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To: The Chair and Members of the Corporate
Infrastructure and Regulatory Services
Scrutiny Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 9 September 2020

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**CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE**

Thursday, 17th September, 2020

A meeting of the Corporate Infrastructure and Regulatory Services Scrutiny Committee is to be held on the above date at 10.30am to consider the matters below. This will be a Virtual Meeting. For the joining instructions please contact the Clerk for further details on attendance and/or public participation.

Phil Norrey
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Meeting Procedures - Briefing and Etiquette

Democratic Services Officer to present.

2 Apologies

3 Minutes

Minutes of the meeting held on 24 June 2020 (previously circulated).

4 Items Requiring Urgent Attention

Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.

5 Public Participation

Members of the public may make representations/presentations on any substantive matter listed in the published agenda for this meeting, as set out hereunder, relating to a specific matter or an examination of services or facilities provided or to be provided.

MATTERS FOR CONSIDERATION OR REVIEW

6 Scrutiny Work Programme

In accordance with previous practice, Scrutiny Committees are requested to review the list of forthcoming business and determine which items are to be included in the [Work Programme](#).

The Committee may also wish to review the content of the [Cabinet Forward Plan](#) and the Corporate Infrastructure and Regulatory Services [Risk Register](#) to see if there are any specific items therein it might wish to explore further.

7 COVID-19 update (to include Council response, recovery & financial impact)

Chief Executive to report.

8 5G Spotlight Review update (Pages 1 - 32)

Report of the Spotlight Review.

9 Gambling - update (Pages 33 - 34)

Letter to the Minister for Sports, Tourism and Heritage re Problem Gambling, attached.

10 Highways Performance Dashboard (Pages 35 - 46)

Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/31), attached.

11 Devon County Council Buildings - Fire Safety Review (Pages 47 - 52)

Report of the Head of Digital Transformation and Business Support (BSS/20/01), attached.

12 Commissioning Liaison Member - CDS (Pages 53 - 56)

Report of the Commissioning Liaison Member, attached.

**PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND
PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE
DISCLOSED**

Nil

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

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Corporate Infrastructure and Regulatory Services
Scrutiny Committee

5G Spotlight Review

September 2020

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1. Recommendation

The Spotlight Review ask the Corporate Infrastructure and Regulatory Services Scrutiny Committee to consider this report and conclusion and recommend that Cabinet:

Write to the Parliamentary Digital, Culture, Media and Sport Committee with copies to the Local Government Association, Public Health England and Devon MPs to request that this Select Committee gives consideration to the earnest concerns expressed by some residents of this County and beyond about the health and environmental impacts of 5G and supports this Government to address those concerns by providing greater reassurance and evidence to the general public that the technology is safe. If such reassurance and evidence cannot be provided, then we suggest further research is urgently undertaken.

This recommendation is made because Devon County Council Scrutiny function is not established to address issues of national concern and does not have the ability to make recommendations that affect planning policy or national guidance.

2. Introduction

- 2.1 This Spotlight Review was established at the end of 2019 following concerns from Councillors about 5G raised by the large interest from members of the public presenting formal questions to public meetings of the Council. Since July 2019, 21 questions relating to 5G have been brought to DCC Full Council meetings from members of the public. Furthermore, in the same time frame, 37 questions relating to 5G have been brought to DCC Cabinet meetings from members of the public.
- 2.2 The advancement and subsequent roll out of 5G technology is an issue of increasing concern to policy makers. Recently, the concern of the potential involvement of Huawei in the rollout of 5G has been a matter for ongoing discussion in Westminster.¹
- 2.3 The Government has stated their “ambition for the UK to be a global leader in the next generation of mobile technology - 5G The UK Government’s strategy for future digital infrastructure is set out in the Future Telecoms Infrastructure Review (FTIR)², published on 23 July 2018. The focus is to support a “market expansion model” for 5G in the UK. This means supporting a competitive market of mobile network operators and promoting innovation that could deliver new

¹ Russon M, BBC, *Fresh UK Review Into Huawei Role in 5G Networks*, (24/05/2020)
<https://www.bbc.co.uk/news/business-52792587>

² Department for Digital, Culture, Media & Sport, *Future Telecoms Infrastructure Review*, (23/07/2018)

solutions to challenges such as rural coverage. The Government has a target that most of the population will be covered by a 5G signal by 2027.”³

2.4 At the Autumn Statement 2016, the Government announced its intention to invest in a nationally coordinated programme of 5G testbed facilities and trials, as part of over £1bn of funding announced to boost the UK’s digital infrastructure.⁴ The results of these test beds have yet to be published. The Government also wrote to all Local Authority Chief Executives in support of 5G in November 2019 stating that “local authorities will share collectively an annual £2.35 billion of efficiency savings, from reduced social care costs for the elderly through 5G monitoring, to savings through smarter street lighting” (Appendix 2).

2.5 Recognising the role that scrutiny can have in bringing different agencies together to collectively problem solve, the scope of this Spotlight Review was:

- a. To understand the underlying concerns from some members of the public concerning 5G technology.
- b. To explore the validity of these concerns.
- c. To identify the ways in which DCC should or should not support the rollout of 5G.

2.6 After some initial research it was felt that it would be beneficial to create a light touch survey for interested residents of Devon to shape the direction of the spotlight review and the questions it might ask. As point (a) in the scope. This was entirely to ascertain the underlying concerns with scope to identify any anticipated benefits of the technology based on awareness and viewpoints. This was not consultation nor a proportionally balanced opinion poll of Devon residents.

2.7 To explore these views further, the spotlight review hosted a series of focus group sessions with participants of the survey at County Hall on the 18th November. This was held as multiple concurrent round table discussions at several scheduled sessions throughout the day. It should be highlighted that the survey and group sessions should not be considered as an accurate reflection of all Devon residents but only a small section of them. The survey and group sessions were not undertaken in a truly scientific manner. Nevertheless, they have value of highlighting some views of some residents.

2.8 Following the outbreak of the COVID-19 Pandemic, this piece of work was temporarily put on hold as all scrutiny task groups and Spotlight reviews were. The planned next step of the work would have been to conduct in depth semi-

³Department for Culture, Media and Sport and HM Treasury, *Next Generation Mobile Technologies: A 5G Strategy for the UK*, (March 2017)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597421/07.03.17_5G_strategy_-_for_publication.pdf

⁴ HM Treasury, *Autumn Statement 2016*, (November 2016)
<https://www.gov.uk/government/publications/autumn-statement-2016-documents/autumn-statement-2016>

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structured interviews with experts in the fields of concern identified. These witnesses would have been identified and contacted by the scrutiny team in response to the lines of enquiry identified through the survey and focus groups.

2.9 During lockdown there has been significant lobbying and contact from anti-5G protestors, including a YouTube video being made about the scrutiny review. The Leader of the Council responded to e-mails calling for the swift conclusion of the review with an explanation that dealing with covid-19 and vulnerable people have been the highest priority for the entire Council at this time.

2.10 At the same time planning applications for 5G masts are being submitted across Devon. During this period it has become clear that there is no jurisdiction whereby the County Council could reject a 5G mast planning application, even if it was minded to do so. The planning issues around Exeter and other areas in Devon underline the limitations of the County Council's power and influence in this matter.

2.11 Considering these factors, the Spotlight review and the Scrutiny Chairs and Vice Chairs of Scrutiny group have decided to conclude the review in the current stage and publish the results of the survey and focus groups to support the recommendation of this report. This is an unusual step for a scrutiny review to take and reflects the unprecedented times we are in and the limitations in the Council's power under planning legislation. This report contains supporting information intended to be used as a basis for further exploration.

