

COUNCIL

3 October 2019

Present:-

Chair: J Mathews

Vice-Chair: M Squires

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, J Berry, R Bloxham, J Brazil, J Hook, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, A Connett, R Croad, A Davis, A Dewhurst, A Eastman, R Edgell, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J McInnes, B Parsons, R Peart, R Radford, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, J Trail, N Way, C Whitton and C Wright

Apologies:-

Councillors F Biederman, P Colthorpe, J Hawkins, P Prowse, P Twiss and J Yabsley

227 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 25 July 2019 be signed as a correct record.

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

228 Announcements

The Chair of the Council reported the death of Alderman and former County Councillor Alec Lawrence Coulter who served the Council from 1977/78 to 1996/97 representing Newton Abbot Rural No. 2 Division and then later the Bovey Division (which changed in 1981).

He also reported the passing away of Alderman and former Chair of the Council John Henry Glanville who had served the Council from 1993 to 2005 representing the former Clyst Vale Division.

The Chair of the Council, along with other Members of the Council, attended the funerals of both former Councillors.

The Chair also highlighted that Devon had maintained its status as one of the top recycling counties in England, recycling 56% of household waste. The latest 2018/2019 draft figures showed an increase of 2% when compared to the previous year and offered congratulations to Catherine Causley, the Council's Re-use Project Officer in the Waste Management Service who had won the recycling officer of the year award at the Local Authorities Recycling Advisory Committee Awards.

Also reported by the Chair was the recent Careers Fair which took place on 25 September 2019 at the Coaver Conference Room at County Hall. This had an excellent turnout, with over 300 attendees, and had given people the chance to discover more about what other service areas did and the opportunities available across the Council including development opportunities. The Chair thanked Harriet Lear and all the staff involved in the arrangement of this event.

The Chair announced that the Council had won the Large Apprenticeship Employer of the Year Award for the South West Region at the National Apprenticeship Awards. He paid tribute

to all those involved in the winning of this accolade including the support that Members, senior and local managers have given in opening up apprenticeship placement opportunities. Linked to this was an event being hosted by the Chair on 22 October 2019 to highlight the Council's Apprenticeship Scheme and also celebrate the work of the Council's Apprentices. The Chair again thanked the teams involved.

229 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

230 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 Leader and relevant Cabinet Members responded to 15 questions from members of the public on street furniture and their refurbishment including how they operated, the duty of care towards Devon residents and public liability insurance, researching the legal obligation and duty of care for residents affected by high frequency radiation, provision of white zones, greenhouse gas emission levels for Devon's District and City Councils, Dartmoor National Park and Town Council areas for Climate Action Plans and the calculation of these figures, climate change marches and the detrimental impact of a 5G rollout on the environment, Government data on CO2 emissions (reductions made by industry verses increases in transport emissions) and annual estimates for transport CO2 emissions for the next 3 years, definition and written procedure on a 5g Moratorium and how this affected people's rights, what the Council was doing to increase the number of safe cycle routes and footpaths to encourage healthier and greener ways of getting to school, climate emergency declarations and training workshops and networking meetings to support and assist others to achieve carbon neutrality in towns, reviews of all relevant policies (procurement, investment, waste and public transport) to ensure they addressed the Climate Emergency and accorded with the emerging Climate Action Plan, dates for an evidence-led Devon Carbon plan and delegation of decisions to unelected community members, annual carbon reduction targets for the next decade and the review of the target of zero carbon by 2050 in light of earlier targets set by other local authorities in Devon, the Council's message to those who partook in the Global Strike for Climate on 20th September, the lack of safety studies by Public Health England and inadequacy of ICNIRP guidelines on 5G and its impacts and the relevant Act or directive that determined the rollout of 5G in Devon.

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

Copies of the questions and answers would be sent to those who were not present at the meeting.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged an oral representation made Mr Kay on 5G highlighting in particular that it was contrary to climate change and 'green' goals.

The Chair of the Council thanked all participants for their contributions.

[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].

231 Petitions from Members of the Council

The Leader was presented by Councillor Slade on behalf of local residents with a petition containing approximately 200 signatures seeking reduced speed limits and/or traffic calming measures on Beech Road and Cowley Moor Road in Tiverton.

A second petition was presented, by Councillor McInnes, on behalf of Mrs K Allsebrook and residents of 'The Beeches' and 'Belstone Corner' containing approximately 92 signatures in relation to the speed of traffic along the stretch of road between Sampford Kennels, The Countryman Inn and Sampford Courtenay Station.

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

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MIId=2487&Ver=4&info=1>)

232 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 25 questions submitted by Members of the Council relating to the Council's Brexit coordination role and supplies of insulin, medicines, fuel, food, agricultural supplies and mitigation measures in this respect, law and order with regard to Brexit, any dedicated funding received by the Council, reassurance activities for communities, the preparedness of Devon and South West businesses for a no deal Brexit and appeals to Government regarding not leaving without a deal on 31st October 2019, submissions to the Devon and Somerset Fire and Rescue Service's 'Safer Together' consultation, the timeliness of fixing streetlight problems, whether street lamps owned by the Council could be adapted for use by 5G, whether highways furniture was currently used by/for 5G, whether the Council would assist 5G roll-out from 2020, the decision making process for allowing 5G to use lamp posts or other street furniture and what independent evidence would be used in deciding whether to permit such infrastructure to be used, any programme to fell trees to facilitate the introduction and / or roll out of 5G, how the Council and other partners were supporting and promoting the Purple Tuesday Campaign day (12th November) that sought to improve the customer experience for disabled people, child vaccination rates including current trends and numbers within the Council area and work to promote the importance of vaccinations for the protection of immediate and long term health, road safety at the Pilton Bridge junction and Abbey Road and expected response, school crossing patrols at Yeo Valley School and Ashleigh Road School, additional funding for school pupils and what this meant for Devon pupils in the national league table of funding, outstanding issues at the maternity unit at North Devon District Hospital, the numbers of Devon residents placed in residential care outside of Devon, reasonable travelling distances and measures in place to monitor out of area placements to ensure care standards were met and Cedars Roundabout and the timescales for when the issue would be on a future work programme.

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 230 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]

233 Cabinet Member Reports

(Councillor Davis declared a personal interest in this matter by virtue of being Vice President of the Tarka Rail Association).

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) Community, Public Health, Transportation and Environment

Councillor Croad reported, as requested by Councillor Hannaford on the flagship project in Cornwall Council's climate change and carbon-neutral action plan to create a 20,000 acre forest at a cost of between £25m and £30m (with bids being prepared for Government supported national tree planting schemes).

The Cabinet Member commented on the role of the Devon Climate Emergency Response Group and the Council's Climate Change Strategy in considering the matter, highlighting that the Devon Climate Emergency Response Group (DCERG) had initiated the process of producing the Devon Carbon Plan. As part of that, a Net-Zero Task Force of specialists had been appointed to gather evidence through a set of hearings, each focussed on an individual decarbonisation topic (e.g. buildings, agriculture). The various opportunities available for land-use to absorb carbon, including tree planting, would be considered through that process.

He also reported in response to Councillor Wright on the Council's Wildflower Verge Policy and the take up from Communities and also a progress report on the actions resulting from the previously submitted notice of motion on the 10 point green action plan. In relation to the Wildflower Verge Policy, the Council's 'Life on the Verge' guidance was launched in May 2019 which set out how communities could take on the management of verges for the benefit of wildlife. Since the launch, the Council had been contacted by a number of communities (15 at present) and the communities on the Yealm Estuary were associated with a 'Living with Wildlife Community of the Year' award. The Council's Environment Group would be running a workshop on road verge management in October. The Council actively promoted the initiative at a number of events and through a number of different platforms.

The Cabinet Member, in response to the 10 point green action plan, reported that it had been discussed by the Environmental Performance Board on the 8 August 2019 in relation to options for enhanced environmental action in relation to pollinators, pesticides and fertilisers, habitat protection, creation and tree planting, soil health and water use. The Board had asked for additional work to be undertaken to refine these options and set them out in revised action plans for endorsement and adoption at a future meeting. Similar endorsement was provided by the Farms Estate Committee at its meeting on 9 September relating to opportunities for action through the County Farms Estate. Other actions were also being pursued in the interim, for example, a planned review of the Devon Ancient Woodland Inventory and plans with The Woodland Trust to launch and promote a new tree planting scheme linked to ash dieback.

A further written update was provided on current service pressures in relation to domestic violence services including trends, numbers, gender balance and the impact of changes to housing benefit and universal credit in relation to temporary and / or emergency accommodation. The Cabinet Member said that LEESAR (Listen, Engage, Empower Support, Advocate, Recover) Partnership had been commissioning since 2017/18 to provide support to high and medium risk victims of domestic violence and abuse. A comparison from the first six months of 2014/15 to the first six months of 2018/19 showed a 24% rise in referrals to specialist domestic abuse support services and in 2018/19 the gender split was female 89% and men 11%. The Report also said the outcomes of the service had been analysed by SafeLives, however, this needed further work. In relation to Housing Benefits and Universal

Credit Payments, Officers had offered to meet with Councillor Hannaford to explore the issue further to provide more information in due course.

He responded to Councillor Hook on the safety of all dams in Devon, with particular reference to the Holbeam Dam which protected Newton Abbot. The Cabinet Member highlighted that under the Reservoirs Act 1975 all dam structures impounding 25,000 cubic metres or more of water must be registered and inspected/maintained in accordance with the Act. In Devon there were 35 registered high-risk dams, with 23 owned and maintained by South West Water (SWW), 3 by the Environment Agency (EA), including the Holbeam Dam, and 1 by Devon County Council (DCC) at Stover Park Lake. The remaining 8 were privately owned. The Cabinet Member reported on the inspection regime, reporting and surveillance activities.

As requested, the Cabinet Member reported that the most recent Section 10 inspection of Holbeam Dam was completed on 21 March 2019. This identified several issues requiring new works to be completed. However, these were further improvements in line with best practice, not as a result of any defects. The EA had confirmed that Newton Abbot residents could be assured there was no risk to them or their homes for any flood event within the design criteria.

He also responded to questions on quick wins on climate change, overtopping in reservoirs and the impact of austerity on domestic violence.

(b) Economy and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford, on the Government plans to create up to 10 Freeports to boost trade and manufacturing after leaving the European Union, the Freeports Advisory Panel and the potential of progressing the scheme in Devon, for example at Exeter Airport.

The Cabinet Member had explored the freeports initiative and the likely applicability to Devon, outlining that the Brexit impact was most likely to be felt by the larger ports in the Heart of the South West (HotSW) area, such as Brixham (fishing only), Plymouth (fishing and commercial – EU and outside EU) and Teignmouth (small fishing port and commercial – EU and non-EU). Smaller ports, which focused more on inshore fishing and leisure, such as Bideford, Ilfracombe, Dartmouth and Salcombe would be less affected. The Government announcement on 1st August mentioned airports, therefore Exeter Airport could potentially be an opportunity for the Devon area.

The Centre for Policy Studies (CPS), estimated a UK freeport regime could create more than 86,000 jobs for the British economy, largely in industrial areas outside London. However, the criteria for the proposed freeport bids had not yet been released.

For Devon, there was unlikely to be sufficiently large ports to qualify to become a Freeport under the initiative. Teignmouth was the only area port that could potentially be applicable (although was unlikely to be able to scale up due to infrastructure requirements). Others were too small with insufficient infrastructure, such as transport links. Nearby ports that could be more appropriate could be Brixham (if fishing was included) and Plymouth.

The Cabinet Member summarised that the best opportunities for Devon would come from supporting bids from Exeter Airport or Plymouth. However, these were significantly smaller than the largest ports in the UK. The Council would work with local operators to complement any freeports awarded as needed, to help ensure the survival of other ports, such as Teignmouth.

He further reported on Gigaclear and Connecting Devon And Somerset (CDS), as requested by Councillor Shaw, in particular the cancellation of the Gigaclear contracts, potential delays of broadband delivery and funding.

The Cabinet Member's Report highlighted that nearly 1 million homes and businesses in Devon and Somerset had access to superfast broadband and was as high as 59% coverage in some rural districts.

In terms of the decision of Connecting Devon and Somerset (CDS) to end Gigaclear's five contracts, it was reported that CDS and the Government's Building Digital UK (BDUK) agency were unable to agree an acceptable recovery plan with Gigaclear following significant delays incurred by the company in its roll-out of full fibre broadband. Gigaclear had also stated five main reasons for the company's delayed roll-out in the CDS programme.

For moving forward, CDS was working closely with BDUK on a new procurement process for launch this autumn, commencing a tender process to identify new provider(s) of these services. Government decisions on capital funding for broadband programmes would be made in November. Whilst CDS and BDUK worked on a new procurement process, the roll-out of broadband in Devon and Somerset would continue. CDS were also working with the Heart of the South West Local Enterprise Partnership and others to develop a Digital Strategy and a refreshed Local Broadband Plan.

(c) Children's Services and Schools

Councillor McInnes reported, as requested by Councillor Hannaford on maintained nursery schools, funding issues, risks of closure, any service reductions and / or representations made to Government to address the issues. The Cabinet Member highlighted that Devon had two Nursery Schools (both in Exeter), funded via the Early Years Block of the Dedicated Schools Grant. There had been no indication from either school that they were at risk of closure or reductions in service. Their current take-up of two, three- and four-year olds was high.

