

COUNCIL

21 February 2019

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, F Biederman, R Bloxham, J Hook, J Brook, C Channon, I Chubb, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhirst, A Eastman, R Edgell, R Gilbert, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, R Radford, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors J Berry, J Brazil, E Brennan and B Greenslade

167 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 6 December 2018 be signed as a correct record.

The Motion was put to the vote and declared **CARRIED**.

168 Announcements

The Chair of the Council paid tribute to all those staff who went the extra mile to keep Devon moving during the January snow and ice and to those who continued to provide services to those in need.

She reported that Fairtrade Fortnight was approaching (25 February to 10 March 2019), where Fairtrade brought a producer to Devon to 'tell their story'. It was an opportunity to show the Council's commitment to Fairtrade, especially in Fairtrade Devon's 10th Anniversary year.

The Chair announced that Scomis, who worked on behalf of the Council in delivering high quality ICT and telephony services, had received national recognition at the BETT Awards. Furthermore, they had been invited to partake in the Parliamentary Review to be launched next month. The Council congratulated all at Scomis for their achievements.

Also highlighted was the event being hosted by the Chair on the 8th March (International Women's Day) for inspirational women who had made a difference in Devon. Residents had been asked to nominate the County's female community champions to celebrate these unsung heroes. There had been some 250 nominations.

Last, the Chair wished Alderman Saxon Spence a happy 90th birthday, sending the Council's best wishes and many happy returns.

169 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

170 Public Participation: Petitions, Questions and Representations

There was no petition received from a member of the public.

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to four questions from Member(s) of the public on highways officers and site visits at Crockernwell, spending on the road network, evaluation and investment in walking and cycling infrastructure, climate change and the views of research scientists, severity of the impact of climate change and the need to act for future generations.

The Cabinet Members responded verbally to one supplementary question arising from the above and would also respond direct to three questions received from members of the public, who were not present at the meeting.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Mr M Spurway on the IPCC Special Report published in October 2018 on climate change and the plan to enable the Council to go Zero Carbon by 2030, referring to current 'tipping points' in relation to climate change.

Further representations were made by Mr C Hughes and Miss S Hughes on the decision facing the council to declare a Climate Emergency and recent notifications that Carbon Neutrality by 2050 was not sufficient, was a continuation of the status quo and the impacts on the next generation.

There was also a verbal representation from Mr J Rose representing the youth interest in declaring a state of climate emergency for Devon and the next generation, referring to many other contributory factors such as plastics, agricultural systems and chemicals and deforestation.

Mr R Knight highlighted the success of the climate accord in Paris and Mrs G Westcott reported that the time to act was now. Ms Lopez and Ms C Byng spoke in support of the climate change motion and the importance of safeguarding the future.

Mr Yi Postelnik, offered a faith perspective on the matter of climate change, referring to moral injury.

Anthea Simmons, Spokesperson for Devon for Europe spoke on the Brexit Motion, also being dealt with later on the agenda.

The Chair thanked the presenters acknowledging that their representations had been heard by Members present.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

171 Petitions from Members of the Council

There was no Petition received from a Member of the Council.

172 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to ten questions submitted by Members of the Council relating to the South Devon Highway and progress with Part One compensation claims, research by Sheffield Hallam University on the average spend on food and drink for council-funded residents and the figures for food in homes supported by the Council, the numbers of qualified specialist teachers for deaf children in Devon, specialist schools and the work being done

locally, regionally and nationally on this issue, Energy to Waste plants working at capacity, landfill waste and measures to increase recycling rates, public health activity champions, maintenance of cycleways and key routes, the response to previously submitted question relating to changes as a result of Integrated Care Management, infrastructure investment, the impact of a 'No Deal Brexit' for local authorities keeping children safe relating to cross-border police and judicial cooperation mechanisms and the recent climate change protest by young people and authorised absences from school.

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

[NB: See also responses to Questions referred to at Minute 170 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below].

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

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension.].

The Council considered the Minutes of the Cabinet meeting ([Minute 300](#) of 15th February 2019), together with the Report of the County Treasurer (CT/19/6) on the Revenue Budget for 2019/20, Medium Term Financial Strategy to 2022/23 and Capital Strategy 2019/20 to 2023/24, including an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment that identified risks associated with the budget strategy, together with how the risks would be managed. This year, for the first time, there was a requirement to prepare a Capital Strategy in line with the CIPFA Prudential Code for Capital Finance in Local Authorities 2017 and this was also included.

The book contained;

- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Strategy and Programme Overview 2019/20 - 2023/24;
- Service Budgets;
- Medium Term Financial Strategy 2019/20 - 2022/23;
- County Fund Balance and Earmarked Reserves 2019/20;
- Treasury Management Strategy 2019/20 - 2021/22 and Prudential Indicators 2019/20 - 2023/24;
- Risk Analysis of Volatile Budgets;
- Fees & Charges; and
- Abbreviations.

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 21st, 24th and 29th January 2019 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Council noted that the Corporate Infrastructure and Regulatory Services Scrutiny Committee had at its meeting on held 29th January 2019 considered the proposed Treasury Management Strategy for 2019/20, and Capital Strategy, prior to determination of the budget for that year.

The County Treasurer's Report (CT/19/6) contained details of the County Council's revenue and capital budgets together with associated financial and operational information. The Council's financial plans were drawn up with reference to the Council's major policies and objectives, performance frameworks, demographic changes, consultation with local residents, businesses and other stakeholders.

The Cabinet Member for Resources Management commented that 2019/20 was the final year of the Government's four-year Local Government financial settlement and although core funding had been reduced by £13.5 millions (11.7%), to £101.5 millions, this was in line with expectations. The reduction had been offset to some extent by additional grants for Winter Pressures of £3.6 millions and Social Care Support of £6.1 millions. However, the overall picture was a significant reduction to funding at a time when there were huge pressures on Social Care services.

He also gave details on the Service budgets which totalled £493.850 millions, with Children's Services base budget being £135.153 millions (an increase of 9.4% from 2018/19), Adult Care and Health base budget was £232.599 millions (an increase of 2% from 2018/19), Communities, Public Health, Environment and Prosperity Services base budget was £38.577 millions (an increase of 0.7% from 2018/19). Corporate Services base budget was £32.974 millions (a decrease of 6.6% from 2018/19) and included inflation, pressures and NLW of £1.476 millions and required savings and income initiatives of £3.808 millions. Highways, Infrastructure Development and Waste Services base budget was £54.547 millions (an increase of 0.7% from 2018/19).

The settlement had set the Council Tax increase that would trigger the need for a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19. The Adult Social Care Precept regulations also remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Government then changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 as long as the total increase over the three years did not exceed 6%.

The Council increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

A Band D Council Tax would, if the proposed budget was approved, increase by 3.99% to £1,384.29. The Council Tax requirement for the Council was £401,663,454.61.

The Council acknowledged that a Budget 2019/20 Impact Assessment had been prepared previously and taken into account by Scrutiny Committees as part of their earlier deliberations together with those specific impact assessments undertaken as part of the budget's preparation or in relation to service reviews arising therefrom: to ensure all Members had all relevant information in having regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010 when considering the proposed budget, its impact and any mitigating action required, prior to making a decision. The preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time. The Impact Assessment had been made available to all Members of the Council for the purpose of the Scrutiny meetings, the Cabinet meeting on 15th February 2019 and this County Council meeting. A revised version had been circulated to all Members on 13th February 2019. <https://new.devon.gov.uk/impact/budget-2019-2020>

The Chair of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

The Motion was put to the vote and declared **CARRIED**.

The Chair then indicated that she would exercise her discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Barker **SECONDED** that Cabinet Minute 300 (a) – (v) setting out the proposed revenue and capital budgets as detailed in Report (CT/19/6) be approved.

In commending the proposed budget to the Council, the Leader commented this was the tenth year of reduced spending for Devon, with savings having been required every year. 2019/2020 was no exception with £13millions needing to be saved. He highlighted the aim was to protect statutory services and commended the budget to the Council as one that supported the old, young and the vulnerable.

Both the Leader of the Council and Cabinet Member for Resources Management paid tribute to and expressed gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2019/20. They also thanked other Members of the Council for their input into the Scrutiny process.

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Hannaford **MOVED** and Councillor Whitton **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

- a. *support the retention of the **£10,000** per elected member **Locality Funding** to ensure that local members can fulfil their local leadership roles and agree that that any remaining or unspent **Investing In Devon** funding, be allocated out equally to all members for local capital projects.*
- b. *support raising the **Social Care Precept** by **1%** to help relieve service pressures, and lobby parliament for a long term, cross party, progressive solution to the care crisis as a matter of urgency.*
- c. *support raising the **Council Tax** by **2.99 %** to help front line services for local communities, however registers deep concerns about the heavy reliance of using the **Council Tax system** to raise funds because of its very **regressive nature**.*
- d. *registers serious concerns over the potential loss of “**Troubled Families**” funding in 2020, and the loss of vital and crucial work around **early help**, and supports the proactive work being done to lobby and secure future funding streams.*
- e. *allocate **£2,000,000** per annum for a rolling programme to deliver **School Suitability Funding**, in addition to the Schools Expansion Programme, including **heating, energy efficiency, and invest to save measures**.*
- f. *allocate **£125,000** to the **Atkinson Unit** to secure new staffing arrangements on an invest to save basis through capacity and income generation.*
- g. *allocate **£150,000** for an additional three **SEND grade three case workers** to improve performance, operational effectiveness, and timeliness.*
- h. *allocate **£200,000** to respond to the **OFSTED SEND inspection** report, especially on condition and suitability issues.*
- i. *allocate **£85,000** to develop, establish and market an **SEND Interactive Care Portal**.*
- j. *allocate **£200,000** for **Children Centres transition work** with local communities and families to promote new service delivery models, in partnership with Action For Children.*

- k. allocate an additional **£250,000** for the **Building Accessible Adaptations** to adequately meet service demands.
- l. allocate **£ 50,000** to **Domestic Abuse and Sexual Violence prevention work**, with a specific focus on **supporting children and young people**.
- m. allocate **£20,000** for **Period Dignity Pilots** in some selected local schools to provide **free sanitary products** to assess take up, and to improve school attendance, performance, and welfare.
- n. allocate **£450,000** to improve the **Transition Journey from Children's Services to Adult Services**.
- o. allocate **1,000,000** for **Economic Development Work**, to counter the effects of **BREXIT**, the recent **1,300 regional job losses**, and generally **promote innovation, enterprise, sustainable transport, resilience and diversification**.
- p. allocate **£800,000** to facilitate construction of **Okehampton Parkway Station** and infrastructure improvements for the reinstatement of the Exeter to Okehampton passenger service. This to be subject to a guarantee from Great Western Railways that a service will start in 2020.
- q. Allocate **£900,000** to **sustainable transport projects** within Exeter and its hinterland with particular emphasis on improving bus information and extension to bus/rail park and ride sites.
- r. Allocate **£300,000** for **public health**.

