

*County Council
Thursday, 21st February, 2019*

NOTES FOR VISITORS

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

SatNav – Postcode EX2 4QD

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Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

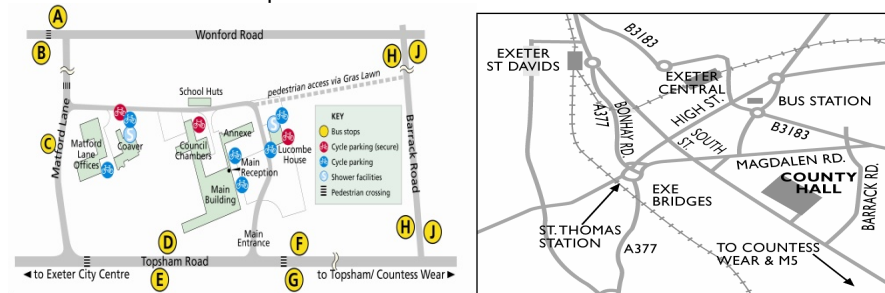
Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB   Denotes bus stops

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In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

Contact Main Reception (extension 2504) for a trained first aider.



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

13 February 2019

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 21st February, 2019 at 2.15 pm.

Chief Executive

[Prayers will be offered at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

A G E N D A

1 Apologies for Absence

2 Minutes (Pages 1 - 14)

To approve as a correct record and sign the minutes of the meeting held on 6 December 2018.

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 DECISIONS

8 Revenue Budget 2019/2020, Medium Term Financial Strategy & Capital Programme 2019/2020 to 2023/2024

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2019/20 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://new.devon.gov.uk/impact/budget-2019-2020>

(b) To receive and approve the Report of the County Treasurer (CT/19/6) together with the Minutes of the Cabinet held on 15th February 2019 relating to the budget and the Minutes of the Corporate Infrastructure and Regulatory Services Committee, containing all Scrutiny Budget Resolutions from 29th January 2019, attached.

The Report of the County Treasurer and Cabinet Minutes will follow and the minutes can be viewed [here](#) shortly.

- a Children's Scrutiny Committee (Budget Meeting) - 21 January 2019 (Pages 15 - 20)
- b Health and Adult Care Scrutiny Committee (Budget Meeting) - 24 January 2019 (Pages 21 - 26)
- c Corporate Infrastructure and Regulatory Services Scrutiny Committee (Budget Meeting) - 29 January 2019 (Pages 27 - 32)

9 Heart of the South West - Local Industrial Strategy (Pages 33 - 46)

To receive and approve the Report of the Chief Executive (CX/18/1) with proposals for the Governance arrangements relating to the Local Industrial Strategy, together with the [Minute 265 \(a-e\)](#) of the Cabinet held on 12 December 2018.

The Report is attached.

10 Pay Policy Statement 2019/2020

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments and Remuneration Committee (15 January 2019) (Minute 47), attached and can be viewed [here](#).

OTHER MATTERS

11 Cabinet Member Reports

To consider reports from Cabinet Members.

12 Minutes

To receive and approve the Minutes of the under mentioned Committees

- a Appeals Committee - 7 January 2019 (Pages 47 - 48)
- b Appointments and Remuneration Committee - 15 January 2019 (Pages 49 - 56)
- c Appointments and Remuneration Committee - 15 February 2019

The minutes will be published [here](#) shortly.
- d Development Management Committee - 30 January 2019 (Pages 57 - 58)
- e Procedures Committee - 6 February 2019 (Pages 59 - 62)
- f Children's Scrutiny Committee (Ordinary Meeting) - 21 January 2019 (Pages 63 - 66)
- g Health and Adult Care Scrutiny Committee (ordinary meeting) - 24 January 2019 (Pages 67 - 72)
- h Corporate Infrastructure and Regulatory Services Scrutiny Committee (Ordinary Meeting) - 29 January 2019 (Pages 73 - 76)

NOTICES OF MOTION

13 Devon County Council and Fracking (Minute 159 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely;

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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently 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.

14 British Sign Language (Minute 160 of 6 December 2019)

To receive and consider the recommendations of the Cabinet (Minute 290(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Dewhirst and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently 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.

15 Devon's Housing Need / CPRE Reports (Minute 161 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently 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.

16 The Impact of Brexit to Devon's Economy (Minute 162 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Shaw and referred thereto in accordance with Standing Order 8(2), namely

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently 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.

**17 Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee
(Minute 163 of 6 December 2018)**

To receive and consider the recommendations of the Procedures Committee (Minute 57) to address the Notice of Motion submitted previously to the Council by Councillor Biederman and referred thereto in accordance with Standing Order 8(2), namely:

This County Council welcomes the fact that the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee has now met, but believes that for effective scrutiny to take place:

- (1) two of the Council's four places on the Committee should be made available to opposition groups from next May;*
- (2) there should be an opportunity for the Non-Aligned Group to be represented from time to time;*
- (3) an opportunity for public participation should be provided;*
- (4) proceedings should be webcast.*

Having had regard to the factual briefing statement on the matter set out in Report (CSO/19/3) and other suggestions or alternatives considered at that meeting the Procedures Committee subsequently **RESOLVED** to support the Motion in terms of the emphasis on transparency and open democracy and recommends to the Council;

(a) that group leaders and whips be asked to consider the matter of representation and terms of appointment on the Committee when those allocations and appointments are reviewed prior to the Annual Council Meeting in May 2019; and

(b) that the issues of public participation at, and webcasting of, the LEP Scrutiny Committee meetings be raised as part of the evaluation of the operation of the Committee in Autumn 2019, highlighting that Devon supports both processes being introduced, notwithstanding any changes to the terms of reference will need to be agreed by both the Procedures Committee and subsequently all Constituent Authorities.