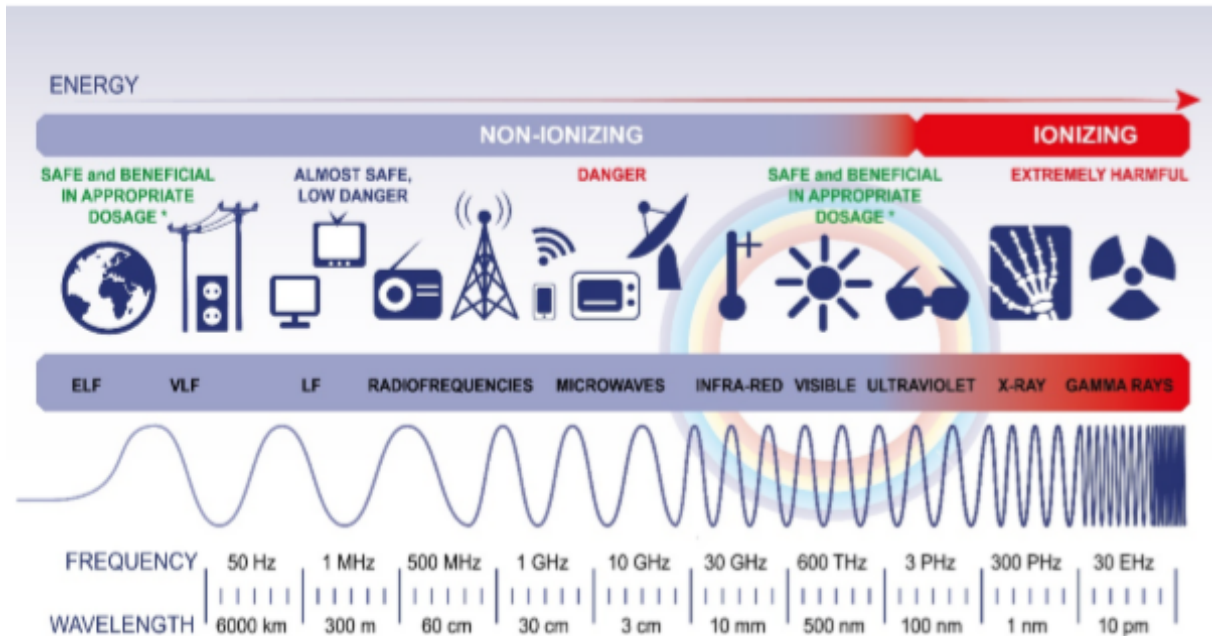
3. 5G Technology

3.1 5G is the new generation of wireless technology. It follows on from 4G and 3G before that. All four major UK mobile networks have launched 5G services. Technology firms are also rolling out 5G-ready devices.⁵

Generation		
2G	Suitable for calls, text messages and very low speed data.	1992
3G	Mobile broadband, faster voice, text and data services.	2003
4G	Faster data, higher capacity and greater responsiveness.	2012
5G	Extremely fast data, higher capacity and almost instantaneous response.	2019

⁵ Christie, L, UK Parliament Post, *5G Technology*, (July 2019) <https://post.parliament.uk/research-s/post-pb-0032/#fullreport>

3.2 5G will utilise a range of frequencies including the millimetre wave part of the spectrum that extends from 30 to 300 GHz. While millimetre waves have not so far been used for cellular communications, they have been used for many other applications, including airport security scanners, anti-collision radar for cars, and to link present-day cellular base stations.



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3.3 Higher frequency waves can carry more data but their correspondingly shorter wavelengths mean that they are more easily blocked by objects such as trees and houses. So 5G technology is effective only over short distance and will require many more, but smaller, new antennas. In addition to a multitude of small 5G base stations, there will be more satellites in space and the “Internet of Things” will involve billions more wireless devices.

3.4 Ultimately, the enormous data capacity, very fast speed and responsiveness of 5G is purported to bring revolutionary applications such as:

- Autonomous cars, able to detect obstacles, interact with smart signs, follow precise maps and communicate with each other. Potentially this may reduce pollution and congestion and improve passenger safety.
- Smart cities: smart cities will rely heavily on connected devices, bringing new modes of public transport, smart buildings that enable businesses to work more efficiently and enabling better use of resources such as electricity.
- Internet of Things: already gaining pace, the introduction of 5G will provide the infrastructure to connect billions more devices to the internet and revolutionise many sectors including manufacturing, agriculture and retail.

⁶ European Parliamentary Research Service, Effects of 5G wireless communication on human health, (no date)
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646172/EPRS_BRI\(2020\)646172_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646172/EPRS_BRI(2020)646172_EN.pdf)

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- Immersive entertainment; using Virtual Reality and Augmented reality.
- Communication and collaboration: streamlining communications and supporting remote working.

3.5 Mobile broadband is the first commercial use of 5G. In May 2019 EE became the first operator to launch 5G in the UK and it is now being rolled out by four private mobile network operators; EE, O2, Vodafone and Three. At present 5G covers 57 major towns and cities, each of which are served by at least one of the four operators. These include Belfast, Liverpool, London, Birmingham and Norwich. In Devon only Plymouth has coverage, currently by Vodafone but with EE to follow in Summer 2020. 5G will roll out to at least a further 18 major towns and cities during 2020, including Aberdeen, Blackpool Peterborough, Luton and Worcester.

3.6 Council involvement with the roll out of 5G is solely with respect to street furniture (e.g lampposts) to be used for the implementation of 5G infrastructure.

3.7 In April 2020, a parliamentary e-petition was set up calling for a “delay 5G in the UK until there has been an independent investigation”, stating the desire to “to see a full independent investigation and report to declare the findings on the 5G network in relation to radio activity and the health implications.” This petition had been signed by over 54,000 people at the time of writing. Of this number there are 110 in North Devon, 75 in Torridge and West Devon, 117 in Central Devon, 146 in Exeter, 113 in East Devon, 100 in Newton Abbot, 118 in Torbay, 69 in South West Devon, 51 in Plymouth Moor View, and 91 in Plymouth, Sutton and Devonport. This gives a total of 990 people in Devon, Torbay and Plymouth. Having gained over 10,000 signatures, the petition has garnered enough signatures to have warranted a formal response from the government. This has been summarised as follows

“In relation to 5G, PHE has said that the exposure to radio waves is expected to remain low relative to international guidelines and, as such, there should be no consequences for public health.”⁷ Full response in Appendix 3

3.8 At the time of initiating the 5G review no 5G masts were planned or existing, to the best knowledge of the spotlight review, in the Local Authority area covered by Devon County Council. However, since the project has been live, several planning applications have been submitted. It is highly likely that these will be agreed as they fall under permitted development.

⁷ Department for Digital, Culture, Media & Sport, *Response to: Delay 5G in the UK until there's been an independent investigation petition*, (11/06/2020) <https://petition.parliament.uk/petitions/312997>

4. Planning Policy

4.1 It should be stated that Devon County Council operates within a two-tier council structure. This means that planning applications and local planning policy is mainly within the responsibility of District Councils. Scrutiny has no role in considering individual developments or making policy which affects planning.

There are, however, strict national and local planning frameworks surrounding telecommunication infrastructure, which is as follows:

The development of certain types of electronic communications apparatus is permitted by Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015. There are limitations on the size of apparatus permitted and a requirement that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

The National Planning Framework 2019 (NPPF) sets out the Government's planning policies and how these should be applied in both plan making and the determination of planning applications. Part 10 of the NPPF *Supporting high quality communications* paragraphs 112 to 116 set out the Government's communications infrastructure strategy.