Items (e) to (r) total £6,530,000 millions and it is suggested that in 2019/20 this is funded from the Council's Budget Management Reserve.

Councillor Connett **MOVED** and Councillor Way **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

“A decade after the financial crash, people need to know that the austerity it led to is over and that their hard work has paid off...” Prime Minister, Theresa May

...But still the Conservatives short-change the people of Devon:

- £134 million cut in the Government's Revenue Support Grant since 2013/14
- Funding for our schools has got worse. Devon now gets £294 a year **LESS** per child compared to £265 **BEFORE** Devon's Conservative MPs lobbied for more money!
- We note with concern that Devon has lost 525 Teachers and Teaching Assistants in the last year alone
- The boiling-point pressure on the budget for Children's Services and for children with special educational needs.
- Cuts to Public Health and the pressure on Children's mental health services.

Devon Liberal Democrats propose investment in services by searching out waste, better efficiency, and focussing money where it will really help our communities, by:

- 1. Investing £400,000 to improve Mental Health Services for Young People.**
- 2. Putting an additional £1 million - for education and services for children with special educational needs.**
- 3. £500,000 for much-needed rural bus services.**
- 4. Creating a hardship fund of £60,000 - to support young people in Post-16 education with home to college travel.**
- 5. Improving highway drainage with £500,000 additional investment**

We will fund this investment of £2,460,000 million by:

1. Cutting waste currently being allowed by County Hall and efficiency savings:

- Save **£500,000** - by cutting the budget for expensive consultants and stand-in managers
- Cut spending on media, public relations and advertising **by £500,000** -
- Reduce spending on room hire to save **£ 140,000** -
- **Save £500,000** - from car allowances and mileage payments

2. **Transferring £820,000** a year from the Economic Development budget into these higher priorities.

Costs for the transformation of Economic Development and other services will be charged to the council's **Service Transformation Reserve, currently £10 million.**

Other financial steps:

Devon County Council to lobby government to end the switch from Council Tax to Business Rates loophole used by some second home owners and to allow local councils the power to charge up to 200% Council Tax on second/holiday homes.

Such measures would, it is believed, raise in the region of £10 million for Devon County Council from South Hams alone. Across the county, it is suggested the income could be in excess of £20 million.

The amendment in the name of Councillor Connett was then put to the vote and declared **LOST.**

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Biederman, Connett, Dewhirst, G Hook, J Hook, Shaw, Way and Wright: (Total: 8)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 40)

Abstained from Voting; Councillors Ackland, Asvachin, Atkinson, Aves, Hannaford, Hodgson and Whitton (7)

The amendment in the name of Councillor Hannaford was then put to the vote and declared **LOST**

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)

Abstained from Voting; Councillor Prowse (1)

The motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the Motion; Councillors Ackland, Asvachin, Atkinson, Aves, Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hannaford, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Whitton and Yabsley: (Total: 46)

Against the Motion; Councillors Biederman, Connett, Dewhirst, Hodgson, G Hook, J Hook, Shaw, Way and Wright (Total: 9)

174 Heart of the South West - Local Industrial Strategy

The Council considered the recommendations of the Cabinet held on 12 December 2018 relating to proposals for the Governance arrangements relating to the Local Industrial Strategy.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of Cabinet be approved and that Governance arrangements relating to the Local Industrial Strategy, as set out at [Minute 265](#) of the Cabinet, be endorsed.

The motion was put to the vote and, nem con, declared **CARRIED**.

175 Pay Policy Statement 2019/2020

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2019 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2019/20.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2019/20 (and consequential changes to the Council's Constitution) as set out at [Minute 47](#) of that Committee be endorsed and the Constitution amended accordingly.

The motion was put to the vote and, nem con, declared **CARRIED**.

176 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

(a) Policy, Corporate and Asset Management

Councillor Hart circulated a Report, as requested by Councillor Brennan on the impact that a 'No Deal Brexit' could have on the Council's finances, its ability to provide statutory services and any lobbying activities to Government.

The Leader referred to the current uncertainty of which Brexit scenario might prevail from the Parliamentary process and referred to the recent report in the Western Morning News to voice his concerns about the impacts on Devon's communities and economy. He also said how difficult it was to predict and plan for such an unprecedented event, but the Council was determined to play a lead role in assisting both communities and businesses.

The Leader then outlined the work of the Council in preparing for a 'No Deal Brexit', for example the role of the Local Resilience Forums, the updating of Business Continuity Plans to plan for this, working through professional associations to ensure the dissemination of information and good practice and pressing Government to release impact assessments to inform the planning and preparedness process.

Members were further advised that the Council had played a central role in advising Government about the place, service and community impacts of Brexit, including the Chief Executive chairing the HoSW Joint Committee's Brexit Resilience and Opportunities Group and also the work of the Economy and Enterprise Service. Brexit was also a standing item on the regular meetings of the Devon Emergency Planning Service.

In terms of the Council's finances, the Leader stated that the Council Tax increase from April 2019 had been determined, the business rates position was clear and the settlement agreed with central Government. In the short term, there would be no impact on the Council's finances. Longer term, there could be an impact on future business rates income and potential cost increases from imports and exports, but at present this was not possible to quantify.

Furthermore, the Council was in regular contact with business representative organisations and in relation to the recent business closures none had cited Brexit as a reason for closure. However, the Economy, Enterprise and Skills team were working with businesses to keep a close eye on performance and impacts on the Devon economy.

The Leader summarised by saying the Council had contingency planning in place to enable the provision of statutory services and also planning for all eventualities including any supply issues (e.g. fuel and food). Government recently announced that it had put funding of £56.5m aside to assist Local Authorities with Brexit planning, of which the Council had a share of £175,000.

(b) Economy and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford on the new contract awarded to BT and the installation of telegraph poles to improve connectivity and the relevant consultation and / or planning processes as part of this.

The Cabinet Member reported that Openreach had embarked on a "Fibre First" programme in February 2018 to upgrade its entire UK network to ultra-fast broadband. Locally, the intention was for coverage across Exeter City by the end of 2020. It was their own commercially funded network and not an awarded contract. Many locations across Exeter had some form of poled cabling, although public concerns had been raised in Pennsylvania and Exwick, both of which had an in-ground copper cable telecommunications infrastructure.

Whilst concerns were reviewed, a stop had been placed on erecting more poles in any locations where none currently existed and Openreach had agreed to remove the poles in Armstrong Avenue, pending an evaluation of alternative options.

Fibre poles were classed as 'telecoms infrastructure' under permitted development rights and did not require planning permission (covered in the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018). Up to 2013, new infrastructure had to be in-ground, however this was removed for 5 years. In the most recent amendment the requirement for in-ground installation had been permanently removed.

Liaison was continuing between the City and County Councils and Openreach.

He also responded to Councillor Hannaford, in writing, in relation to the current regional job losses (for example Appledore, Clarks, British Ceramic Tiles), analysis and other contributory factors and what might replace EU economic development funding, highlighting the current position with Babcock, based at Appledore shipyard, British Ceramic Tiles, based at

Heathfield near Newton Abbot and Wolf Minerals, based at Drakelands mine, Hemerdon. He outlined how many people were employed at all sites and the direct GVA impact to the local economy and also the plans of the companies in terms of moving forward. For example, for Appledore there were relocations to Devonport, in relation to British Ceramic Tiles, Job centre Plus had been assisting and had advised that some ex-employees of British Ceramic Tiles had found or started work or were booked onto retraining courses. Wolf Minerals ceased operations in October 2018 and Job Centre Plus indicated that nearly all ex-Wolf employees had found work or re-training opportunities.

He also reported on matters outside of the Council area, for example the Barden Corporation and the closure of its Plymouth operation and Clarks shoes, based at Street, in Somerset and then potential changes to Devon based company operations, such as Premier Foods and the Ambrosia plant at Lifton (West Devon) where the site remained operational, but no further announcements made. Also, Flybe at Exeter Airport, but assurances continued to be sought by partners (including DCC) and work was ongoing to safeguard and enhance Exeter Airport and passenger operations there.

The Cabinet Member highlighted that in relation to European funding and UK potential replacements, a Government consultation on its proposed Shared Prosperity Fund (expected to replace elements of the current EU structural funds) was awaited. Programmes such as ERDF and ESF were scheduled to continue post-Brexit, underwritten by the UK Government.

(c) Children's Services and Schools

Councillor McInnes circulated a Report, as requested by Councillor Hannaford on the Legal Aid cuts and family court work from a Devon perspective, including issues such as parental access to children, domestic violence, court processes, debt and housing issues.

In summary, the Cabinet Member highlighted that Legal Aid was reformed in 2013 to limit the number of areas of law that would be considered within "scope" without having to pass a separate exceptional case test. Legal Aid for the Council's core business (Childcare and Deprivation of Liberty cases) had not been changed by the 2013 reforms. However, changes to the "scope" of Legal Aid was likely to have had an effect on other areas of law that potentially touched upon the Council's core business (e.g. domestic violence for which no Legal Aid was available could ultimately lead to Childcare proceedings being commenced in respect of children living within the household in question). However, as soon as the Council issued legal proceedings, parents would become eligible for Legal Aid for the purposes of responding to those proceedings.

The Cabinet Member also reported the details of further Legal Aid reform due to be implemented by Autumn of 2019, recently published by the Government.

He also circulated a Report on the feedback from Ofsted and the CQC on the recent inspection of Devon's Local Offer for children with special educational needs and disabilities, including action being taken, as requested by Councillor Brennan. The Cabinet Member welcomed the opportunity to share the findings of the recent area inspection of SEND and the actions being taken to respond to the inspection's recommendations. The inspection findings had confirmed the partnership's own self-assessment and the Cabinet Member referred to the task and finish group, being chaired by Councillor Aves which focused on Education Health and Care Plans (EHCP). Inspectors had recognised that the strategies and plans in place were the correct ones, but were not yet sufficiently impacting on the lived experience of children and families in Devon.

Partners had affirmed their commitment to the Improvement Programme that was delivered by the multi-agency SEND Improvement Board and the Cabinet Member welcomed the opportunity to publicly express regret for the adverse impact on children and families and to affirm commitment to ensuring all necessary changes across the system were made.

The Report also highlighted the joint inspection that took place between 10 and 14 December 2018 on the effectiveness of implementing the special educational needs reforms as set out in the Children and Families Act 2014. From that, a Written Statement of Action (WSOA) was required to address four areas of weakness identified, including Strategic plans and local area SEND arrangements not embedded or widely understood, concern over communication with key stakeholders, particularly parents and families, the time taken to issue EHC plans and the variable quality and weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

The local authority and clinical commissioning groups were jointly responsible for submitting the written statement to Ofsted no later than Friday 10 May 2019.

The inspection also identified strengths in relation to positive academic outcomes, support for children with the most complex needs and the strong commitment and dedication from staff across the local area.

The Report then outlined the actions taken to date in respect of the four areas identified and it was noted that the rate of EHCPs being issued was now higher than the rate of requests received each week. In relation children with autism, the CCG would lead a piece of work to review the referral rates into support services.

