

CABINET

9 January 2019

Present:-

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter and J McInnes

Apologies:-

Councillor B Parsons

Members attending in accordance with Standing Orders 8 and 25

Councillors Ackland, Atkinson, Biederman, Connett, Dewhirst, Hannaford, Hodgson, Prowse, Shaw and Whitton

* 280

Minutes

RESOLVED that the minutes of the meeting held on 12 December 2018 be signed as a correct record.

* 281

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 282

Announcements

The Chair welcomed Mr Hipkin who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 283

Petitions

The Leader was presented, by Mrs G Hexter with a petition organised online and in writing by the residents of Sea Lawn Terrace, Dawlish containing approximately 21 signatures asking that the Council delay a decision on whether to cease to maintain council street lights in unadopted roads with public access, until Councillors had been provided with the information required to make an informed decision and that the decision be made by Full Council.

The Chair indicated that the Cabinet Member and / or Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days.

[NB: The relevant Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0>) and when that would be concluded and published and/or considered by the relevant Highways & Traffic Orders Committee thereafter.]

* 284

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the Leader and relevant Cabinet Members responded to seven questions from Members of the Council on Risk Management and Brexit Risk Register, Brexit and Support to Devon's Businesses, Emergency Planning and

Preparations for a 'no deal' Brexit and the autumn Budget Allocation of £18.75 million and the allocations made, the methodology and contractor availability and allocation to Exeter City.

The Leader and Cabinet Members also responded orally to supplementary questions arising from the above.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

* **285** **Question(s) from Members of the Public**

*(In line with the Public Participation rules, the Chair exercised their discretion to change the order of business and take this item prior to the substantive issue being debated later on the agenda – minute *288 refers)*

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to 7 questions from Members of the public on the transferred ownership of streetlighting to owners of private/unadopted roads, the definition of a 'private road' in the 2019 Street Lighting Policy and the affected roads in Devon, the leaving on of streetlights, savings anticipated from the proposed streetlighting policy, cost of implementation of the proposed policy, the IPCC Special Report published in October 2018 and the plans of the Council to be Zero Carbon by 2030 and the public awareness and consultation of the proposed policy on Street Lighting in Devon.

Cabinet Members also responded orally to supplementary questions arising from the above.

The Cabinet Member for Community, Public Health, Transportation and Environmental Services would respond directly to a supplementary question on whether the Council would consult with the public and use the Citizens Assembly to help combat the issues of Climate Change.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

* **286** **Target Budget: 2019/2020**

(Councillors Connett, Hannaford, Biederman, Atkinson, Dewhirst and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/19/1) on the provisional local Government Settlement for 2019/2020 circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the Provisional Local Government Finance Settlement (announced on 13th December 2018) and level of funding was broadly as expected. 2019/20 was the final year of the four-year settlement and the core funding Provisional settlement of £101.5 millions. The grants the authority would receive were outlined in paragraph 2.5 of the Report, but some were still awaited and Members would be updated as part of the budget report in February.

Due to the Provisional Settlement being as anticipated, the 2019/20 Budget Targets set at the December Cabinet could remain unchanged.

The Settlement also confirmed the Winter Pressures Grant of £3.6 millions, the Adult Social Care Grant of £6.1 millions and the Improved Better Care Fund Grant of £24.7 millions; again all as expected.

The Department for Education had, since the Settlement, announced an additional £350 millions for Special Educational Need; of which £100 millions was Capital. The detail of this was awaited but early indications were that Devon's share of the revenue element could mean an additional £1.5 millions in both 2018/19 and 2019/20.

Members noted that in relation to the 2019/20 75% Business Rate Retention Pilots, the Devon authorities submitted a bid to join the new pilot, but unfortunately Devon had not been selected as one of the pilot areas.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Barker, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the Provisional Settlement of £101.5 millions be noted;

(b) that the Council Tax increase that will trigger the need for a Referendum be noted as 3% for 2019/20; and

(c) that Members note that the Devon application to be a 75% Business Rates Pilot in 2019/20 had not been successful.

* 287

Budget Monitoring: Month 8

(Councillors Hannaford, Connett, Biederman, Atkinson and Dewhirst attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/18/9) on the budget monitoring position at Month 8, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet Member for Resources Management highlighted that the total overspend at month 8 was forecast at £4.8 millions, a decrease of £3.3 millions from month 6. The position assumed a request to carry forward £2.4 millions to next years Dedicated Schools Grant (DSG), yet to be agreed by the Devon Education Forum and also reflected the impact of some of the corporate savings initiatives and confirmation of additional funding to support high needs pressures.

Adult Care and Health Services were forecast to underspend by £385,000. At month 6 the Service was forecasting an underspend of £488,000. The position took into account £84,000 of management action yet to be delivered but considered achievable.

