

County Council
Thursday, 7th October, 2021



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To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

29 September 2021

AGENDA

8. Questions from Members of the Council (Pages 1 - 12)

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



QUESTIONS TO THE LEADER OF THE COUNCIL, CABINET MEMBERS AND CHAIR OF A COMMITTEE

Thursday 7 October 2021

1. QUESTION FROM COUNCILLOR HANNFORD

Re: Universal Credit

- a) How many people in the Devon County Council area receive Universal Credit?
- b) Can the claimant numbers be provided for each district council area?
- c) Do we have any indication how the removal of the Universal Credit uplift will roll out across Devon?
- d) What is the latest profile data for these claimants, e.g. age, gender, disability, ethnicity etc?
- e) Has a Devon County Council Impact Assessment been done regarding the potential consequences of the removal of the uplift e.g. child poverty, fuel poverty? vulnerable groups?
- f) Do we have an economic analysis on how the removal of this much needed additional income will harm our local economy in terms of grassroots spending etc?

REPLY BY COUNCILLOR CROAD

- a) The latest Office for National Statistics (ONS) data release showed that there were 14,770 individuals receiving the Universal Credit (UC) in the Devon County Council area in August 2021.

NB: These figures are the UC Claimant Figures, which are the individuals that we know from published ONS data are receiving 100% credit. Working households who may then receive a proportion of UC top up aren't measured on a monthly basis, and there is currently no published evidence of levels of payment.

b)

District	Number of UC Claimants August 2021
East Devon	2,320
Exeter	2,735
Mid Devon	1,405
North Devon	2,030
South Hams	1,480
Teignbridge	2,475
Torridge	1,370
West Devon	950

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- c) There is currently no indication of how the reduction in UC uplift will work, though the expectation is that it will simply end at a target date as a supplementary payment for all claimants nationally.
- d) The Office for National Statistics breaks down its recently published UC claimant count data by age and sex, but not by disability and ethnicity. These data are broken down below:

Aug-21				
Area	Total UC claimants	Aged 16-24	Aged 25-49	Aged 50+
East Devon	2,320	355	1,300	665
Exeter	2,735	530	1,560	650
Mid Devon	1,405	245	755	405
North Devon	2,030	375	1,130	530
South Hams	1,480	215	775	490
Teignbridge	2,475	430	1,270	775
Torridge	1,370	225	735	415
West Devon	950	150	505	295
Devon CC area	14,770	2,525	8,025	4,225

Aug-21				
Area	Total Female UC claimants	Aged 16-24	Aged 25-49	Aged 50+
East Devon	1,025	140	575	310
Exeter	1,040	205	595	245
Mid Devon	605	95	325	185
North Devon	870	150	490	230
South Hams	690	85	370	235
Teignbridge	1,035	175	525	335
Torridge	570	75	305	195
West Devon	425	45	235	145
Devon CC area	6,270	970	3,420	1,875

Aug-21				
Area	Total Male UC claimants	Aged 16-24	Aged 25-49	Aged 50+
East Devon	1,050	150	580	320
Exeter	1,130	230	630	275
Mid Devon	645	95	360	185
North Devon	720	90	365	265
South Hams	1,105	170	570	365
Teignbridge	615	85	320	210

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Torrige	470	65	260	145
West Devon	6,645	1,050	3,575	2,020
Devon CC area	8,500	1,555	4,600	2,345

- e) This has not been done and it would be very difficult to do so until final Government policy is determined. Whilst we anticipate that it is likely to have a negative impact on individuals, the current rapid fall off in those claiming UC, the uncertainties around furlough impacts on the labour market and the impact of the new NI increase and other tax measures in Spring 2023 make it difficult to produce a summative assessment. It will undoubtedly have an impact for some individuals and communities, but we are unable as yet to quantify the total overall impact, and whether that is a positive or negative impact across wider factors (i.e. it could potentially improve some figures overall, should individuals vote with their feet and return to work to avoid the potential additional hardship from a drop in benefits).
- f) Again this has not been done and again would be difficult to do until both Government policy is determined and also as a result of a rapidly changing labour market currently in Devon. The current rapid reduction on a monthly basis of those on UC in particular makes a realistic and accurate assessment difficult. Numbers of claimants over summer 2021 across Devon have been falling rapidly and continue to change and jobs vacancy rates remain high.