- Paragraph 112 – Supports the provision of 5G, considering that high quality and reliable communications infrastructure is essential for economic growth and social well-being.
- Paragraph 113 – encourages the use of existing masts and where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.
- Paragraph 114 – Provides guidance to local planning authorities on dealing with new electronic communications development.
- Paragraph 115 – Provides guidance on the information that should be provided with applications (including applications for prior approval).
- Paragraph 116 - Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

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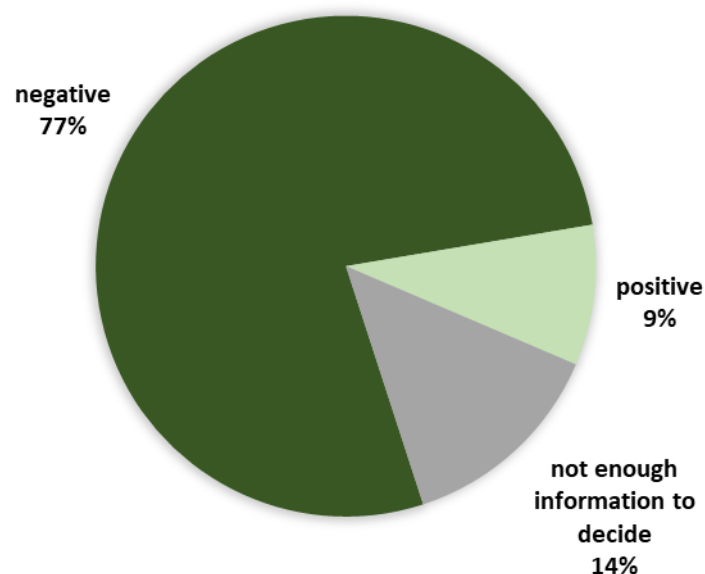
5. Survey Responses

- 5.1 The survey ran for just over six weeks between 18th November 2019 and the 1st January 2020, being extended during this time following a public complaint. The survey was publicised through the DCC communications team press release and tweeted through multiple channels. Several local papers picked up on the survey.
- 5.2 The survey was intended to be filled out by residents of the Devon County Council geographic footprint; however, respondents were not asked to fill in their post code. There is evidence that people from across the Country completed the survey, with the link being shared on predominantly anti-5G social media, and several respondents saying that they lived outside Devon.
- 5.3 The survey was not an opinion poll and the data was not collected in a way to enable any conclusions to be drawn about the number of people across Devon who hold the views of the respondents of the survey. In fact, it is highly likely that only those who feel very strongly about the issue of 5G would have responded to the survey request, this was a self-selecting respondent base.
- 5.4 The results have been correlated and are reflected below:

Question 1

The first question of the survey asked about the attitude of the respondent to 5G,

WHAT IS YOUR OPINION OF 5G?



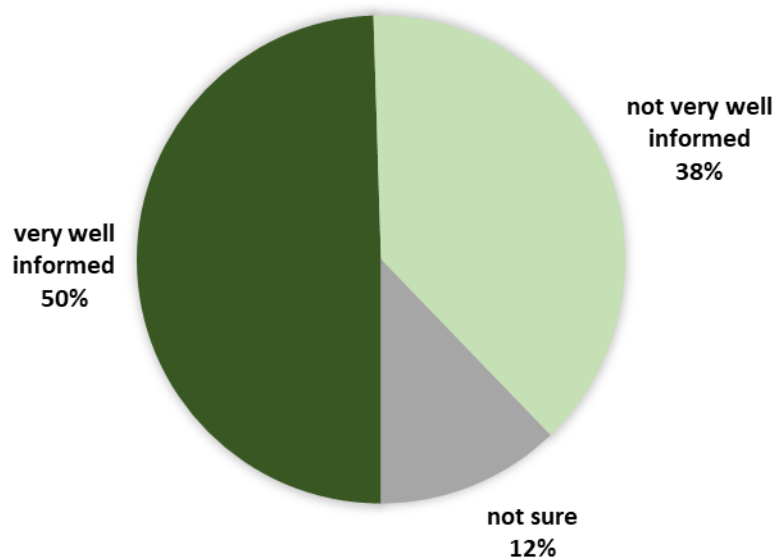
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The overwhelming response was negative, with over 1,000 people reporting this. This was anticipated with people who have strong feelings, particularly negative

ones being more likely to fill in surveys of this nature. Only 9% of respondents were positive and 14% said that they did not have enough information to decide.

Question 2&3 information and awareness of 5G

TO WHAT EXTENT DO YOU FEEL INFORMED ABOUT 5G TECHNOLOGY?

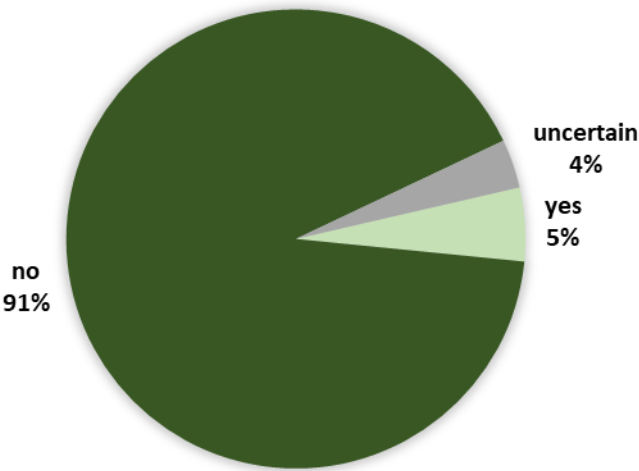


Respondents were split when asked if they felt well informed, with half feeling very well informed, and the rest either not sure (12%) or not very well informed (38%). More significantly on the graph below, nine out of ten people said that not enough had been done to raise awareness of 5G. This is a key finding and demonstrates the need for more reliable information to be shared on this subject.

The chart over the page amplifies this finding. When asked, 91% of respondents said that not enough had been done to raise awareness of 5G, with only 5% saying that enough had been done.

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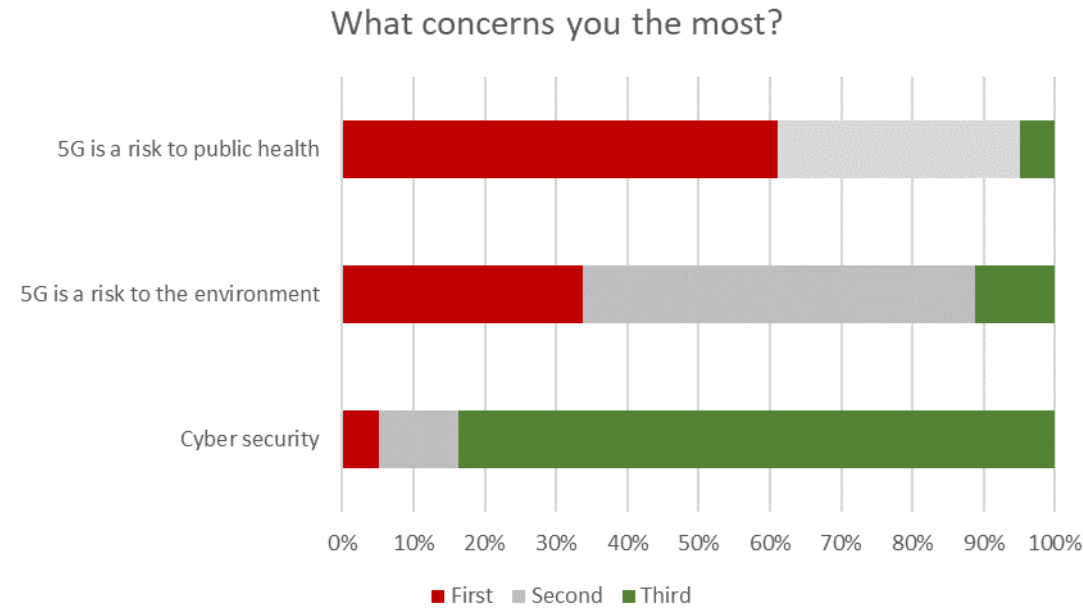
IN YOUR OPINION HAS ENOUGH BEEN DONE TO RAISE AWARENESS OF THE IMPLEMENTATION OF 5G TECHNOLOGY



Question 4: 5G Concerns

Initial research undertaken by the scrutiny team suggested that there were three main objections to the roll out of 5G. This question was written to understand the extent to which respondents agreed on the order of priority of concerns, and to ascertain what respondents were most concerned about.

