

CABINET

13 November 2019

Present:-

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

Apologies:-

Councillors S Barker

Members attending in accordance with Standing Order 25

Councillor A Connett, A Dewhirst, B Greenslade and R Hannaford.

* 416

Minutes

RESOLVED that the minutes of the meeting held on 9 October 2019 be signed as a correct record.

* 417

Items Requiring Urgent Attention

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chair advised the Cabinet there would be an item to be added to the Forward Plan for the December meeting relating to Exeter Science Park (Part 2). The Forward Plan would be republished to reflect this addition.

* 418

Announcements

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

* 419

Petitions

There was no petition received from a Member of the Public or the Council.

* 420

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to two questions from a Member of the Council on the Children's Burial Fund and a new Government scheme, the Jack and Jill childcare investigation, any affected families and relevant help, support and advice offered by the County Council.

The Cabinet Member responded orally to supplementary questions arising from the above.

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

KEY DECISION

* 421 Budget Monitoring - Month 6

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

The Cabinet considered the Report of the County Treasurer (CT/19/106) on the budget monitoring position at Month 6, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report highlighted that the total projected overspend at month 6 was £5.3 millions which was £1 million more than the £4.3 millions forecast at month 4. This assumed that planned contributions to reserves of £8 millions were not made this financial year; without this adjustment the overspend on General Fund services would be £13.3 millions.

Also, the Dedicated Schools Grant funding shortfall relating to Special Educational Needs and Disabilities (SEND) had increased by £2.9 millions to £18.7 millions. As in month 4 it was proposed this was not dealt with this financial year but was carried forward to future years, the proposal being outlined in full in section 3 of the Report.

Adult Care and Health Services were forecast to overspend by £6.7 millions which included £890,000 of management actions yet to be delivered but which were still considered achievable.

Children's Services were forecasting an overspending of £6.6 millions (excluding the projected funding shortfall on SEND as outlined above). The Report gave a further breakdown on Children's Social Care, placements, Atkinson Secure Children's home, Education and Learning and SEND.

Highways, Infrastructure Development and Waste was forecasting an underspend of £402,000 at month 6, a reduction of £138,000 from month 4. Communities, Public Health, Environment and Prosperity (COPHEP) were forecasting a small underspend of £4,000, Corporate Services an overspend of £2.3 millions (a reduction of £548,000 from month 4), Digital Transformation and Business Support an overspend of £300,000 and County Solicitor and Human Resources were forecasting a pressure of £300,000, the majority of which related to delays in the implementation of the new payroll system.

Non-service items were forecast to underspend by £9.9 millions, to be achieved by not making the planned £3 millions transfer to the budget management reserve or the planned £5 millions contribution to the service transformation reserve this year.

The approved capital programme for the Council was £150.4 millions and the year-end forecast £124.8 millions, producing forecast slippage of £25.6 millions. The main areas of slippage were attributed to variations and programme delays in Planning and Transportation (£18.3 millions net slippage) which reflected the complexity of the major schemes.

In summary, the projected overspend had worsened slightly from month 4. Adult and Children's Social Care continued to experience ongoing pressure along with the School's Transport service. The funding shortfall within the Dedicated School's Grant SEND High Needs Block continued to be a concern both for the current year and into the future.

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

it was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and
RESOLVED that the budget monitoring forecast position at month 6 be noted.

MATTERS REFERRED

422

Notice(s) of Motion

(a) Climate Emergency and the Inclusion of Ecological Emergency

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

That DCC amends the Declaration of a Climate Emergency to include an Ecological Emergency'.

Members considered the Officer's factual briefing note on the matter (CSO/19/25) which referred to the increased ambition of the Climate Change Strategy and Corporate Energy Policy, the facilitation of stronger Devon-wide action through collaboration at a strategic, community and individual level, the establishment of the Devon Climate Emergency Response Group (DCERG) and how environmental and ecological issues were addressed, its terms of reference and the reference to the broader ecological crisis (or biodiversity crisis) and the role of the Tactical Group and the Climate Impacts Group.

