

CABINET

11 December 2019

Present:-

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

Apologies:-

Councillors A Leadbetter

Members attending in accordance with Standing Order 25

Councillors F Biederman, A Connett, B Greenslade, R Hannaford and C Whitton

* 426

Minutes

RESOLVED that the minutes of the meeting held on 13 November 2019 be signed as a correct record.

* 427

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 428

Announcements

There was no announcement by the Chair at this meeting.

* 429

Petitions

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

* 430

Question(s) from Members of the Council

There was no question from a Member of the Council.

* 431

Target Budget for the Forthcoming Year (2020/2021)

(Councillors Biederman, Connett, 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/19/120) on the Target Budgets, the current status of the provisional Local Government Settlement for the forthcoming year, preparation of the budget for 2020/2021 and affirmation of service expenditure targets, 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 outlined that the setting of the Budget Targets was the first step in the formal, Council wide, budget process. The Targets were set out in paragraph 3 of the Report and represented an overall increase of £31.9 millions or 6.4%.

The Cabinet also noted that the provisional Local Government Finance Settlement was due to be announced in early December but had now been delayed to an unspecified date. It was

hoped that the Provisional Settlement would be received in sufficient time to report to the next meeting of Cabinet on 15th January 2020.

2019/20 had been the last year of the four-year Local Government Financial Settlement and 2020/21 was expected to be the first year of a new multi-year settlement that would contain the outcome of the Fairer Funding Review, the Business Rates reset and 75% or 100% Business Rates Retention. However, in September the Chancellor announced a one-year Spending Round badged as a 'Roll-forward' for Local Government with some additional funding including the SR19 Social Care Support Grant, Schools funding and SEND High Needs Block. The Fairer Funding Review along with both the Business Rates reset and Retention plans had been delayed until at least 2021/22.

Due to the unprecedented level of uncertainty around the Provisional Settlement content, and timing, there was an increased likelihood that the Targets, as set out in the Report would be amended at the Cabinet meeting on 15th January 2020.

The proposed targets set out in the report (2020/21 Budget, £000's) were;

Adult Care & Health £252,558 (6.8%)
Children's Services £144,345 (6.7%)
Community Health, Environment & Prosperity £39,713 (2.4%)
Corporate Services £37,100 (7.0%)
Highways, Infrastructure Development & Waste £56,508 (3.3%)

The Report, having been debated and other relevant factors as set out in the County Treasurer's Report and/or referred to above having been considered:

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

RESOLVED

- (a) that the delay in the announcement of the Provisional Settlement be noted;
- (b) that the revenue spending targets for 2020/21, as set out in paragraph 3, be approved;
- (c) that the increased likelihood of the Targets as set out in paragraph 2.6 being amended in January be noted; and
- (d) that Members agree that the Capital Programme be determined by the Cabinet in February 2020.

* **432 Park and Change facility, nr Exeter Science Park: Approval to Construct**

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

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/19/49) seeking approval to construct a Park and Change facility, near Exeter Science Park, 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 explained that the Park and Change site was on the eastern side of Exeter Science Park and was part of the successful National Productivity Investment Fund bid package, which was also delivering the Moor Lane roundabout improvement, Exeter cycle route improvements and the expansion of the Co-Bikes electric bike hire scheme. It was receiving funding from the Exeter and East Devon Enterprise Zone, which also had funded an enhanced bus service to Exeter Airport and the Long Lane improvements, recently approved by Cabinet.

There had been significant growth in housing and jobs on the eastern edge of Exeter, which collectively would put increased pressure on the A30/Honiton Road approach to M5 Junction 29, therefore the proposal sought to reduce the impacts of car-borne journeys by specifically intercepting private car trips before they impacted on the worst part of the network in terms of congestion and air quality.

The scheme was shown in full in Appendices 1 and 2 of the Report. The scheme would provide 300 parking bays, including bays for disabled people and some dedicated to electric cars, charging points, secure cycle lockers and a new dock for electric bikes.

A new footway/cycleway along the southern side of Anning Road from the Park and Change entrance to Babbage Way would be constructed, to allow cyclists to connect into the E4 cycle route and a path providing access to the old A30. The connecting paths would enable onward access to Exeter Business Park, Sowton Industrial Estate and the city centre via Redhayes Bridge over the M5.