The question in full was: *'If you have concerns about 5G can you order the following statements into what concerns you the most? (skip this question if it does not apply).'*

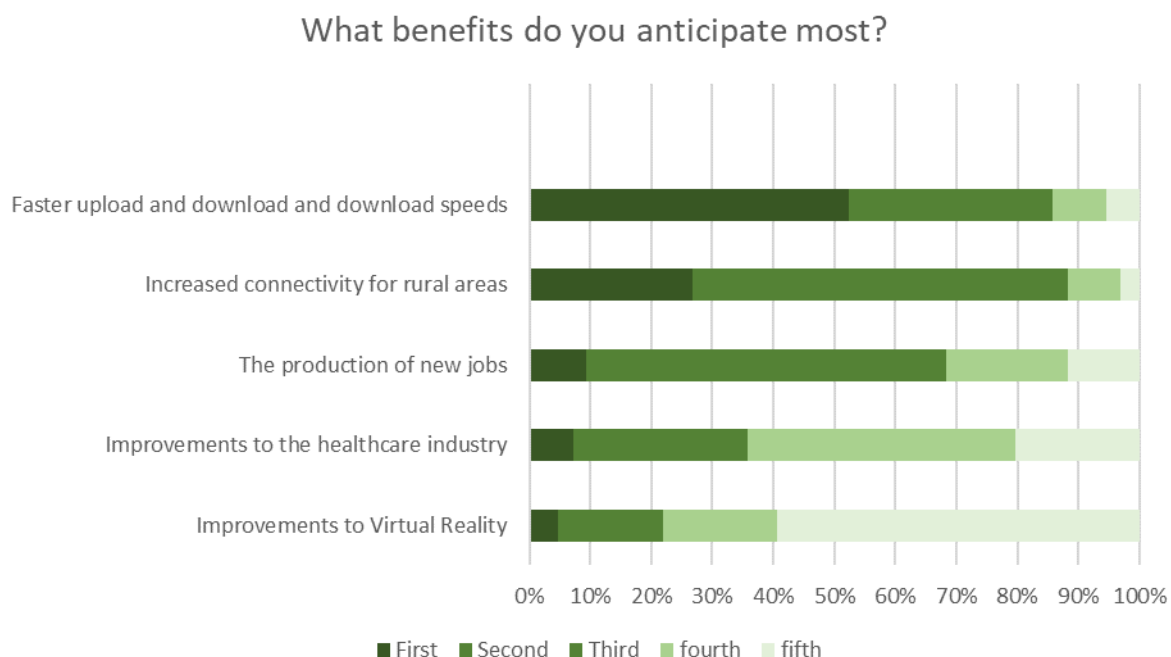


Clearly more people were concerned about public health, and the risk to the environment, with more than 60% of people putting public health as their number one priority and more than 30% putting the environment. Fewer people were concerned about cyber security with less than one in twenty putting it as their first concern.

Question 5: Benefits

This was a difficult question for some respondents who felt that there was not the option to tick 'no benefits', and many people explained this in the free text box. Whilst this could be borne in mind for similar questions in future, question 4 regarding concerns also did not offer this option. So, for those who only saw positive impacts of 5G the same criticism would apply. Respondents could skip either question.

The question in full was: 'Can you put the following proposed benefits in order of what you anticipate the most? *(skip this question if it does not apply)*'



Question 6. Can you explain what has led you to your viewpoint? If possible, please provide reference to any evidence and/or information that you believe we should consider.

There were significant anti-5G internet links shared as part of this question that are too numerous to list here.

As is expected with the volume of responses there was significant duplication in evidence cited.

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Often mentioned, however, was that in May 2011, the International Agency for Research on Cancer (IARC) classified radiofrequency electromagnetic fields (as emitted by mobile phones) as “possibly carcinogenic to humans”.⁸ All scientific publications available by May 2011 were evaluated and the human evidence for an association was found to be “limited”. This means that some but not all epidemiological studies showed an indication of an increased risk of cancer, but not with enough confidence to assume a causal link. The list of substances in this classification includes items such as pickled vegetables, while common products like processed meat and alcoholic drinks fall in higher categories.

Often mentioned was also the United States National Toxicology Program (NTP), which was a ten-year study to evaluate the effects of exposure to mobile phone emissions on rodent health. Animals were exposed for 10-minute on, 10-minute off increments, totalling just over 9 hours each day. Power levels used started at the highest level permitted today and extended much higher. The report found statistically significant increases in the number of rats and mice with tumours in organs at one or more of the exposure levels studied, including the brain, prostate gland, pituitary gland, adrenal gland, liver and pancreas. However, the researchers determined that these were equivocal findings, meaning it was unclear if any of these tumour increases were related to RF. “The levels and duration of exposure to RFR were much greater than what people experience with even the highest level of cell phone use and exposed the rodents' whole bodies. So, these findings should not be directly extrapolated to human cell phone usage,” said John Bucher, Ph.D., NTP senior scientist. “We note, however, that the tumours we saw in these studies are similar to tumours previously reported in some studies of frequent cell phone users.”⁹

The responses also often referenced that in December 2018 the journal, *The Lancet; Planetary Health* published an article entitled “Planetary electromagnetic pollution: it is time to assess its impact”. It quoted a recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) that found that 68% demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields. It concludes “This weight of scientific evidence refutes the prominent claim that the deployment of wireless technologies poses no health risks at the currently permitted non-thermal radiofrequency exposure levels. Instead, the evidence supports the International EMF Scientist Appeal by 244 scientists from 41 countries who have published on the subject.”¹⁰

Question 7: If you would like the Councillors to consider one thing about 5G what would it be?

⁸ International Agency for Research on Cancer, Press Release no208, *IARC Classifies Radiofrequency Electromagnetic Fields as Possibly Carcinogenic to Humans*, (31/05/2011)

⁹ National Toxicology Programme, *Cell Phone Radio Frequency Radiation*, (no date)

<https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones/index.html>

¹⁰ Bandara and Carpenter, *Planetary Electromagnetic Pollution: It Is Time to Assess its Impact*, *The Lancet Planetary Health*, Volume 2, ISSUE 12, (December 01, 2018)