If calculations were undertaken on a purely cumulative basis, however, a drop of £20 in the UC uplift would theoretically represent a reduction per annum of just under £15.4m per annum from 14,770 individuals' incomes across the County, should UC numbers remain static for a full year.

The most pronounced impacts would be within Exeter, East Devon and Teignbridge because of their respective larger population sizes. Proportionately as UC claimant rates across Devon are below the national average, per head impacts are likely to be lower in Devon than nationally.

However, as those in work are generally better off (ordinarily by upwards of 30%), if 1/3 of those on UC returned to work during that period, much of the local economic impact is offset by improved earnings for those who respond positively to the benefit disincentive the Government is introducing.

There are however additional costs from those who then find themselves requiring more assistance as a result, which is difficult to fully assess at present as the impact is likely to be cumulative with other measures. In effect, there may be an economic impact, but the scale is difficult to judge given the significant uncertainties in the economy and labour market at present.

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2. QUESTION FROM COUNCILLOR HAWKINS

Re: Lighthouse Beach, Kingswear

In the spring Natural England agreed to allow access once again in the long running campaign to Lighthouse Beach, Kingswear. This has been our communities very own beach for generations and we are keen to get it reopened as fast as possible. We have had this taken from us by the landowner for far too long. Can I ask when will this much loved beach and public path reopen for residents and visitors alike?

REPLY BY COUNCILLOR DAVIS

As highlighted, access to Lighthouse Beach, Kingswear is currently restricted. This is because the landowner has installed and locked a gate at the end of the public right of way, Kingswear Footpath 8.

To date, it has not been feasible for Devon County Council to take action to require that this gate be removed, or unlocked. This is because the public right of way (as identified on the definitive map and statement) ends to the landward side of the beach. In effect, the public right of way is a cul-de-sac path which is not obstructed. Access to the beach from the public footpath is therefore subject to landowner consent. Whilst the original intention may have been for the public footpath to enable access onto the beach, DCC has not had appropriate grounds or powers to require that public access is made available.

This situation may soon change as a result of a change in legislation.

As set out on .GOV.UK, *“On 18 March 2021, the Secretary of State announced their decision to approve a stretch of the England Coast Path between Kingswear and Lyme Regis.”*

This confirms route proposals for the England Coast Path (ECP) and also the associated areas to be designated as Coastal Margin, for which new coastal access rights will apply. This follows on from recommendations made by Natural England in accordance with a new duty established through the Marine and Coastal Access Act 2009.

The current status for the ECP at Kingswear is *“Stage 5: Open (not yet available for public use - work to establish the route is currently taking place).”* Details are summarised at [England Coast Path: Kingswear to Lyme Regis - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/england-coast-path-kingswear-to-lyme-regis)

In basic terms, this means that the ECP proposals have been confirmed by the Secretary of State for Environment, Food and Rural Affairs (SoS) and so works can proceed to finalise establishment of the route.

Relevant officers at Devon County Council are currently liaising with Natural England to finalise work proposals and secure funding so that the new access rights can be enjoyed by the public.

Lighthouse Beach is identified as coastal margin and so should become subject to coastal access rights (i.e. informal recreation on foot) once the ECP designation process is complete. A definitive timetable is not yet available, but it is anticipated

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that this stretch will be fully complete, including coastal access rights, by December 2022.

Landowner guidance on Coastal Margin is at [England Coast Path: manage your land in the coastal margin - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/england-coast-path-manage-your-land-in-the-coastal-margin)

As Access Authority, Devon County Council will have powers to enter into an agreement with the landowner to carry out works to unlock or remove the gate so that these new coastal access rights can be enjoyed. If the landowner subsequently does not comply, or will not enter into an agreement, DCC will have powers to take steps for carrying out these works.