The Cabinet Member also updated the Council on the two new special schools that had been agreed for children with autism needs – opening September 2019 and September 2020.

(d) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report as requested by Councillor Hannaford, on Community Transport and the ongoing work with the CCN, LGA and Ministers.

The Cabinet Member highlighted that the Transport Act 1985 made it possible for all community transport (CT) groups operating on a not-for-profit basis to apply for permits to carry passengers in a bus or minibus without requiring a Public Service Vehicle Operator's licence (PSV licence). The changes in 2017 raised questions on the wider community transport sector and specifically the interpretation of non-commercial/not-for-profit services, the requirements for a Public Service Vehicle (PSV) Operator's licence and the consequences of employing paid drivers.

A DfT Public Consultation followed in February 2018 and the Council submitted a formal response (see Cabinet Report from 11th April 2018). A response from the DfT was still awaited, but Local Authorities had been advised:

"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts."

The Council had maintained all existing contracts and partnership agreements with Community Transport operators in Devon.

A local authority working group (LAWG) had been set up by the DfT on which there was DCC representation. Two LAWG meetings had taken place.

The Community Transport Association UK (CTA) and the bus industry trade press announced that a Judicial Review Claim had been issued against the Secretary of State for Transport, challenging the DfT's and DVSA's failure to enforce PSV regulations against CT Operators. The High Court had subsequently approved the judicial review application specifically into the Government's interpretation of "non-commercial" operations under EU regulations.

The Council would continue to keep all local Community Transport providers up to date with regular meetings and monthly bulletins.

He also circulated a written statement on the decline of insects, the impact of ecosystems, the recently published report (Biological Conservation Journal), the use of pesticides, urbanisation and climate change, in response to the request from Councillor G Hook. The Cabinet Member highlighted that the study reviewed 73 historical reports of insect decline and assessed the underlying drivers, reporting that 40% of the world's insect species were experiencing dramatic rates of decline. It referred to four main drivers such as habitat loss (intensive agriculture and urbanisation), pollution, biological factors and climate change. The conclusion was a rethink of current agricultural practices. The issue of insect decline had long been recognised in Devon, but the findings were also symptomatic of the wider degradation of ecosystems.

The Council's Environmental Policy, performance agenda, support for Devon Local Nature Partnership, formed part of the Council's response to such issues. The adoption of the Pollinator Action Plan (July 2016) and declarations of a 'Climate Emergency' are specific examples of the proactive approach being taken by the authority. A survey of the County Farms Estate showed there was limited use of neonicotinoids, but the Pollinator Plan stated the work with tenants to promote Integrated Pest Management Plans. Lastly, actions that communities could take to help insects would be promoted by the Council and Local Nature Partnership at the County Show as part of the contribution to the 2019 Year of Green Action.

(e) Highways Management

Councillor Hughes commented, as requested by Councillor Whitton, on any delays in the repair of street lights in Exeter, including action on any backlogs and whether any lights had been awaiting repair for more than 2 weeks.

The Cabinet Member reported the Council was responsible for approximately 88,000 streetlights across the County, of which approximately 12,750 were within Exeter. Typically between 20-30 reports per day were received of faulty streetlights and illuminated signs and the Cabinet Member outlined how faults were dealt with and the role of external contractors including WPD when power failures occurred.

At the end of January there were approximately 400 'outstanding' fault reports across the County which was less than 0.5% of stock, with 138 in Exeter. Whilst this was a small proportion, the issues were taken seriously and regularly monitored with SSE.

The Council was experiencing an increase in false reports of dangerous streetlighting which had drawn resource away from dealing with genuine issues. However, a recent decision by Cabinet had agreed to start work on a new tender for the maintenance of streetlighting for which robust and timely fault dealing would be a key component of the contract.

177 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved.

Appeals Committee	-	7 January 2019
Appointments & Remuneration Committee	-	15 January and 15 February 2019
Development Management Committee	-	30 January 2019
Procedures Committee	-	6 February 2019
Children's Scrutiny (ordinary meeting)	-	21 January 2019
Health & Adult Care Scrutiny (ordinary meeting)	-	24 January 2019
Corporate Infrastructure & Regulatory	-	29 January 2019
Services Scrutiny (ordinary meeting)		

The Motion was put to the vote and declared **CARRIED**.

178

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

Pursuant to County Council Minute 159 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

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.*

and having had regard to the advice of the Cabinet set out in Minute 290(a) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted, 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 and no further action be taken on the Notice of Motion.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

179

British Sign Language (Minute 160 of 6 December 2019)

Pursuant to County Council Minute 160 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(b) of 9 January 2019

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be approved and 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.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

(Councillor Shaw declared a personal interest in this matter by virtue of being a Member of the CPRE).

Pursuant to County Council Minute 161 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(c) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that whilst the County Council recognises and welcomes the engagement of the CPRE in the planning process it is also recognised 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 not necessary for DCC to commission work on the CPRE reports, therefore that no further action be taken on the Notice of Motion.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

Pursuant to County Council Minute 162 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(d) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Motion be amended and 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.

The amendment in the name of Councillor Hart was put to the vote and declared **CARRIED**.

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of the following words;

The Council recognise that a 'No Deal Brexit' is likely to cause serious harm to Devon and calls on the Government and Parliament as a matter of urgency to take all necessary steps to prevent this situation from arising.

The amendment in the name of Councillor Shaw was put to the vote and declared **LOST**.

The Motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

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

Pursuant to County Council Minute 163 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

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.*

and having had regard to the advice of the Procedures Committee as set out in Minute 57 of 6 February 2019:

Councillor Chugg **MOVED** and Councillor Hart **SECONDED** that the Procedures Committee's resolution be accepted and;

(a) that the Notice of Motion be supported in terms of the emphasis on transparency and open democracy;

(b) 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

(c) 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.

The amendment in the name of Councillor Chugg was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

Pursuant to County Council Minute 164 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(e) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be approved and 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.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

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

Pursuant to County Council Minute 165 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 290(f) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that spirit of the Notice of Motion be approved and that it be recommended that the Council writes to Devon's Members of Parliament (MP's), 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.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED** that the motion be amended to remove the words 'thanking them for' and replace with 'whilst acknowledging'.

Councillor Hart indicated his intention to accept the amendment and the Motion was then put to the vote and declared **CARRIED**.

185 Climate Change (Minute 166 of 6 December 2018)

Pursuant to County Council Minute 166 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

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;*
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;*
8. *Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.*

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;*
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);*

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.*

and having had regard to the advice of the Cabinet set out in Minute 290(g) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion be amended to read 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.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Hodgson then **MOVED** and Councillor Biederman **SECONDED** that the Motion be amended by the addition of the following paragraphs c, d, e and f:

(c) Pledges to lead the county of Devon towards becoming carbon neutral by 2030, taking into account both production and consumption levels;

(d) calls on Westminster to:

- *Provide the powers and resources to make the 2030 target possible; and*
- *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.*

(e) Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;

(f) Report back to Full Council within six months with the actions the Council will take to address this emergency.

Councillor Biederman then **MOVED** and Councillor Wright **SECONDED** that the vote on Councillor Hodgson's amendment be by a roll call vote.

The Motion was put to the vote and declared **LOST**.

The amendment in the name of Councillor Hodgson was then put to the vote and declared **LOST**.

The **MOTION** in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(In line with standing order 32(4) Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Hodgson's amendment be recorded)

186 **Public Health**

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED**;

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*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

187 Boniface Patron Saint of Devon

Councillor Way **MOVED** and Councillor Connett **SECONDED**;

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.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

188 Parental Leave Policies and Councillors

Councillor Atkinson **MOVED** and Councillor Asvachin **SECONDED**;

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.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, but as requested to the Procedures Committee for consideration.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Councillor Mathews and Councillor Hosking.

The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.

*Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
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>]*

The Meeting started at 2.15 pm and finished at 6.50 pm



QUESTIONS FROM MEMBERS OF THE PUBLIC

Thursday 21 February 2019

1. QUESTION FROM Mr S MacDonald (NOT IN ATTENDANCE)
Re: Highways Site Visits

I would like to question why no highways officer is prepared to come to see us at Crockernwell to assess the danger my wife and I have been placed in following the removal of the white lines in the centre of the village.

REPLY BY COUNCILLOR HUGHES

I understand that Mr MacDonald has previously been in touch with the Council on this matter. There have been numerous communications regarding the Speed Compliance Action Review Forum that made the recommendations regarding the road marking changes and also the rationale and reasons for the change in Crockernwell (road marking changes by the removal of the white line in a narrow section).

I do not believe that a site visit would change the current status.

Mr MacDonald has recently been given advice on potential ways forward, including contacting the Local Government and Social Care Ombudsmen (LGSCO), given the Council's own complaints procedure has now been fully exhausted, and furthermore, the mechanism by which to progress a request for double yellow lines.

2. QUESTION FROM Mr W Page
Re: Road Network Investment

DCC has continued to approve public money being spent on the road network in and around Exeter in recent years. £13.45 million was spent on the Bridge Road works at Countess Wear and £2.23 million was recently allocated for road widening at Moor Lane roundabout. What measures are used to evaluate these schemes as, despite the significant investment at Countess Wear, traffic on Topsham road is still regularly gridlocked? What tests does DCC use to reassure itself that money allocated to widening roads on the outskirts of Exeter is a better return on investment than walking and cycling infrastructure?

REPLY BY COUNCILLOR DAVIS

Highway schemes like Bridge Road widening and Moor Lane roundabout were prepared to support delivery of major strategic housing developments at South West Exeter, Newcourt and the Monkerton parts of the city. Grampian-style planning conditions have been imposed on developments, preventing housing delivery to come forward until the schemes were in place. As well as developer contributions, both of these schemes were funded with a sizeable contribution from Government grant funding and therefore we needed to satisfy the Department that these schemes had a positive benefit cost ratio and represented good value for money. Since the scheme was completed, there has been a reduction in congestion on vehicles travelling southbound on Bridge Road in the evening peak.

A key part of the Bridge Road scheme was the substantial improvement to the Exe Estuary Trail cycling and walking route, which included a landmark bridge alongside the historic Countess Wear bridge. The Moor Lane scheme also forms part of a package of grant funding through the National

Minute Item 170

Productivity Investment Fund, which committed over £3m of funding towards strategic cycle improvements in Exeter, which are currently on site. The County Council therefore has a varied capital programme and continues to deliver a significant walking and cycling improvement programme, with over £20million of cycle projects delivered across the County since 2015.

**3. QUESTION FROM Mr P Scott (NOT IN ATTENDANCE)
Re: Climate Change Research**

Does the Leader of the Council / Cabinet Member and other Councillors support the view that Cllr Richard Hosking expressed to myself and three other constituents earlier this week (which we strongly disagree with), that:

- the views of the 3% of scientists who produce research underplaying the severity of climate change are more relevant than the 97% who produce research which stresses such severity;

We believe the opposite is true and eminent voices such as the UN Sec Gen, Pope Francis, David Attenborough and the vast array of senior, world leading, climate scientists should be listened to and acted upon with urgency.