In relation to the funding, the National Funding Formula was introduced in April 2013. Devon would have an hourly funding rate based on take-up. As there were additional costs (related to the requirement to have a Head Teacher), further funding was allocated as an annual grant. In 2017, there were further changes to Early Years funding with the introduction of 30 hours. Following a consultation, Nursery Schools were given a separate Supplementary Grant from the DfE that was added to the Early Years block funding. For 18/19 the grant income split between the two schools was £110,000. The Supplementary Grant had not been confirmed post July 2020.

Formal representation to central Government was being made through a variety of channels including a petition through F40 and the National Education Union.

(d) Infrastructure Development and Waste

Councillor Davis commented, as requested by Councillor Hannaford on progress to update the North Devon Link Road and other work to improve regional transport links.

In particular, she highlighted that the scheme was progressing towards a full business case stage, with submission due in summer 2020 and land acquisition had taken place in summer 2019 with no objections to Compulsory Purchase. The Council had also committed to, where possible, removing all at-grade crossings across the route which had resulted in the addition of a further two new walking and cycling facilities at Bishops Tawton and Landkey Junction and the subsequent progression of planning and land acquisitions for these elements.

In terms of regional transport links, including aviation, the Cabinet Member, through the Peninsula Rail Task Force, continued to lobby MPs for a more resilient, reliable and better-connected railway in the South West with improved comfort and capacity and also highlighted the progress made against the 20-year plan, including £50m+ flood resilience works north of Cowley Bridge, £30m signalling upgrade, rollout of Hitachi trains, timetable changes to maximise benefits and £30m committed to first phase resilience works between Dawlish and Teignmouth. For road, there were continued aspirations to improve the A30/A303 and the M5

junction 29-31 gateway and other projects such as the A382 in Newton Abbot, the A39/A361 in Barnstaple and A379 around Exeter and a funding bid for M5 Junction 28 improvements in Cullompton. There was also a Major Road Network proposal to improve highway access to Bristol Airport, recognising the significant numbers of passengers living in Devon and Cornwall.

The Cabinet Member also responded to questions on other rail lines in the County such as, inter alia, the Tarka Line, Okehampton line, Heathfield, links to and from Barnstaple, integrated approaches to regional transport, the cycle network and bicycles on trains and rail provision in very rural communities.

234 Minutes

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

Audit	-	29 July 2019
Appeals Committee	-	9 September 2019
Investment & Pension Fund Committee	-	13 September 2019
Procedures Committee	-	17 September 2019
Development Management Committee	-	18 September 2019
Children's Scrutiny	-	16 September 2019
Health & Adult Care Scrutiny	-	23 September 2019
Corporate Infrastructure & Regulatory Services Scrutiny	-	26 September 2019

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

235 Future of the Post Office (Minute 223 - 25 July 2019)

Pursuant to County Council Minute 223 of 25 July 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hannaford:

Council notes with concern that;

Britain's 11,500 post office branches are facing mounting financial pressures. It is claimed financial pressures have already forced up to 1,000 out of business. More customers are now going online to buy stamps and parcels for postage. More people are also using the web to pay bills and to use government services.

Government subsidies for remote post office branches have already fallen from £415million in 2013-14 to £99million in 2017-18. Under current plans this will fall further to £50million in 2020-21 before being stopped completely. At the moment Post Office Limited, which is owned by the Government, replaces branches when they shut, but campaigners have warned that the rate of closures in the coming years will make this impossible.

This Council believes that:

Our post offices are a key asset for the community, and the expertise and experience of staff there is invaluable. The relentless franchising and closure programme of the profit-making Crown post Offices, points to a lack of vision rather than the plan for growth and innovation that is needed. Government should therefore halt these closures and bring together stakeholders, including the CWU, industry experts, and business leaders, to develop a new strategy that safeguards the future of the Post office.

Therefore, Council resolves;

To formally write to the Prime Minister, the Secretary of State for Business Energy and Industrial Strategy, the Chancellor of the Exchequer, and all our local Members of Parliament, calling on the Government to guarantee their future. We are calling for the network to be properly funded, with a full range of services over the counter for those who are not online, and better support for the development of community hub models.

and having had regard to the advice of the Cabinet set out in Minute 391(a) of 11 September 2019:

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

(i) that Council urges Government to give consideration to the opportunities for further commercial support for rural, coastal and other 'community' critical post office locations, reflecting the challenges around the franchise model in many of these locations and their centrality to local service delivery;

(ii) that Council further urges Government to give consideration to the potential to better utilise and work with the post office network on wider service delivery, beyond financial transactions, and their potential role in competitive processes around regeneration and deprivation through key socio-economic Departments (MHCLG, BEIS, DCMS, DoH etc);

(iii) that Council note the ongoing work to map community assets including Post Offices and banks to identify gaps in physical banking facilities in market towns and for populations at least six miles from their nearest post office outlet; and

(iv) that Council supports links to communities and organisations wanting to develop and sustain the Post Office network in Devon, particularly where gaps in physical banking facilities exist.

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, nem con.

236 Boosting South West Rail Investment (Minute 224 - 25 July 2019)

Pursuant to County Council Minute 224 of 25 July 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hannaford that:

Council is concerned that the £56 billion HS2 rail scheme has little or no direct economic, social or infrastructure benefits for the South West region.

Council considers that the existing rail links between London, Birmingham, Leeds and Manchester are already good, if not excellent, and in stark comparison to the far South West, that has dated and frail rail connections, that badly need new substantial strategic investment.

Council notes the recent report by the New Economics Foundation "A Rail Network For Everyone – Probing HS2 And Its Alternatives", that includes rerouting the current HS2 funding to other regional rail improvements to improve local connectivity across the UK.

Council further notes other recent professional reports, representations and cross party discussions at Parliament, that have also recommended this move to invest in alternative railway investment away from HS2.

As part of this process Council supports that reallocation of HS2 funds for the following local projects;

- *Improve connectivity to Bristol Temple Meads - to boost this transport hubs rail links - £125m*
- *Rebuild Cullompton Station – lost since 1964, connecting the town to Exeter and Bristol, in tandem with the proposed 5,000 new homes at the garden village - £15m*
- *Exeter to Plymouth via Okehampton - to improve sustainability, resilience, and green travel, in line with the ongoing substantial new housing developments - £500m*
- *Cross Cornwall Rail Link – to improve links between East and West Cornwall - £125m.*
- *Reopen the Bodmin to Wadebridge railway line – to convert the community line back into more active service - £125m.*

And the national scheme to build cycle paths next to motorways and A roads, to create 7,600 miles of new routes to boost cycling - £1.82bn.

Council resolves to make formal representations to the Parliamentary Transport Committee, the Secretary of State for Transport, the Chancellor, the Prime Minister and all local Members of Parliament to support this reallocation of strategic infrastructure investment, and work with other key regional partners to move matters forward.

and having had regard to the advice of the Cabinet set out in Minute 391(b) of 11 September 2019:

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

(i) that with a new Secretary of State for Transport and a new Rail Minister in post, the PRTF be asked to reemphasise its prioritised list of strategic rail asks as set out in 'Closing the Gap'; and

(ii) that Council remains focused on its own ambitions for rail and lobbying our Peninsula MPs through forums such as the all-party parliamentary groups or via direct correspondence with Ministers that has proven successful in the past; and continuing this positive engagement with Government is the most effective way to secure rail improvements for the South West and realising our true economic potential.

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

Councillor Greenslade then **MOVED** and Councillor Way **SECONDED** that the Cabinet recommendation be amended by the addition of (iii) as outlined below.

(iii) that direct rail services from Barnstaple to London be included as per previous support given by Devon County Council

The amendment in the name of Councillor Greenslade 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 accordance with Standing Order 32(4) Councillor Greenslade asked that his vote against the Motion be recorded)

237 Appledore Shipyard Renationalisation (Minute 225 - 25 July 2019)

Pursuant to County Council Minute 225 of 25 July 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hannaford that:

Council notes that Appledore Shipyard has a long and proud history of building and repairing vessels, and general engineering work since its founding in 1855.

Council is gravely concerned that despite having a highly skilled, dedicated and innovative local work force the shipyard remains closed.

Council reflects that this area of Devon has high levels of child poverty, poor infrastructure and very high rates of rural poverty generally, all of which require more public investment and intervention.

Council calls on the Government to renationalise Appledore Shipyard and fully integrate the site and its operations into the Ministry of Defence, to secure its long term future, ensure that defence capacity and resilience are maintained and provide employment and propriety to the local community and the wider County of Devon.

and having had regard to the advice of the Cabinet set out in Minute 391(c) of 11 September 2019:

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

(i) that Council note Appledore Shipyard has a long and proud history of building and repairing vessels, and general engineering work since its founding in 1855;

(ii) that Council is concerned that despite having a highly skilled, dedicated and innovative local work force the shipyard remains closed and is working with partners and Government to look into ways of securing new relevant employment opportunities at the site;

(iii) that Council reflects that this area of Devon has high levels of child poverty, poor infrastructure and very high rates of rural poverty generally, all of which require more investment; and

(iv) that Council continues to work with a range of partners including business, Trades Unions and the Government to ensure a satisfactory outcome which secures new investment into Appledore shipyard, creating highly skilled employment locally.

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, nem con.

238 Veteran's Pledge (Minute 226 - 25 July 2019)

(Councillors Ball, Croad and Trail declared personal interests in this matter by virtue of being former servicemen in the armed forces).

Pursuant to County Council Minute 226 of 25 July 2019 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Scott that:

This Council supports and urges the Government and new Prime Minister to implement the Veterans Pledge and legislate to:

1) create an Office of Veterans Affairs within the Cabinet Office, with a Cabinet level Minister, to ensure world-class care and support for former Armed Forces personnel;

2) enshrine the Military Covenant into law, so that no veteran or their family should ever face any disadvantage because of their service for this country; and

3) end vexatious investigations into historical allegations against our troops - in Northern Ireland - to be passed before the next General Election.

and having had regard to the advice of the Cabinet set out in Minute 391(d) of 11 September 2019:

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

(i) that Council submits a response to the public consultation on legal protections for Armed Forces Personnel and Veterans;

(ii) that Council notes the current position regarding enshrining the Covenant in Law (Armed Forces Act 2011); and

(iii) that Council notes the creation of the Office for Veterans Affairs.

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, nem con.

239 Climate Emergency and the Inclusion of Ecological Emergency

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Hodgson be considered at this meeting.

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

Councillor Hodgson then **MOVED** and Councillor Shaw **SECONDED**

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

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

240 **Reconsideration of Dates for Carbon Neutrality**

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED**

'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'.

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

241 **Devon and Somerset Fire and Rescue Service Consultation**

(Councillor Saywell declared a personal interest in this matter by virtue of being a representative of Devon and Somerset Fire and Rescue Authority).

Councillor Shaw **MOVED** and Councillor Wright **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Shaw be considered at this meeting.

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

Councillor Shaw formally withdrew the Motion.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Imam Ahmed.

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 4.57 pm



QUESTIONS FROM MEMBERS OF THE PUBLIC

Thursday 3 October 2019

1. QUESTION FROM MR N TURNER (IN ATTENDANCE)

Re: Responsibility for street furniture

I would like to know who has the responsibility for the furniture for the lamppost. Am sure that on the last DCC meeting held on the 25th of July, it was said that DCC was responsible for the lamppost and the newly refurbishment of them. But sadly this was not recorded in the minutes or on the video as the sound was muted when the councillor gave his answers, I would like to know why that was as well.

If they do not know could they find out? I have the name of the company that is refurbishing them. Mayflower Smart Control. They work out of Heron Road, Sowton Industrial Estate, Exeter. The manual from Mayflower Smart Company states that the newly fitted furniture operates with 3G. Also plans for the street lighting.

REPLY BY COUNCILLOR HUGHES

Devon County Council is generally responsible for the Street Lighting on the Public Highway within Devon and is continuing the upgrade of the lighting to LED technology to reduce energy consumption and the authority's carbon footprint. SSE is currently Devon's Street Lighting maintenance contractor (the contract is about to be retendered), and SSE do have a separate division, Mayflower Smart Control, but their technology is not currently deployed within Devon.

Devon has a Central Management System (CMS) that controls the street lighting in Exeter by a company called Harvard which recently went into administration. Devon is now looking to replace the CMS system as part of the new contract arrangements over the next few years. The Harvard system uses 3G SIMs to communicate with the control software.

In relation the last Council meeting, the Council does not write verbatim minutes of any meetings, therefore doesn't record supplementary questions asked by either Members of the Council or the public. Minutes are a record of decision, rather than debate. At the last Council meeting on 25th July, there was a loose connection in Councillor Croad's microphone. As the red light was working, it was assumed the microphone was operating correctly. As you can see on the webcast, the stem broke away from the base unit. https://devoncc.public-i.tv/core/portal/webcast_interactive/414863/start_time/2808000?force_language_code=en_GB

Only a couple of minutes later in the video, you can see a Member of staff trying to rectify this with a new microphone stem. https://devoncc.public-i.tv/core/portal/webcast_interactive/414863/start_time/2956000?force_language_code=en_GB

2. QUESTION FROM MR T THOMPSON (IN ATTENDANCE)

Re: Public Liability Insurance

Minute Item 230

Devon County Council has a duty of care towards the residents of Devon. An example of this would be public liability insurance, protecting their residents from such things as faulty highway manhole covers or slipped paving slabs for instance.

