil to move:

This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows.

18. Pedestrian Priority in Highways Policies

Councillor Wrigley to move:

In January 2022 the new version of the Highway code reinforced the principles that pedestrians have higher priority than cars, as do cyclists and others.

In Devon County Highway discussions, too often the impression is given that car drivers have priority of consideration in the design of road layout, speeds and other considerations.

This Council asks for a systematic review and re-appraisal of priorities in Highways policies such that pedestrians are actively and always considered first, and vehicle traffic takes second place, in line with the new highway code.

In particular this should be emphasised in the considerations of speed limits and restrictions, pedestrian crossings, parking restrictions and in consultation responses for planning of new developments. Consideration of pedestrians must include safety and the perception of safety from a pedestrian point of view.

Council asks for this review to be done within 6 months and to receive reports on changes required in currently applied policies or demonstration of how pedestrian considerations and experience is prioritised.

19. Environmental Protections

Councillor Bailey to move:

This Council is strongly opposed to the reckless ripping up of environmental protections by the Conservative Government including the creation 38 new investment zones which have been described by the RSPB as “an attack on Nature”. This Council urges the Government to uphold the legal protections which are vital for wildlife particularly as the UK is one of the most nature depleted countries in the world (it is in the bottom 10% of the world’s countries well below China and the last among the G7 group of nations).

20. Glyphosate Use on all Council Owned Land

Councillor Hodgson to move:

This Council will ban the use of the pesticide Glyphosate on all Council owned land from January 1st 2023.

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