REPLY BY COUNCILLOR CROAD

Devon County Council's Climate Change Strategy was revised and adopted by this administration in 2018 and commits the authority to supporting the UK in meeting its carbon budget targets by encouraging greenhouse gas reduction in Devon at the same rate as adopted nationally. It will do this by prioritising greenhouse gas reduction from its own activities, areas of influence and by encouraging others to do the same. At this meeting of Council, Members are considering Cabinet's recommendation of the declaration of a climate emergency in response to the Special Report published by the Inter-Governmental Panel on Climate Change.

**4. QUESTION FROM Ms S Ifould (NOT IN ATTENDANCE)
Re: Severity of Climate Change**

Would the Council agree that any residue of doubt which individuals may hold about the severity of the impact of climate change is overridden by the need to act NOW as at least a responsible precautionary measure to secure a future for the next generation?

REPLY BY COUNCILLOR CROAD

Devon County Council first produced a Climate Change Strategy in 2005, which was updated and revised in 2018. At this meeting of Council, Members are considering Cabinet's recommendation of the declaration of a climate emergency. This is in response to the Special Report published by the Inter-Governmental Panel on Climate Change and specifically recognises the need for urgent, additional action to address this threat.



**QUESTIONS TO THE
LEADER OF THE COUNCIL, CABINET MEMBERS
AND/OR
CHAIRMEN OF COMMITTEES**

Thursday 21 February 2019

**1. QUESTION FROM COUNCILLOR DEWHIRST
Re: South Devon Highway Part One Claims**

Three years ago after two years of construction nuisance the South Devon Highway opened. It was widely acclaimed as improving the lives of many residents in South Devon, however a small but significant minority of residents found their homes blighted by their proximity to the Highway and they consequently applied to Part One compensation to the County Council as is their right.

During the three years after the Part One claims were submitted the Leader answered several questions I put to this Council asking for the reasons for the delay. The Leader answered that the claims were very complicated, were taking a long time and finally that residents would hear from the County Council by the end of 2018 or early 2019.

Does the Leader therefore consider that a 150-word email asking for householder's agents to make an appointment to submit their negotiating position to be sufficient progress after three years?

REPLY BY COUNCILLOR HART

It has now been two years since the Residents have been able to submit their Part 1 Claims for depreciation in the value of their land due to physical factors such as noise caused by the use of the new South Devon Highway.

The Council have processed over eight hundred applications for compensation relating to Part One claims associated with the South Devon Highway. The scheme is large, affects a significant number of properties and the process has been complex and detailed for a scheme of this size. It is normal for this process to take two years and this period is in line with guidelines prepared by Highways England.

Commitments were made to have the completed assessment ready by the end of 2018. This was achieved. The assessment was then handed over to our Agent to complete the compensation for all the eligible claims meeting the criteria. Our Agent has sent details of this assessment to Agents representing individual Claimants and we understand that following this Agents are contacting Claimants to progress negotiations. This process has now started as evidenced by correspondence between Residents and their Agents supplied by Councillor Dewhirst. The Council would normally allow Individual Claimants to negotiate through their Agents their individual claim. The Council will be able to settle claims once this negotiation process has been completed.

Please be assured of our intentions to settle claims, for all claimants, accurately and as soon as we can.

**2. QUESTION FROM COUNCILLOR SHAW
Re: average daily spend on care residents**

Minute Item 172

New national research by Norman Dinsdale of Sheffield Hallam University in 2018 reveals that a sample of homes with mainly council-funded residents spent on average only £2.44 on food and drink for a whole day. There is no recent recommended fair food cost, but the Rowntree Foundation recommended £3.29 per day in 2008 (the equivalent of £4.31 in 2018). As a consequence of these findings, the study suggests that substandard food may be being served to elderly residents. Could Councillor Leadbetter (1) provide the figure for the average spend on residents' food in homes supported by the Council, and (2) inform me whether he is satisfied with the quality of food being served, giving reasons for his answer.

The press release for this study is at <https://www4.shu.ac.uk/mediacentre/dementia-diets-academics-bid-improve-care-home-food>. I have confirmed the dates of the figures with the author.

REPLY BY COUNCILLOR LEADBETTER

Devon County Council uses an established financial model to calculate the fees we pay our care home providers. This includes £4.08 per day for meals. (This figure will be increased in April for 2019/20 and we are currently out to consultation with the market for that).

For our in-house homes, food is based on an annual budget rather than a per resident per day, so the daily spend will differ depending on occupancy. The average budgeted cost at 80% occupancy is £4.11 per day.

Care homes are required to have systems in place to routinely monitor quality, including meeting nutrition and hydration needs. These standards are monitored by the Care Quality Commission, who work closely with health and social care professionals and refer care homes for support where necessary.

The needs of individual residents are reviewed regularly by a variety of health and social care professionals including social workers, nurses, pharmacists, speech and language therapists, GPs etc. Feedback from visiting professionals, relatives / friends and care home staff are captured and if patterns or trends indicate quality or safeguarding concerns, providers are given relevant support.

3. QUESTION FROM COUNCILLOR HANNAFORD Re: Specialist Teaching Provision for Deaf Children

It is estimated that there are currently approximately 889 qualified specialist teachers to teach the nations 45,000 deaf children.

- a) What is the current situation in Devon?
- b) How many specialist teachers do we have?
- c) How many deaf children do we have?
- d) How many pupils are in specialist schools?
- e) How many pupils are in mainstream education?
- f) What proactive work is being done locally, regionally and nationally to improve matters?

REPLY BY COUNCILLOR McINNES

a) Devon's response to the educational needs of deaf children is appropriate

b) There are 9 Teachers of the Deaf within the Sensory Impairment Team (7.6 FTE). Their role is to build competence, confidence and capacity across the education system in Devon, advising, supporting and challenging educationalists to ensure full access to the curriculum for all deaf children. They do not teach deaf children

Specialist providers, for example Exeter Royal Academy for Deaf Education (ERADE) employ teachers of the deaf who teach deaf pupils. We do not hold data on these providers.

- c) *There are 913 Devon, Deaf and Hearing Impaired children and young people (CYP) known to the Sensory Impairment team*
- d) *69 in total: - 53 in maintained/LA Special Schools; 14 in non-maintained Special Schools; 2 in independent Special Schools.*
- e) *844 in total: - 659 in Mainstream Education (Active support); 178 in Mainstream Education (Enquiry stage) and 7 Electively Home Educated.*
- f) *We work closely with the strategic Children's Hearing South West Group (CHSWG) group in a multi-agency approach with health and social care to ensure that services within Devon are on a par to those within the south west and to look at ways to further strengthen and support the service.*

The majority of Teachers of the Deaf in Devon are over 50; we have succession planning in place. We will look to appoint good classroom practitioners and then enrol them on the 2 year mandatory qualification course.

In Devon we have already done this for advisory teachers for visual impairment and it has worked extremely well. This does have financial implications; the course fees are a minimum of £5,000 per year.

Devon also completes the annual CRIDE survey to input into national data. We completed the annual NATSIP benchmarking data collection which gave us data and key points to enable comparison with national data.

4. QUESTION FROM COUNCILLOR G HOOK **Re: Energy to Waste Plants**

- a) Are the Energy to Waste plants all working to optimum capacity?
- b) Have they been doing so throughout the last 12 months?
- c) Is any waste still going to landfill?
- d) What measures is the Cabinet Member taking to encourage increased recycling rates across the County?

REPLY BY COUNCILLOR DAVIS

a) Are the Energy to Waste plants all working to optimum capacity?

The Exeter Energy Recovery Facility (ERF) and Devonport Energy from Waste Combined Heat and Power Facility are both currently working above optimum capacity. Plant capacity is determined by the calorific value (CV) of the waste that they process (higher CV means less waste throughput). At the Exeter ERF waste inputs have been streamlined such that it is aiming to process 60,000 tonnes of waste per annum which will be above its design processing capacity for the actual calorific value of the waste being processed.

The Devonport EfW Combined Heat & Power plant has a design capacity of 245k tonnes per annum and a permitted capacity of 265k. Currently it is achieving 251k per annum with an expectation for this to increase further so the plant is exceeding optimum capacity.

b) Have they been doing so throughout the last 12 months?

Although both plants have been off line for planned maintenance over the previous 12 months they have both exceeded over 90% availability.

c) Is any waste still going to landfill?

Until 10th February 2019 residual (black bag/ dustbin) waste collected in North Devon and Torridge was being disposed into landfill. However from 11th February 2019 this waste is now

Minute Item 172

being bulked up at a new waste transfer station and being hauled to an Energy Recovery Facility operated by Suez. This means that all residual waste collected by District Councils in Devon is now being sent for energy recovery. However there are still some residual wastes that are not suitable for processing through ERFs including some bulky Household Waste Recycling Centre residual waste.

d) What measures is the Cabinet Member taking to encourage increased recycling rates across the County?

The County Council is working in partnership with the District Councils and Torbay Council through the Devon Authorities Strategic Waste Committee to promote waste prevention and increase re-use, recycling and composting. Devon has always been a high performing council with the recycling rate for 17/18 at 54%. However more needs to be done if rates are to be increased further. A waste audit of residual waste across Devon and Torbay undertaken in 2017 highlighted that over 40% of waste that was put out for disposal could actually have been recycled

The Don't let Devon go to waste campaign forms the backbone of waste management communications in Devon and Torbay – it includes social media, a website, road shows, advertising and editorials in local newspapers. All the work is monitored and campaigns targeted and researched to ensure maximum impact. The focus in 2018/19 was on food waste and included for example a "Guilty Food Waste Secrets Campaign"; further roll out of food waste bin stickers; and an excellent and well attended Food Waste Conference highlighting new initiatives to value and use or redistribute food that would otherwise have gone to waste. For 2019/20 the focus remains on food waste but also extends to include plastics, paper and textiles with further specific work to support each authority as follows:

Plastics - *a county-wide targeted campaign developed and implemented to increase awareness and action for Refill Devon and the reduction of single use plastic items such as bottles, cups, straws and bags.*

Paper – *planned specific communications and marketing campaign to increase paper recycling and reduce the 5.2% of paper discarded in the residual waste stream.*

Textiles - *with 5.2% of recyclable textiles found in the residual waste in Devon, a county-wide campaign is planned to encourage textile recycling via local recycling collections and banks.*

Food waste - *Expansion of the successful "What's your Guilty Food Waste Secret" campaign with a county-wide campaign to provide helpful tips and advice on preventing food waste.*

Liaise with districts to produce "No food waste please" bin sticker and information leaflets to encourage more people to use their food waste collections.