The Department of Health and Social Care had announced additional funding to support Adult Social Care in alleviating winter pressures and the Council received an additional allocation of £3.6 millions for 2018/19 and 2019/20. The position reported assumed the funding would be fully spent within the current financial year.

Children's Services were showing a forecast overspend of £11.1 millions, an increase of £1.2 millions from month 6, with, in the main, overspending on children's social care (£7.3 millions). Pressure continued within residential placements but were also appearing across the disabled children short breaks service and from legal disbursements.

Highways, Infrastructure Development and Waste were also forecasting an underspend of £2.4 millions at month 8 against a break-even position in month 6. As part of the corporate

savings initiatives adopted in November a review of the capital programme took place to determine if increased capital works could enable revenue savings. This review resulted in a forecast underspend of £2 millions within highways.

Communities, Public Health, Environment and Prosperity (COPHEP) were showing a forecast underspend of £762,000 compared to a forecast overspend of £153,000 at month 6. The review of the capital programme to determine if capital works could enable savings had resulted in a forecast saving of £255,000.

Corporate Services were forecasting a breakeven position, pressures within County Solicitors and HR were being offset by forecast underspends within Digital Transformation and Business Support.

Non-service items were forecast to underspend by £2.8 millions, mainly due to additional investment income and the capitalisation of revenue schemes.

The capital programme for the Council was £150.4 millions, with a year end forecast of £129.7 millions, of which £111.8 millions was externally funded, so slippage of £20.7 millions, in the main, could be attributed to scheme variations and programme delays in Adult Care & Health (£2.9 millions) and Planning and Transportation (£13.7 millions) which reflected the complexity of the major schemes within these service areas.

Like many other Local Authorities, the Council was continuing to grapple with high levels of demand for Children Services. Residential Placements, although more stable than earlier in the year continued to be difficult to contain within the budget allocated and pressures against the high needs block of the dedicated schools grant were increasing. The additional funding to support high needs pressures was confirmed in December, and although welcomed, had only managed cost increases and pressures within the area that had been experienced since month 6.

The savings initiatives developed by the Councils Leadership Group (reported in the Month 6 budget monitoring Report) were delivering reductions in revenue expenditure and had contributed to the reduction in the forecast overspend as detailed. These would continue to inform financial forecasts for the remainder of the year.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Barker, **SECONDED** by Councillor Hart, and

RESOLVED that the forecast overspend of £4.8 millions be noted.

* **288** **Street Lighting Policy and Contract**

(Councillors Connett, Hannaford, Biederman, Atkinson, Dewhirst, Shaw, Hodgson and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/1) on proposed changes and additions to the existing Street Lighting Policy and sought to retender the Street Light Term Service Contract, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the Council was responsible for a street lighting asset in excess of 88,000 inventory items which consumed over £3m in energy costs this financial year. Whilst through the Challenge Fund over 5,400 columns had been replaced and about 25,000 high wattage lanterns converted to low energy LED, the Street Lighting Policy continued to

primarily focus on the corporate objectives of reducing Devon's energy consumption and carbon footprint.

The proposal was largely a continuation of existing established practices and policies, which had evolved over time but with a few additions, which was attached as Appendix A to the Report, covering eight distinct areas as set out below:

- to maintain a safe asset;
- minimising energy consumption, revenue expenditure and carbon footprint of the asset whilst also protecting the environment;
- adopt road lighting on new developments;
- requests for additional lighting;
- private roads;
- attaching equipment or banners to lighting columns; and
- facilitating on-street charging.

The current contract was currently in its second year of a four-year extension period. With the contractor reluctant to continue with the extensions and changing technology, it was an appropriate time to retender the contract.

The Cabinet also noted there were two e-petitions live on the County Council's website.

The Cabinet acknowledged that whilst the thrust of the policy was to generally facilitate savings, there was a recognition that the columns were a deteriorating asset that would need investment. The energy reduction over the past five years had resulted in savings of over £800k in real terms but had been offset by energy price inflation.

In recent months (October 2018), the UN Intergovernmental Panel on Climate Change said that 'urgent and unprecedented' changes were needed. Converting street lights to LED could reap significant reductions in energy consumption which could help to reduce impact on climate change. This supported the Authority's targets for reducing carbon emissions and reduce its liability for the Carbon Climate Levy.

In progressing the proposal, an Impact Assessment had been prepared and circulated to the Cabinet Members and was also available at: <https://new.devon.gov.uk/impact/published/>.

The Cabinet noted that significant impacts were expected. Part-night lighting and reducing energy consumption were well established from previous policy position. However, there could be some impact on residents in private roads if the authority determined these should be funded by the residents, not being part of the public highway.