Access to Lighthouse Beach has been identified as a priority for local residents and other stakeholders, including through the Devon Countryside Access Forum and the Public Rights of Way Committee, and appropriate action will be taken as and when these powers become available.

In addition to completion of the ECP designation process, the timescale will be determined by whether the landowner is willing to enter into agreement, and subsequent enforcement protocols - including the appeals process which is determined by the SoS.

3. QUESTION FROM COUNCILLOR DEWHIRST Re: Grit Bins

Can the Cabinet Member for Highway Management please explain if there is a policy that enables local communities to help maintain their grit bins?

REPLY BY COUNCILLOR HUGHES

Information on maintaining grit bins is included within the Winter Service and Emergency Plan ref 5.14 and can be found at the following link [Winter Service and Emergency Plan - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk/roads-transport/winter-service-emergency-plan)

In summary, grit bin maintenance is carried out on a reactive basis when reports are received via the DCC online reporting system. Our Term Maintenance Contractor will ensure all bins reported are checked and filled by 15th October before the onset of Winter. Bins are also refilled during periods of extended maintenance, when they are known to have been used. As it is not cost-effective to refill an individual bin in an area, bins will only normally be refilled when a number in a locality requires replenishment.

Local communities are reminded through the "Towns and Parishes News Letter" to report empty grit bins through the online system.

The Snow Warden Scheme is also in operation and gives local communities the opportunity to further manage and provide Winter Service at a local level, aided by the provision of salt from DCC.

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4. QUESTION FROM COUNCILLOR BRADFORD

Re: South Devon Highway

Could the appropriate Cabinet member, please tell me, the latest situation, regarding the compensation, which residents who live alongside the South Devon Highway between Newton Abbot and Kingskerswell have been waiting for, since the opening of the road in December 2015?

REPLY BY COUNCILLOR HART

As of this week, more than 90 claims of varying value have been agreed. We continue to receive new claims but can confirm that progress continues with further offers made and negotiations ongoing with agents.

5. QUESTION FROM COUNCILLOR WRIGLEY

Re: Afghan Evacuees

It is now over a month since the evacuation of locally employed staff and their families from Afghanistan. These people worked with our troops on the ground over the last 20 years and as a consequence have had to be evacuated from their homeland. Teignbridge District Council has responded to the call to provide homes, and has two sat ready and waiting for families, meanwhile these families are stuck living in bridging accommodation, hotels – some in Exmouth.

The scheme was described in a Government fact sheet dated May 2021, and the first property in Teignbridge was offered up in June, and has been empty since then. It has been waiting for Devon to furnish it, and now still waiting for wraparound support plans to be put in place.

We are now told that matching families to homes has been halted by the government.

Does the cabinet member have any insight as to how long Teignbridge can expect to hold homes empty and how long the Afghan evacuees will have to endure this current uncertainty?

REPLY BY COUNCILLOR CROAD

As Councillor Wrigley outlines, the **Home Office have put all property “matching” on hold** while they (and now the Council) put the temporary “bridging accommodation” solutions into place. This is the operation to move all evacuated families (7,000 people) out of Covid quarantine into temporary accommodation while LA property offers are matched to family profiles.

Not surprisingly this has stretched Home Office capacity, but officials have informed Council officers that they will pick up the “matching” operation as soon as possible, and we would anticipate this to re-start later this month.

6. QUESTION FROM COUNCILLOR WRIGLEY
Re: Chudleigh Station Hill footpath widening

In June 2018 planning was granted for a development of some 230 new houses in Chudleigh, The Oaks, and the widening of the hazardous Station Hill footpath was set in motion. The land has been offered by the local resident, and Devon agreed to do the work covered by funds from the Travel plan.

As of writing, this work has yet to be done, even though the estate is complete and occupied. Does the cabinet member agree with me that the safety of local residents is paramount, and that this agreed dangerous footpath should be fixed as soon as possible, and when can the residents of Chudleigh expect this to be done?