Does Devon County Council's public liability insurance cover their residents for the health degradation caused by high frequency radio transmissions that they are actively enabling through public spaces and if not why not?

REPLY BY COUNCILLOR HART

There is no cover under the Council's public liability policy for 5G illnesses. The policy will respond to any claims where the Council has been negligent in their duties, however potential effects of 5G do not fall within this (as is the case with 3G and 4G). Any claims relating to 5G would need to be directed to the network provider to investigate.

It may also be worth adding that Devon County Council has no statutory health protection responsibility for potential effects of 5G. This is the responsibility of the Health and Safety Executive. Public health information on the health effects of 5G is provided nationally by Public Health England and any additional evidence is reviewed regularly by their specialist advisers.

3. QUESTION FROM MRS T WELLS (IN ATTENDANCE)

Re: Testing of combined 2, 3, 4, & 5G

At the last meeting I asked Councillor Croad a supplementary question which said there has been no testing anywhere in the world on the combined 2,3,4 & 5G radiation frequencies & the potential effect not only on health, but also on the environment, so have DCC's Legal Team looked into the detail of responsibility to the members of the population that are Highly Electro Sensitive to see how to protect them from harm, for example White Zones ? Do the Council intend to make provision for Highly Electro Sensitive people within their vision of expansion for Devon? Will they provide, or even consider White Zones for equal opportunities in health & wellbeing for all residents affected by these frequencies?

Scientists & medical experts believe that 2-3% of the population are HES. According to Google, the population of Devon in 2018 was estimated at 1,185,800 people, 3% = 35,565. That's a large number of potentially affected people within Devon BEFORE 5G is rolled out. Do DCC have any plans to help these people, who's numbers will only increase as the levels of high frequency radiation are raised by 5?

The response from Councillor Croad at that meeting was "No, I haven't looked into it, but I will ask"

So my question is now Has Councillor Croad been able to look into the Legal obligation detail of Duty of Care for the population of Devon that are affected by high frequency radiation at it current 2,3&4G levels with regard to providing White Zones (areas free from EMF's/RW's) for people who suffer from the debilitating effects of being Highly Electro Sensitive and will that same provision be monitored to provide sufficient care & budget to deal with the raised numbers affected by the rollout of 5G?

REPLY BY COUNCILLOR CROAD

Thank you for your question which you read out as a supplementary question at our last Cabinet meeting. As promised, I have since then sought advice on the matters you raised.

Devon County Council responds to matters of public health concern by adhering to the guidance of Public Health England, which is the national body for the protection of the public's health. Public Health England's position reflects that of the World Health Organisation, which is that treatment of affected individuals should focus on the health symptoms and the clinical picture, and not on the person's perceived need for reducing or eliminating electromagnetic frequencies in the workplace or home. Devon County Council's position is therefore not to create 'White Zones' but to recommend that anyone affected should seek clinical advice. As I have noted previously, the legal responsibility for ensuring compliance with electromagnetic frequencies rests with the Health and Safety Executive and not with the County Council. Public Health England has been advised of the concern expressed locally by members of the public, such as yourself, regarding the impact of 5G. We will keep fully abreast of this advice and the Council will respond accordingly.

4. QUESTION FROM MR R VINT
Re: Baseline greenhouse gas emissions

All Devon's District and City Councils, Dartmoor National Park and 20 of its Town Councils have now declared a Climate Emergency. Each council needs to know its current baseline greenhouse gas emission level for their own area in order to write an effective Climate Action Plan. What are the current direct and indirect emission figures, in tonnes of CO2 equivalent per year, for each of these areas - and how are these figures calculated?

REPLY BY COUNCILLOR CROAD

There is a variety of greenhouse gases (GHG). The most significant are carbon dioxide (from fossil fuel combustion), methane (mainly from agriculture and waste disposal), nitrous oxide (mainly agriculture), and F-gases (mainly refrigeration). The effect of this basket of gases on the climate is combined into units of 'carbon dioxide equivalent' and referred to as a carbon footprint.

Territorial Carbon Footprint – Emissions Arising in Devon

Carbon dioxide data is published annually at district council resolution by UK government. This data is 2 years old at the time of its publication (i.e. the latest data currently available is 2017). The data presents emissions for each of the Industrial & Commercial, Domestic, and Transport sectors, as well as for Land Use, Land Use Change and Forestry Emissions.

Methane and Nitrous Oxide emissions are available via the National Atmospheric Emissions Inventory, published at a 1km-grid resolution. District-level emissions can be estimated by compiling the 1km-grid squares that represent each district.

F-gas emissions are only available at a national resolution. These can be apportioned to the districts by using the ratio of local to national industrial & commercial emissions as a proxy measure.

In 2017, the Council worked with the Centre for Energy and Environment at the University of Exeter to compile the carbon footprints for each Devon local authority and the Dartmoor National Park Authority using the latest available data at the time (2015). This data is available online at <https://www.devon.gov.uk/energyandclimatechange/strategy/climate-change-strategy> and all of the local authorities are aware of it.

The data is based on the GHG emitting activity that occurs within a defined geography. For example, it includes the GHGs emitted by tourists whilst on holiday in Devon and the GHG emitted from the growing of food that is exported from Devon for consumption elsewhere. Whilst this might seem unreasonable, other counties of the UK will be acting to reduce emissions arising from goods and services that Devon enjoys from those areas – such as the emissions associated with a Mini car assembled in Oxford.

In cooperation with all of the local authorities in Devon, the recently-appointed Net-Zero Task Force, which is taking forward the design of the Devon Carbon Plan, at its meeting on the 23rd September commissioned the University of Exeter to produce updated carbon footprints for each area using the latest available data (2017). This will not be produced at parish or town council level due to the strategic nature of the Devon Climate Emergency project. However, should a parish or town council wish to produce a carbon footprint for their own area they can commission this work themselves.

Consumption Carbon Footprint

The structure of the UK economy has been shifting towards the services sector. The consequence of this is that more of the goods UK households consume are now produced abroad. This means that UK consumers are responsible for carbon emissions abroad and indeed consumers overseas are responsible for some of the UK's emissions associated with its exports.

The Devon Climate Declaration expects its signatories to act to facilitate the reduction of Devon's consumption emissions to net-zero by 2050 at the latest.

Minute Item 230

Experimental statistics have been published by the UK government about the UK's national consumption emissions since 1997. The latest data available is 2016 and it is updated annually by the University of Leeds. The data is not available at county, district or town/parish council level.

At its meeting on the 23rd September, the Net-Zero Task Force agreed to determine the most appropriate way to apportion the UK imported emissions data to Devon, Plymouth and Torbay, e.g. prorated by population or gross domestic product. As a first step the Task Force is to engage with the University of Leeds to understand more about how the statistics are compiled. For the same reason as for the territorial carbon footprint, this will not be produced at parish or town council level.

Getting Own House in Order

Devon County Council funded a carbon footprinting workshop for parish/town councils on the 23rd July. The Centre for Energy and Environment at the University of Exeter shared a standardised approach to preparing an organisational carbon footprint to enable signatories to the Devon Climate Declaration to meet the first commitment of the Declaration, which is to review organisational carbon emissions within 6 months. The presentation provided at the workshop is available for download online and was circulated to parish and town councils by the Devon Association of Local Councils.

5. QUESTION FROM Ms R AUGENTHALER (IN ATTENDANCE)

Re: Impact of 5G on the environment and health

On Friday 20th September thousands of people, many of them students and teenagers, marched to DCC to express their grave concern about the current state of our environmental crisis. It is all over the media that many young people in their teens and early twenties are telling us that we (our generation) are stealing their future and that we are failing them. 5G as well as going digital is being marketed as part of the solution to the current ecological crisis.

Those who would earn millions if 5G was rolled out are marketing 5G as green technology and as THE solution to our current ecological crisis when the contrary is the case. Is the council aware of the detrimental impact the rollout of 5G would have on our environment, especially of the severely increased energy consumption that 5G would bring and is the Council therefore willing to consider being a trendsetter and leading influence within the UK by being a strong voice and informing the National Association of Councillors and/or other county councils and/or the local media that Devon prefers abstaining from this technology and therefore prioritizing sustainability for future generations?

REPLY BY COUNCILLOR CROAD

Devon County Council is not responsible for the roll out of 5G and, as such, has no ability to abstain from the technology, the development of which is being led by the private sector.

6. QUESTION FROM MR ROCHESTER

Re: CO2 Emission Data

The table below taken from government sources suggest that in Devon hard won CO2 reductions made by industry in the 2015/17 period have been offset by increased CO2 emissions from transport. Please advise whether you consider the data shown to be accurate and provide your annual estimates for transport CO2 Emission for the next 3 years, advising how your figures are derived.

REPLY BY COUNCILLOR CROAD

<https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-to-2017>

	A. Industry and Commercial Electricity	B. Industry and Commercial Gas	C. Large Industrial Installations	D. Industrial and Commercial Other Fuels	E. Agriculture	F. Domestic Electricity	G. Domestic Gas	H. Domestic Other Fuels	Domestic Total	I. Road Transport (A roads)	K. Road Transport (Minor roads)	M. Transport Other	Transport Total	Grand Total	Population ('000s, mid-year estimate)	Per Capita Emissions (t)		
EDDC	60.9	26.2	-	57.5	24.7	169.2	69.0	109.9	30.2	209.1	168.2	86.7	8.0	262.9	641.3	142.3	4.5	2.6%
Exeter	98.8	64.4	-	16.2	0.8	180.3	45.7	93.9	5.1	144.7	39.2	39.1	0.4	78.7	403.7	128.9	3.1	8.0%
Mid Devon	48.9	42.4	-	31.0	31.8	154.1	40.1	42.5	27.1	109.7	93.2	58.8	1.1	153.1	416.9	80.6	5.2	3.9%
North Devon	68.6	26.3	-	36.9	43.5	175.3	46.7	68.1	22.1	137.0	107.1	80.2	0.9	188.1	500.4	95.4	5.2	4.8%
South Hams	65.6	38.5	-	58.8	25.3	188.2	52.1	57.5	26.5	136.1	181.4	58.3	1.0	240.7	565.0	85.3	6.6	2.3%
Teignbridge	63.4	62.2	-	67.4	17.4	210.4	63.2	99.5	20.5	183.1	317.6	72.3	1.6	391.6	785.1	131.4	6.0	0.6%
Torridge	33.5	6.0	0.1	55.1	36.0	130.6	35.2	33.0	28.5	96.7	57.6	59.9	0.5	118.1	345.4	67.8	5.1	4.9%
West Devon	33.8	34.4	-	18.8	32.7	119.7	29.7	31.7	22.7	84.1	133.9	54.8	0.8	189.5	393.3	55.3	7.1	-0.8%
2,017	473	300	0	342	212	1,328	382	536	183	1,101	1,098	510	14	1,623	4,051	787	5.1	3.1%
EDDC	66.3	21.7	-	59.4	24.5	171.9	79.3	112.8	34.7	226.9	157.2	85.5	7.8	250.5	649.2	140.3	4.6	3.9% on prev year
Exeter	111.6	75.4	-	15.5	0.8	203.2	53.1	96.5	3.9	153.5	38.7	38.3	0.4	77.5	434.2	127.5	3.4	21.1%
Mid Devon	53.6	41.4	-	31.9	31.5	158.5	45.8	43.4	32.3	121.5	91.0	57.8	1.1	149.9	429.9	79.9	5.4	2.8%
North Devon	78.1	27.6	-	38.1	43.2	186.9	53.6	69.5	26.2	149.2	105.2	78.8	0.9	184.9	521.0	94.6	5.5	2.8%
South Hams	72.6	37.2	-	59.7	25.1	194.7	59.5	58.3	30.4	148.2	173.6	57.2	1.0	231.8	574.6	84.8	6.8	1.7%
Teignbridge	69.8	62.1	-	70.0	17.3	219.2	72.5	102.0	23.6	198.2	290.8	71.0	1.6	363.4	780.8	129.9	6.0	2.0%
Torridge	36.4	6.5	0.1	56.4	35.8	135.2	40.5	33.8	33.3	107.6	56.7	58.9	0.6	116.1	358.9	67.0	5.4	3.1%
West Devon	38.5	20.7	-	20.3	32.4	112.0	33.7	32.4	26.7	92.8	126.5	53.9	0.8	181.2	386.1	54.7	7.1	1.9%
2,016	527	293	0	351	211	1,382	438	549	211	1,198	1,040	501	14	1,555	4,135	779	5.3	5.0%
EDDC	83.1	21.3	-	55.9	24.5	184.8	97.8	106.3	34.4	238.6	154.3	81.6	7.4	243.2	666.6	138.4	4.8	
Exeter	140.6	149.4	-	15.3	0.8	306.1	65.4	90.6	4.0	160.1	38.7	36.9	0.5	76.1	542.2	125.7	4.3	
Mid Devon	66.6	38.5	-	31.1	31.6	167.8	56.5	40.5	32.1	129.0	87.8	54.8	1.1	143.7	440.5	79.6	5.5	
North Devon	95.7	26.5	-	36.8	43.2	202.2	66.0	65.5	26.0	157.5	97.8	74.9	0.9	173.6	533.3	94.2	5.7	
South Hams	86.2	36.2	-	53.1	25.2	200.6	73.4	55.3	30.1	158.8	170.0	54.2	1.1	225.2	584.6	84.9	6.9	
Teignbridge	86.3	60.5	-	64.7	17.3	228.9	89.4	95.7	23.5	208.7	283.4	67.6	1.7	352.8	790.3	128.9	6.1	
Torridge	45.9	6.4	0.1	52.8	35.8	141.0	49.4	31.7	33.0	114.1	54.7	56.0	0.6	111.2	366.3	66.3	5.5	
West Devon	48.4	16.7	-	20.1	32.5	117.7	41.8	30.9	26.5	99.2	122.9	51.2	0.8	174.9	391.8	54.5	7.2	
2,015	653	355	0	330	211	1,549	540	517	210	1,266	1,010	477	14	1,501	4,316	772	5.6	
Reduction 2015-2017.	179	55	-0	-12	-1	221	158	-19	27	165	-89	-33	-0	-122	264	-15	0.4	
reduction %	27%	15%	-5%	-4%	-1%	14%	29%	-4%	13%	13%	-9%	-7%	-2%	-8%	6%	-2%	8%	
As% of total	84%																	