The Chief Executive commented that the terms of reference would be amended to reflect the broader ecological crisis and, as outlined in the Report, all appropriate opportunities would be taken to address issues in a manner which supported both climate change and ecological objectives.

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

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

RESOLVED that Council be advised that no further action need be taken, given that agreement on this issue has already been reached through the Devon Climate Emergency Response Group.

(b) Reconsideration of Dates for Carbon Neutrality

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

'In response to the recent Climate & ecological Emergency protests, this Council will reconsider its date for becoming carbon neutral from 2050 to a revised date of 2025'.

Members considered the Officer's factual briefing note on the matter (CSO/19/25) which referred to the work of the Council in setting shorter-term targets for significantly reducing its own carbon footprint and the recommendation to Council (for 5th December 2019) aiming to achieve carbon neutrality by 2030. The briefing note also referred to the establishment of the Devon Climate Emergency Response Group (DCERG) and the NetZero Task Force to develop the Plan which would, collaboratively, set a credible and challenging date for Devon to achieve carbon neutrality.

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

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

RESOLVED that the Council ratifies the target date, recently endorsed by Cabinet, of 2030 for this authority to achieve carbon neutrality and, through its role in the Devon Climate Emergency Response Group, encourages the Net-Zero Task Force to be ambitious in its drafting of the Devon Carbon Plan.

STANDING ITEMS

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to nine questions from members of the public on the future 5G rollout in Devon and reliance on PHE / ICNIRP guidance, the date of the forthcoming Scrutiny review, peer reviewed studies on EMF radiation and precautions for public safety, Members of the Cabinet undertaking their own research into the health implications of exposure to EMF radiation and a summary of scientific research, independent research read about 5G and safety to humans, broadband connectivity, 5G and alternative schemes including pilots, assurances regarding health, 5G and EMF's and individual research, information supplied by PHE and independent scrutiny and potential bias of PHE, the commitment of the Devon Climate Declaration to divest from fossil fuels and how this might be achieved and why the Council had to take advice from the United Nations.

A copy of the questions would be sent to those who were not present at the meeting.

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

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

* **424** **Minutes**

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

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

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

Devon Authorities Strategic Waste Committee - 17th October 2019
Devon Audit Partnership Committee - 11th November 2019

* **425** **Forward Plan**

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

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>) including an additional item 'Exeter Science Park Ltd – Financial Guarantee' (Part 2).

NOTES:

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

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

The Meeting started at 10.30 am and finished at 11.32 am



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 13 November 2019

1. **QUESTION FROM COUNCILLOR HANNAFORD** **Re: Children's Burial Fund**

Families grieving the loss of a child through death or stillbirth are to be given up to £2,000 to help cover funeral costs, under a new government scheme.

Every year an estimated 4,350 children die under the age of 18 and grieving parents can face thousands in council fees for burial or cremation costs. There is also considerable variation in charges, with some councils waiving fees altogether.

The Children's Funeral Fund (CFF) aims to bring an end to this and provide families with the support they need. The scheme aims to reduce the financial burden for families by reimbursing burial authorities, cremation authorities and funeral directors directly.

The fund will be available regardless of the family's income and will also include a contribution of £300 towards the cost of a coffin. Under the scheme, parents will no longer have to meet the costs of burials or cremations. Fees will be waived by all local authorities and met instead by government funding.

The intervention brings England in line with Wales and follows a cross-party campaign by bereaved parents to remove fees for funerals for those under the age of 18.

Can the Cabinet Member please inform what work the Council is doing with other key stakeholders to publicise and promote this scheme to help and support families that we have as clients?

REPLY BY COUNCILLOR MCINNES

Like you Councillor Hannaford, I welcome the Government's introduction of the Children's Funeral Fund. Any opportunity to relieve the burden on tragically bereaved families is to be welcomed.

You will be aware that health colleagues, in primary care and in hospitals are the professionals most likely to encounter families at times of bereavement; and they have the greatest experience of supporting families through death and dying. I am also mindful that at times of great distress, families are likely to turn to professionals they know well, for example staff in their school or child care setting.