Pre/Post Christmas 2018 communications – *provided further consistency across the county on what is acceptable for recycling during the Christmas period (in particular for wrapping paper and cards). The authorities worked together to achieve this and communicate clear messages to residents.*

Recycle Week – *encouraging householders to recycle bathroom items eg plastic bottles and cardboard packaging.*

Pre/post Christmas comms advising residents about what can be recycled locally over Christmas and New Year.

Metal matters campaign – *reducing the amount of aluminium in the residual waste stream by encouraging householders to recycle aluminium cans and foil.*

Attending public engagement events – *promoting food waste reduction and assisting members of the public with recycling queries.*

Repair Cafes – providing support to local communities enabling them to repair textiles, electrical items, furniture, jewellery, bikes, garden tools and other household items.

WEEE repair events – fixed over 120 electrical items in 6 different events across the county.

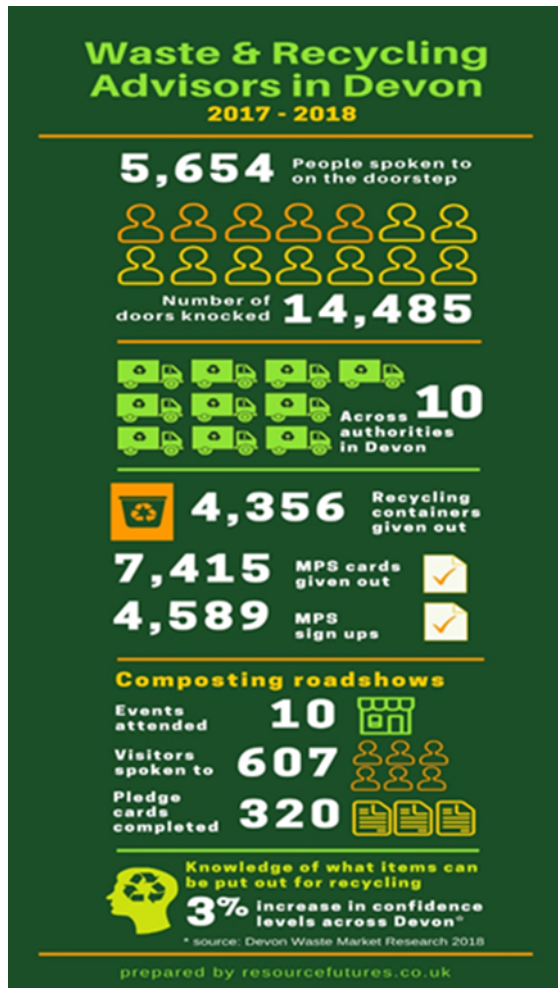
The Big Fix – 23rd February at Belmont Chapel in Exeter – attempting to have the largest Repair Café with more than 232 items fixed in one day!

Waste Recycling Advisors Contract

The Waste and Recycling Advisors (WRA) contract has now been running for nearly 2 years, funded by the Devon Authorities Strategic Waste Committee. It is designed primarily to increase recycling participation rates by focussing on doorstepping householders across Devon and Torbay. The contract was won by Resource Futures and is a two year contract and is planned to be extended for an additional year.

The contract is going well with positive reports from all authorities involved. The infographic below shows the results achieved in the 1st year (2017/18) of the project.

Minute Item 172



In terms of the 1st quarter of 2018/19 highlights include:

- A 46% doorstepping contact rate for North Devon.
- An increase in participation rate for Torridge (77% compared to 67% last year)
- An increase in participation rate for Exeter (80% compared to 75% last year)

Community Action Group (CAG) Devon Project

The CAG Devon Project provides support to community groups, schools and individuals to organise community events and projects in the Mid Devon and Teignbridge areas focussing loosely around the waste prevention/ re-use theme. They provide groups with support with fundraising, insurance, media and publicity, training & skill sharing, seed funding for new groups, monitoring tools, networking, case studies and inspiration and day to day support. The CAG work is continuing to grow well with 8 groups now signed up to the CAG agreement, which sets out the support CAG Devon can provide in return for data on the group's activities. They are also working with a further 7 groups, some of which are sub groups of the official 8 CAGs and some are groups that will become CAGs in time. The projects set up in the Mid Devon area are continuing to thrive and don't need a lot of ongoing support. More time is now being focused in the Teignbridge area mapping what is already going on with community groups and identifying potential ways forward. There are a number of groups interested and at varying stages. The first Ashburton repair café went really well and they have recently obtained a grant for £1,600 from the Teignbridge Communities Together fund to run a further 10 repair events during 2019.

A key aim of the CAG Devon project is to provide intensive support at the start with an aim to give groups the tools to be self-sufficient and to link up with other groups to support each other.

CAG Devon will be holding their second Skill Share event on Saturday 16th March. The day is being delivered in conjunction with Eden Project Communities.

Waste Education Programme

The aim of the Waste Education Programme in schools is "To promote and encourage learning and practical action to reduce waste and improve resource efficiency in Devon's schools and their surrounding communities." Schools continue to engage well with our programme with a noticeable increased interest in plastics and litter over the past 18 months. We have responded to this by updating and creating new litter and plastics resources for schools including a school litter pack and new workshops about plastic and litter in the environment. Waste education is delivered through a contract with Resource Futures.

We have 6 schools working with us on the WASP programme (Waste Action Support Programme) this academic year. Two schools that took part last academic year did particularly well:-

- Uffculme Academy Trust increased their recycling and composting rate from 11% to 84% and saved £644.60 a year by changing their bins.*
- Totnes St John's C of E Primary School increased their recycling and composting rate from 37% to 81%.*

We provide school visits to the Pinbrook Household Waste Recycling Centre & Exeter ERF as well as supporting school visits to the Devonport EfW CHP plant.

In total in 17/18 we interacted with over 9,900 pupils and 840 adults through workshops, assemblies, waste audits, community events, and visits to waste facilities.

Over the past 12 months we have also promoted waste and recycling to both the Scouts and Guide groups across Devon with our Waste Education Officer running activities for many of them and encouraging them to work towards relevant badges.

Adult tours of Exeter ERF

During 2018 we ran 10 tours (approx. 100 people in total) of the Exeter ERF for adult community groups which have proved very popular and we already have 7 bookings for the first half of 2019. The tours include a talk on how Devon manages its waste and how Devon residents can take action to reduce, reuse, recycle and compost more.

5. QUESTION FROM COUNCILLOR ATKINSON **Re: Councillor Activity Champions**

Does the Cabinet Member for public health support the idea of appointing 4 councillor activity champions from the parties represented on the Council and if so how could they work together to champion the engagement of residents in physical activities and sport across Devon?

REPLY BY COUNCILLOR CROAD

Physical activity is so important for an individual's health and wellbeing and the Council would welcome any support and leadership in promoting this agenda. In Devon we are very fortunate to have incredible natural assets and opportunities to be active at no cost to local residents as well as a whole host of community activities and sports clubs.

Devon also has an excellent County Sports Partnership called Active Devon for which Devon County Council is the accountable body and which the 'champions' could work with to provide peer support.

Exeter and Cranbrook were successful in a Sport England bid to become a local delivery pilot area which has brought significant funding to the area as has the Connecting Actively with Nature Programme for over 55's. The Council also has a shared campaign calendar with a number of

Minute Item 172

physical activity programmes such as the Big Devon March and Naturally Healthy month in May so there are plenty of opportunities to link with.

Public Health will happily meet with Active Devon and any interested champions to discuss how this may work and what support would be needed.

6. QUESTION FROM COUNCILLOR PROWSE
Re: Cycle Paths and maintenance

The City of Exeter has in recent years benefitted from an increase of cycle paths much of which has been achieved from Government funding. Can the Cabinet Member for Highways give assurances that as a result of these funding requests the maintenance budget of this authority were similarly considered? Further, given that some key routes go through Parks in the ownership of Exeter City Council how much does DCC contribute to their cleansing and salting (when required)?

REPLY BY COUNCILLOR HUGHES

I agree the City of Exeter has in recent years benefitted from an increase of cycle paths through successful government funding bids. Unfortunately, the government funding formula for highway maintenance currently only takes into consideration these changes where cycleways are constructed as part of the public highway. However, where the network has been developed on existing highways or public rights of way where we have formal agreement with Exeter City as landowner and also other routes with formal leases and licences with them, these are regularly inspected and maintained in accordance with our policies. Where these routes become obstructed, action is taken to ensure they remain available for use. This may include leaf clearance where necessary but does not extend to clearing litter from public places which is a responsibility of the City Council.

It is currently policy not to proactively treat cycleways and footways across the county. The CIRS Scrutiny Task Group has been reviewing winter service and considering the issues of winter treatment of cycleways, and Exeter in particular, and will be reporting their findings in a forthcoming scrutiny committee.

7. QUESTION FROM COUNCILLOR GREENSLADE
Re: Integrated Care Management

At the December County Council meeting I asked you to report on what changes had taken place as a result of Integrated Care Management. You promised to write to me with an answer.

To date I have received nothing.

Will you undertake to publish a reply to this question in answer to this question at the upcoming County Council meeting?

REPLY BY COUNCILLOR LEADBETTER

This information was sent to Councillor Greenslade via email on 18 February 2019.

8. QUESTION FROM COUNCILLOR GREENSLADE
Re: Infrastructure Investment

Would the Leader please note my support for what he has said recently in the Western Morning News about Infrastructure Investment.

Does he agree with me that DCC should take a lead in convening a roundtable to highlight the need for Government to provide more infrastructure investment for Devon?

REPLY BY COUNCILLOR HART

Your support is noted for the Western Morning News article and I am pleased to report that there have been a number of positive developments in the past week. On Friday, Devon County Council was involved in a round table discussion with the Secretary of State for Transport and other South West Councils, which also saw £80m funding committed to the first phase of the Dawlish seawall resilience works. During our time spent with the Transport Minister, we continued to press for investment in the A30/A303 and we were pleased to see several of our strategic road and rail asks included in the Investing in the South West report, which the Government has just published.

This event followed news on Thursday of Devon County Council's successful £55m Housing Infrastructure Fund bid which will see infrastructure delivered to support growth at South West Exeter. Along with last Summer's £83m commitment to the North Devon Link Road, there is a lot to celebrate in the County.

As demonstrated through the work of the Peninsula Rail Task Force, a lot can be achieved by speaking with one voice and the Government is supporting the development of Sub National Transport Bodies to identify strategic transportation priorities for local areas. The County Council has recently formed the Peninsula Transport STB along with Cornwall, Plymouth City, Torbay and Somerset County Councils and will be considering potential Major Road Network schemes at its next meeting in March.

When considering superfast broadband, Members are aware that Devon County Council is already delivering improved connectivity across the area, working with Connecting Devon and Somerset partners. This programme is supported by substantial investment from the Council, Government and HotSW LEP. To date the programme has connected more than 300,000 homes and businesses to superfast broadband and delivered improved speeds to an additional 38,000 premises. Furthermore, a digital strategy is being developed for the Heart of the South West which will consider the next investments in superfast broadband and mobile connectivity to support residents and businesses, support for digital skills and adoption and opportunities for innovation.