The Report also outlined the options and alternatives that had been considered in determining the proposed policy changes and concluded that the proposals to adapt the street lighting service to be more appropriate to the current financial climate and the technological developments that would undoubtedly develop over the next ten years.

The Cabinet further noted that the Corporate Infrastructure and Regulatory Services Scrutiny Committee, at its meeting on 27th November 2018 (minute 98) referred, considered the report of the Commissioning Liaison Members who had met with officers of the Council to discuss the proposed Street Lighting Policy. The Committee heard of the input that Scrutiny had made in those discussions the Committee further discussed the proposal 'Attaching non-highway equipment to lighting columns', in relation to advertising banners, subject to locations being appropriate.

The Committee RESOLVED that (a) the Street Lighting Policy Member Report be endorsed and commended to Cabinet and be considered in conjunction with the Street Lighting Service, Policy and Contract Report, prepared for the Cabinet meeting on 9 January 2019; and (b) that the Scrutiny Committee support the exploration of the use of advertising banners as a revenue stream.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Chief Officer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the proposed policy positions for Street Lighting provision in Devon be agreed;

(b) that Cabinet agree that delegated authority be given to the Chief Officer for Highways, Infrastructure Development and Waste, in consultation with the Cabinet Member for Highways Management, for any minor amendments to this Policy;

(c) that the commencement of a procurement exercise to tender the Street Lighting Term Service Contract be approved; and

(d) that the policy of converting street-lighting to LED, where funding allows, be supported.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

* **289** **E4 (Section 8) Cycle and Pedestrian Bridge across Summer Lane, Exeter**

(Councillors Hannaford, Ackland and Connett attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/19/1) on the E4 (Section 8) Cycle and Pedestrian Bridge, seeking approval, subject to the granting of full planning consent, to construct a walking and cycling bridge over Summer Lane, Exeter, providing improvements to 100 metres of existing route, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The principle of a strategic cycle network for Exeter was endorsed by Cabinet on 8 June 2016 and it was also agreed that work should continue with the development of the Network, giving priority to E4 cycle route between Monkerton and the City Centre.

The Report sought approval for Phase 3 (Section 8), an overview of the design being shown in Appendix 2A and 2B of the Report, which was predominantly an 18m span, 4.5m clear width bridge for pedestrians and cyclists over Summer Lane, with ramps on either side that would connect to the existing paths in Exhibition Fields and Bettys Mead Playing Fields.

The ramps would have a maximum gradient of 1:20 to ensure they were not overly challenging for those less able to cycle and parents with pushchairs or people with physical disabilities and lighting columns would also be installed to the west and east of the ramps.

The proximity of the railway was a major constraint and the existing Western Power Distribution (WPD) compound would be relocated to the north of its existing location to accommodate the span of the bridge. Whilst three mature willow trees and one mature oak would need to be removed, the planting and landscape proposals included reinstatement of a hedge and provide for the planting of five silver birch trees to the south of the proposed bridge and a further four trees would be planted on the existing bank between the car park and cycleway as mitigation.

The overall construction cost of the proposal was estimated to be £1,305,000, with £871,398 of the funding from the National Productivity Investment Fund (NPIF) that the Council was

successful in securing for a package of improvements and match funded by £433,602 Section 106 contributions from the Brickworks development.

The Head of Services Report included an Impact Assessment which had been circulated for the attention of Members at the meeting.

The proposals met equality requirements in numerous ways, for example, improved routes not just for cyclists but also other non-motorised users, wheelchair users or those with prams to have easier access across side roads, offered safer routes for young people, enabled disadvantaged groups to gain access to training and employment, improved access to help people better connect with their communities and helped to tackle health problems, such as those associated with obesity.

In the short term, during the construction works, it was anticipated that some negative economic impact would be realised as a result of traffic management and slower journey times, but this would be mitigated as far as possible by consulting with the Council's highway coordination and traffic management groups.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval, in principle, and subject to planning permission being granted, be given to the construction of an improved pedestrian/cycle route and a bridge over Summer Lane, as outlined in Appendices 2A and 2B, at an estimated cost of £1,305,000;

(b) that delegated authority be given to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Highway Management and relevant local Members, to make minor amendments to the scheme details and, to approve for construction once planning permission has been granted.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

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Notice(s) of Motion

(a) Devon County Council and Fracking (Councillor Hodgson)

(Councillor Hodgson attended in accordance with Standing Order 8 and spoke to this item).