REPLY BY COUNCILLOR HUGHES

Discussion and negotiation with the developer, landowner and planning authority have been ongoing. The ownership of the land changed part way through but I am pleased to say that the Deed of Dedication has now been signed and completed between the owners of Gordon Lodge and Devon County Council, meaning we can now use a section of what was formerly their front garden for the widening works. This is one of the most fundamental and critical steps.

We need to be absolutely certain we have the funds to do the works before we proceed so we have asked Vistry Homes (formerly Linden Homes) to apply for a variation to the S106 Agreement confirming the removal of the travel plan, travel vouchers and Traffic regulation order (for the original one way system on Oldway) and including the payment of £74000 to be paid to DCC to undertake the footway widening works. Although Vistry will have been aware of the need, this could not be formally requested until the other actions were in place, because we wouldn't want the variation and change of use of the funds if the works weren't going to be possible, and to date this variation to the s106 has not yet happened. Officers have liaised with the planning officer at Teignbridge District Council who have received a non-material amendment application from Vistry to change the original footway link onto Oldway. We understand it is their intention to impose a condition stating that they will need to provide the footway widening on Station Road. This should provide further impetus.

As set out above, until we have the money from Vistry Homes, which we are match funding with DCC funds, we cannot move to the next step of implementing the scheme.

7. QUESTION FROM COUNCILLOR LEAVER
Re: Council's pension and investment strategy

Can the relevant cabinet member provide council with an all member briefing at the next meeting of Devon County Council on the council's pension and investment strategy, with particular emphasis on ethical investment and fossil fuels divestment?

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REPLY BY COUNCILLOR MORRISH

The Devon Pension Fund has committed to achieving net zero investment portfolios by 2050, earlier if possible. We have already made considerable progress towards achieving that, with a 37% reduction in the Fund's carbon footprint from a baseline position of March 2019.

The Devon Fund has a duty to achieve the best return it can for its members, at an appropriate level of risk. Set within that, the Fund recognises the risks associated with climate change and looks to play its part in tackling the issue of climate change.

Climate change is not just about the suppliers of fossil fuels, it is an issue for the whole economy. Those companies who consume fossil fuels in the course of their business all have a role to play in adapting their approach to reduce their carbon emissions, as do the fossil fuel companies.

This is why the Devon Fund and the Brunel Pension Partnership on their behalf, dedicate significant resources to ensure that we are engaging with companies on the issue, to use our influence as shareholders to seek solutions rather than just disinvest, which will actually make very little difference to how the companies concerned operate.

The Devon Fund invests via the Brunel Pension Partnership, who are seen as leaders in the investment world in their approach to climate change. Climate change considerations alongside other Environmental, Social and Governance issues play a part in their manager selection processes for all their actively managed portfolios.

The vast majority of the Devon Fund's exposure to fossil fuel companies is via passive portfolios, which are lower cost in terms of fees, but invest in funds that track indices such as the FTSE All Share, and therefore own shares in all the companies within the index. Therefore, as Shell and BP are among the larger companies within the FTSE All Share index the Devon Fund has significant exposure to them. However, Brunel have been working with FTSE Russell, the index providers, to develop climate transition indices that will focus on companies that are transitioning their businesses to support the zero carbon objective. Funds tracking these new indices are set to be launched in November, and the Investment and Pension Fund Committee has agreed to move the Devon Fund's UK passive and factor based passive investments across to the new funds, which will significantly reduce exposure to fossil fuel companies.

8. QUESTION FROM COUNCILLOR ATKINSON Re: Climate Change Targets

Does the Cabinet Member for climate change support the LGAs recommendation to Cop26 that local government like Devon should be empowered politically and financially to meet Climate Change Targets and this should be reflected in the updated Nationally Determined Contributions to the United Nations framework Convention on climate change? If so what powers and money from government would achieve this end and empower us?