The Devon Children and Families Partnership has been working hard to further strengthen its communications capacity. The role of the Council's communications team must be acknowledged here. We are using the partnership website and the partnership's complex network of single and multi-agency systems and groups to ensure all key partners know about the Children's Funeral Fund and can support families to access the fund in the event of a tragic bereavement.

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**2. QUESTION FROM COUNCILLOR HANNAFORD
Re: Jack and Jill Childcare Investigation**

Can the Cabinet Member please advise if any children and families in the Devon County Council area effected are by the ongoing investigation?

And if so, we are working with other key partners to make sure that they are getting the necessary help, support, advice etc?

REPLY BY COUNCILLOR MCINNES

The Council is not aware of any families (involved with the County Council) being part of this investigation. However, the investigation is at an early stage. The police and wider services within the area are notifying families, whilst maintaining sensitivity to both the investigation and the family involved. The County Council have offered their help and assistance and I understand that we will be kept informed.

If the situation changes and we are made aware of families affected by this investigation, then of course the Council would provide any support and advice, working with partners as necessary.



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 13 November 2019

**1. QUESTION FROM CHARLIE KAY (IN ATTENDANCE)
Re: Future 5G Rollout in Devon.**

As you have stated in previous answers; DCC relies on PHE for safety advice and levels. PHE relies on ICNIRP for safety advice and levels. ICNIRP safety levels are based on 20-year old research and exposing a grown man for 6 minutes with ionising radiation (Not non-ionising radiation which is what 1000's of peer reviewed scientists have shown that EMF's have a negative effect on the human body, especially children). Are we to assume we will only be exposed to 5G microwave radiation for 6 minutes a day, or are we going to be exposed to this 24/7?

As ICNIRP is a body of only 13 individuals based in Germany with links to the telecoms industry do you think it prudent to qualify and ask PHE for ANY independent research that says this technology is safe?

And when, as previously discussed, is the date for scrutiny to discuss this issue?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

**2. QUESTION FROM LISA GOUDIE (IN ATTENDANCE)
Re: EMF Radiation and Precautions for Public Safety**

During the DCC Cabinet meeting on 9th October, Rhiannon Augenthaler handed in a list of peer reviewed studies outlining the many serious health implications of EMF radiation.

After reading the studies from your perspective regarding the question '5G: Is it Safe?' what precautions are needed in your opinion, to be taken for public safety?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

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3. QUESTION FROM MICHAEL PHILLIPS (IN ATTENDANCE)

Re: Personal Research into Health Implications of Exposure to EMF radiation

How many Members of the DCC Cabinet have undertaken their own research into the adverse health implications of exposure to EMF radiation & its amplified effects in 5G WIFI radiation?

(A summary outlined below)

1. EU 5G appeal (180 scientists & doctors from 36 countries warn of potential serious health effects in a massive increase in involuntary exposure to EMF radiation as a result of the roll out of 5G telecommunications & recommend a moratorium until health concerns are satisfied)
2. Bio-initiative 2012 (updated 2014-2019) (Issued by 29 medical & scientific experts, This report is a rationale for Biologically based exposure standards for low intensity Electromagnetic radiation & details adverse changes to DNA & cell metabolism)
3. Medical News Today.com (5G technology-- is it bad for our health. An article with a balanced viewpoint listing other relevant source material)
4. International Journal of Hygiene & Environmental Health (Toward 5G communications systems. Are there health implications? (another article raising health concerns & advocating precaution)

REPLY BY COUNCILLOR CROAD

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4. QUESTION FROM ANNA PATCH (IN ATTENDANCE)

Re: Independent Research read on 5G

Can the councillors please tell me about the independent research they have read about 5g being safe to humans?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

5. QUESTION FROM TERE WELLS (IN ATTENDANCE)
Re: Broadband Connectivity, 5G and Alternative Schemes (Including Pilots)

At the DCC meeting at County Hall on September 3rd 2019, Councillor Wright from Aylesbeare asked Councillor Gilbert "How were DCC going to improve Broadband connectivity in that area & is DCC in a position to help find such communities as Aylesbeare a way forward that is a non Gigaclear solution?" (this was after a report about Gigaclear's failure to complete its Contracts)

Councillor Gilbert's response was "Yes, the answer is 5G probably. There are alternative systems, not one size fits all." Councillor Gilbert continued saying that "successfully rolled out alternative schemes, pilot schemes have been a success"

My question is....What are these alternative schemes, pilot schemes that have been successful, which areas of Devon are included in these schemes & if not directly connected to 5G why then would 5G be considered over the already successful alternatives?