Devon County Council is unable to comment on the accuracy of these estimates as the data is produced by national government. You can review their methodology in the technical report at <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-to-2017>

The data show that emissions from the Industrial and Commercial sector in Devon reduced by 221ktCO2 between 2015 and 2017, whilst emissions from Transport over the same period increased by 122ktCO2. Therefore, the emissions reductions from the Industrial and Commercial sector were partially offset by increases from the Transport sector, but overall emissions from these two sectors combined did reduce by 99ktCO2e. The effect of CO2 emissions on global warming is the same irrespective of which sector they are released from and so it is more useful to review the Total figures to understand emissions performance in Devon. That data shows that between 2015 and 2017, the total emissions reduced by 6% despite the population increasing by 2%.

Projections of greenhouse gas emissions (not just CO2) arising from all sectors, including transport, is provided in the 2017 analysis (page 21) undertaken for the review of Devon County Council's Climate Change Strategy. This is available online and describes the methodology. The projections of emissions are provided for three scenarios that reflect 'business as usual', the implementation of 'low risk' policies and 'at risk' policies. If the 'low risk' policies are implemented, transport GHG emissions are expected to rise by about 8% over the next 3 years. If the 'at risk' policies are implemented, the GHG emissions are projected to fall by 3%.

**7. QUESTION FROM MS M HILLIARD (IN ATTENDANCE)
Re: Totnes 5G Moratorium**

Minute Item 230

I request to see your exact definition and full written procedure on a 5G Moratorium and how this declaration will effect the more important demand for a total ban and ceasing on any and all plans to roll out a 5G technology infrastructure within Totnes and the wider County of Devon, to protect us from the serious health dangers and surveillance implications of the people's privacy.

I see no clear and full information from the Council of this procedure and how it could:

- a) affect The People's rights and whether this is actually a true and positive action for The People of Totnes and Devon County; and
- b) addresses potential hidden dangers of corporate manipulation of The People's rights and powers of consent.

I need to know - clearly - what the Council is agreeing to on my/our behalf. Please stand notified that I consent to neither a moratorium nor the possible introduction of the 'Precautionary Principle' at a later stage, as there has been no adequate information on this subject for all see and know of, which is fundamental to true democracy and whether the 'fourth industrial revolution' goes forward and how that may affect us all.

REPLY BY COUNCILLOR CROAD

Totnes Town Council is independent of Devon County Council and therefore any question on the Totnes 5G Moratorium should be referred to the Clerk of Totnes Town Council. Regrettably I am unable to comment on the Town Council's policies or decisions.

8. QUESTION FROM MS E DANGERFIELD Re: cycle routes to school

Many parents drive their children to school because of a lack of safe cycle and walking paths. What is DCC doing to increase the number of safe cycle routes and footpaths in Devon towns and parishes to encourage healthier, greener ways of getting to school?

REPLY BY COUNCILLOR HUGHES

This Council recognises the benefits of promoting healthy, active lifestyles and continues to invest in cycling to improve access to work, education and leisure opportunities. Increasingly we are dependent on Government grant funding, which often needs developer match funding and evidence of supporting housing or jobs delivery. This has resulted in new routes in Barnstaple, Exeter and Newton Abbot, although the County continues to fund improvements to the multi-use leisure trails, including the Exe Estuary, Wray Valley Trail and Tarka Trail. Against a backdrop of reducing capital transport funding, the best opportunity for local communities to secure walking and cycling improvements is through inputting to the Local Plan processes and including proposals in neighbourhood plans. This could ultimately secure funding and there are examples where the County Council has secured developer funds to deliver such aspirations, for instance in Tiverton, Broadclyst and Bovey Tracey. The County Council continues to deliver the successful Bikeability training Countywide, which has delivered training to almost 70,000 pupils since 2006.

9. QUESTION FROM MS G GOLDEN (IN ATTENDANCE) Re: Devon Carbon Plan

My question originates from a question originally asked to my Parish Council who kindly referred me to County Council. Similar to my sub-question of the last Council meeting of 11th September, I re-ask this question in view of the fact that Climate Action Plans take their reimits, irrespective of democratic opinion, from the United Nations who are in favour of, effectively, 5G technology (erroneously considered to be a low carbon emitter).

The credible date for an evidence-led Devon Carbon plan had been democratically decided, by council, to be 2050 and the 2030 zero emissions target was rejected (regardless of grounds of viability).

Following a Totnes Council Climate Emergency Group reassessment, the zero emissions target has jumped forward by 20 years! This is a small group, as are the Citizens Assemblies which, I hereby inform you, did not democratically encourage diverse representation. Have County Councillors, who

democratically represent me, delegated such important decisions to a few, selected, unelected, unaccountable community members?

REPLY BY COUNCILLOR CROAD

Devon County Council has declared that it will facilitate the decarbonisation of Devon by 2050 at the latest. The 'at the latest' statement is important because this reflects the advice of the United Nations and acknowledges the desire of some individuals, communities, organisations, local authorities and councils to decarbonise more rapidly – all of which will need to collaborate if plans to decarbonise Devon are to be effective.

The decarbonisation date for the Devon Carbon Plan has yet to be determined. The responsibility of recommending a credible date has been assigned to the independent Net-Zero Task Force that has recently been established. The Task Force will use a series of themed hearings, a citizens' assembly and a public consultation to explore the significant decarbonisation barriers and opportunities for Devon. The citizens' assembly will not be making political decisions – that is for elected members of local authorities and councils to do – but its opinions will be used by the Task Force in designing the Devon Carbon Plan that will subsequently need to be endorsed by the full range of organisations involved in the Devon Climate Emergency project.

10. QUESTION FROM MR P SCOTT (NOT IN ATTENDANCE)

Re: annual carbon reduction targets

Will this Council set annual carbon reduction targets for the next decade and review its target of zero carbon by 2050 in light of the earlier targets set by many local authorities in Devon, the increasingly serious forecasts of the IPCC in recent months and the growing concerns of the vast majority of the population about the need to take urgent action?

REPLY BY COUNCILLOR CROAD

Devon County Council has declared that it will facilitate the decarbonisation of Devon by 2050 at the latest; its target is not 2050.

The decarbonisation date for the Devon Carbon Plan has yet to be determined. The responsibility of recommending a credible date has been assigned to the independent Net-Zero Task Force that has recently been established. Annual targets may be used, dependent on the advice of the Task Force. Information about the Task Force is available at <https://www.devon.gov.uk/energyandclimatechange/devon-climate-emergency/net-zero-task-force>

11. QUESTION FROM MS H WHITTEN (NOT IN ATTENDANCE)

Re: Council message re. Global Strike for Climate

What is Devon County Council's message to the estimated 4000 children and adults who joined the Global Strike for Climate and marched across Exeter to gather at your doorstep at County Hall on Friday 20th September?

REPLY BY COUNCILLOR HART

We welcome everyone's right to demonstrate concern about the environment. We too share that concern. That's why we declared a climate emergency last year, and why it's one of this council's top priorities. It is at the forefront of our planning, management and delivery of the services that we provide and commission. The Council has put aside £250,000 to fund work on this issue. That is why we convened the countywide Devon Climate Emergency Response Group to develop a Devon Carbon Plan, in collaboration with experts and involvement from the people of Devon.

12. QUESTION FROM MS S JACKSON (IN ATTENDANCE)

Re: training workshops around climate change

Many councillors are unsure how to act now they have made a climate emergency declaration, or they are wary of making a declaration because they do not understand the implications of doing so.

Minute Item 230

What training workshops and networking meetings will DCC be running in the next twelve months to assist Devon County, District, Town and Parish Councillors and working group members in understanding how they can achieve carbon neutrality in their towns and parishes.

REPLY BY COUNCILLOR CROAD

Following this Authority's own declaration of a climate emergency, a background briefing has been circulated to all County Councillors, a Scrutiny Masterclass session staged and a Climate Change Standing Overview Group established to support Member scrutiny and engagement in this issue.

Whilst DCC has no specific responsibility to provide training or support to other local authorities in the achievement of their own carbon reduction programmes, it is facilitating a coordinated approach to the Devon climate emergency through a network of strategic bodies, including all District Councils. In response to a specific request from this group, DCC staged a free carbon footprinting workshop in July this year, attended largely by District and Town / Parish Council representatives. The desirability of providing further forms of advice and guidance has been recognised and will be addressed as far as resources and competing priorities allow. The immediate emphasis is on expanding the available information currently published via the Energy and Climate Change web pages at: <https://www.devon.gov.uk/energyandclimatechange/>

13. QUESTION FROM MS A WILLES (IN ATTENDANCE)

Re: Updating Council policies in line with Climate Emergency

Is the Council reviewing and updating its procurement, investment, waste and public transport policies, and all other relevant policies, to ensure that these address the Climate Emergency and fully accord with the emerging Climate Action Plan?

REPLY BY COUNCILLOR CROAD

In line with the expectations of the Devon Climate Declaration, an updated Carbon and Energy Strategy for the County Council's operations is due for imminent consideration by DCC's Cabinet and, subsequently, by the full County Council. The achievement of the updated targets will require significant new action across many areas, including all of those listed by the question. Existing policies and action plans to achieve improved environmental performance across these areas are available at: <https://www.devon.gov.uk/environment/environmental-policy>

14. QUESTION FROM G SIMONS (IN ATTENDANCE)

Re: 5G Safety Studies

Due to the lack of any safety studies carried out by the PHE or others regarding this specific 5G technology and its effects on the environment, PHE has once again used ICNIRP short term thermal (cooking skin) guidelines to mislead ministers, councillors and others.

These ICNIRP guidelines (dated 1998) are totally inadequate when it comes to 5G. They are totally unreliable and state advisory limits for short term exposures of radiation for six and thirty minutes only, and not for long term exposure as 5G microwave radiation exposure will be.

Unless of course that is, PHE and you are now saying that 5G will be switched off twenty three and a half hours every day? And if not why not, when PHE and you are using an outdated guideline from ICNIRP that sets limits of exposure for a maximum of thirty minutes?

Please see this link to the PHE document mentioned above:

<https://www.icnirp.org/cms/upload/publications/ICNIRPmfgdl.pdf>

REPLY BY COUNCILLOR CROAD

Public Health England is the statutory national body with responsibility for providing national guidance on public health risks. As part of the wider public health system, local authorities accept the national public health guidance, as they already do on a range of health protection matters, alongside other relevant statutory bodies such as the Health and Safety Executive. Nevertheless, we have recently

advised Public Health England of ongoing public concern over 5G and will continue to follow their guidance on health protection matters.

**15. QUESTION FROM MS K ARMITAGE (NOT IN ATTENDANCE)
Re: 5G Act**

Please can you set out the relevant Act or directive that determines the rollout of 5G in Devon and what are Devon County Councillors thoughts on this?

REPLY BY COUNCILLOR CROAD

We are not aware of any directive or Act that determines the roll out of 5G in Devon. The County Council will continue to review its position in light of guidance from Public Health England, the ambitions from Government and guidance from Ofcom on the deployment of 5G technologies. Currently the Council is not involved with mobile planning applications, this is a District Council responsibility as part of the planning authority remit. Where street furniture is concerned, we are not aware of any Council assets that are currently hosting mobile network operators 5G technologies, but we would review any such request from mobile network operators in accordance with Government guidance and PHE guidance.



QUESTIONS TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS

Thursday 3 October 2019

**1. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and medical supplies**

How certain is the Council, in the light of its Brexit coordination role, that supplies of insulin and other medicines will be maintained without disruption in Devon and the South West if there is a No Deal Brexit on 31 October? What work is going on to mitigate threats in this area?