The site would have approximately 15-minute frequency buses and improved crossing points.

There would be extensive landscaping and planting (trees, hedges, grass and thicket) to enhance the habitat for wildlife, as well as improving the appearance and security for people making use of the car park.

The overall construction cost of the proposal was estimated to be £2,241,787, of which £0.440m related to the acquisition of land and the Report outlined the relevant funding sources.

The Head of Service's Report also incorporated an Impact Assessment circulated for the attention of Members this meeting. <https://www.devon.gov.uk/impact/park-and-change-facilities-nr-exeter-science-park/>. The positive impacts of the proposal included increasing participation in active travel, a safe and secure environment and improved journey time reliability as well as the environmental considerations in ensuring the scheme integrated with the landscape setting and enhanced the habitat for wildlife, extensive landscaping and planting, surface water and Sustainable Urban Drainage Systems (SUDS). It was also proposed to use LED lanterns for good control and reduction of sky glow or obtrusive light.

Overall, the scheme would improve access to retail, leisure and employment opportunities in Exeter and the developments East of Exeter, relieve pressure on the A30 corridor, improve journey time and support strategic housing and jobs growth on the eastern edge of the city.

The Assessment recognised that the facility was targeted at people using a car on the A30 and therefore could be considered exclusive of those people who did not own a car.

A Construction Environmental Management Plan had also been prepared, which placed requirements on the contractor to manage the impacts on air quality; ecology; waste; landscape; site; noise; sustainability; traffic; water; and energy.

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

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

RESOLVED

(a) that the construction of a Park and Change site near Exeter Science Park, as shown in Appendices 1 and 2, at an estimated cost of £2,241,787 be approved; and

(b) that delegated authority be given to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure Development & Waste and relevant local Members, to make minor amendments to the scheme details.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and at: <https://www.devon.gov.uk/impact/park-and-change-facilities-nr-exeter-science-park/>].

* **433** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Treasury Management Stewardship - Mid Year Position**

(Councillors Connett 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/19/117) outlining the Council's Treasury and Debt Management activities undertaken during the first half of 2019/20 in line with the CIPFA Code of Practice, the Report having also been considered and endorsed by the Corporate Infrastructure and Regulatory Services Scrutiny Committee on 26th November 2019.

There were no particular issues to draw to the attention of the Cabinet as part of that process.

The Report updated the Cabinet on key matters arising from the Council's Treasury and Debt Management activities during the first seven months of the 2019/20 financial year; to enable Members to satisfy themselves that agreed policy had been implemented.

The Report outlined the Borrowing Strategy and its aims for 2019/20 - 2021/22, the implementation of the Borrowing Strategy in 2019/20, Analysis of long term debt, Investment Strategy, Implementation of the Investment Strategy 2019/20, the current position with the Minimum Revenue Provision (MRP) (a charge to make provision for the repayment of the authority's external debt and internal borrowing), the Council's compliance with the Prudential Indicators as laid out in the CIPFA Code of Practice, and prospects for 2020/21.

In summary, the Report stated that no long term or short-term borrowing had been undertaken to date in 2019/20 and the expectation was that no new borrowing would be required during the remainder of the 2019/20 financial year; and that investment income at the end of October stood at around £1.5 million compared to the budget target for the year of £1.6 million.

The matter having been debated and other relevant factors set out in the County Treasurer's Report and/or referred to above having been considered:

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

RESOLVED that the Mid-Year Stewardship Report for the 2019/2020 financial year be noted and welcomed.

* **434** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Food Waste Spotlight Review**

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

The Cabinet considered the Report of the Scrutiny Food Waste Spotlight Review which had been reviewed at the Corporate Infrastructure and Regulatory Services Scrutiny Committee at its meeting on 26th November 2019 (Minute *159 refers). The Cabinet noted that the Committee had expressed its thanks to those involved in the production of the comprehensive report.

The Corporate Infrastructure and Regulatory Services Scrutiny Committee had **RESOLVED** that the Spotlight Review Report and recommendations be commended to the Cabinet.