I am aware that South Devon has little if any shale reserves that could attract potential fracking exploration or would be economically viable to extract. However, as part of a national support to prevent controversial planning matters being able to avoid public consultation and protest and also to support a permanent ban on fracking in the UK, I am also requesting this motion regarding permitted development rights which has now been allowed for Fracking planning applications. This means that applications can by-pass the usual public consultation and objection processes and publicly represented decision making bodies such as council planning committees. France, Ireland, Bulgaria, Germany, Victoria, in NSW Australia, four provinces in Canada New Brunswick, Newfoundland, Nova Scotia and Quebec have all banned fracking and Germany has placed an indefinite moratorium, Netherlands has placed a temporary moratorium on fracking. This also supports this Council's agreement in principle to support initiatives that will prevent or mitigate climate change.

1. *Will write to the Secretary of State to object to applications for fracking having permitted development rights such that applicants can avoid the usual planning system.*
2. *Supports a national ban on fracking in the UK on public safety and climate change grounds.*

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the Ministry of Housing, Communities & Local Government's consultation on 'Permitted development for shale gas exploration' to seek views on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right. It also noted that, in Devon, there were no viable geological formations with potential for shale gas and was highly unlikely that there would be any planning applications for shale gas exploration.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Croad, and

RESOLVED that the Committee on Climate Change will advise government on a revised 'net-zero' carbon emissions target. Government will then need to consider the contribution that shale gas can make to meeting that target. It is therefore recommended that as there is no government consultation on extending permitted development rights for 'fracking' it is not necessary to write to the Secretary of State on this matter.

(b) British Sign Language (Councillor Dewhirst)

(Councillor Dewhirst attended in accordance with Standing Order 8 and spoke to this item).

This Council passionately believes that good communication lies at the heart of a civilised society and furthermore believes that inclusion is a vital part of a fair society.

To that end this Council realises that there is a large number of British Sign Language (BSL) users in Devon and so offers Deaf people an on-line interpretation service to enable people whose first language is BSL to communicate and interact with our Council.

The BBC offer in-vision BSL interpretations of some popular and topical programmes however it is not provided for the local and live news services. They do however offer the option for subtitles to be used for their programmes for Deaf people or people with limited hearing. Sadly, Deaf people find this service less than helpful and often very confusing - try watching the news with the sound off and just subtitles. ITV offer no services for Deaf people. Many Deaf people in Devon wish to keep up with the news in our County and wish that the BBC and ITV offered a similar interpretation service to our Council. This currently happens in America and most western countries.

In a spirit of inclusion this Council resolves to ask the BBC and ITV to start a process of full inclusion by asking the Chief Executive to write to the Director General of the BBC to ask for Spotlight South West to be signed in BSL and to the Managing Director of ITV Westcountry to ask for West Country News to be signed in BSL.

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the Council being signed up to the British Deaf Association British Sign Language Charter and the facilities to enable access to services. The briefing also outlined how news

was accessed and the duty on organisations such as the BBC in relation to Public Sector Equality Duty. Moving forward, the Council was committed to meeting and exceeding the new EU standards around accessibility.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED that the County Council writes to the BBC and ITV in support of a campaign for Spotlight South West and West Country News to be signed in BSL and that the Council asks other partners and stakeholders such as the Police, NHS and voluntary sector to join in support of the Deaf Community in taking this action.

(c) Devon's Housing Need / CPRE Reports (Councillor Shaw)

(Councillor Shaw attended in accordance with Standing Order 8 and Councillor Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

Devon County Council welcomes the reports published by the Council for the Preservation of Rural England (Devon branch), 'Devon Housing Needs Evidence' and 'A Review of Government Housing Policy and Its Impact on Devon' and the extensive research from which they result. Noting that the reports conclude that Devon's real housing needs are substantially less than currently assumed, Council asks Cabinet to commission a full evaluation of the implications of these reports for both the Council's policies and relevant joint ventures including the Greater Exeter Strategic Plan.

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the updated NPPF (July 2018) which introduced a national methodology for establishing house building numbers at the local authority level and also the role of the County Council which didn't have a duty to prepare local plans which set the housing requirements, but did have a role in providing advice to the districts on their plans.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Davis, and

RESOLVED that whilst the County Council recognises and welcomes the engagement of the CPRE in the planning process it is also recognises that the local planning authorities are required to comply with the government requirements in setting housing numbers in local plans and ensuring housing delivery. The County Council's role is to ensure the necessary infrastructure is planned for and in this role it is considered that it is not necessary for DCC to commission work on the CPRE reports.

(d) The Impact of Brexit to Devon's Economy (Councillor Shaw)

(Councillor Shaw attended in accordance with Standing Order 8 and Councillor Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

While welcoming the Devon councils' support for Flybe, this County Council expresses its alarm that Brexit has contributed to the airline's crisis and that it has been followed by the announcement of the closure of the Schaeffler factory in Plymouth.

In view of (a) this accelerating harm to Devon's economy, which also threatens our agricultural, health, university and small business sectors and living standards, and (b) polling evidence which suggests that a majority of Devon voters and Devon districts now oppose Brexit, Council calls on the Government to organise a referendum in which voters are offered the choice of accepting the deal which the Government has negotiated or remaining in the European Union.