REPLY BY COUNCILLOR HART

The Council works to the Devon, Cornwall and Isle of Scilly Local Resilience Forum which is the statutory partnership responsible for planning the risks and mitigations for a No Deal Brexit including medicines and medical supplies, food, fuel and agricultural supplies under the Government's Operation Yellowhammer. The Council reviews its own service contingency planning based on advice from the LRF and Government.

**2. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and fuel supplies**

How certain is the Council, in the light of its Brexit coordination role, that fuel supplies for vehicles and homes will be maintained without disruption in Devon and the South West if there is a No Deal Brexit on 31 October? What work is going on to mitigate threats in this area?

REPLY BY COUNCILLOR HART

Please see response to question 1.

**3. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and food supplies**

How certain is the Council, in the light of its Brexit coordination role, that food supplies, both in general and in particular for school dinners and food banks, will be maintained without disruption in Devon and the South West if there is a No Deal Brexit on 31 October? What work is going on to mitigate threats in this area?

REPLY BY COUNCILLOR HART

Please see response to question 1.

**4. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and agricultural supplies**

How certain is the Council, in the light of its Brexit coordination role, that agricultural supplies, especially animal feed, and agricultural exports, especially meat, will be maintained without disruption in Devon and the South West if there is a No Deal Brexit on 31 October? What

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consequences are envisaged from serious disruption to either, and what work is going on to mitigate threats in this area?

REPLY BY COUNCILLOR HART

Please see response to question 1.

5. QUESTION FROM COUNCILLOR SHAW Re: No Deal Brexit and Devon and Cornwall Police

Is it still envisaged that if there is a No Deal Brexit on 31 October, police from Devon and Cornwall may be sent to maintain law and order in Northern Ireland, and if so, what effects are envisaged on policing in Devon and the South West, especially if there is civil unrest as a consequence of a No Deal Brexit? What work is going on to mitigate threats in this area?

REPLY BY COUNCILLOR HART

The planning for the management of policing and civil unrest is handled by the Devon, Cornwall and IoS Local Resilience Forum.

6. QUESTION FROM COUNCILLOR SHAW Re: No Deal Brexit council funding

How much dedicated funding has the Council received for its work in this area and how much extra cost has been involved, and what have been the effects on Council activity?

REPLY BY COUNCILLOR HART

The County Council has received £262,500 from Ministry of Housing, Communities and Local Government to help with Brexit preparedness to cover activity across the financial years of 2019/20 and 2020/21.

The additional activity to prepare our organisation for a No Deal Brexit has been contained within this budget. We have, however, made representations to Government that if we move into response and recovery, we would need to look at cost recovery models for any additional burdens the County incurs. In the event of an incident the Government can decide to apply a series of financial tools to provide additional monies to first responders such as the County Council.

7. QUESTION FROM COUNCILLOR SHAW Re: No Deal Brexit and Devon residents

What steps is the Council taking to reassure and assist EU citizens in Devon and the South West in the event of a No Deal Brexit on 31 October?

REPLY BY COUNCILLOR HART

The County Council continues to put in place actions to support and assist EU citizens irrespective of whether there is a deal or a no deal outcome. This includes one to one support for our staff, offering an identity documentation verification point for all service users and promoting the EU Settlement Scheme to residents. EU, EEA and Swiss Citizens have up until December 2020 to apply. We are building on our work to look at how we can encourage all EU citizens in Devon to apply to the scheme and how we can support the Home Office in assisting hard to reach groups through our network.

The Government has established an EU Citizen Response Centre that can help customers with accessing the scheme. They have also funded a voluntary organisation in the South West, International Organisation for Migration, to provide local authorities with specialist legal advice and support to vulnerable EU Citizens such as those in our care system or identified as vulnerable by our front-line staff.

8. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and South West businesses

What is the Council's estimate of the preparedness of Devon and South West businesses, especially small and medium businesses, for a No Deal Brexit on 31 October?

REPLY BY COUNCILLOR HART

We have been working with the Local Resilience Forum, the Local Enterprise Partnership and the Heart of the South West Joint Committee to raise the issues identified by businesses, especially micro, small and medium businesses, to Government.

As a result of representations from Devon County Council and other local authorities, Government has made £108 million available to the Local Enterprise Partnership Growth Hubs to improve the support available to businesses through a No Deal Brexit. We will continue to support the Growth Hub and develop our monitoring mechanisms for businesses.

9. QUESTION FROM COUNCILLOR SHAW
Re: No Deal Brexit and Government appeal

Will the Leader now make an urgent appeal to the Government, on behalf of the Council, that under no circumstances should the UK leave the EU without a deal on 31 October?

REPLY BY COUNCILLOR HART

The County Council will continue to do all it can to support its communities and businesses irrespective of the outcome of Parliamentary process on this issue.

10. QUESTION FROM COUNCILLOR SHAW
Re: DSFRS consultation

Why did not the Cabinet follow the example of Somerset County Council and make a submission to the Devon and Somerset Fire and Rescue Service's 'Safer Together' consultation?

REPLY BY COUNCILLOR HART

Devon and Somerset Fire and Rescue Service undertook a public consultation from 3 July to 22 September on the proposed redesign of its services. The consultation included seven options for change, including closure of fire stations, removal and relocation of fire engines and changes to crewing arrangements. DSFRS invited responses via an online questionnaire, in writing and through a series of local engagement events. Following a request by the Corporate Infrastructure and Regulatory Services Scrutiny Committee the DSFRS did add an additional engagement event at County Hall on the 4th September.

11. QUESTION FROM COUNCILLOR ASVACHIN
Re: Street Lights

I have a resident who first reported that their street (Hurst Avenue) had no streetlights on 19th July. This was apparently the responsibility of WPD who fixed the lights but then they promptly broke again. They had given a completion date of 18th September to fix them properly, but they are still not working now. After both myself and my constituent queried this, we were told the target completion date is now not until 17th October, which is some way from the 30 days specified within the rules set by OFGEM.

Does the Cabinet Member find this an acceptable length of time for residents to be without any street lighting? This is a particular issue as steps that run between Hurst Avenue & Rifford Road, which are normally lit by lamppost No. 4, are now dangerous for walking. I believe the lack of lighting has also contributed to a problem with littering in this location.

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If the Cabinet Member does not find this acceptable, what can be done to rectify the situation in a timely manner and ensure it does not happen again?

REPLY BY COUNCILLOR HUGHES

I would agree that the situation is unacceptable to us, but reiterate your observation that once our contractor has passed the matter to Western Power Distribution (WPD), it is beyond Devon County Council's immediate control. WPD have a protracted process for identifying the location of the fault before they can commit to repairing it. My officers have contacted a local manager at WPD to escalate the matter within their organisation and have been given an assurance that the urgency of this particular fault will be raised and undertaken in the very near future, possibly this week, depending on the weather.

12. QUESTION FROM COUNCILLOR CONNETT Re: DCC Streetlamps

Could the streetlamps owned by Devon County Council be adapted for use by 5G?

REPLY BY COUNCILLOR HUGHES

Street Lighting Columns could be adapted for delivering 5G, but some may need structural testing to confirm.

13. QUESTION FROM COUNCILLOR CONNETT Re: 5G street furniture

Are any streetlamps or other highways furniture owned by the council currently used by/for 5G?

REPLY BY COUNCILLOR HUGHES

Not that we are aware.

14. QUESTION FROM COUNCILLOR CONNETT Re: rollout of 5G in Exeter

Has Devon County Council said that from 2020 it will assist the roll-out of 5G in Exeter?

REPLY BY COUNCILLOR HART

No such commitment has been made by the County Council to the City Council to date. The County Council is not involved with mobile infrastructure planning applications, this is a District Council responsibility as part of the planning authority remit. Where street furniture is concerned, we are not aware of any Council assets that are currently hosting mobile network operators 5G technologies, but we would review any such request from mobile network operators in accordance with Government guidance and PHE guidance.

15. QUESTION FROM COUNCILLOR CONNETT Re: Decision to permit 5G

How will Devon County Council consider and decide whether it will permit 5G to use its lamp posts or other street furniture. (What will be the decision-making process? Will it go to cabinet for example, and scrutiny, or would it be a decision under delegated authority to officers?)

REPLY BY COUNCILLOR HUGHES

Any policy decision concerning 5G will be taken by Members, based on suitable professional advice, for example from Public Health England. The technical suitability of street furniture to take 5G will be made by officers.

16. QUESTION FROM COUNCILLOR CONNETT

Re: Independent 5G evidence

What independent evidence would the County Council rely on to determine if 5G was 'safe', in deciding whether to permit its infrastructure, such as lamp posts, to be used.

REPLY BY COUNCILLOR CROAD

Public Health England is the statutory organisation responsible for providing local authorities including Devon County Council with advice on health risks.

17. QUESTION FROM COUNCILLOR CONNETT

Re: tree felling and 5G

Is the County Council aware of any programme under its authority to fell trees in order to facilitate the introduction/roll out of 5G?

REPLY BY COUNCILLOR CROAD

The County Council is not aware of any programme under its authority to fell trees in order to facilitate the introduction/roll out of 5G.

18. QUESTION FROM COUNCILLOR HANNAFORD

Re: Purple Tuesday Campaign

Can the Cabinet Member please inform Council how Devon County Council, and other key partners, will be supporting and promoting the Purple Tuesday Campaign day on 12th November, that seeks to improve the customer experience for disabled people?

REPLY BY COUNCILLOR GILBERT

As a retail centred event, Devon County Council hasn't previously directly engaged in Purple Tuesday, with the focus traditionally having been upon individual employers and retail organisations.

This year however, the Council is seeking to play a more active role, with the launch of its new Disability Employment Hub service on 12th November. A collaboration between the Council / Learn Devon and Jobcentre Plus, the Hub seeks to build on the success of our 'Ready When You Are' campaign through supporting employers in the recruitment and retention of staff members with a disability or other long term health condition. This will include a new training offer for employers who are seeking to take on relevant staff, a broader support and information service aimed at supporting individuals and business to connect, and the pulling together of a group of exemplar disability confident employers who can work with their peers to share ideas and their experiences.

Building on the spirit of Purple Tuesday, the Council will seek to work with retailers and all other employers over the next few years to support individuals with a disability or other long term health condition into the workplace, helping businesses to not only recognise the value of the purple pound, but also the benefit that wider recruitment and talent development can have.

For more information, Debbie Stafford in our new Employment Hub team (debbie.stafford@devon.gov.uk) would be happy to help.

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19. QUESTION FROM COUNCILLOR HANNAFORD
Re: Child Vaccinations

Nationally child vaccination rates have fallen again. Can the Cabinet Member please update Council on the current trends and numbers within the Devon County Council area?
 Furthermore, can the Cabinet Member please inform Council what work is being done across departments, and with key partners, to inform, educate and promote the vital importance of vaccinations for children to protect their immediate and long term health?

REPLY BY COUNCILLOR CROAD

In April 2013, responsibility for screening and immunisation programmes passed from NHS Primary Care Trusts to Public Health England (PHE). PHE has an agreement with NHS England/NHS Improvement (NHSE/I) to plan, implement, commission and deliver these programmes including all childhood immunisation programmes.

The national target for coverage of childhood immunisations is 95%. Of the 13 routine childhood vaccination programmes, the national target was achieved for five programmes in Devon in 2017/18 (awaiting 2018/19 figures). Only two programmes in Devon (Rotavirus and pre-school booster) achieved less than 90%. Whilst coverage continues to be high, efforts are focused on reducing local variation between general practices and Devon's communities. Both nationally and locally, measles continues to be of concern following publication of Dr Andrew Wakefield's disgraced research and mis-information about vaccine safety shared on websites and via social media. As a result of low coverage (below the 95% target for herd immunity), there has been an increase in cases and outbreaks of measles, which is a highly infectious and serious illness. The MMR coverage rates for Devon are shown below in Table 1 and Figure 1, highlighting the recent trend.