REPLY BY COUNCILLOR DAVIS

I completely agree with the LGA that achieving net-zero requires local as well as national leadership, and Councils are well positioned to ensure that the benefits of the transition are felt by all. The Interim Devon Carbon Plan, that this authority is leading, identifies various challenges for achieving net-zero that we need to work with Government to overcome. There is certainly an opportunity, supported by new powers and funding, for some of those challenges to be addressed locally, such as how we might plan for specific types of renewable energy, how we could provide more facilities for cycling and walking and even how we could ensure agricultural payments help local farmers reduce emissions within our specific local context. I see this potential enhanced role for Local Government as an important, additional, mechanism to help the UK meet its Nationally Determined Contributions to the UN Framework Convention on Climate Change, in line with the LGAs 'Offer to Government' (see: [Our offer to government | Local Government Association](#)).

9. QUESTION FROM COUNCILLOR WHITTON

Re: Devon Fund's UK passive and factor based passive investments

Following the recent decision of DCC's Investment and Pension Fund Committee to move the Devon Fund's UK passive and factor based passive investments across to funds which will significantly reduce exposure to fossil fuel companies can the chair of the committee advise what the residual level of investment in such companies is expected to be following this transfer of assets, and what the expected timetable is for any further changes in the balance of investment between new green technologies and established fossil fuel providers.

REPLY BY COUNCILLOR MORRISH

The percentage weighting holdings of individual companies will be available post the launch of the Indices later this month. The FTSE UK CTB index will see an immediate reduction of more than 30% in carbon emissions both operational and potential (reserves). Precise details cannot be revealed ahead of launch for market impact reasons.

Any policy on climate change needs to consider not only fossil fuel suppliers, but also consumers of fossil fuels. Every company and business needs to consider its carbon emissions, and the Devon Pension Fund's policy is to consider every company's impact on climate, not just fossil fuel suppliers. The new passive funds will not only reduce exposure to fossil fuel companies, but they will also overweight companies who are taking positive action to transition their businesses in line with the Paris Agreement on Climate Change. The Fund has committed to achieving net zero investment portfolios by 2050 and to see a 50-75% reduction in the weighted average carbon intensity of its equity investments by 2030, with a minimum 7% reduction each year. The Fund has also set a target that 5% of the Fund should be invested in renewable energy infrastructure by 2025.

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10. QUESTION FROM COUNCILLOR HODGSON

Re: support for residents where the speed limits are 30 mph or higher

How are our legal obligations and commitments towards inclusivity and diversity in Devon being met and supported for residents who live on public roads in residential areas of rural parishes, where the speed limits are 30 mph or higher? The Task and Finish group in its report to Council dated July 2019, found that reduced speeds by applying the Safe Systems and Healthy Streets Approach, requires a proactive approach through five identified pillars of action: Safe Roads, Safe Speeds, Safe Vehicles, Safe Road users and Post collision response. How is this being implemented?

REPLY BY COUNCILLOR HUGHES

The setting of speed limits in Devon is currently under review and as you will be aware there is a large scale trial proposed in Newton Abbot which will inform future Policy on the setting of 20mph speed limits.

DCC has a legal duty under the Equality Act 2010 to give due regard to the need to eliminate discrimination, advance equality (meet needs, take account of disability and encourage participation in public life) and foster good community relations on grounds of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The council has a process for impact assessments through which it will check that its policies and projects give due regard to the Equality duties. Any new or amended Policy will be subject to due consideration of an accompanying Impact Assessment.

With regards road safety, our road safety team are represented within the project working group. It is intended that an update on the progress of the project will be provided to all Members next month.

11. QUESTION FROM COUNCILLOR HODSGON

Re: Afghan refuges

Further to the announcement of Afghan refuges being provided with temporary accommodation in Exmouth, will the Afghan Resettlement programme be further supported in Devon? It is being funded by central government and should therefore not take homes needed otherwise for local housing needs. When will a decision on Devon's support for this be announced?