18 Fair and Adequate Funding to Local Authorities (Minute 164 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

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 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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved that Council be asked to agree 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.

19 Devon and Cornwall Police Funding (Minute 165 of 6 December 2018)

To receive and consider the recommendations of the Cabinet (Minute 290(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely:

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.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently 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.

To receive and consider the recommendations of the Cabinet (Minute 290(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely:

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[i];*
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.*

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/19/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved (a) that 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.

21 Public Health

Councillor Connett to move:

Devon County Council notes:

- *the vital role played by Public Health in helping Devon residents to lead healthier lives by, for example, avoiding diseases, unwanted pregnancies, support to stop smoking, and eating better;*
- *with grave concern the announcement of a further £85m cut to the Public Health Budget, as one of 12 Ministerial statements published by the Government on the last day of the Parliamentary term before Christmas, only weeks after the Secretary of State for Health described prevention as his priority; and*
- *this is on top of cuts to the Public Health budget announced since Summer 2015, now totalling just over £600 million.*

This Council meeting further notes:

- *the comments of the Health Foundation, who described these cuts as a false economy and who have calculated that an additional £3bn a year is required to reverse the impact of government cuts to the Public Health grant to date and have called for this increased budget to be allocated according to need; and*
- *the warnings from the King's Fund that such cuts could put pressure on councils to cut non-statutory sexual health prevention services, which could lead to more sexually transmitted infections and unplanned pregnancies.*
- *This Council believes that our Public Health team perform vital work to help keep the residents of Devon healthy and to avoid more costly admissions to hospital and other interventions by our NHS and that this should be properly funded by central Government.*

This Council meeting resolves to:

- *thank our Director of Public Health and her team for the great work they do across Devon despite continued financial challenges;*
- *condemn the Government's use of the time just before Christmas to make announcements such as this;*
- *call on the Leader of the Council and the Cabinet Member to consider carefully the required cuts to services will be implemented; and*
- *ask the Leader and Chief Executive to write to the Secretary of State for Health, calling on the Government to deliver increased investment in Public Health and to support a sustainable health and social care system by taking a "prevention first" approach*

22 **Boniface Patron Saint of Devon**

Councillor Way to move:

There is increasing interest in Crediton-born Winfrith, who became Saint Boniface, being recognised as Patron Saint of Devon. The Boniface Link Association is a secular organisation campaigning for the adoption of Boniface as Patron Saint of Devon. With links to Fulda in Germany and Dokkum in Holland, this initiative has gained letters of support from many churches and prominent civic figures from across the county.

Devon's most famous native-born saint, Boniface was born in the Crediton area circa 680AD. He is highly regarded for his missionary work across a large part of Europe. A significant historical figure he is often referred to as the First European. He studied at the monastery at Exeter, then at the monastery at Nursling, near Southampton.

In 716 he set sail to convert the tribes in Frisia (now Friesland) in the Netherlands to Christianity. Subsequent work in Frisia and Hesse gave him a reputation as an outstanding missionary and administrator. In 722, Pope Gregory made him Bishop of all Germany East of the Rhine. Much of his later work laid the foundations of Charlemagne's Holy Roman Empire 50 years later. In 754 he was martyred at Dokkum and buried at Fulda in Hesse.

The national shine to Boniface is at the Roman Catholic church at Crediton and the many references to him in Crediton's Parish church attract visitors to the town. A blue plaque can be seen at Tolleys, Crediton traditionally regarded as his birth place. An impressive statue of St Boniface is located at Newcombes Meadow.

Proud of Devon's heritage and recognising Boniface as a significant historic figure this Council supports the initiative to adopt Saint Boniface as Patron Saint of Devon.

23 **Parental Leave Policies and Councillors**

Councillor Atkinson to move:

This Council notes:

- *That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017.*
- *That across England, Labour has improved its representation of women, with 45% women compared with 40% in 2014, and the Liberal Democrat's representation is up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;*
- *That as of the 2017 DCC elections, only 18 out of 60 county councillors are women. Only three women were under 45 years of age*
- *As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;*
- *That the role of a councillor should be open to all, regardless of their age or background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to have more children to remain as councillors;*

- *That parental leave must apply to parents regardless of their gender, and that it should also cover adoption and fostering leave to support those who choose to adopt and foster.*
- *As there are County Council elections in 2021 the Council needs to review its policies with a view to encouraging prospective people who may be interested in standing for the County with a view to improving a wider range of people of younger age and gender to better reflect the Devon Community*

This Council resolves:

- *To refer to the Procedures Committee this motion to consider whether to recommend the adoption of the attached parental leave policy (see below) to give all councillors an entitlement to parental leave after giving birth or adopting and fostering;*
- *To ensure that councillors with children and other caring commitments are supported as appropriate;*

Parental Leave Policy for Councils

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as Councillors, and has been the subject of lengthy debate. Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or fostering/adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

Minutes of the Cabinet, Health & Wellbeing Board and Devon Pension Board do not form part of this agenda but can be accessed as follows

Cabinet-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>

Health & Wellbeing Board-

<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>

Devon Pension Board-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=185&Year=0>

Access to Information

Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but links are provided for convenient reference.

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website and can be accessed via the Modern.Gov App, available from all the usual stores.

Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Questions from Councillors

A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place.

Public Participation

Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting takes place. The name of the person asking the question will be recorded in the minutes.

Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon 4 working days before the meeting takes place. The name of the person making the representation will be recorded in the minutes.

For further details please contact Karen Strahan on 01392 382264 or look at our [website](#)

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

Council Chamber Seating

JULY 2018