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

RESOLVED

(a) that the Corporate Infrastructure and Regulatory Service Scrutiny Committee be thanked for its Spotlight review and associated Report and that the recommendations of the Review, be endorsed; and

(b) that the Cabinet Member for Infrastructure, Development and Waste and the Chief Officer for Highways, Infrastructure Development and Waste be asked to take forward the Report and progress / co-ordinate the recommendations contained therein, engaging other partners and community organisations as necessary.

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to four questions from members of the public on PHE responses and realistic safety tests, sharing information with other Councils and the LGA on 5G and EMF transmissions, installations on lampposts and any frequencies emitted by street lamps and other highways furniture and clarification over the responsibilities for street furniture, infrastructure and planning permissions and issues.

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

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

[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]

* **436** **Minutes**

(Councillors Connett and Hannaford 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, including Minute 129(a) of the Devon Education Forum:

Standing Advisory Council on Religious Education – 19th November 2019
Devon Education Forum – 20th November 2019
Farms Estate (Interviewing) Committee – 25th November 2019

* **437** **Delegated Action/Urgent Matters**

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

* **438** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards 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>).

* **439** **Exclusion of the Press and Public**

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

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **440** **Exeter Science Park Guarantee**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

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

The Cabinet considered the Joint Report of the Chief Officer for Communities, Public Health, Environment and Prosperity and County Treasurer (EES/19/6) on the terms of a guarantee in relation to Exeter Science Park, 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 matter having been debated and all other relevant factors (e.g. financial, sustainability, risk management, equality and legal considerations) set out in the Chief Officers and County Treasurers Report having been considered:

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

RESOLVED that the recommendation outlining the terms of the guarantee, as outlined in the Report, be approved.

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 11.45 am



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 11 December 2019

1. QUESTION FROM LISA GOUDIE (IN ATTENDANCE) Re: Public Health England and Safety Tests

Are PHE insulting our intelligence by avoiding the question asked about providing a realistic safety test or could it be that the question was misunderstood? Would it be futile to rephrase or repeat the question?

REPLY BY COUNCILLOR CROAD

It is the role of Public Health England to provide scientific advice on health risks to Local Authorities on all matters including radiation. I have approached them for a detailed response on some of the concerns that have been raised by members of the public in Devon. I am providing the detail of the response because I believe this is important.

"In relation to 5G, PHE has committed to monitoring the evidence and revising its advice, should this be necessary. There are mechanisms in place to ensure that PHE maintains its independence, professional and scientific standards. Since the winding up of the Advisory Group on Non-ionising Radiation (AGNIR), PHE looks to the Committee on Medical Aspects of Radiation in the Environment (COMARE) to deliver an expert review report in this area if and when sufficient new evidence has accumulated. COMARE is a long-standing expert committee of the Department of Health and Social Care. It has a published code of conduct, abides by the code of practice for scientific advisory committees (CoPSAC 2011) and has published a declaration of members' interests. Its terms of reference are to assess and advise government and the devolved administrations on the health effects of natural and man-made radiation and to assess the adequacy of the available data and the need for further research. The current published work programme of COMARE (April 2019 – March 2020) includes a statement that COMARE will be kept up to date on studies of the possible health effects of electromagnetic fields (EMFs) through published information from a range of sources, as it becomes available. COMARE will evaluate the evidence to determine if further review is warranted.

"It is not just PHE and COMARE that are keeping this area under review. The European Union's Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) has published an opinion on electromagnetic fields that was last updated in 2014; the Committee undertook a public consultation on the opinion between February and April 2014, considered all points raised and made revisions where appropriate. The comments received and the Committee's responses are publicly available on the European Commission's web site. Members of SCENIHR are required to be established scientists with over ten years of professional experience appointed following an open call and all have to declare possible conflicts of interest prior to participating in the work; these declarations are all published.

"Much has been made of the age of the current guidelines from the International Commission on Non-ionizing Radiation Protection (ICNIRP), which were published in 1998. However, ICNIRP has been working on revised guidelines and a draft document was subject to public consultation between July and October 2018 along with two supporting documents. It is worth noting that while the draft guidelines, which are still available on the ICNIRP web site, differ from the 1998 guidelines, they would not prevent the operation of 5G networks. The Commission is currently considering the comments

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received during the public consultation prior to finalising the new guidelines. Once finalised they will be published on the Commission's web site along with all comments received on the draft and the Commission's responses to them. Members of the Commission are elected after an open call for nominations and anyone employed by industry is ineligible for election. Members are required to comply with the ICNIRP policy of independence and to make a declaration of personal interests. ICNIRP's budget relies entirely on support from public bodies and it publishes its annual financial report online.