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the current national position and potential timeline, the contents of the Governments long-term economic impact assessment (of 28th November 2018), the scenario modelling released by the Bank of England and also the work of the County Council in working with its partner local authorities across Devon and Somerset and with the Heart of the South West Local Enterprise Partnership to explore the potential opportunities and impacts of Brexit including the Brexit Resilience and Opportunities Group. There was also a working group within the Council looking at the impact of Brexit on Devon's residents and businesses, including a watching brief on the local economy including news on Flybe and other major employers.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Gilbert, and

RESOLVED that the Council be recommended to endorse the work being carried out to support Devon residents and businesses through the Brexit period, to help understand and minimise the impacts where possible and take advantage of opportunities. The Council will continue to work with businesses during the transition period and beyond to support our local economy, including working with district colleagues and the HotSW LEP.

(e) Fair and Adequate Funding to Local Authorities (Councillor Atkinson)

(Councillor Atkinson attended in accordance with Standing Order 8 and spoke to this item).

Philip Alston, the UN's special rapporteur. has found that Local Government in the UK has been "gutted" by government policies reflecting the "dismantling of the social safety net". He finds that since the onset of austerity, cuts in to local government funding have transferred service costs to users who are "least able to pay", and local authorities are "even struggling with the basic services they are statutorily obligated to provide" such that the "overall social safety net is being systematically dismantled" as Local authorities, especially in England, which perform vital roles in providing a real social safety net have been gutted by a series of government policies.

The UN official referenced the National Audit Office's finding that local government has incurred a 49% cuts in funding since 2011-2018 (but 75% cut in revenue funding to fund services in Devon County Council) community and youth centres have been shrunk and underfunded, public spaces and buildings including parks and recreation centres have been sold off and 14 million people – one fifth of the population – live in poverty, and noted that Institute for Fiscal Studies calculations predict a 7% rise in child poverty between 2015 and 2022. He also says that despite these factors, Alston claimed ministers were in "a state of denial" about UK poverty. Other areas in which social security have been undermined include cuts to legal aid and benefit reductions.

This Council agrees with the rapporteur's findings and urges the government to introduce fair and adequate funding to local authorities to meet local people's needs in Devon.

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the contents of the rapporteur's Report, the definition of extreme poverty, the wide-ranging impact of cuts in Local Government funding, the role of the Council in pressing Government for change, the role of the lobbying group f40, the regular briefings to Devon MPs and the recent briefing provided to Government by the Leader on the Council's budget position and suggestions of five essential steps to safeguard Devon's public services.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Barker, and

RESOLVED that Council agrees with the rapporteur's findings and makes use of the UN report to underline and intensify the ongoing campaigning work described in this note for fair and adequate funding to meet local people's needs in Devon.

(f) Fair Funding Formula for Police Forces (Councillor Atkinson)

(Councillor Atkinson attended in accordance with Standing Order 8 and Councillors Hannaford and Connett attended in accordance with Standing Order 25(2) and spoke to this item).

The government has been more interested in terrorism and high-end threats but less focused on local crimes and policing.

Steep budget reductions and a widening mission for the police has forced Devon and Cornwall Police to make the difficult decision to cut budgets for local policing. Austerity cuts in other public services have also impacted on the police who are often the service of last resort for people with mental health conditions.

The National Audit Office report castigated the government's handling of the police. The NAO assesses the government did not fully understand the actual impact of these cuts on police forces such that policing is at the tipping point.

This council calls on the Government and local MPs to ensure that the anticipated review of police funding agrees a fair funding formula for police forces that ensures an increase in funding for Devon and Cornwall Police which does not pass funding increases on through council tax beyond the current permitted up to 2% annual increase in the police precept.

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the funding formula for Police Forces and the factors taken into account, the Devon and Cornwall PCC giving evidence to the Public Accounts Committee (PAC) inquiry into the financial sustainability of police forces in England and Wales and the geography of Devon and Cornwall which places additional challenges for policing.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Croad, and

RESOLVED that it be recommended that the Council writes to Devon's Members of Parliament, thanking them for the increased precept but highlight the new challenges and rising demand which are putting the Devon and Cornwall Police under stress and urges MPs

to support the introduction of a fair funding formula which takes account of all the demands on Police Forces nationally.

(g) Climate Change (Councillor Hodgson)

(Councillor Hodgson attended in accordance with Standing Order 8 and Councillor Prowse attended in accordance with Standing Order 25(2) and spoke to this item).