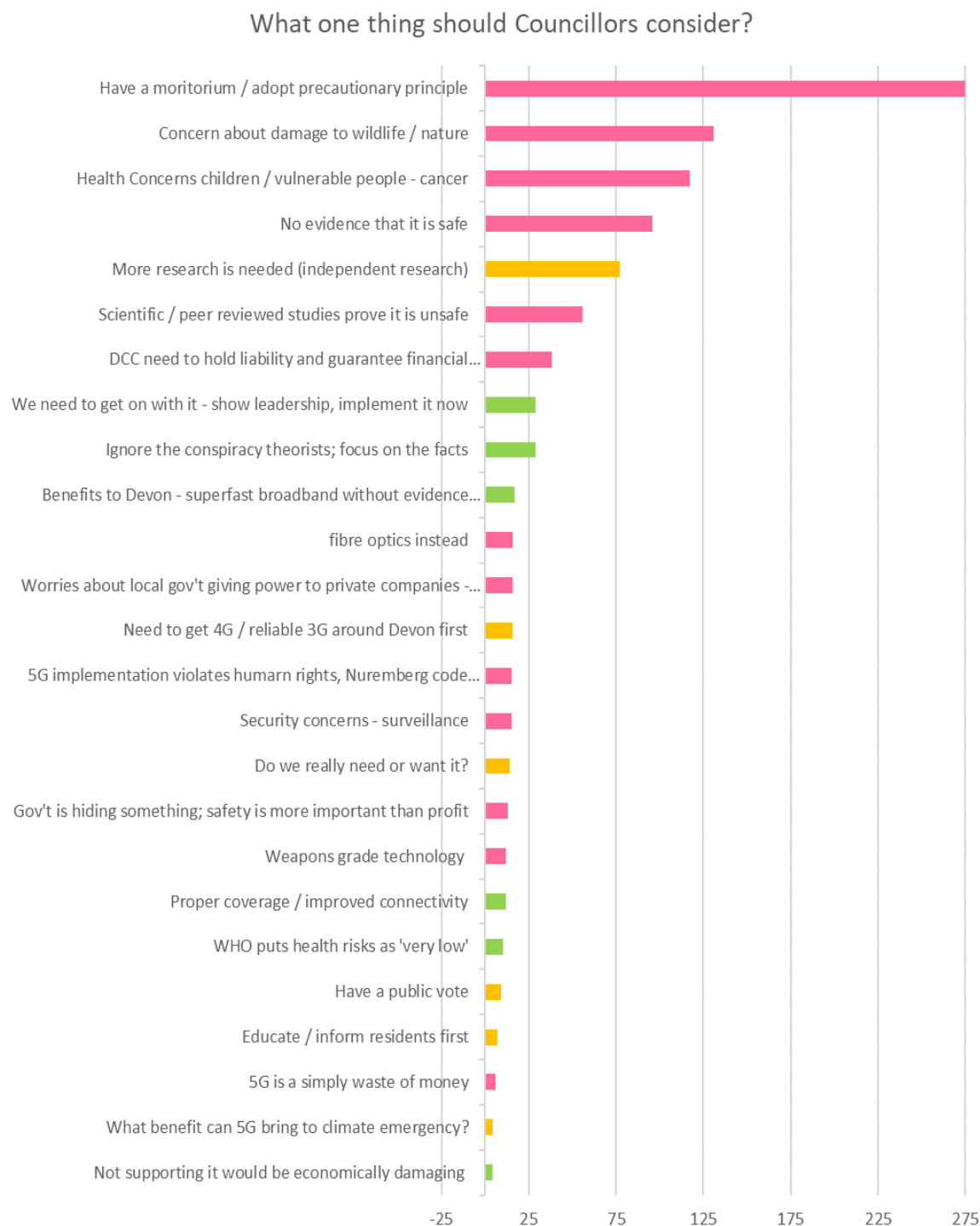
The responses to this question have been divided by attitudes to 5G by the researchers, using a basic traffic light colouring the free text responses to this question have been divided on the chart below depending upon the attitude expressed in the response, and then collated with similar responses to give a count.

Regarding methodology, each point made was recorded once. Although respondents were asked to make one point to Councillors, many made several, and these were each recorded as one point. For example, if a respondent said; 'have a moratorium, I am concerned about human health' this would be recorded as two separate comments. This means that the total tally will not add up to the number of respondents but is a more accurate way of recording concerns. There are several individual comments that are not represented on the graph below, and were not able to be categorised with other, similar responses.

As is clearly demonstrated the highest repeating comment is to pause or halt the roll out of 5G across the County and to not allow it, this is supported by the three comments below that received large numbers of original responses, highlighting concerns to human health, animals and nature and saying that there is no evidence that 5G is safe. Many of the comments also called for independent research to be carried out by reputable scientists, not linked to mobile technology companies and not financially benefitting from the possible roll out of 5G.

There were some vocal supporters of 5G, who called for it to be in place already.

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Question 8: Public perception of influence

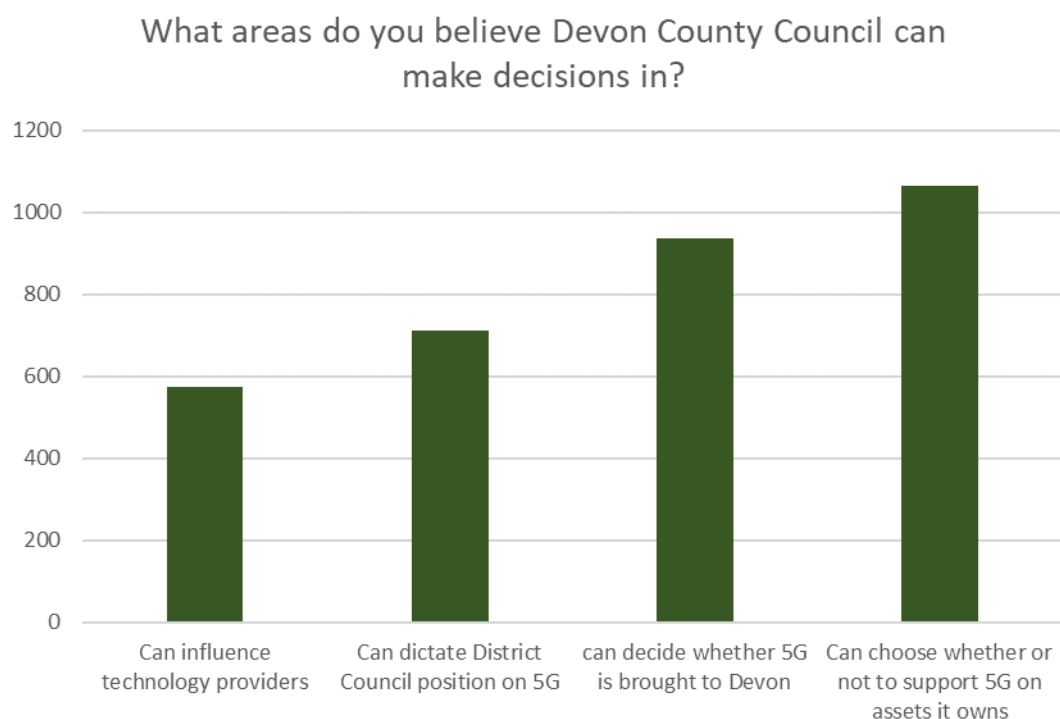
This question was asked to better understand the expectations arising from many of the protestors into the extent that the Council can influence outcomes. Respondents could tick as many boxes as they thought applied.

In some of the free text boxes individuals have reported that the County Council should not use this exercise either as a means to divest itself of power and

responsibilities, or to extend its reach to cover areas that it does not already have power. These suggestions are in no way within the scope of the spotlight review.

Most people believe that Devon County Council can exercise control over its own assets. The situation is in fact more complicated than this, as demonstrated with reference to part 4 of this report on planning policy.

It is an issue of concern that many hundreds of people believe that Devon County Council can decide whether or not 5G is brought to Devon, and significant numbers also believe that the County Council can dictate District Council position and influence technology providers. Neither of these assertions are correct.



6. Focus Groups with survey respondents

6.1 The focus group sessions took the form of five sessions of multiple round table discussions over the course of a day at County Hall. Each table had as many as 10 people engaged in discussion. Each session lasted for one hour. The day was divided into 4 sessions of people with a negative view of 5G and one session of people with a positive view of 5G. There were nearly 150 people at the “negative” sessions and nine people at the “positive session”. There was at least one Councillor on each table who lead the session and an officer who acted as a facilitator.

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6.2 Those who responded to the initial survey were invited to this event. However, the event was shared widely on many anti-5G social media groups, so reached a larger audience than intended.

6.3 Many of the people who came into the session welcomed the opportunity to have their views heard by local councillors.

The focus group explored the following questions:

Cyber security

- What is your view on the subject?
- What questions should the spotlight review be asking about this area?

Environmental concerns including on living things

(e.g. trees, bees, birds)

- What is your view on the subject?
- What questions should the spotlight review be asking about this area?

Human Health

- What is your view on the subject?
- What questions should the spotlight review be asking about this area?

Anything else not covered

Facilitators were asked to bear in mind:

- Please try to make sure that everyone is heard
- This review has no bias, this should be upheld in the discussion with people
- This series of focus groups are not intended as committee meetings
- It is not the intention of the scrutiny team to name members of the public in their final report.

7. Is 5G Safe?

7.1 The spotlight review has not reviewed evidence and has not come to a local determination of safety or security of 5G technology. Local Authorities are guided by Central Government direction, law and policy frameworks. The most pertinent of these for 5G and human or environmental health is The International Commission on Non-Ionizing Radiation Protection (ICNIRP), the Germany-based scientific body that assesses the health risks of radio broadcasts.