REPLY BY COUNCILLOR CROAD

It is important to separate the current activity of accommodating people in 'bridging hotels', as we see in Exmouth and in a range of hotels across the country, from that of long term resettlement activity of families. Bridging activity is funded by the Home Office to provide accommodation in hotels (a direct contract between the HO and the hotel). Further funding is provided direct to refugees, pending their assessment for benefits, alongside provision for education and health costs.

Resettlement under the Governments' Afghan Citizens Resettlement Scheme broadly provides funding to local authorities for accommodation and wider welfare and resettlement costs alongside funding for education and health. Whilst some detail is still to emerge, for most Afghan refugees, these packages of support will be funded for three years.

Devon County Council is already playing its part in resettlement in commissioning community and welfare arrangements for Afghan families. This is in addition to the extensive support it has led and provided to families in bridging arrangements in Exmouth. The Council has played a leading role previously in the resettlement of over 50 Syrian families across Devon in recent years.

However all resettlement starts with the sourcing of appropriate and sustainable accommodation. District councils source housing, usually through appeals to the private rented sector. Each district council takes its own decision on whether and how to source housing. All district councils are highlighting an acute and rapidly intensifying shortage of affordable housing across the county. Nevertheless some local housing has already been identified.

12. QUESTION FROM COUNCILLOR AVES
Re: Funding of SEND

With the increasing risk for DCC, of having to spend their reserves on the education of children with Special Educational Needs, due to the funding from government not covering Devon's spending on statutory duties in this area, when will Government pay Devon County Council the amount it owes?

This is currently about £55million and rising to a possible £80m at the end of this year. Government is currently failing in its duty to pay this. A promise to do so in the future does not seem good enough because it leaves such a huge pressure on our local authority

REPLY BY COUNCILLOR LEADBETTER

From the end of the 2020/21 financial year there was a Government requirement to show DSG surplus and deficit balances (excluding individual school balances) in a DSG adjustment account, as per the statutory instrument.

This statutory instrument is in place until 31 March 2023, after this date it is not clear on the treatment of the deficit, but if this had to be repaid this would have a considerable impact on the Schools budget or DCC Reserves.

The DSG Deficit overspend was just under £49.0m as at the end of 2020/21 and if the current year forecasted deficit of £33.7m is added to this, the cumulative deficit at end March 2022 would be £82.7 m (as shown overleaf)

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DSG Adjustment Account

	£m
DSG Adjustment Account	49.0
DSG High Needs 21/22 deficit	39.1
Management Plan Action	(5,4)
Total DSG Deficit Reserve	<u>82.7</u>

The Department for Education procedures required Local Authorities with a deficit to submit to them a management plan, by the end of July setting out the authority's strategy to reduce the deficit within the Dedicated Schools Grant (DSG) in future years.

Devon's DSG Deficit Management Plan has been reviewed by the DfE and an expert panel of officers with experience of Special Educational Needs. The overall feeling was that all areas had been considered appropriately and plans had been set in place. However, they also felt the plan was ambitious. Something that has already been recognised by those involved. A continued rise in demand, exacerbated by the pandemic, continues to impact on bringing the overall budget in line with current DfE funding allocations.

At meeting held between the DfE and DCC on the 19 August 2021 they explained the "Safety Valve" Agreements that have been put in place to provide additional funding to the highest need Local Authorities. We learned that Devon had gone from having the 30th highest percentage deficit in 2019/20 at 3.16% (£16.2m) to 12th in 2020/21 at 8.07% (£43.6m). Being ranked 12th however has positioned us just outside the next tranche of "Safety Valve" discussions this time round. It is worth noting that in monetary terms only Surrey and Kent are higher than Devon at £62.6m (6.91%) and £51.1m (3.9%) respectively.

The Department for Education SEND review, which aims to improve children's outcomes and ensure best value, originally due for Jan 2021, is now expected to be published at the end of October. The finding in this document may suggest changes in the legislation which underpins the SEND code for practice and/or influence the next spending review. Currently the 2 processes (funding and expectation for delivery) are not aligned.