Full Council notes:

1. *Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm). This far exceeds the 350 ppm deemed to be a safe level for humanity;*
2. *In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO2eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;*
3. *Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;*
4. *Carbon emissions result from both production and consumption;*
5. *Devon County Council has already shown foresight and leadership when it comes to addressing the issue of climate change when back in 2004 we signed up to the Nottingham Declaration on Climate Change and has since recognised this in its strategy for responding to the Climate Change Act 2008 which underpins its strategies, actions plans, public statements and advice to businesses, residents and parish councils;*
6. *Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050;ⁱⁱ*
7. *The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published last month, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities;ⁱⁱⁱ*
8. *Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.^{iv}*

Full Council believes that:

1. *All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change their policies. It is important for the residents of Devon and the UK that counties commit to carbon neutrality as quickly as possible;*
2. *Local Authorities are uniquely placed to lead the world in reducing carbon emissions;^v*

3. *The consequences of global temperature rising above 1.5 degrees Celsius are so severe that preventing this from happening must be humanity's number one priority; and,*
4. *Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).*

Full Council calls on the Leader to:

1. *Declare a 'Climate Emergency';*
2. *Pledge to make the county of Devon carbon neutral by 2030, taking into account both production and consumption emissions (scope 1,2,3);^{vi}*
3. *Call on Westminster to provide the powers and resources to make the 2030 target possible;*
4. *Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius;*
5. *Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;*
6. *Report to Full Council within six months with the actions the Council will take to address this emergency.*

Members considered the Officer's factual briefing note on the matter (CSO/19/2) which referred to the projections and recommendations of the 15th Special Report from the Intergovernmental Panel on Climate Change (IPCC), the Council's own emissions which had reduced by 36% since 2012/13, the Corporate Energy Policy targets (under review by the Environmental Performance Board) setting more stretching, but realistic goals, review of the Council's Climate Change Strategy in 2018 and the collaborative discussions occurring within Devon to encourage more activity at strategic, community and individual levels.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Croad, and

RESOLVED that

(a) the Council reaffirms its recognition of the scale and urgency of the global challenge from climate change, as documented by the latest Special Report of the Intergovernmental Panel on Climate Change, and declares a climate emergency; and

(b) mandates the Environmental Performance Board to review and recommend what further corporate approaches can be taken through the DCC Climate Change Strategy and Corporate Energy Policy and to facilitate stronger Devon-wide action through collaboration at a strategic, community and individual level.

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It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED that the Minutes of the following and any recommendations to Cabinet therein be approved:

Farms Estate Committee – 3 December 2018

* **292** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members and property transactions approved by NPS under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

* **293** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards, including the item below, reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0>)

- Highways Budget: Allocation of additional capital funding for carriageway structural maintenance and bridge structural repairs

NOTES:

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.45 pm

ⁱ Fossil CO₂ & GHG emissions of all world countries, 2017 <http://edgar.jrc.ec.europa.eu/overview.php?v=CO2andGHG1970-2016&dst=GHGpc>

ⁱⁱ World Resources Institute: <https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>

ⁱⁱⁱ The Intergovernmental Panel on Climate Change (IPCC)'s Special Report on Global Warming of 1.5 degrees Celsius: <https://www.ipcc.ch/report/sr15/>

^{iv} For example Bristol and Manchester City Councils: <https://www.businessgreen.com/bg/news/3066475/bristol-and-manchester-unveil-fresh-plans-to-tackle-climate-emergency>
Also US cities, Berkeley: <https://www.theclimatemobilization.org/blog/2018/4/25/hoboken-resolves-to-mobilize> And the C40 cities: <https://www.c40.org/other/deadline>

^v ICLEI – Local Governments for Sustainability, provides many examples of good practice, models and toolkits for Climate Change Adaptation and Urban Resilience: <http://iclei-europe.org/topics/climate-change-adaptation-urban-resilience/>

^{vi} Scope 1,2 and 3 of the Greenhouse Gas protocol explained: <https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions>



**QUESTIONS FROM MEMBERS OF THE COUNCIL
Wednesday, 9 January 2019**

**1. QUESTION FROM COUNCILLOR SHAW
Re: Risk Management and Brexit Risk Register**

Noting that the Risk Management report presented to CIRS Scrutiny in November stated that a detailed DCC focused Brexit Risk Register was in preparation and would support reporting to the Leadership Group on potential Brexit impacts, will the Cabinet provide an update on the possible effects of (a) the Withdrawal Agreement 'deal' and (b) No Deal, with reference to the areas of EU funding, labour market impacts, civil unrest and food/farming, mentioned in the Risk Management report?

REPLY BY COUNCILLOR HART

An internal Devon County Council Brexit Group was set up following the EU Referendum in the summer of 2016, to identify the potential financial impacts on the organisation. In the summer 2018, this Group started to review the risks and potential impacts on the County Council. This has proved a difficult task as little information has been made available by Government and there are a number of possible Brexit permutations still making their way through Parliament. To assist with this work the Leadership Group will be meeting on 14th January 2019 to consider what other steps should or can be taken in the run up to the actual scenario that will be in place by Brexit Day on 29th March 2019.