7.2 It has stated that 5G is safe, according to the international body in charge of setting limits on exposure to radiation, which has updated its advisory guidelines

for the first time in more than 20 years.¹¹ Public Health guidance is based upon the guidelines set:

*“It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.”*¹² Full PHE guidance can be found in Appendix 4

7.3 The Advisory Group on Non-Ionising Radiation (AGNIR) has also carried out reviews of the potential health effects of radio waves, the most recent of which was published in 2012. AGNIR was an independent scientific advisory group that reported to Public Health England until the Group completed its work and came to an end in May 2017. The Group’s remit was ‘to review work on the biological effects of non-ionising radiation relevant to human health and to advise on research priorities. No evidence of health effects below internationally accepted guidelines was established.’¹³

7.4 Cancer Research UK has also found no correlation between mobile phone usage and cancer in this country. It reports that mobile phone ownership in the UK increased by around 500 percent between the 1990s and 2016. The brain tumour incidence rate during that same period increased by around 34 percent, and even that increase is being attributed to better detection and reporting.¹⁴

7.5 Perhaps the most extensive report came from Australia in 2016. Using 30 years (the time mobile networks have been operating in the country) of comprehensive health data for the entire population, it was found that there was no correlation between mobile phone usage and incidents of brain cancer. Reviewing this study, the UK NHS concluded that the size and quality of the data set used was beyond reproach, although it did not track individual risk patterns (such as the difference between heavy and light mobile users). Nonetheless, the NHS was still able to conclude that “when it comes to other risk factors for cancer, such as smoking, poor diet, drinking too much alcohol and lack of exercise, mobile phone ownership is probably not a significant risk to your health”.¹⁵

7.6 The World Health Organisation does advocate further research:

¹¹ Hern A, The Guardian, *5G confirmed safe by radiation watchdog*, (12/03/2020)

<https://www.theguardian.com/technology/2020/mar/12/5g-safe-radiation-watchdog-health>

¹² Public Health England, *5G technologies: radio waves and health*, (03/10/2019)

<https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health>

¹³ Health protection Agency, *Health Effects from Radiofrequency Electromagnetic Fields*, (April 2012),

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/333080/RCE-20_Health_Effects_RF_Electromagnetic_fields.pdf

¹⁴ Williams, S, *Back in the news – mobile phones and cancer*, (14/05/2014)

<https://scienceblog.cancerresearchuk.org/2014/05/14/back-in-the-news-mobile-phones-and-cancer/>

¹⁵ NHS, *Study finds no link between mobile phones and brain cancer*, (09/05/2016),

<https://www.nhs.uk/news/cancer/study-finds-no-link-between-mobile-phones-and-brain-cancer/>

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‘... into the possible long-term health impacts of all aspects of mobile-telecommunications. The Organization identifies and promotes related research priorities. It also develops public information materials and promotes dialogue among scientists, governments, and the public to increase understanding around health and mobile communications.’¹⁶

7.7 The Government has taken action on cyber security, banning UK mobile providers from buying Huawei 5G equipment after 31 December 2020. They must also remove the Chinese firm's 5G technology from their networks by 2027. This has been in response to concerns regarding national security due to the potential access to the UK's 5G infrastructure Huawei may grant the Chinese State. “In theory, controlling the tech at the heart of these networks could give Huawei the capacity to spy or disrupt communications during any future dispute.”¹⁷

7.8 Furthermore, as IoT devices connect to 5G networks, they could prove a tempting target for hackers and criminals. *“The sheer number of connected assets and devices heightens security challenges,”*¹⁸

7.9 Regarding the potential environmental impact of 5G, independent research on the effects of non-ionizing radiation on flora and fauna has shown that “no clear dose–effect relationship [can] be discerned.”¹⁹ Although most agree that further research would be beneficial in this area.²⁰

8. Conclusion

This Spotlight Review looked at concerns from Members of the public who expressed an interest in 5G and primarily listened to their concerns regarding the technology. The work undertaken summarises these concerns. These views cannot be said to be representative of the views of all Devon residents.

Whilst advice from National Bodies such as Public Health England is clear that the Technology is safe, concerns endure. Many individuals from different parts of the Country are so concerned that they have invested in different technology or ways to shield themselves from the threat they perceive. Some other Countries have also demonstrated concern, most notably Switzerland halting the roll out of 5G earlier

¹⁶ World Health Organisation <https://www.who.int/westernpacific/news/q-a-detail/5g-mobile-networks-and-health> accessed Aug 2020

¹⁷ Bowler, T, BBC, *Huawei: Why is it being banned from the UK's 5G network?*, (14/07/2020), <https://www.bbc.co.uk/news/newsbeat-47041341>

¹⁸ Huber N, The Financial Times, *A hacker's paradise? 5G and cyber security*, (14/10/2019) <https://www.ft.com/content/74edc076-ca6f-11e9-af46-b09e8bfe60c0>

¹⁹ Cucurachi et al, A review of the ecological effects of radiofrequency electromagnetic fields (RF-EMF), *Environment International*, Volume 51, January 2013, Pages 116-140

²⁰ Buglife, *Could our obsession with mobile technology destroy wildlife*, (17/05/2018), <https://www.buglife.org.uk/news/could-our-obsession-with-mobile-technology-destroy-wildlife/>

this year amid calls for more specificity in health research²¹. This strongly supports the Spotlight Review's recommendation.

The quest for greater understanding of the science behind 5G is not helped by questionable studies and false information abounding upon the internet. This Spotlight Review acknowledges the clear benefits that 5G would bring and feels that the concerns surrounding 5G should be assessed further by national bodies. It is incumbent upon public bodies to provide transparent reassurance, backed by clear evidence in order to roll out technology with the full consent of the people of this country.

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²¹ Financial Times 'Switzerland halts the roll out of 5G over health concerns Feb 2020' <https://www.ft.com/content/848c5b44-4d7a-11ea-95a0-43d18ec715f5>

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10. Spotlight Review Membership

The Group was chaired by Councillor Carol Whitton and membership of the Spotlight Review was as follows:

Corporate Infrastructure and Regulatory Services	
Councillor Carol Whitton (Chair)	Councillor Alistair Dewhirst
Councillor Claire Wright	Councillor Richard Scott
Councillor Polly Colthorpe	Councillor Jackie Hook
Councillor Ian Hall	Councillor Kevin Ball

The Spotlight review would like to place on record thanks to:

- Charles Hall, work experience student, for initial research and organisation
- Dave Slocombe, Policy Team, for facilitation and research work
- The whole Scrutiny team for facilitation and correspondence responses

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Appendix 1: Concerns and questions resulting from the 18th February focus group sessions with members of the public

This document has been produced following the round table focus group sessions and is a summary of the fifty+ flip chart papers that were recorded on the day. The concerns recorded below are synthesised from the opinions and discussions that took place on the day. In some cases, these concerns were also discussed by the group who were positive about 5G and their responses are also recorded as 'not concerned'. There were 141 people who attended and identified as feeling negative about 5G, and nine people who attended and identified as feeling positive about 5G. This suggests that many people are concerned about 5G but the numbers cannot be used to draw inferences in the general population as individuals' self-selected attendance based upon the initial 5G survey.

The questions are drawn from the concerns and discussions, but in some instances were not voiced on the day and are included to support the Spotlight Review in its next steps.

Background Questions

1. What is 5G? What frequencies will it use?
2. What is the history of 5G?
3. What are the positive attributes of 5G? Why is it being rolled out across the world?
4. Are the positives worth the risks?
5. What is Devon County Council's role, responsibilities and legal liabilities regarding 5G?
6. Will DCC monetarily benefit from the roll out of 5G?
7. How are other Counties approaching 5G?
8. Is there evidence to prove that it is safe?
9. What is Public Health England's stance on 5G, What is this informed by, and could they be clearer in communication with the public?
10. How independent are the International Commission on Non-Ionising Radiation Protection (ICNIRP)?
11. Is 5G defined as an environmental toxin or pollutant by insurers?
12. What is the precautionary principle, and should the council adopt it?
13. Are individuals basing their concerns on misinformation or partial reporting of scientific studies?
14. What testing has been done on the safety of 5G?