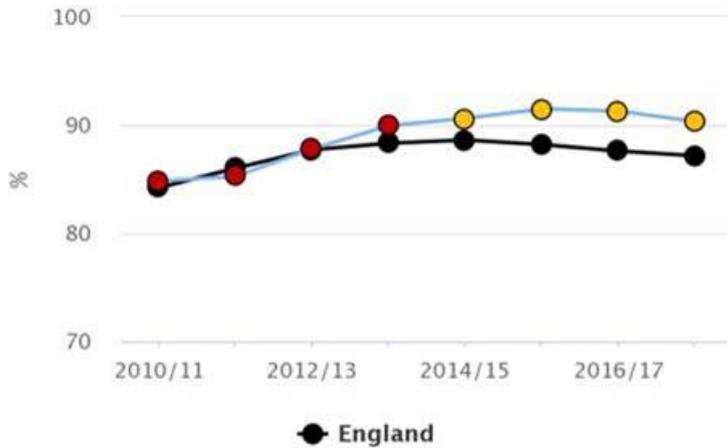
Table 1: Population coverage of MMR vaccine at 2 years and by 5 years of age

Benchmarking against goal: <90% 90% to 95% ≥95%

Period	Devon		South West region		England	
	1 dose MMR at 2 years	2 doses MMR by 5 years	1 dose MMR at 2 years	2 doses MMR by 5 years	1 dose MMR at 2 years	2 doses MMR by 5 years
2013/14	94.1%	89.9%	94.2%	90.4%	92.7%	88.3%
2014/15	93.6%	90.6%	93.7%	90.9%	92.3%	88.6%
2015/16	92.5%	91.5%	92.9%	90.6%	91.9%	88.2%
2016/17	93.4%	91.3%	93.1%	90.0%	91.6%	87.6%
2017/18	92.7%	90.3%	93.3%	90.9%	91.2%	87.2%

Source: Cover of Vaccination Evaluated Rapidly (COVER) data collected by Public Health England

Figure 1: Population coverage of two doses of MMR vaccine by 5 years of age (Devon compared to the England average)



This Council works closely with PHE and NHSE/I and through the Health Protection Committee to support local action to achieve and sustain $\geq 95\%$ coverage across the routine childhood immunisation programme. This includes participating in regional and local immunisation networks and groups, supporting national and local campaigns, and working in partnership with families, education settings, public health nursing, immunisation providers, primary care colleagues and other key stakeholders to promote the benefits of immunisation. For example, information has already gone out to education settings across Devon about preparing for winter, managing outbreaks and promoting uptake of flu vaccinations. This year, Devon County Council is supporting delivery of the local response to the UK's Measles and Rubella Elimination Strategy 2019 by working with Devon's locality immunisation group to explore personalised approaches to invitations and extended access, catch-up campaigns in primary care, and strengthening surveillance and response where cases of measles occur. The Council is also supporting targeted work with individual practices who are struggling to achieve good coverage of childhood immunisations.

20. QUESTION FROM COUNCILLOR GREENSLADE
Re: Pilton Bridge junction and Abbey Road

At the last Council meeting Cllr Hughes replied to my question about road safety at the Pilton Bridge junction and in Abbey Road. In his reply he commented on the situation at Pilton Bridge but offered no comments about Abbey Rd. I drew attention to this in my supplementary question and he promised to write to me about this. Thus far I have not heard from him. When will I be favoured with a reply?

REPLY BY COUNCILLOR HUGHES

Apologies for the delay but you should have now received a written response to your concerns on Abbey Road.

21. QUESTION FROM COUNCILLOR GREENSLADE
Re: school crossing patrol, Yeo Valley School

Recently I received an email from Colin Savage informing me that an officer decision had been taken to remove school crossing patrols from Yeo Valley School and from Ashleigh Rd School.

I certainly was not consulted about this before a decision was taken and as far as I can see no other consultations were carried out. I had thought the principle of consulting local members about service changes in their divisions was hammered home within DCC clearly not.

Therefore, will the Portfolio Holder cancel this officer decision to allow for full and proper consultation to take place?

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REPLY BY COUNCILLOR HUGHES

Due to difficulties with recruitment and with the site not meeting the required criteria for a school crossing patrol site, consideration has been given to decommissioning the site. However, we are happy to suspend this following further review and consultation as requested by the Local Member.

22. QUESTION FROM COUNCILLOR GREENSLADE

Re: school funding

Can the Portfolio Holder be able to comment on what the promised additional funding for school pupils by the Prime Minister means for the position of our pupils in the national league table of funding for school pupils?

REPLY BY COUNCILLOR MCINNES

It is not possible to advise how Devon compares to the national position as yet as we have only received the headline detail of funding. The DfE have advised that the operational guidance for 2020-21 will be released in October and at that time we shall receive information of the indicative allocation being given to Devon and the rest of the country.

23. QUESTION FROM COUNCILLOR GREENSLADE

Re: North Devon District Hospital maternity unit

Some while ago concerns were raised about issues at the maternity unit at North Devon District Hospital. At that time the Hospital management assured me that the outstanding issues would be resolved by the 31st March 2017. Subsequently it was learnt via the Health Scrutiny Committee that this had not been achieved.

The matter now seems to have slipped off the radar. Does this mean all the issues have been resolved or that there are outstanding matters still to be dealt with?

REPLY BY COUNCILLOR LEADBETTER

There has been a significant amount of progress in NDHT's maternity services since the CQC inspection in 2017. This has included:

- Support from a joint director of midwifery post for North and East and joint clinical director with RD&E bringing expertise and enhanced leadership to the team;*
- The appointment of a head of midwifery for NDHT to implement new model of care;*
- A programme of work focused on improving the experience for mothers through providing continuity of care;*
- Three new consultant obstetricians and gynaecologists (shared posts with RD&E); and*
- A review of governance processes across the Trust and at maternity service level.*

This progress was recognised by the CQC in their last inspection report (published in September 2019), with the rating for how 'well-led' the service is going from requires improvement to good. The Trust recognise that there is more to do, however there is a high degree of confidence that the Trust is moving the services in the right direction.

24. QUESTION FROM COUNCILLOR WHITTON

Re: Atlas Care

Following the enquiry into abuse at Atlas Care, can the Cabinet Member provide details of the number of Devon residents placed in residential care a) outside of Devon and b) outside of a reasonable travel distance from family and friends within the county. Can the Cabinet Member also detail measures in place to monitor out of area placements to ensure care meets the standards expected for Devon residents?

REPLY BY COUNCILLOR LEADBETTER

597 people are placed outside the Devon County Council area:

- 318 of these are placed within geographical Devon i.e. Plymouth, Torbay;*
- 176 are placed in other neighbouring local authority areas i.e. Cornwall, Somerset, Dorset; and*
- 103 are placed further afield.*

The main reasons why people from Devon are placed outside of the Devon County Council area are:

- They were living near the borders of Devon and the most appropriate and preferred available service close to their networks of social and family support is in a neighbouring local authority area.*
- Their main family and support networks are outside of Devon in other parts of the country.*
- They require highly specialist care and health services that are not available within Devon.*

Measures in place to monitor out of area placements to ensure care meets the standards expected for Devon residents:

- We monitor people's care and support needs and how they are being met through Care and Support Reviews.*
- We monitor the quality and safety status with the Care Quality Commission of providers for all homes where DCC people are placed including for those placed outside of Devon.*
- Quality monitoring reports focus on the quality and safety status of out of county placements on a weekly basis.*
- Operational teams are informed of services rated 'Inadequate' or 'Requires Improvement' where DCC has people placed in these services operational team take follow up action.*
- Where we receive notifications from other local authorities that there are safeguarding or quality concerns in a service that Devon has people placed in the relevant operational teams will be informed and act.*
- In these circumstances our Quality Assurance Team QAIT will also monitor the situation with the host local authority until it is satisfactorily concluded.*
- We have a specialist placement team for Learning Disability Out Of County Placements which oversees and reviews the care of all adults with learning disabilities placed outside of Devon.*
- We are investing and expanding our Contract Management Team alongside the existing Business Relations Officers to provide an enhanced monitoring role for any out of county care providers that we use.*
- These arrangements have been reviewed and further developed through our learning from the Atlas Care case, as well as other local and national Safeguarding Adult Reviews.*

25. QUESTION FROM COUNCILLOR BIEDERMAN Re: Cedars Roundabout improvements

Given the recent Cabinet decision to not go ahead with the improvements, following the successful trial at Cedars Roundabout, and it being put on a future work programme. When will this happen, given the significant delays experienced by residents and significant sums of S106 money collected by the County Council?

REPLY BY COUNCILLOR HUGHES

The current situation is that insufficient S106 funding has been received to deliver the Cedars Roundabout. S106 contributions have been agreed from multiple developments but currently only a small proportion has been received. The contributions are required to fund a mixture of road,

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public transport, walking and cycling improvements in the town. When the necessary funding has been received, discussions will take place between the Local Members and the Cabinet Member for Infrastructure, Development and Waste on the priorities for delivery.

As previously explained, we continue to look for opportunities to fund improved access and alleviate congestion in Barnstaple.

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

Introduction

I have been asked to report as follows for Full Council on 3 October 2019:

1. By Councillor Hannaford as follows:

Cornwall Council has recently revealed a plan to create a 20,000-acre forest costing up to £30m to help tackle climate change. A "Forest for Cornwall" is the flagship project in Cornwall Council's climate change and carbon-neutral action plan.

The authority has been drawing up the plan since declaring a climate emergency in January, with the aim of becoming carbon neutral by 2030. Researchers from the Intergovernmental Panel on Climate Change (IPCC) said that if the world wanted to limit the rise in temperatures to 1.5C by 2050, an extra 1bn hectares (2.4bn acres) of trees would be needed. Cornwall Council's 63-page climate change action plan includes a number of measures that the council intends to implement but planting trees is at the heart of it.

It states: "We will develop a mass woodland tree planting programme - once fully developed a Forest for Cornwall - covering approximately 8,000 hectares (20,000 acres) ... or about 2% of Cornwall's land mass." The trees would be planted "on our streets, in our hedgerows and through the creation of new woodlands and forested areas", it continues. The report states the estimated cost of the forest would be between £25m and £30m and bids were being prepared for government-supported national tree planting schemes.

It also adds: "We will also consider developing a voluntary carbon offset scheme for Cornwall to help fund tree planting through the sale of Woodland Carbon Units to organisations wishing to evidence carbon neutral operations; this could involve partners such as the Local Nature Partnership, landowners, the National Trust, the Duchy, South West Water and the Forestry Commission."

Can the Cabinet member in the report cover the following areas:

- *Can a similar scheme be considered and in progressed in Devon to further enhance the south west peninsula's carbon neutral status?*
- *Can this matter be referred to the Devon Climate Emergency Response Group?*
- *Can this be included and factored into Devon County Councils Climate Change Strategy?*

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2. By Councillor Wright as follows:

The Council launched its wildflower verge policy in May. Can I please have a full report on take up from communities and general progress?

3. By Councillor Hannaford as follows:

Domestic Violence Services - update on the current service pressures, overall trends, numbers and gender balance of clients, changes to housing benefits and universal credit payments for those in temporary and emergency accommodation.

4. By Councillor Wright as follows:

Progress on the actions resulting from the 10 point green action plan.

5. By Councillor G Hook as follows:

The safety of all dams in Devon, but with particular reference to the Holbeam Dam which protects Newton Abbot. The statement to include all relevant information but to include responses to the following points:

- I would ask if residents can be given an assurance that Devon's dams are safe and that their safety is checked on a regular basis by qualified engineers who in turn report all findings to the authority?*
- How regular is "regular"?*
- Are these reports publicly available? Have any of these reports ever been other than completely satisfactory? If so, which dams have caused concern and what remedial action was undertaken?*
- Have any inspections been commissioned since events elsewhere in the country caused such concern?*
- When was the Holbeam Dam last inspected? Can Newton Abbot residents be assured that there is no risk to them and their homes from this construction?*

Response

1. Climate Change and Trees

The Devon Climate Emergency Response Group (DCERG) has initiated the process of producing the Devon Carbon Plan: A Net-Zero Task Force of specialists was appointed in September 2019 to develop a draft plan by summer 2020 with the support of officers from the DCERG organisations. The process will involve evidence gathering through a set of hearings, each focussed on an individual decarbonisation topic (e.g. buildings, agriculture), and community involvement including the use of a citizens' assembly. The various opportunities available for land-use to absorb carbon, including tree planting, will be considered through this process. Further details on this process is available at <https://www.devon.gov.uk/energyandclimatechange/devon-climate-emergency>

Devon County Council's Climate Change Strategy was updated in 2018, just a few months before the various climate emergency declarations. It will be updated again following the preparation of the Devon Carbon Plan to ensure it contains the actions from the Devon Carbon Plan for which Devon County Council will be responsible for implementing.

2. Wildflower Verges Policy

DCC's Life on the Verge Guidance was launched in May. This sets out how communities can take on the management of verges for wildlife benefit. Since the launch we have been contacted by communities from Bideford, Tawstock, Crediton, Newton St Cyres, South Brent, Bovey Tracey, Ogwell, Stoke Canon, Brampford Speke, Dolton and five communities on the Yealm Estuary, totalling 15 communities at present. The communities on the Yealm Estuary are associated with a 'Living with Wildlife Community of the Year' award being run by the Life on the Yealm community group and DCC Environment Group will be running a workshop on road verge management at this initiative in October.

DCC has been actively promoting this initiative at a number of different events and through a number of different platforms. This has included: Toby Buckland Garden Festival, Devon County Show, Devon Local Nature Partnership Communities Conference, Devon AONB newsletters, BBC Spotlight, Countryside Jobs Service guest online blogs and the Devon County Council and Devon LNP social media sites. At the Devon Local Nature Partnership Communities Conference the 'Life on the Verge' workshop was the most popular, with representatives from 45 local communities attending and showing an interest in managing road verges for wildlife.

3. Domestic Violence Services

Service information

The LEESAR (Listen, Engage, Empower Support, Advocate, Recover) Partnership were commissioning from 2017/18 to provide support to high and medium risk victims of domestic violence and abuse. The LEESAR Partnership comprises of; North Devon Against Domestic Violence and Abuse, Stop Abuse for Everyone, Devon Rape Crisis and Sexual Abuse Service and is led by Splitz Domestic Abuse Service.

LEESAR are commissioned by the Communities Team within Devon County Council. The annual contract value is £800,000.