**2. QUESTION FROM COUNCILLOR SHAW
Re: Brexit and Support to Devon's Businesses**

Noting that the Government has urged all businesses to make urgent preparations for a possible 'No Deal' Brexit, and that the 2018 LEP report showed that Devon businesses had made few preparations, will Cabinet report on what assistance has now been given to Devon businesses?

REPLY BY COUNCILLOR HART

The County Council works with a range of business organisations and programmes. Examples are the regulatory services and advice provided by the Joint Devon, Somerset and Torbay Trading Standards and a Growth Support Programme. It also works alongside organisations such as the NFU, FSB and Chambers of Commerce. As part of these regular activities the County Council has been gathering information on possible impacts from exiting the EU on local businesses. As has already been reported the Council has established an internal group to consider impacts from BREXIT on our own supplies and goods and services and we are an active partner in the Heart of the South West's BREXIT Resilience and Opportunities Group which has also been considering the risks and opportunities for the local economy, and this is chaired by the County Council's Chief Executive. Part of the work of the group has included liaison and engagement with Cornwall County Council and their partners. With no clarity on the eventual position for exiting the EU both groups have considered at a high level the possible impacts and outcomes. The County Councils' Leadership team are considering the work from the above three groups on 14th January and will consider what further plans and preparation is required including support to businesses. The work undertaken to date is without non-additional funding from Government to support the additional activity.

3. QUESTION FROM COUNCILLOR SHAW

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Re: Emergency Planning and Preparations for a 'no deal' Brexit

In the light of the Council's primary responsibility for emergency planning, will the Cabinet advise on any risks of disruption to fuel, food and medical supplies in Devon in the light of a 'No Deal' Brexit, and what preparations have been made to mitigate these?

REPLY BY COUNCILLOR HART

The response to Brexit planning is addressed through a number of groups to ensure preparations include response and short and longer term recovery to fulfil the Civil Contingency function of the local authority and wider partners.

There is an internal DCC Brexit planning group, the HoSW Brexit Resilience and Operational Group and the Local Resilience Forum (LRF). The LRF has a tactical coordinating function and strategic coordinating function and regular meetings are being held to support planning and preparedness and response. The meetings will increase in frequency over the next few months and beyond as required. The groups will respond to published Technical notices and guidance which is being issued by various Government Departments to the business and public sector.

Devon County Council is also planning an internal Brexit planning event in January to exercise various scenarios.

The three areas described are part of the scenarios that are being planned for. The Local Health Resilience Partnership is specifically considering planning for medical supplies and working with local providers to ensure readiness.

The food and fuel issues are multi-faceted and require consideration of Business Continuity plans by all sectors. Specific support is being given to Port Health Authorities through the Food Standards Agency and DEFRA.

All areas are subject to national contingency planning.

4. QUESTION FROM COUNCILLOR PROWSE

Re: Autumn Budget Allocation / Highways Money

The news in the Chancellor's Autumn Budget that this Council is to receive a staggering £18.75 million (new money) is to be most welcome.

Can the Leader confirm whether this money has been allocated?

REPLY BY COUNCILLOR HUGHES

The additional funding has been received and I agree it is most welcome. There is a requirement that we publish before the end of March 2019 how this money has been committed. Expenditure from this funding is required to be allocated to carriageway structural maintenance and bridge structural repairs. I intend to ask that a report is taken to the next meeting of this Cabinet, when the Forward Plan is discussed later on in the agenda. The report will cover allocation but we will continue to operate the Council's approved asset management strategy, looking at the asset condition as a means of prioritisation. This may mean the distribution is not necessarily evenly distributed across each area.

5. QUESTION FROM COUNCILLOR PROWSE

Re: Autumn Budget Allocation Methodology

If allocated, what was the methodology?

REPLY BY COUNCILLOR HUGHES

Please see my response to question 4.

**6. QUESTION FROM COUNCILLOR PROWSE
Re: Autumn Budget Allocation Contractors**

Do we have enough contractors to do the work?

REPLY BY COUNCILLOR HUGHES

There are sufficient resources in place to complete the works.

**7. QUESTION FROM COUNCILLOR PROWSE
Re: Autumn Budget Allocation to Exeter City**

How much in total is allocated to the City of Exeter (9 divisions)?

REPLY BY COUNCILLOR HUGHES

This is to be determined but will be included in the proposed Cabinet Report.