REPLY BY COUNCILLOR GILBERT

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

6. QUESTION FROM GABRIELE SIMONS (IN ATTENDANCE)
Re: Assurances regarding 5G and EMF's

I'm seeking written assurance that the antenna on the streetlight outside my bedroom and lounge windows is and will not harm my health. If 5G is permitted to be rolled out, the EMFs from that light's antenna will emit straight into my sleeping and living area, 24/7.

Can DCC give written assurance that there is no danger to my health, WITHOUT referring to PHE, who are quoting 20 year old and irrelevant research. This obviously also applies to ALL residents who are in the unfortunate position of having a street light in front of their house, so this is a public as well as a personal question.

Is it not time that DCC and individual councillors, elected by the people, take responsibility for them and truly ensure their well-being by listening to them, doing their own research and making informed decisions?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

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7. QUESTION FROM JOHNATHAN BURNS (IN ATTENDANCE)

Re: Information supplied by PHE and Independent Scrutiny

PHE is a compromised body issuing incorrect information which does not bear independent scrutiny.

It has now and in the policy formulating past, numbered personnel with links to, or with common interests in AGNIR and ICNIRP. Indeed some PHE members have also been members of at least one of those agencies, as well as the UK Government Department of Health, whilst being the source of health advice.

PHE has not been able to demonstrate, and still cannot demonstrate independence, or neutrality in its advice in setting EMR exposure guidelines, or in the provision of associated health advice to the UK public. PHE is also selective in the sourcing of evidence from which it formulates its advice, as was AGNIR (now COMARE), and as is ICNIRP.

It would seem that PHE has substantial potential for bias and partiality, informed by simultaneous conflicting interests with connections to the UK Government and vested interest lobbies, via those agencies which are setting the worldwide guidelines. Those same agencies number (or have numbered) members with common links, or employment histories which include the telecommunications industry.

On the basis of the above, does DCC consider that it needs to review its all-too-frequently quoted direct source of standard setting, guidance information and instruction on all matters involving technology and infrastructure which operates in, uses, and releases emissions in the health compromising non-ionising electromagnetic spectrum?

Surely the failure to source scrupulously independent judgement on such a serious precautionary matter exposes DCC up to an open-ended liability.

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

8. QUESTION FROM PETER SCOTT (NOT IN ATTENDANCE)

Re: Devon Climate Declaration and Fossil Fuels

The Devon Climate Declaration commits this council to divesting from fossil fuels. How will this be achieved?

REPLY BY COUNCILLOR CROAD

The Devon Climate Declaration, which has been signed by this Authority, commits us to work in collaboration with others to produce a plan to facilitate the reduction of Devon's production and consumption emissions. The Declaration acknowledges that the required transformational change will be challenging and will include various requirements, including divestment from fossil fuels. The Devon Net-Zero Task Force has been charged with the task of drafting this plan, which will be informed by the current call for evidence, a series of thematic hearings and consideration of options for decarbonisation through a Citizens' Assembly; the resulting draft plan will be subject to public consultation prior to finalisation and adoption. It is this process

which will guide the action that needs to be taken by all signatories to the Devon Climate Declaration, including Devon County Council, to achieve a carbon neutral Devon.

9. QUESTION FROM GEORGIE GOLDEN (IN ATTENDANCE)

Re: Advise from the United Nations

Why is it, please, that Devon Council has to take advice from the United Nations?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at <https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/>.

This Council has also agreed to conduct an Independent Scrutiny Review on this matter. There will be further information issued shortly on the processes that will follow, but there will be the opportunity for members of the public to share their concerns both in writing and in person as part of Scrutiny's evidence gathering. In light of that, the issues now raised will be referred to that Scrutiny Spotlight Review.