Service

A comparison from first six month of 2014/15 to the first six months of 2018/19 shows a 24% rise in referrals to specialist domestic abuse support services.

Below is the distribution of clients by Districts. It is also worth noting that delivery of services within rural areas is more costly due to the extra travel

District	High Risk (score 10+)	Medium Risk and other support	Total	%
East Devon	142	400	542	15
Mid Devon	135	291	426	12
Exeter	259	372	631	17
South Hams	62	400	462	12

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West Devon	62	318	380	10
Teignbridge	123	130	253	7
North Devon	154	411	565	15
Torrige	111	334	445	12
Total	1048	2656	3704	100

The gender split in 2018/19 was female 89% and men: 11%

The outcomes of the service were collected and analysed by SafeLives. 70 % of clients experienced cessation of all abuse at exit compared to intake and 88% of clients were not living with the perpetrator at exit. However, 25% of client were repeat victims. This is largely because the repeats coming through are from those originally referred as medium risk, who do not engage or refuse a service and then come back into the service as at a higher risk level. This needs some further analysis.

Housing Benefits and Universal Credit Payments

We have not been able to locate and present a comprehensive Devon wide response to this part of the request.

We initially approached colleagues in DWP who referred us on to a network of colleagues within District Councils. We have received partial data from a few Districts in relation to parts of the request. It is suggested that if required, a more specific question is developed and

Any further questions, please contact:
Kristian Tomblin
Communities and Commissioning Manager
Kristian.tomblin@devon.gov.uk

4. 10 Point Green Action Plan

At its meeting of 25 July, County Council resolved to endorse the principle of further action to address environmental issues. However, rather than adopting the 10 Point Green Action Plan proposed by Cllr. Wright, it mandated the Environmental Performance Board to consider how relevant issues raised by it might be addressed through changes or additions to DCC's own suite of action plans. This issue was considered by the Board at its meeting on 8 August, at which initial options for enhanced environmental action were suggested in relation to the following topics:

- Pollinators
- Pesticides and Fertilisers
- Habitat Protection, Creation and Tree Planting
- Soil Health
- Water Use

The Board endorsed this general approach and asked for additional work to be undertaken to refine these options and to set them out in revised action plans for its adoption at a future meeting. Similar endorsement was also provided by the Farms Estate Committee at its meeting on 9 September, at which it noted the opportunities for action through the County Farms Estate.

Although formal adoption of revised action plans may take some time, relevant staff will continue to pursue relevant actions in the interim. For example, support has recently been confirmed for a planned review of the Devon Ancient Woodland Inventory; and discussions have also started about the future development of a Devon Nature Recovery Network.

Future progress will be reported through the Environmental Performance Board and the publication of the annual Environmental Performance Statement.

5. Safety of Dams

I would ask if residents can be given an assurance that Devon's dams are safe and that their safety is checked on a regular basis by qualified engineers who in turn report all findings to the authority? - How regular is "regular"? - Are these reports publicly available?

Under the Reservoirs Act 1975 all dam structures impounding 25,000 cubic metres or more of water must be registered and inspected/maintained in accordance with the Act. In Devon there are 35 registered high-risk dams, with 23 of these owned and maintained by South West Water (SWW), 3 by the Environment Agency (EA), including the Holbeam Dam, and 1 by Devon County Council (DCC) at Stover Park Lake. The remaining 8 are privately owned.

All registered high-risk dams are inspected once every 10 years by an All Reservoirs Panel Engineer (a Section 10 Inspection), and once a year (at different times of the year) by a Supervising Engineer (a Section 12 Inspection). All Reservoirs Panel Engineers and Supervising Engineers are Chartered Engineers.

A report is produced following each Section 10 and Section 12 inspection. These will include any measures, with differing levels of risk, that the Engineer is recommending. The most significant being any 'Matters in the Interests of Safety' (MloS), which will need to be addressed within a specified timescale. The reports are then provided to the asset owner and submitted to and held by the EA's Reservoir Safety Team, as the national regulator. They are not publicly available in their entirety, but redacted versions may be made available upon request.

In addition to the legislative inspections, South West Water has a regular surveillance and inspection regime for all of its dams and reservoirs. Similarly, the Environment Agency undertakes and records annual routine asset inspections of its dam sites, with these recorded via its Asset Management System. The operation of the mechanical and electrical elements at each site is checked at least once weekly by a member of the EA's field team.

Have any of these reports ever been other than completely satisfactory? If so, which dams have caused concern and what remedial action was undertaken?

One of the dams maintained by the EA at Harbertonford was subject to overtopping during the floods in 2012. The downstream spillway face was badly eroded during these flood events and the operation of the control gates was compromised. As a result, a Section 10 inspection was carried out in December 2012, with recommendations being made and implemented over the subsequent years, including the reconstruction of the spillway with armouring to reduce the risk of any future erosion.

It should be recognised, that there may be recommendations made by the various inspecting engineers due to the evolution of best practice in the light of experience gained by the reservoir inspection community. As such, new measures recommended are not necessarily new defects which have occurred since the previous inspection, but new best practice.

Have any inspections been commissioned since events elsewhere in the country caused such concern?

Following the recent and widely reported problems at the Toddbrook Reservoir dam at Whaley Bridge, the EA has completed additional in-house inspections for all the dam sites that it owns, operates and maintains and has confirmed that all three of its dams in Devon are in a safe and satisfactory condition.

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South West Water has also confirmed that all its dams and reservoirs have been checked following the incident at Toddbrook Reservoir, and there are no concerns with the condition and safety of its dams.

It should be noted, however, that this does not mean that they could not overtop. Each site is designed to store flows in a flood event and to release water at a controlled rate to reduce the risk of flooding downstream. In an extreme event, the capacity of the attenuation area upstream may become fully utilised, in which case the dam will overtop. Exceeding the capacity of the storage reservoir should not be mistaken for failure of the dam.

When was the Holbeam Dam last inspected? Can Newton Abbot residents be assured that there is no risk to them and their homes from this construction?

The most recent Section 10 inspection of Holbeam Dam was completed on 21 March 2019 and the previous inspection occurred on 21 December 2009.

For Holbeam dam, there were no items of MloS identified in the 2009 inspection; however, in this year's inspection, there were several MloS notified requiring new works to be completed. All of these are further improvements in line with current best practice and are not as a result of any defects. Such recommendations included improvements to monitoring, telemetry and weather & vandal proofing. The EA has been tasked with completing these items in the next three years and has sought the necessary funding to do so.

Holbeam Dam is a concrete cored dam, embedded into bed rock, which is designed to remain stable in an overtopping event, even without the downstream earth fill in place. It is also worth noting that the Holbeam Dam, and the 2 other dams maintained by the EA, are dry for the majority of the time, so the inspection can include getting to both the upstream and downstream faces, something which is not normally possible with water storage reservoirs where the upstream face is, generally, under water.

The EA has confirmed that Newton Abbot residents can be assured that there is no risk to them or their homes for any flood event within the design criteria. It is currently believed that the dam provides protection from all events up to about a 1 in 50-year event, which is quantified as an event with a 2% probability of occurrence within any one year.

Councillor Roger Croad
Cabinet Member for Communities, Public Health, Transportation and Environmental Services

Report of the Cabinet Member for Economy and Skills

Introduction

I have been asked to report as follows for Full Council on 3 October 2019:

1. By Councillor Hannaford as follows:

The new government plans to create up to 10 freeports to boost trade and manufacturing by cutting cost and bureaucracy after it leaves the European Union.

Ports and airports around the country will be able to bid to become one of the freeports, and the government has created a new Freeports Advisory Panel, including tax and technology specialists, to help set them up.

Freeports, also sometimes known as free trade zones, are areas where imported goods can be held or processed free of customs duties before being exported again. They can also be used to import raw materials and make finished goods for export.

Freeports could cut down on unnecessary checks and paperwork as well as having customs and tax benefits for firms, reducing costs and bureaucracy and encouraging manufacturing businesses to set up.

Has the county council's economic development department made contact with relevant port authorities, LEP, Regional Growth Board, local councils, and the business community to explore the possibility that we could progress this scheme in Devon?

Especially to help regenerate, attract investment and boost growth in some of our coastal communities.

Could Exeter Airport also be considered under this initiative?

2. By Councillor Shaw as follows:

An update regarding Gigaclear and CDS to include comments on:

- whether it was justified to delay the cancellation of the Gigaclear contracts which has in turn delayed the delivery of broadband still further;*
- the possible delay in delivery until later than 2023, as Keri suggested today at CIRS;*
- the fact that the £18.7m funding is no longer secure;*
- the generally disastrous experience of broadband delivery in Devon and Somerset under CDS.*

1. Free Ports

- The Economy, Enterprise and Skills service has consulted with relevant organisations in exploring the freeports initiative and the likely applicability to Devon.
- The Brexit impact is most likely to be felt by the larger ports in the Heart of the South West (HotSW) area, such as Brixham (fishing only), Plymouth (fishing and commercial – EU and outside EU) and Teignmouth (small fishing port and commercial – EU and non-EU).
- The smaller ports on the Devon coast, which focus more on inshore fishing and leisure, such as Bideford, Ilfracombe, Dartmouth and Salcombe will be less affected.
- The government announcement on 1st August mentioned airports as well as ports in the opportunity to create 10 Freeports. Exeter Airport could therefore potentially be an opportunity for the Devon area.

Background and Overview

- According to the Centre for Policy Studies (CPS), there are roughly 3,500 free trade zones worldwide employing 66m people. In the US, which pioneered the concept, there are 250 zones handling \$750bn (£616bn) in merchandise every year. They estimate a UK freeport regime could create more 86,000 jobs for the British economy, largely in industrial areas outside London, if as successful as those in the US.
- Criteria for the proposed freeport bids have not yet been released but the government announcement says existing ports and airports will be able to bid to create 10 freeports after 31 October.
- So far, Teesport, the Port of Tyne, Milford Haven and London Gateway have expressed an interest in gaining freeport status, according to government research and were included in the government's announcement.
- The British Ports Association (BPA) has considered the benefit of Freeport status and the possible negative impact on other ports, saying that Free Port status could be a beneficial marketing asset which helps attract inward investment. However, that the Government will need to satisfy itself that this is not at the expense of other UK locations. The BPA is proposing the wider concept of a Port Zone status, alongside the Free Port proposals, at all UK Ports, as this might be a way to encourage the industry to grow cohesively.
- Following on from this in early September the BPA has launched a report entitled Port Zones UK: A licence to operate Enterprise, Development and Free Trade Zones. This has been produced by a coalition of airport and seaport operators and promotes regional growth centred on key transport hubs through the designation available on this link:
https://www.britishports.org.uk/system/files/circulars/a_licence_to_operate_port_zones_uk_september_2019.pdf.
- This Port Zones document promotes regional growth through the relaxing of restrictions such as planning, marine licences and environmental measures by creating/linking to Enterprise Zones, simplified planning zones, local development orders and other measures to enable development to come forward more quickly. Also to relax rules around taxation and customs duty

and to improve supporting infrastructure. In the document 8 possible Port Zones are mentioned, with 3 case study examples presented as follows: Bournemouth Airport, Milford Haven, Port of Tyne. None of the ports/airports mentioned are in Devon or the South West Peninsula.

- The BPA has also stated that it will be important that any Freeports are industry-led, with the new government advisory panel taking a “bottom up” approach. This means that specific sectors with strengths in geographic areas can use this opportunity to grow.

What does this mean for Devon?

- Devon ports are therefore unlikely to be sufficiently large to qualify to become a Freeport under this initiative, especially with potentially only 6 remaining to allocate. However, as above, currently there is no detail on size or criteria for Freeport status.
- Teignmouth is the only Devon County Council area port that would potentially be applicable as the others are too small with insufficient infrastructure, such as transport links. Teignmouth does handle medium-sized quantities of sector-specific cargo, primarily exports of locally-mined ball clay, Imports include animal feed, fertilizer, timber, building materials, stone and coal. With over 800 shipping movements per year and 600,000 tonnes of cargo each year, Teignmouth is the busiest it has ever been in its history and deals with EU and other non-EU primarily European and Mediterranean ports.
- However, Teignmouth is unlikely to be able to scale up appropriately due to infrastructure requirements and the limitations on the port itself in terms of capacity and physical ability to expand.
- Nearby ports that could be more appropriate could be Brixham (if fishing is included) and Plymouth, with Plymouth being the most obvious contender in terms of size, flexibility and ability to take large amounts of cargo. There may also be space to scale up. Plymouth has 3 separate statutory harbours and a naval base and 2,343,000 tonnes of cargo (2016) per year transiting the port. Part of the port, formerly used by the Ministry of Defence has become the Oceansgate Enterprise Zone, enabling business rate reinvestment. The port is not however designed to take large volumes of traffic with no motorway or fast rail link to the rest of the UK, so infrastructure within Plymouth and wider transport links would require improvement.
- Plymouth manufacturers rely on imports and exports of parts and goods as 75% of them have overseas parent companies. If there is a “no deal” Brexit these sectors could be severely impacted by tariffs, potentially affecting manufacturing jobs in the city. Plymouth City Council is considering supporting the freeport opportunity with no decision as yet.
- Plymouth becoming a freeport could also benefit the surrounding areas of Devon, producing an opportunity for businesses in the SW part of the County and this could potentially benefit industrial areas and new communities such as Langage and Sherford, potentially Ivybridge and other nearby areas of South Hams and West Devon.
- Teignmouth and the Millbay part of Plymouth port (Ferries and cargo) are owned by the same operator Associated British Ports (ABP).