Cyber security

Concern: personal data will be harvested and sold.

Concern: 'Smart decisions' will be taken out of the hands of individuals and choice will be decided by the internet of things via big business.

Concern: A recording system will be used to code and stratify the population based on their individual behaviour and deny resources based on this – e.g. China social credit system.

Concern: Personal surveillance will increase – 'big brother' including facial recognition, baby monitors being hacked, smart meters and scanning of houses.

Concern: 5G masts can be weaponised and remotely used to target civilians with microwave radiation for crowd control and murder.

Concern: National security, easier for organisations or other States to compromise security (Cambridge Analytica – influencing elections and Huawei links to the Chinese government)

Not concerned: personal data is already collected by many agencies with limited negative effects. In fact, this can even increase safety.

Not Concerned: Huawei are already here, and the government is taking action to ensure National Security.

Questions:

15. Who is collecting the data?
16. How is it being used?
17. What are the possible applications/implications of data harvesting?
18. How much information can be recorded on individuals?
19. Will additional data be collected on private individuals?
20. Who/which agency controls or regulates data collection?
21. What are the limits of the technology?
22. What is the relationship between 5G and increased personal surveillance?
23. Does the technology enable remote controlling to a dangerous point?
24. Can the intensity of 5G be used to harm humans?
25. Are there surveillance differences to 4G?
26. At a National scale are we more vulnerable with 5G?
27. Do more points of access equal more vulnerability?
28. What safeguards are in place?
29. Are they sufficient?

Environment

Concern: 5G will damage all life.

Concern: 2G, 3G, 4G have already decimated wildlife in National Parks in Australia

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Concern: Pollinators, especially Bees will be significantly harmed by 5G, 40% or 60% of insects have already been wiped out by the introduction of mobile phones.

Concern: Migratory birds and some insects navigate using electromagnetic fields, these are significantly disrupted by 5G.

Concern: Trees are damaged by 5G. The Woodland Trust are concerned about the damage to tree roots.

Concern: 5G produces increases in terpenes and makes trees more flammable.

Concern: Trees will be cut down to make way for 5G as they get in the way of masts. (figures 40,000 across Devon). This will contribute to flooding.

Concern: The ethos and appeal of Devon is as a large, rural, agricultural County. With the advent of 5G the countryside will be decimated, losing its visual appeal and harming agriculture.

Concern: Once 5G is rolled out there will be no way to 'opt out'

Concern: We are supposed to be in a climate emergency but the introduction of 5G will require huge amounts of carbon and create an energy tsunami in consumption.

Not concerned: confusing causation with correlation, and environmental collapse is not caused by wireless technology.

Not concerned about 5G – the loss of insect numbers has not been caused by 5G, and farming has had a bigger impact.

Not concerned: Migratory birds already manage with the current 4G networks.

Questions:

30. What is the impact of 5G radiation on DNA of plants and animals?

31. Is there evidence to suggest a cumulative effect (2G, 3G, 4G + 5G) is more significant?

32. Is oxidative stress attributable to 5G?

33. Have environmental assessments been carried out on 5G?

34. What systematic reviews are available on the effects of this technology on the environment?

35. What impact have mobile networks had on insects, particularly bees?

36. What anticipated effect is expected to be seen in bees with the introduction of 5G networks?

37. How are birds, bats and bees navigation affected by radio waves?

38. What impact will 5G have on natural navigation?

39. How does 5G affect tree growth and plant immune systems?

40. What are the views of the Woodland Trust?

41. What agreements are in place to cut down trees across Devon?

42. How many trees are estimated to need to be cut down with the advent of 5G?

43. If trees are cut down will they be replaced?

44. Are the figures given accurate?

45. In other areas that are rolling out 5G are trees being cut down?

46. Are there work arounds? E.g. in LA masts are disguised as tall palm trees, is this planned or feasible?

47. What is the impact of loss of any trees on carbon reduction and climate change?

48. What might the impact be on agriculture?
49. Can 'white zones' be created across Dartmoor and parts of Devon?
50. What is the intended roll out across Devon? What might this look like?
51. Is 5G a mostly urban technology? How does it apply in rural locations?
52. How will 5G contribute to carbon emissions and energy consumption?
53. What impact will 5G have on the climate?
54. Will 5G consume more energy?

Human Health

Concern: The Public Health England guidance is out of date and incorrect.
Concern: Other Countries recognise electro hypersensitivity, but the UK currently does not. GPs currently do not have the awareness. People have moved from Plymouth already.
Is 5G the thalidomide, asbestos and smoking of our time? (publicised as being safe – but actually not)
Concern: 5G poses a significant risk to human health especially in children and young people because it breaks down DNA and cell structures. This includes cancer, brain tumours, neurological conditions including dementia and Parkinson's, diabetes, migraines, male and female fertility, gut bacteria, affecting pacemakers, emotional health and wellbeing including causing ADHD, autism, insomnia and suicide. WiFi also coagulates the blood.
Concern: There is no way to object to planning on health grounds.
Concern: there is a pressure to bring in 5G technology to replace aspects of the health system.

Not concerned: There is no harm to people until the frequency of light – that's why its called 'non-ionising'. There is no effect upon the human body.

Questions

55. What evidence is PHE guidance based upon?
56. How does it take account of non-heating effects of non-ionising radiation?
57. Why do the NHS not recognise electromagnetic hypersensitivity? Are there plans to recognise it, and support it?
58. Will the NHS add electromagnetic hypersensitivity to GP training?
59. Why has there been a rise in electromagnetic hypersensitivity?
60. Will there be a huge pressure on the NHS?
61. What are the effects of 5G on the human body?
62. Which frequencies of radiation are harmful to human health?
63. Why are these conditions recognised in Sweden, but not here?
64. Why are UK exposure limits to non-ionising radiation higher than other countries?
65. Why have Turin, Italy, Belgium, Switzerland halted their 5G roll out plans?
66. What is the role of 5G in the NHS?

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Technology

Concern: there will be 50,000 new satellites in low orbit.

Concern: There will be much more dirty energy coming through our cables and into houses.

Concern: Beam sending, pulse radiation is more harmful and has a polarising effect on cells.

Concern: 5G represents a huge difference in technology, not just a step up from 4G and will have many thousands more masts.

Concern: Research on this subject is funded by industry and therefore not reliable,

Concern: there have been no independent tests.

Concern: The technology is always on.

Concern: The technology is uninsurable, and public bodies including the Council will not be insured.

Concern: lack of scientific education and awareness could mean that the Country does not make the most of the technology. Many people are misinformed.

Questions

67. How are satellites used in 5G networks?

68. How does this affect the view of the sky at night?

69. What is 'dirty energy'?

70. Are there different types of energy, and what implications does this have?

71. Will the current energy grid cope with the additional 25% requirement?

72. Why aren't we using fibre cabling instead of wireless networks?

73. Are 5G LED streetlights harmful?

74. What is reported in the press on this issue?

75. What are independent agencies saying?

76. What are government agencies saying?

77. What are the results from the government testbed sites across the Country?

78. Can the technology be turned off?

79. What are the distances that 5G affects people?

80. Will the Council's insurance cover 5G, and if not why not?

81. Does the Council need insurance for a service it is not providing?

82. Does the Council have insurance for related things on street furniture it provides?

83. If there were a legal challenge what would be the Council's position?

84. How have other Council's dealt with this?

85. Is the technology unsafe?

86. What information is public opinion based upon?

87. What information should people be listening to?

Anticipated benefits from the 'positive' session:

- Improved faster communication
- Improvements in application of technology such as driverless cars and medical advances including remote GP appointments.
- Improve aspects of people's lives
- In the study of mice and rats the animals lived longer after being exposed.
- There is no evidence that 5G is harmful.