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 9 January 2019

**1. QUESTION FROM MR KNIGHT
Re: Costs of Transferred Ownership**

In terms of the three lights in Sea Lawn Terrace, Dawlish, how much money has it cost the Council to seek to transfer ownership to 'the owners of any such private/unadopted road' over the last 18 months, and how much money would turning these three street lights off save the Council each year in real terms?

REPLY BY COUNCILLOR HUGHES

There have been a number of instances where private streetlights have been divested at very little cost. However, the extensive Sea Lawn Terrace correspondence is estimated to have incurred over 130 hours of staff time and about £300 cost from our contractor. The current annual cost to run the three lights is in the region of £151 plus the cost of lanterns and column replacement when they are required. If the lanterns were kept, they would be converted to LED at a cost of about £750.

**2. QUESTION FROM MR BARNESLEY
Re: Definition of Private Road**

What is meant by a 'private road' in the 2019 Street Lighting Policy and which roads in Devon will be affected by this policy?

REPLY BY COUNCILLOR HUGHES

A private road referred to above is defined as a road which is not designated as a Highway Maintainable at Public Expense (see the Highways Act 1980) and for which the County Council has no legal duty to maintain.

**3. QUESTION FROM MRS HUGHES
Re: Leaving on Street Lights**

Why can't the three streetlights, which serve 59 properties (all of whom pay full council tax) at a total cost of around £102.27 per year, be left on?

REPLY BY COUNCILLOR HUGHES

Section 12 (c) of the Cabinet report presents this as an option stating "Retaining responsibility for private roads in all circumstances where we have historically done so. This is not being proposed as the authority should try and reasonably save costs where it can reasonably do so and should not automatically take on responsibility for matters where it is not required to do so." However, the policy that is being proposed does allow discretion to be exercised, and therefore an outcome, if the proposed policy is approved my members, could be that a decision is taken for the council to carry on maintaining these specific streetlights, given the specific circumstances.

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4. QUESTION FROM MRS WILLIAMS
Re: Proposed Savings

How much would the policy proposed above cost/save the Council in comparison to the proposal in the 2019 Street Lighting Policy

REPLY BY COUNCILLOR HUGHES

Whilst there is always an initial cost in officer time which will vary for each situation, the principle and response to question 3 applies also to this question.

5. QUESTION FROM MR ELLIS
Re: Cost of Implementation

How much will it cost the Council to implement the proposed policy and how much will it save the Council if the cost is only £34 per light per year?

REPLY BY COUNCILLOR HUGHES

See the response to questions 3 and 4 above.

6. QUESTION FROM MR SPURWAY
Re: IPCC Special Report and Zero Carbon at Devon County Council

Considering the scientific consensus in the IPCC Special Report published in October 2018 that we only have 12 years in which to stop climate change, has DCC developed a detailed plan to enable Devon County Council to go Zero Carbon by 2030.

REPLY BY COUNCILLOR CROAD

The United Nations' Intergovernmental Panel on Climate Change's (IPCC) Special Report recommends reducing global greenhouse gas (GHG) emissions by 45% by 2030 in comparison to 2010 levels, reaching net-zero by 2050. DCC's current Corporate Energy Policy is projected to reduce the Authority's GHG emissions by 50% by 2030 from 2012/13 levels and therefore exceeds the IPCC's 2030 recommendation.

DCC's GHG emissions have reduced by 36% since 2012/13, the detail of which is available in the annual Environmental Performance Statement available at <https://new.devon.gov.uk/environment/environmental-policy>

The Corporate Energy Policy targets are under review by DCC's Environmental Performance Board to set more stretching but realistic goals. The review will consider the recommendation expected in March 2019 to government from the UK Committee on Climate Change, the independent advisory body that monitors the implementation of the Climate Change Act, on a revised GHG reduction target for the UK. The review is expected to conclude in summer 2019.

Note: A factual briefing on the IPCC's Special Report is available at Item 11g of this Cabinet meeting's Agenda Report Pack.

7. QUESTION FROM MRS HEXTER
Re: Consultation and Awareness of Policy

Aside from housing associations, is there any evidence to suggest that any Devon residents beyond those that reside in, or use, Sea Lawn Terrace and Riviera Terrace in Dawlish are aware of this proposed policy (see below, in italics)? If yes, who is aware and how were they made aware?

(Devon County Council will seek to transfer the ownership of street lights which have been identified as being on a private road. It was discussed that, while it would be beneficial for street lights to be passed to the owners of any such private road, a pragmatic approach would be paramount in any negotiations. Local members should be consulted, and it was suggested that they could also assist in setting up any new residents' associations.)

REPLY BY COUNCILLOR HUGHES

Given that the policy proposal is to allow discretion to be exercised in situations such as Sea Lawn Terrace and Riviera Terrace in Dawlish, following earlier correspondence, it was considered that consultation with a group of Scrutiny Committee members was adequate for the changes to policy that were being proposed.