- Exeter Airport is the other potential opportunity for Devon. This has grown in recent years and is nearing 1m passengers per year plus some cargo movements. The nearby industrial space at Skypark and Airpark enables business growth nearby and these are existing Enterprise Zone sites. Refresh of the existing business park adjacent to the airport could also be considered. There is limited space for the airport to expand its operations unlike some other regional airports, such as Bournemouth.
- The operators of Exeter airport, Regional and City Airports, parent company Rigby Group, are interested in pursuing the Free ports opportunity as part of their “mini manifesto” to government on support for growth for all their regional airports. This can be accessed at this link <https://www.rca.aero/journal/2018-10-24/free-port-freedom-for-regional-airports>. However, in the Port Zones document mentioned above the Rigby Group is only promoting Bournemouth Airport as the one to come forward.
- It is important that we ensure that effects of any Free Port in another part of the country do not act to displace activity from Devon’s ports, but work to complement and enhance them. For example, some clay is already exported via Southampton. If it were to become cheaper to use Southampton, there may be a need to promote joint working to avoid putting Teignmouth at risk.

In summary, the best opportunities for Devon would come from supporting bids from Exeter Airport or Plymouth. However, these are significantly smaller than the largest ports in the UK, so may not be a priority for the operators or government in achieving 10 freeports nationally. We will work with local operators to complement any freeports awarded as needed, to help ensure the survival of our other ports, such as Teignmouth.

2. Gigaclear and CDS

Connecting Devon and Somerset

Background

The Connecting Devon and Somerset programme is the largest of its kind in England. It is supported with funding from the Department for Digital, Culture, Media and Sport, the EU’s European Regional Development Fund, the Heart of the South West Local Enterprise Partnership and local authorities, including Devon County Council. Somerset County Council is the accountable body, and the programme works very closely with the Government’s Building Digital UK (BDUK) agency.

CDS connects some of the hardest to reach communities in England, where the commercial market will not provide the infrastructure. CDS does this by awarding public subsidised contracts to companies through competitive tender to build the infrastructure needed, such as fibre cables or wireless masts.

CDS is only able to invest where suppliers have no declared and credible plans to invest their own resources to extend their networks. CDS does not fund actual internet services available via the web, that is a role for commercial Internet Service Providers or ISPs.

A record of achievement

Nearly 1 million homes and businesses in Devon and Somerset now have access to superfast broadband thanks to the Government supported CDS programme and stimulation of the commercial market which is an important element of CDS' role.

Over 300,000 homes and businesses have access to superfast broadband as a direct result of investment by CDS.

Superfast coverage funded by CDS is as high as 59% in some rural districts -- and 82% in one -- compared with the average 33% that Government estimated the public sector would need to fund.

Take-up of CDS-funded broadband services is nearly 60% compared with a national average of 52.4% and that is generating millions of pounds of new money to invest in expanding the CDS coverage thanks to the Government's gainshare agreement with BT.

CDS-funded contracts with Airband have delivered superfast access to over 12,000 homes and businesses with a further 3,500 due to be completed on target this quarter.

CDS has successfully piloted a new Community Challenge Fund delivering superfast broadband to communities in Devon and Somerset and intends to launch an expanded scheme this year.

Since the inception of the CDS programme, over a quarter of million miles of optical fibre has laid to connect rural communities – enough to circle the Earth ten times.

The Gigaclear contracts

On September 12th 2019, Connecting Devon and Somerset (CDS) announced its decision to end Gigaclear's five contracts to deliver full-fibre broadband in Devon and Somerset.

CDS and the Government's Building Digital UK (BDUK) agency were unable to agree an acceptable recovery plan with Gigaclear following the significant delays incurred by the company in its roll-out of full fibre broadband.

CDS awarded five contracts to Gigaclear for completion initially by December 2019 and extended to June 2020 when the Government approved an expansion of the roll-out. The company was contracted to build an underground full fibre network for CDS covering 47,810 homes and businesses.

Gigaclear planned to invest £60.5m of their own resources with CDS contributing £31m public sector subsidy to deliver this coverage. Gigaclear also committed to deliver services to a further 43,000 premises under their own commercial

programme and a further investment of £67.3m into their commercial build programme.

The award of contracts was vetted and approved by BDUK on behalf of the Government.

The company, under new ownership since last summer, incurred significant delays with its roll-out due to previous failings and the collapse of Carillion in early 2018.

Those delays, details of which were set out in a joint CDS/Gigaclear briefing in November, 2018 meant the company could not meet its 2019-20 contract deadlines with CDS.

Gigaclear admitted itself that there were five main reasons for the company's delayed roll-out in the CDS programme:

- Poor operational capacity and decision-making within Gigaclear.
- Lack of contractor capacity
- Slow deployment by contractors.
- Lack of detailed planning.
- Failure to redesign the build methodology.

These failings were exposed by the collapse of Carillion in January 2018 which led to the demise of the Carillion telent joint venture, Gigaclear's civil contractor.

CDS has been withholding public subsidy while Gigaclear attempted to produce a satisfactory recovery plan. CDS had already had to place Gigaclear on notice of default after it failed to meet contract targets set in early 2018 for the number of homes and businesses connected.

Targets have continued to be missed by a substantial margin. By the end of the first quarter of this year (June 30,2019) Gigaclear had provided 496 properties with access to the new network compared to contract targets totalling 28,689.

Assurances that the contracts would be delivered in full and on time were given to CDS and BDUK in March 2018 by Gigaclear's previous owner. In October 2018 the new management of Gigaclear said the company would deliver superfast broadband access to between 40% and 50% of the CDS contracted premises by June 2020 with the remaining coverage completed by June 2022.

However, despite the new owners, Infracapital, investing additional resources, changes in senior management, the opening of a regional office in Taunton, and increasing the number of staff dedicated to the Devon and Somerset publicly-funded and commercial broadband operations, the delays increased.

Remedial plans proposed by Gigaclear were withdrawn in January this year with the company saying they were economically unviable.

At CDS' request, the company undertook, first, a limited cost analysis that indicated construction using poles and overhead cables might be affordable. This was followed by a wider analysis by Gigaclear, again at CDS' request, to support a potential recovery plan by the company.

Despite painstaking work by all concerned, it was not possible to agree a plan that CDS and BDUK could support with confidence. As a result, the CDS Board took the decision to end the five contracts with Gigaclear.

Should CDS have terminated the Gigaclear contracts sooner?

When decisions had to be taken to extend Gigaclear more time, there are two critical events that stand out as having had a significant influence on CDS and BDUK thinking.

The collapse of Carillion had a profound and far-reaching effect on many public and private sector projects. CDS was sympathetic to the impact this had on Gigaclear and although this inevitably meant a knock-on delay to the CDS contract, it was felt reasonable to allow the company time to find alternative contractors.

The second significant event was the take-over of Gigaclear by Infracapital in May, 2018. At a time when CDS was becoming deeply concerned over Gigaclear's struggles with its civil engineering and design capacity, the arrival of Infracapital was timely and felt to be a golden opportunity to kick start the roll-out backed by considerable resources.

As reported at the time, Infracapital are part of M&G Prudential, with total assets under management of £351 billion. The company has a mandate to invest in highspeed digital infrastructure in the UK after the Government appointed the company to manage a portion of its Digital Infrastructure Investment Fund.

The opening of a regional office dedicated to the CDS programme and the appointment of additional staff were seen as positive indications of the new owners' determination to get the contracts back on track. Sadly, for the reasons already outlined, it wasn't to be, but that is only apparent now with the benefit of 20-20 hindsight. At the time, it did seem to be a new dawn for the company and therefore CDS and BDUK were of the same view that Gigaclear should be allowed additional time to plan and implement a recovery.

Finally, on this point, I would reiterate a point acknowledged by the Digital Minister that one does not walk away from the potential of £128 million of investment lightly.

Next steps

CDS is working closely with BDUK on a new procurement process for launch this autumn, commencing a tender process to identify new provider(s) of these services.

Government officials at the Building Digital UK agency have confirmed that extending the Government's £18.7 million of funding for the CDS programme is a top priority in the agency's spending commitments, and that this was reaffirmed by the Digital Minister personally when he met with CDS last Tuesday.

The meeting confirmed that BDUK is on a trajectory to put forward its own funding case to Treasury as part of that spending decision process to support both CDS, other programmes that are in delay through the superfast scheme and, looking to the future, the opportunities from the Government's 'outside in' strategy which has been trailed to be a programme of up to £5 billion.

The reason why the Chancellor did not announce broadband funding on September 4 is because the Government decided to postpone the multi-year Comprehensive Spending Review and replace it with a one-year Spending Round.

BDUK and the Minister are conscious of the timetable to launch the new CDS procurement process. We understand that Government decisions on capital funding for broadband programmes are to be made in November.

While CDS and BDUK are working on a new procurement process, the roll-out of broadband in Devon and Somerset will continue.

The CDS Community Challenge Fund will be launched later this year, following successful pilots in Devon and Somerset, enabling local communities to have a real hands-on say in new networks for their areas. A capital fund of £295k has been set aside to support this extension. Its anticipated 6-8 more community solutions can be supported and work has begun to identify opportunities working with a range of suppliers.

A new collaboration with BT to extend coverage in rural areas is also nearing conclusion and is going through assurance within BDUK. This represents delivery of full fibre to a further 2,000 rural premises across Devon and Somerset.

Airband will be continuing to make good progress with its roll-out superfast wireless broadband for CDS in northern and west Devon.

CDS and BDUK will be working closely together to ensure as many residents and businesses have the opportunity to benefit from the Government's national broadband voucher schemes. CDS will be stepping up its community engagement to promote, help and advise those interested in taking up these opportunities.

CDS is also working with the Heart of the South West Local Enterprise Partnership and other partners to develop a Digital Strategy and a refreshed Local Broadband

Plan. The former will focus on the digital ambitions for the region, supporting productivity growth and prosperity for all. The Local Broadband Plan will specifically focus on the connectivity programme and include fixed and mobile solutions.

Importantly, the commercial sector will also be continuing its investment in new broadband infrastructure. For example, our current review of the market is showing that of the 47,000 premises Gigaclear were contracted to connect, around 15,000 have already been covered by other commercial providers while Gigaclear delayed.

In terms of timescales, as I have reported CDS funding will deliver new coverage this year, the commercial sector will be delivering more, and we would want to see any new services procured by CDS completing as soon as possible. Ultimately, that will depend on the total funding available, how long the Government extends its funding, the number of homes and businesses we will need to help and what providers can do for the money on offer. This is all part of the work we're doing now with BDUK.

Councillor Rufus Gilbert

Cabinet Member for Economy and Skills

Report of the Cabinet Member
Children's Services and Schools

I have been asked to report as follows for Full Council on 3 October 2019:

1. By Councillor Hannaford on:

The National Education Union has estimated that 392 nursery schools are at risk of closing by September 2020, because of chronic under funding. Over recent years-maintained nursery schools have on average seen a one third loss of funding. The recent announcements about additional funding for schools and education do not include this service area.

*Are any nursery schools in the DCC area at risk of closure?
What service reductions have been made to cope with the one third loss of funding? What further cuts would have to be made to manage the worsening financial outlook for maintained nursery schools? What investment funding would be required to reinstate the lost funding? What formal representation will be made to central government to adequately address this issue?*

1. Maintained Nursery School funding

Devon has 2 Nursery Schools, Chestnut and West Exe, both in Exeter. These are funded via the Early Years Block of the Dedicated Schools Grant. There has been no indication from either school that they are at risk of closure or are having to reduce their service. Their current take-up of two, three- and four-year olds is high; 86 funded children at Chestnut and 130 at West Exe.

Background to funding:

The DfE introduced the National Funding Formula in April 2013 and in 2014, Devon completed a Funding Formula review in consultation with all sectors. It was agreed that Devon would have an hourly funding rate for all sectors based on take-up. However, it was recognised that there were additional costs specifically related to the Nursery Schools requirement to have a Head Teacher and therefore it was agreed that further funding would be allocated to them as an annual grant.

In April 2017 there were further changes to Early Years funding with the introduction of 30 hours and a second consultation requested by the Dfe took place to review the funding formulae and identify different models of delivery. Following this consultation Nursery Schools were given a separate Supplementary Grant from the Dfe that was added to the Early Years block funding. For 18/19 the grant income split between the two schools was £110,000. However, the Supplementary Grant has not been confirmed post July 2020.

If the Supplementary Grant is not confirmed an investment of 110k would be required to replace the loss of funding. The Early Years block is 36.8 million and the loss of the supplementary grant would require Devon to review the formula for Nursery Schools to see if the lump sum contribution should change or be funded from the Early Years budget.

Formal representation to central government is being made through a variety of channels including a petition through F40 and the National Education Union.

James McInnes
Cabinet Member
Children's Services and Schools