9. QUESTION FROM COUNCILLOR BRENNAN Re: Child Safety and a No Deal Brexit

Recent reports have indicated that a No Deal Brexit would make it harder for local authorities to keep children safe, as it could mean the UK withdrawing from cross-border police and judicial cooperation mechanisms. Consequences of this would include making it harder to keep children safe online, and DBS checks for staff would no longer have access to EU-centralised criminal records. Due to these threats to children's safety, can the Cabinet Member confirm that he is making representations to government about the importance of avoiding No Deal, and ensuring that work to protect children is prioritised in the UK's ongoing work with the EU?

REPLY BY COUNCILLOR McINNES

The recording of criminal convictions received overseas is a complicated matter. Historically, the sharing of information about convictions obtained overseas has been quite patchy, although it has improved significantly in recent years.

The DBS cannot access criminal records held overseas, however, in a small number of cases, certain overseas criminal records are held on the Police National Computer (PNC) and these would be revealed as part of a criminal record check. Typically these will be convictions for serious offences such as terrorism, drug smuggling and trafficking. As the DBS cannot access criminal records held overseas, a DBS criminal record check may not provide a complete picture of an individual's criminal record.

For convictions issued in courts within the EU, there is currently a system for sharing this information between EU Member States; the 'European Criminal Records Information System'

Minute Item 172

(ECRIS). ECRIS, which came into effect in 2012, is an electronic exchange mechanism created in response to EU Framework Decisions providing a legal basis for the exchange of criminal conviction information between EU Member States.

Whether a conviction received in the EU appears on the PNC will depend upon a number of different factors i.e. is the offence for which the person was convicted a crime under UK law and if so, whether or not the conviction is for an offence which is deemed to be a recordable offence in the UK.

If ECRIS were to no longer be available to the UK Law Enforcement Agencies, then potentially information regarding criminal convictions in the EU could no longer be available. This will depend on what agreements the Government achieve as part of the deal or no deal, when leaving the EU.

These risks can be alleviated by ensuring, as part of the recruitment process, that applicants are required to provide a satisfactory overseas Police check (i.e. the onus is on the individual applicant to obtain that Police check and provide it to the employer). (Where a DBS check is required and where the applicant has lived overseas for 6 months or more). This is the County Council's current practice, which will continue after Brexit.

There is therefore no indication or reason why, overseas Police checks will be affected by Brexit.

10. QUESTION FROM COUNCILLOR BRENNAN
Re: Climate Change Strike Action and School Attendance

An increasing number of young people in Devon are taking part in strike action against climate change because, quite rightly, they are concerned that governments and local authorities should be doing far more to look after the planet on which their future depends. Will the Cabinet Member assure our headteachers that such strike action does indeed count as an "exceptional circumstance", and it is therefore a valid reason for not attending school? Will he also praise these young people, and accept that this action is both an excellent educational opportunity for them and their democratic right?

REPLY BY COUNCILLOR McINNES

The recording of attendance and absence is routed in primary legislation (Education Act 1996) and supplemented by secondary legislation, namely The Education (Pupil Registration)(England) Regulations 2006, as amended. The Department for Education has then provided further written guidance. Finally, there are a number of judgements made by the Ombudsman which have further clarified specific issues.

The phrase "exceptional circumstance" is now found at Regulation 7 (1A) of The Education(Pupil Registrations)(England)Regulations 2006 as amended in 2016. This regulation allows a school to authorise a request if made in advance, by a parent with whom the child normally resides and where the school believe that there are exceptional circumstances. Therefore, if parents haven't made a prior request, a school cannot lawfully approve such an application.

In relation to the Council giving a "steer" to headteachers, there was a Local Authority Ombudsman decision which stated that a Local Authority must not provide advice which could be seen to "fetter the discretion" of headteachers as permitted in legislation or regulations.

Report of the Cabinet Member **Policy, Corporate and Asset Management**

1. Introduction

I have been asked to report by Cllr Brennan as follows:

Can we have a report on the impact that a No Deal Brexit would have on Devon County Council's finances, its ability to provide statutory services, and on our expectation of the overall impact on jobs, the economy and the environment in Devon? Can the Leader also confirm that he is continually pressing government about the importance of avoiding a No Deal, and informing them that the best way out of the Brexit mess is to put the Prime Minister's Deal back to a referendum, with an option to Remain?

2. Response

As Members will be aware there is still much uncertainty as to the likely outcome of the Brexit process and I recently went on record to report my own concerns about the potential impacts of Brexit on the County Council, our communities and our economy.

In relation to understanding the full economic, environmental and social impact, both positive and negative, it is very difficult for the County Council to predict and plan for this in isolation. This is compounded by a lack of information from the Government about possible contingency plans relating to a No Deal scenario.

What is certain is that the County Council is determined to help our communities and businesses to deal with whatever occurs. The situation is not of our making, but we stand ready to play our part in helping Devon to deal with any immediate and/or future challenges.

In the event of a No Deal Brexit the Government is likely to announce a major incident and it will be the responsibility of Local Resilience Forums to co-ordinate a response. As Members will be aware our Local Resilience Forum is chaired by Devon and Cornwall Police and has senior representative from all major stakeholders across the area including Health, business and local authorities. Devon County Council is an active member of this forum.

The County Council itself is preparing contingency plans to enable us to continue to provide our statutory services should there be a no deal Brexit. We do not know what this will mean in terms of supplies of fuel and food but we are planning for all eventualities to the best of our abilities. As such we are:

- Looking at all aspects of our business to highlight potential vulnerabilities
- Updating Business Continuity Plans and sharing with partners across the LRF

Minute Item 176

- Working through professional associations such as the Association of Directors of Social Services, Local Government Association, Trading Standards to share information and good practice
- Pressing the Government to release impact assessments, assumptions and contingency plans to inform our own planning and preparedness

No short-term impact is expected on council finances. Our settlement with central government for 2019/20 is agreed along with a Council tax increase and our business rates position is clear. However, future business rates income could be affected if businesses are affected by delays and potential cost increases from imports and exports. Currently it is not possible to quantify this.

Looking more broadly, Members should be aware that the we have and continue to play an important role in advising Government about potential economic and community impacts across the region:

- Since 2016, Phil Norrey has chaired the HoSW Joint Committee's Brexit Resilience and Opportunities Group with major research pieces on the impact of Brexit on agriculture, workforce and construction.
- We have worked with the Local Government Association and the County Councils Network to provide information on potential impacts on the Council and maintain links with Government Departments.
- Our Economy and Enterprise Service, including Trading Standards, is working closely with business and trade associations, to monitor the impact on our regulatory services, business and the economy.
- At the end of January 2019, Phil Norrey was invited by the Secretary of State for MHCLG to be one of 9 Regional Chief Executive Communication links. Phil represents the South West and is working with 41 Councils and 5 Local Resilience Forums across the South-West to feed Brexit issues, identified by local authorities and partners, directly to Government.

According to the DiT, Devon currently has a smaller proportion of businesses that export, however, in a recent Centre for Cities report, a significantly higher proportion of those businesses who do export, do so to European countries. This is particularly true in Exeter, where 70% of exports were to the EU. Certain sectors in Devon are also potentially more reliant on overseas labour, including healthcare and hospitality.

The Council is in regular contact with business representative organisations and in relation to recent business closures such as Wolf Minerals and British Ceramic Tiles, none had cited Brexit as a reason for closure. However, the Economy, Enterprise and Skills team were working with businesses to keep a close eye on performance and impacts on the Devon economy.

We are currently awaiting a Government consultation on its proposed Shared Prosperity Fund which is expected to replace elements of the current EU structural funds. Current EU structural fund programmes such as ERDF and ESF are scheduled to continue post-Brexit, underwritten by the UK Government.

To summarise, we are determined to rise to the challenge and deal with whatever we end up being faced with on behalf of Devon's people, communities and businesses. We are working hard on our own contingency plans to ensure the continued provision of vital local services and, working together through the LRF, will plan to deal with every eventuality we can reasonably foresee.

The Government announced in January that it put £56.5m aside to assist Local Authorities with their Brexit planning. The Devon County Council share of the first tranche of £40m is £175,000 to be split over the next two financial years.

Councillor John Hart

Cabinet Member for Policy, Corporate and Asset Management

Report of the Cabinet Member for Economy and Skills

1. Introduction

I have been asked to report by Councillor Hannaford as follows:

- *on the new contract awarded to BT, that allows them to erect thirty-five-foot telegraph poles, often just outside people's homes, without any consultation to DCC, local residents or through the planning process, to improve connectivity;*

And

- *on the recent spate of big regional Job losses, that currently total 1,300. These include Appledore Shipyard, Clarks, British Ceramics etc. Perhaps an analysis from our Economic Unit, help being given by Job Centre Plus, also other factors such as Brexit uncertainty. Furthermore, do we have access to the current trends, especially are we also seeing job losses in small and medium sized businesses. Also perhaps the latest in terms of what will replace EU economic development funding.*

2. Broadband and Telegraph Poles

Openreach embarked on a "Fibre First" programme in February 2018 to upgrade its entire UK network to ultra-fast broadband. Locally, the intention is for coverage across Exeter City by the end of 2020. It is their own commercially funded network and not an awarded contract.

Many locations across Exeter already have some form of poled cabling. Public concerns have however been raised in Pennsylvania and Exwick both of which have an in-ground copper cable telecommunications infrastructure. Concerns have also been aired in some other parts of the country where Openreach are erecting fibre poles (e.g. Bristol, Cardiff, Liverpool and Manchester).

Whilst concerns are reviewed, a stop has been placed on erecting more poles in any locations where none currently exist. Openreach has agreed to remove the poles already erected in Armstrong Avenue, pending an evaluation of the alternative options such as a narrow form of trenching.

Fibre poles are classed as 'telecoms infrastructure' under permitted development rights and do not require planning permission. This is covered in the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018. Up to 2013, new infrastructure had to be in-ground, however this was removed for 5 years. In the most recent amendment the requirement for in-ground installation has been permanently removed.

A notice of "proposed telecommunications development" should be displayed in the locality where fibre poles are to be erected, 28 days before installation. It identifies what is being installed, under what legislation, a contact address and the planning authority informed.

A condition exists in that, 'the visual impact of the development on the surrounding area is minimised, so far as practicable'. The stated height of 35ft is well below the original maximum permitted height of 15m (50ft). Openreach state they use fibre poles between 10 and 12m (33-40ft).

Liaison is continuing between the City and County Councils and Openreach.

3. Regional Job Losses

A number of companies in Devon and the wider region have announced either expected job losses, or some uncertainty about their current position. Within the Devon County Council area these include:

- Babcock, based at Appledore shipyard
- British Ceramic Tiles, based at Heathfield near Newton Abbot
- Wolf Minerals, based at Drakelands mine, Hemerdon, close to Ivybridge and Plymouth and within the South Hams.