"All ICNIRP documents are freely available from its web site (www.icnirp.org) and include a recent note evaluating two radio frequency animal carcinogenicity studies published in 2018 (the NTP and Ramazzini studies).

"Finally, it is worth noting that the World Health Organisation (WHO) is currently revising its Environmental Health Criteria on radiofrequency fields.

"Inevitably there will always be intervals between the publication of expert reviews of the data, but this does not mean that evidence is not being considered. Most importantly, if there was compelling new evidence that changed the current evaluation then both national and international bodies would highlight this without delay."

I can confirm that Devon County Council will be keeping itself fully updated on the expert bodies' advice on health matters.

2. QUESTION FROM TERE WELLS (IN ATTENDANCE)

Re: Sharing Information with other Councils on 5G and EMF Transmissions

I would like to thank DCC for going to Scrutiny on the issue of 5G & EMF Transmissions and I am happy to help in that process in any way I can.

Outside of the Scrutiny process, I would like to ask if DCC will be talking to & discussing with other Members of the LGA to help raise awareness of 5G & all EMF transmissions, so other Councils can become more proactive in protecting the communities they serve.

Perhaps DCC have already been connecting with & sharing information with other Councils on this issue?

REPLY BY COUNCILLOR CROAD

Scrutiny will report back to Cabinet when the review is completed and is grateful for the public interest shown by responses to the engagement. Several other councils have already looked at the issue of 5G, as well as Devon. We have asked policy and scrutiny colleagues across the country to share their work with us, and in turn will share the results of our Scrutiny Spotlight review in the form of a report and any recommendations that it formulates.

3. QUESTION FROM RHIANNON AUGENTHALER (IN ATTENDANCE)

Re: Street Furniture and Frequency Levels

Can Devon County council please provide me with transparent information on what exactly is installed on the lampposts that do fall under the duty/responsibility of Devon County Council?

To be more specific with my question.... During the council meeting on the 3rd October 2019 the question "Are any streetlamps or other highways furniture owned by the council currently used for 5G?" which had been asked by councillor Connett had been answered by Councillor Hughes with the following response: "Not that we are aware."

Can you please find out and let me know what frequencies and what wavelength in the non-ionizing radiation spectrum including everything in the current sub 10 gigahertz range of communications technology are emitted by the street lamps and other highways furniture owned by the council and whether or not they emit (even low levels of) the same frequencies constantly, day and night or whether the frequencies vary during times when they are being switched on or off?

REPLY BY COUNCILLOR HUGHES

Devon County Council have not installed, approved, or requested the installation of 5G capability on our street furniture, including streetlights.

The Harvard Central Management System for streetlights uses WIMAC and GSM frequency bands. There are SIM cards operating at 3G within the remote monitoring for traffic systems, on some Variable Message Signs and Parking Guidance Systems, and a few Road Weather Stations, situated across the County and other traffic equipment such as traffic counters.

4. QUESTION FROM JONATHAN BURNS (IN ATTENDANCE)

Re: Clarification over Responsibilities for Street Furniture.

Will DCC please advise precisely why it consistently maintains that all modifications to its infrastructure, pursuant to communications technology, is the sole preserve of second tier authorities, because this is a planning matter?

Second tier authorities are equally adamant that this matter is not within their purview.

Any planning issues which may otherwise have been relevant to the answer are negated by the Communications Act 2003 and therefore relieve the second tier authorities of powers to act.

(Clarification (DCC has a Street Lighting Team, which second tier authorities do not have and for the scope of this question, "communications technology" includes any frequency or wavelength in the entire non-ionising EMR spectrum which is both in existence already, and which has potential for the future. Any reply relating to 5G will be taken to incorporate this consideration)

REPLY BY COUNCILLOR HUGHES

Devon County Council expects anyone wishing to locate any equipment on/in our asset, to request permission to do so from us. If the equipment required planning approval it would be for the relevant second tier planning authority to determine. Once telecommunications equipment is in place it can be upgraded without the consent of the asset owner.