Appledore shipyard site is currently expected to close by the end of March 2019. Mitigations and options to help the local community and explore ways of retaining shipbuilding, or marine capabilities at the site are being explored by local partners (including DCC), with a few potential options to keep staff at Appledore still being explored. This includes tentative exploration of offers from potential bidders. The local MP continues to make a strong case for retention of operations in Appledore. A task force has been formed and is underway, including DCC, Trades Unions and Job Centre Plus. Reasons given for the expected closure of Appledore are that the current orders being built at the site have been completed; Babcock is consolidating operations at its main Devonport site and that there are few current orders with the company. There has been a significant delay to the next round of Frigate commissioning by Government.

In total 198 people (at last count) were employed by Babcock at Appledore, with a direct GVA impact of £6.3m to the local economy. A further 66 jobs and £3.3m in GVA is attributable to Babcock in Appledore through supply chain and induced effects. **Babcock has stated that nobody at Appledore will need to lose their job, however, relocation to Devonport would be expected by most employees not taking redundancy.** DCC and partners are exploring avenues to keep as much of the skilled workforce in relevant employment in the Appledore area, particularly due to the strong economic and social links the company has with the local community.

British Ceramic Tiles unexpectedly closed all of its operations at the end of January 2019. Reasons cited have been an undiversified network of supply outlets, compounded by the recent loss of a contract with B&Q. A task force has been formed, including DCC and JobCentre Plus, with Learn Devon and Job Centre Plus recently holding an event in Newton Abbot to help staff affected by redundancies. Supply-chain impacts are also being felt by Devon based haulier Gregory Distribution.

In total around 330 people were employed by British Ceramic Tiles at its Heathfield site, with further jobs at the company's branch operations in West Yorkshire. These jobs had a direct GVA impact of around £6.3m, with a further 91 jobs and £4.6m GVA attributable through supply chain and induced effects. **Job Centre Plus has indicated that some of the ex-employees of British Ceramic Tiles have found or started work and some have booked onto retraining courses.**

Wolf Minerals ceased operations in October 2018. The company was heavily indebted and operations at the site were expensive to maintain. The company began to break-even, although financiers lost patience and the operations then ceased. Options to continue the

operation are still being explored, with the Official Receiver handling this case. In the event that a decision is made to restore the site to its original state, DCC holds an environmental restoration bond.

In total 242 people were employed by Wolf Minerals, with a total direct GVA impact of £20.3m. A further 143 jobs and £7.4m in GVA was attributable to Wolf through supply chain and induced effects. **Job Centre Plus indicated that to their knowledge nearly all ex-Wolf employees found work, or re-training opportunities soon after operations ceased.**

Outside of the Devon County Council area

In the locality outside of the Devon County Council area **Barden Corporation** announced the expected closure of its Plymouth operation. The site is a branch plant of German multinational Schaeffler Group. It forms part of a consolidation of plants by the company. Brexit uncertainty has been cited as one reason for consolidation. Negotiations remain ongoing regarding any UK defence capability linked to Barden. Schaeffler Group has just extended the consultation period and negotiations with potential bidders for the operation remain ongoing. Barden Corporation currently employs around 382 staff in Plymouth, with a direct GVA impact of £18.7m. A further 258 jobs and £11.8m in GVA is attributable to Barden through supply chain and indirect effects.

In the wider region **Clarks shoes**, based at Street, in Somerset (a significant distance from Devon and located in a different Travel to Work Area) announced in January 2019 that it is consulting with staff about shutting its recently opened robot-assisted “Morelight” plant, which re-shored some manufacturing operations from overseas. The factory was expected to create as many as 80 jobs when it was launched, however, it has failed to hit targets and the 49 staff currently employed at the facility are in a 30-day consultation period that will potentially result in closure. Job Centre Plus and Somerset County Council will be working with Clarks Shoes. Employment and GVA impacts of Clarks are unknown.

Potential changes to Devon based company operations

Premier Foods currently owns and operates the Ambrosia plant at Lifton in West Devon, which makes Custard and Rice Pudding. It employs around 278 staff, has a direct GVA impact of around £14.4m and a further 1,124 jobs and £34.5m in GVA impacts are attributable to Ambrosia through supply chain and induced effects. The company recently announced that the operation was up for sale due to company restructuring and that there were some potential interested parties. However, it also stated that if the plant was unable to be sold it would remain open. This sale has now been pulled by the Premier Foods and is on hold. Unions have issued a statement saying that this is good news. **The site remains operational.** No further announcements made.

Flybe whose global base is at Exeter Airport announced in November 2018 that it had put itself up for sale, following a profits warning. Issues cited include a challenging global aviation market, particularly impacted by high fuel prices and a highly competitive market, with many players. More recently a potential buy-out has been announced, to be confirmed by the end of February 2019, with the buyer as a Stobart Air / Virgin Atlantic consortium. Currently around 1,000 staff are employed in a range of facilities at Exeter Airport, or use it as their base. This results in a direct GVA impact of £90.6m, plus a further 884 jobs and £45.8m attributable to Flybe’s supply chain and induced effects in the wider economy. **Assurances continue to be sought by partners (including DCC) and work is ongoing to safeguard and enhance Exeter Airport and passenger operations there.**

Devon's labour market

Devon's labour market currently remains tight with many companies experiencing difficulties in recruiting staff. The percentage of the working age population claiming unemployment benefits remains historically low at around 1.2% (around half the national average). Modelled unemployment levels are also low at 2.4% of the working age population, again significantly lower than the national average.

European funding and UK potential replacements

We are currently awaiting a Government consultation on its proposed Shared Prosperity Fund which is expected to replace elements of the current EU structural funds. Current EU structural fund programmes such as ERDF and ESF are scheduled to continue post-Brexit, underwritten by the UK Government.

Councillor Rufus Gilbert

Cabinet Member for Economy and Skills

Report of the Cabinet Member Children's Services and Skills

I have been asked to report as follows for Full Council on 4 October:

1. By Councillor Hannaford on:

Legal Aid Cuts - Family Court Work in Devon including parents access to children, domestic violence and cross examination by former partners, and debt and housing issues.

2. By Councillor Brennan on:

Given the feedback from Ofsted and the CQC on the recent inspection of Devon's Local Offer for children with special educational needs and disabilities, can the Cabinet Member submit a report on the urgent action that is taking place to address the concerns? This should, in particular, cover the issues of timeliness of the assessment process, communication with parents/carers, how the quality of EHCPs will become more consistently good and appropriate to the child's needs, how children with parents who are less able to advocate for them are not left behind, and how the issue of support for children with autism, especially girls, will be addressed. In addition, although we believe that staff in the local authority, schools and our partners are working hard to make the necessary changes, will the Cabinet Member apologise to children and young people with SEND in Devon, and to their families, for the problems that have occurred?

1. Legal Aid Cuts

Background

Legal Aid was reformed in 2013 to limit the number of areas of law that would be considered within "scope" without having to pass a separate exceptional case test. Some of those areas removed from "scope" are listed above.

The Devon Perspective

None of areas listed above have a significant bearing from a Devon County Council (DCC) perspective because Legal Aid for Childcare proceedings (being the primary area of law within the Family Court with which DCC has involvement) continues to be non-means tested and within "scope". This absolute right to Legal Aid when the removal of children is in issue was never interfered with by the previous reforms.

Adult Deprivation of Liberty cases in the Court of Protection also continue to be automatically eligible for Legal Aid on a non-means tested basis, given the fundamental rights with which that area is concerned. Legal Aid for Mental Capacity Act "health and welfare" decisions is means tested but continues to be in "scope" for those who require it and cannot afford to pay themselves.

In respect of the other areas:

- Cases involving parents' access to children (known as "Contact" and "Residence") do not generally involve DCC unless there are requests for DCC Social Workers to provide reports for the purposes of assisting the Court with those proceedings (usually where there are ongoing Child in Need issues already arising). However, the report would be the limit of DCC's involvement;
- Domestic Violence cases do not involve DCC unless they impact upon ongoing Childcare proceedings. In those circumstances, the Childcare Legal Aid Certificate would address the impact of such domestic violence on the children and the consequent appropriateness of granting a Care/Supervision Order.
- Housing cases do not involve DCC as the District/City Councils are responsible for Housing issues. If there is an impact arising from the Legal Aid reforms, those Councils are best placed to address this;
- Debt cases do not involve DCC unless it is enforcing an Adult Social Care debt. If the person has assets over which DCC has sought to levy a charge, then the person is unlikely to have been eligible for Legal Aid in any event. DCC Solicitors would provide appropriate support to any litigant in person involved;
- DCC would not be involved in a case in which a partner or former partner would directly cross examine, as all parties within Childcare proceedings would be represented by a solicitor and/or barrister funded by non-means tested Legal Aid

Summary

Legal Aid for DCC's core business (Childcare and Deprivation of Liberty cases) was not changed by the 2013 reforms. However, changes to the "scope" of Legal Aid is likely to have had an effect on other areas of law that potentially touch upon DCC's core business (e.g. domestic violence for which no Legal Aid is available could ultimately lead to Childcare proceedings being commenced in respect of children living within the household in question. However, as soon as DCC Issues legal proceedings, the parents would become eligible for Legal Aid for the purposes of responding to those proceedings).

Further Reform

The Government last week published details of further Legal Aid reform due to be implemented by Autumn of this year. In summary these are:

- Expanding the scope of Legal Aid to include Special Guardianship Orders (SGOs) in private family law. This means that family members (such as grandparents) who wish to become guardians for children without fully adopting them will now receive Legal Aid to assist them with applying and understanding the implications of doing so.

This reform will be of benefit to DCC, as it currently has to directly fund a family member to receive legal representation to apply for a SGO where this is used as an alternative to a Care Order. Following the reform, such funding will be provided by Legal Aid.

- Extending eligibility for non-means tested Legal Aid for parents, or those with parental responsibility, who wish to oppose applications for Placement Orders or Adoption Orders in public law proceedings. The vast majority of parents engaged with responding to such application already get Legal Aid, as the adoption decision is made as part of ongoing Childcare proceedings. However, where a child is placed in care under a fostering for adoption placement or placed at home and a subsequent

decision is made to apply for an Adoption Placement Order, Legal Aid would not be available under the current arrangements.

This reform is considered to be of benefit to DCC because, on the relatively rare occasions when it arises, it will always be preferable to have the parent legally represented when DCC is seeking an Adoption Placement Order.

2. Ofsted and CQC inspection of Devon's Local Offer

I am very pleased that Cllr Brennan has asked her question, as it gives me an opportunity to share at full Council the findings of the recent area inspection of SEND and the actions that the partnership has put, or is putting, in place to respond to the inspection's findings and recommendations.

I want to stress that this was an area inspection not an inspection of the Local Authority and that the children's partnership has responded positively and with drive, passion and ambition to the challenge of the findings and recommendations.

The inspection findings confirmed the partnership's self-assessment. Members may be aware that for some months, Cllr Aves has been leading a task and finish group focused on Education Health and Care Plans (EHCP), precisely because we recognised the very serious impact on families of delays in fully implementing the 2014 SEND reforms. Inspectors recognised that the strategies and plans that we have in place are the right ones, but they are not yet sufficiently impacting on the lived experience of children and families in Devon.

Colleagues may have seen in the press and in a letter from the chair of the partnership to parents, the deep regret of partners about the poor experiences of families. Partners have affirmed their absolute commitment to the Improvement Programme that is delivered by the multi-agency SEND Improvement Board. I welcome this opportunity to publicly express my regret for the adverse impact on children and families and to affirm my commitment to ensuring we, as partners, make all necessary changes right across the system.

Colleagues will know that between 10 and 14 December 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of Devon to judge the effectiveness of the area in implementing the special educational needs reforms as set out in the Children and Families Act 2014.

A Written Statement of Action (WSOA) is required to address four key areas of weakness identified by Ofsted and CQC and these are captured in Cllr Brennan's question;

1. Strategic plans and the local areas SEND arrangements are not embedded or widely understood by stakeholders.
2. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
3. The time it takes to issue EHC plans and the variable quality of these plans.
4. Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

The local authority and the area's clinical commissioning groups are jointly responsible for submitting the written statement to Ofsted no later than Friday 10 May 2019. Senior leaders in the local authority and clinical commissioning group are developing the detailed priority actions in response to the WSOA. They are guided in this by advisors from Department for Education and NHS England. The advisors reported their confidence in

the actions being taken and the progress made since the inspection. The open and active approach has given advisors assurance of the capacity to further drive improvement.

The inspection identified strengths in relation to positive academic outcomes, support for children with the most complex needs and the strong commitment and dedication from staff across the local area. Nevertheless, there is further progress needed, with full and undivided attention, to improve the experience of families. The multi-agency SEND Improvement Board has already begun to drive those improvements.

Timeliness of assessment process & quality of EHCPs

As recognised in the inspection report; the local area has begun to implement plans to improve the timeliness and quality of EHCPs. Members may recall that the Council increased the funding in the 0-25 team, creating ten new posts to ensure we could respond to the EHCP timeliness and quality challenge.

Actions taken to date include;

- Increased senior leadership oversight and ownership of performance across education, health and care.
- Streamlined EHC assessment processes to increase efficiency and more granular performance monitoring of assessments (process and quality)
- Contract Escalation processes applied appropriately with commissioned services. For example, in relation to Babcock Educational Psychology (EP), late advice. An action plan was instigated in Autumn 2018, with weekly monitoring to clear the backlog. As of January 2019, all late EP advice has been cleared.
- Agreed multi-agency standards (based on the standards of the Council for Disabled Children) and training which set clear expectations about quality, and in particular specificity that will ensure content of EHCPs are appropriate to needs of children.
- Multi-agency quality audits to support workforce development

The rate of EHCPs being issued is now higher than the rate of requests received each week. Whilst there is still a backlog of work to complete, productivity has increased. The balance of on time/late will improve as the number of overdue plans reduces week on week. The local area is developing clear performance targets, which will be set out in the WSoA.

Communication with parents/carers

Radical change in relationships with partners and parents is required which builds on the good progress and outstanding services that are in place in some parts of the system.

Actions taken to date include;

- The Chair of the Devon Children and Families Partnership wrote to parents of children with an EHCP to reinforce the local area's complete commitment to delivering the improvement identified through the inspection. A commitment to write again in the summer term has been made to keep parents up to date with progress.
- The Head of Communication & Media is advising on better ways of communicating with all stakeholders about the local area's vision and strategic plans
- A revised EHCP format agreed with parents is in place, making the child and parent carer views and aspirations more prominent and central to the Plan.
- Pro-active written communication to parents, who are experiencing delays with their child/young person's EHCP, is now common practice
- Refresh of case management arrangements in SEN 0-25 team so parents have a single named contact which will support improved communication and relationship building from the point of request

- Refreshed partnership arrangements with the Devon Parent Carer Voice and other parent groups, for example, NAS groups, LORG and MSI

Children with autism

The inspection identified weaknesses in the identification, assessment, diagnosis and support for children and young people with Autistic Spectrum Disorder (ASD). This is not just about waiting times but how our system responds to support and plan for these children to meet their needs effectively, while undergoing and following assessment

The CCG will lead a piece of work to review the referral rates into support services. A retrospective Quality, Equality and Impact Assessment exercise will help to understand whether there has been any previous disparity between the volumes of referrals received and assessments undertaken.

Detailed actions to address concerns raised in this area will be clearly owned across education, health and social care and detailed in the WSoA.

The issue of girls and autism raised by Cllr Brennan, is an important one. Girls tend to be more skilled at identifying and responding to social cues and norms. This can mean that manifestations of autism difficulties can be 'masked' in girls. Professional judgements in identification therefore need to be fully informed.

Recent DELP training for schools achieved a good level of awareness across the County in schools about approaches to meeting needs of children with autism; follow up across SEN support services is planned to refresh and assess impact of this on children. The Communication and Interaction Team will be advising and monitoring support to identified children in schools and refocusing their work on ensuring support is embedded in practice.

Two new special schools have been agreed for children with autism needs – opening September 2019 and September 2020.

James McInnes

Cabinet Member

Children's Services and Schools

Report of the Cabinet Member for Community, Public Health, Transportation and Environmental Services

1. Introduction

I have been asked to report by Members as follows:

by Councillor Hannaford, to provide a Community Transport Update – including work being done with the CCN, LGA and Ministers

and

by Councillor Gordon Hook, on the decline in insects, the recent report on this matter and the impact on nature's ecosystems and the work of the Council in this regard.

2. Community Transport

Background

The Transport Act 1985 made it possible for all community transport (CT) groups operating on a not-for-profit basis to apply for permits to carry passengers in a bus or minibus without requiring a Public Service Vehicle operator's licence (PSV licence).

In July 2017, the DfT wrote to local authorities to report that it was proposing to change how it interprets EU regulation 1071/2009 which covers operator licences.

This followed complaints from the commercial bus sector to the UK Government, its enforcement agencies and the European Commission regarding non-compliance and unfair competitive advantage by CT operators in some areas, particularly regarding competitively tendered contracts for home-to-school and day care transport services for local authorities.

This raised questions regarding the wider community transport sector and specifically the interpretation of non-commercial/not-for-profit services, the requirements for a Public Service Vehicle (PSV) Operator's licence and the consequences of employing paid drivers.

DfT acknowledged that developments in passenger transport over two decades had in part been encouraged by successive governments and that their guidance had not kept pace with development.

A DfT Public Consultation followed in February 2018.

Update

Further to the Cabinet report of 11 April 2018, DCC submitted a formal response to the DfT Consultation.

Subsequently, DfT issued an interim summary in July 2018 acknowledging the significant number of responses received and the complexity of analysing the resultant data. The summary stated the Department's intent to announce the Government's response on the outcome to the consultation in the autumn. This response is still awaited as at February 2019. Local authorities were advised: *"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts."*

DCC has maintained all existing contracts and partnership agreements with our Community Transport operators in Devon.

Alongside the on-going analysis, a local authority working group (LAWG) was set up by DfT to consider how the proposed exemptions from the EU Regulations could operate within current procurement practices. A dozen or so local authority officers were invited to be part of the working group, including DCC representation. Two LAWG meetings have taken place in September 2018 and January 2019 in London at the DfT offices under Chatham House rules.

In January, community transport's national membership body, the Community Transport Association UK (CTA), and the bus industry trade press announced that a Judicial Review Claim had been issued on behalf of the Bus and Coach Association (BCA) against the Secretary of State for Transport challenging the DfT's and DVSA's failure to enforce PSV regulations against CT Operators. The High Court has subsequently approved the judicial review application specifically into the Government's interpretation of "non-commercial" operations under EU regulations.

This action could nullify the decision not to prosecute community transport providers for not having PSV operators' licences and to compel the court to issue an order to force the DVSA to set out a new enforcement policy and proceed with prosecutions. The CTA has informed the Government Legal Department it intends to be an interested party in the proceedings and has asked to be named in its submission to the court as an interested party so that they can be represented in the court and submit evidence.

DCC continue to keep all local Community Transport providers up to date with regular meetings and monthly bulletins.

3. The Decline in Insects

Background

Biodiversity of insects is threatened worldwide. A recent report, titled 'Worldwide decline of the entomofauna: A review of its drivers', is to be published in the April 2019 publication of Biological Conservation. This study comprehensively reviewed

73 historical reports of insect declines from across the globe and assessed the underlying drivers of these declines.

The report found that 40% of the world's insect species are currently experiencing dramatic rates of decline which may lead to their extinction over the next few decades. Further to this, it was determined that the rate of extinction of insect species is eight times faster than that of mammals, birds and reptiles and that total insect biomass is declining by 2.5% worldwide each year.

The analysis stated there are four main drivers of insect species declines. In order of importance these are: i) habitat loss and conversion to intensive agriculture and urbanisation; ii) pollution, mainly that by pesticides and fertilisers; iii) biological factors, including disease and introduced species; and iv) climate change.

The conclusion of the report is that a rethinking of current agricultural practices, in particular a serious reduction in pesticide usage and its substitution with more sustainable, ecologically-based practices, is urgently needed to slow or reverse current trends in insect decline and to allow the recovery of insect populations and safeguard the vital ecosystem services they provide.

Current Devon County Council Position

This issue of insect decline has long been recognised; this latest report highlights its severity and implications for global ecosystems and mankind. The dramatic findings of this new report are symptomatic of the wider degradation of ecosystems resulting from human management (and mismanagement) of global resources (land, air, water etc.). On this basis, the required response should not focus purely on insects, but rather on dealing with the underlying problems causing their decline.

Devon County Council's Environmental Policy, its environmental performance agenda and its support for the work of the Devon Local Nature Partnership, form part of its response to such issues. These approaches broadly align with the objectives set out in the 25 Year Environment Plan, adopted by government in January 2018.

The adoption of the Devon County Council Pollinator Action Plan in July 2016 and the current recommendation to declare a 'Climate Emergency' are specific examples of the proactive approach being taken by this authority.

With regards to the use of pesticides and insecticides on Devon's land holdings, the situation is no different to 2016 when the Pollinator Action Plan was produced through discussion with the County Farms Estate Committee and other Council functions. A survey of County Farms showed that there is very limited use of neonicotinoids on the estate and the Pollinator Plan states that we will work with tenants to promote Integrated Pest Management Plans. Work on this began last year with County Farms linking up with the Farming and Wildlife Advisory Group and Exeter University. We are also improving the Environmental Audits produced for County Farms to promote these issues. The Pollinator Plan makes it clear that, in other situations such as grounds maintenance, the Council only uses insecticides in extreme circumstances e.g. controlling wasps for health and safety purposes.

Actions that our communities can take to help insects will be promoted by the Council and the Local Nature Partnership at the County Show as part of our contribution to the 2019 Year of Green Action.

Councillor Roger Croad

Cabinet Member for Community, Public Health, Transportation and Environmental Services