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APPENDIX 2 GUIDANCE TO LOCAL AUTHORITY CHIEF EXECUTIVES



Local Authority Chief Executives

INT2019/11842/DC
November 2019

5G - The Next Mobile Generation

More than any previous generation of mobile networks, 5G has the potential to transform the way we live and improve economic productivity. Networks will have the capacity for millions more devices to be connected at the same time, enabling businesses and communities to operate more efficiently. It will allow cities and communities to manage traffic flow, monitor air quality and control energy usage through real-time management of high volumes of data.

A recent report estimated that local authorities will share collectively an annual £2.35 billion of efficiency savings, from reduced social care costs for the elderly through 5G monitoring, to savings through smarter street lighting.¹ We want the UK to take early advantage of these benefits, so it is good news that all of the four main mobile network operators - EE, O2, Three and Vodafone - have started to deploy 5G networks. We expect 5G to go live in up to 50 cities and towns by the end of 2020. In order to support the deployment of 5G and extend mobile coverage, particularly in rural areas, the Government recently published a consultation on the principle of proposed reforms to permitted development rights, which closes on 4 November.

The National Planning Policy Framework ("the Framework") for England² supports the expansion of high quality communications, including next generation mobile technology, such as 5G. The Framework states that planning applications for mobile base stations should include a statement of compliance with international guidelines on limiting exposure to electromagnetic fields known as the International Commission on Non-Ionizing Radiation Protection guidelines ("the ICNIRP guidelines"³). It also states: "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."

Public Health England ("PHE") has recently updated its advice in respect of 5G and states: "It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."⁴ I understand that PHE colleagues regularly provide

¹ "The value of 5G for cities and communities", Juniper Research and O2

<https://d10wc7q7re41fz.cloudfront.net/wp-content/uploads/2018/03/Smart-Cities-Report.pdf>

² <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

³ <https://www.icnirp.org/cms/upload/publications/ICNIRPmfgdl.pdf>

⁴ <https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health>



Department for Digital, Culture, Media & Sport

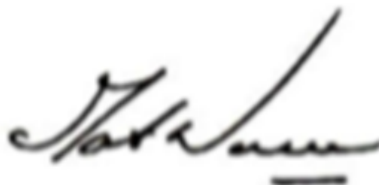
advice to your public health officers across a range of health topics.

In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines. ICNIRP is an independent organisation which is formally recognised by the World Health Organisation. It issues guidelines on human exposure to electromagnetic fields, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally⁵ with well over 3,000 studies⁶ informing these reviews and the existing scientific exposure guidelines.

Ofoom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website.

The Department for Digital, Culture, Media and Sport (DCMS) is working with colleagues in Ofoom, PHE and the network operators to provide some workshops for the benefit of council officials to help them understand the technology and the science relating to these health concerns. DCMS officials are also working with both the Local Government Association and the Association of Directors of Environment, Economy, Planning and Transport to support local authorities in this regard and would welcome any further feedback through those channels or directly.

If you or any of your colleagues have any questions, please contact DCMS at enquiries@culture.gov.uk.



Matt Warman MP
Parliamentary Under Secretary of State for
Digital and Broadband

⁵ <https://www.gema.com/publicpolicy/consumer-affairs/emf-and-health/expert-reports>

⁶ <https://www.emf-portal.org/en>

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Appendix 3 Petition response:

Delay 5G in the UK until there's been an independent investigation petition government response

Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications.

Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines. Therefore we have no plans to hold an investigation.

ICNIRP is an independent organisation which is formally recognised by the World Health Organization. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies.

ICNIRP guidelines apply up to 300 GHz, well beyond the maximum (a few tens of GHz) frequencies under discussion for 5G.

Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies, where the main change would be less penetration of radio waves through materials.

PHE updated its guidance, published in October 2019, in respect of 5G and summarised its guidance as follows:

"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to the guidelines and, as such, there should be no consequences for public health."

Ofcom undertakes measurements to confirm that transmitter base stations do not exceed the limits set out in the ICNIRP guidelines. Over the last few months, Ofcom has measured 5G sites in 10 UK towns and cities and in all cases, the levels recorded are a small fraction of those in the ICNIRP guidelines.

The maximum measured at any mobile site was approximately 1.5% of those levels – including signals from other mobile technologies such as 3G and 4G. The highest level from 5G signals specifically was 0.039% of the maximum set out in the guidelines.

A summary of PHE advice on 5G can be accessed in the following links:

<https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health>

<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>

ICNIRP's guidance on 5G can be found here:

<https://www.icnirp.org/en/applications/5g/5g.html>

APPENDIX 4 PHE Guidance **5G technologies: radio waves and health** Published 3 October 2019

Mobile telecommunications technology has developed through several generations and there are now many 2G, 3G and 4G base stations installed throughout the environment providing services to users of mobile phones and other devices.

Public exposure

Over the decades, since the networks were first introduced, there has been a general trend towards increasing numbers of smaller transmitters that individually provide services to smaller geographical areas and have reducing radiated powers.

Against this background, many measurements have been made and these continue to show that exposures of the general public to radio waves are well within the international health-related guideline levels that are used in the UK. These guidelines are from the [International Commission on Non-Ionizing Radiation Protection \(ICNIRP\)](#) and underpin health protection policies at UK and European levels.

In relation to the implementation of 5G devices and networks, this technology is at an early stage and reflects the latest evolution in mobile communications technology. Current technical standards that draw on the ICNIRP guidelines will apply to the products that are developed. UK network operators are already committed to complying with the ICNIRP guidelines.

5G frequencies

With the increase in the volume of information being transferred, more spectrum is being made available and the highest frequencies being discussed for future use by 5G are around 10 times higher than those used by current network technologies, up to a few tens of gigahertz (GHz).

Their use is not new, and they have been used for point-to-point microwave links and some other types of transmitters that have been present in the environment for many years. ICNIRP guidelines apply up to 300 GHz, well beyond the maximum (few tens of GHz) frequencies proposed for 5G.

Research studies

Exposure to radio waves is not new and health-related research has been conducted on this topic over several decades. In particular, a large amount of new scientific evidence has emerged since the year 2000 through dedicated national and international research programmes that have addressed concerns about rapidly proliferating wireless technologies.

The main focus of recent research studies has been on exposure to the types of radio signals used by current communications technologies and at the frequencies they use, up to a few GHz.

Fewer studies have been carried out at higher frequencies but the biophysical mechanisms that govern the interaction between radio waves and body tissues are well understood at higher frequencies and are the basis of the present ICNIRP restrictions. The main change in using higher frequencies is that there is less penetration of radio waves into body tissues

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and absorption of the radio energy, and any consequent heating, becomes more confined to the body surface.

Summary

It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.

PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.



**Phil Norrey
Chief Executive**

Nigel Huddleston MP
Parliamentary Under Secretary of State
(Minister for Sports, Tourism and
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Department for Digital, Culture, Media &
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August 2020

Dear Nigel Huddleston MP

PROBLEM GAMBLING

Your Ref:MC2020/02903/GM

Thank you for your thoughtful response received on the 10th March.

We, as the Corporate Infrastructure & Regulatory Committee, feel dutybound to reply to your letter outlining our disappointment in the apparent lack concrete support when looking for solutions around problem gambling.

We ask you, again, to show your commitment to eradicating problem gambling by taking the following actions:

1. A review of the Gambling Act 2005, as planned, to include significant limitations on the influence of the predatory approach of online gambling platforms.
2. Stronger powers for the Gambling Commission following the Public Accounts Committee description of this body as 'toothless'. ¹
3. Taking detailed steps to prevent targeted advertising of gambling to the most vulnerable, especially under eighteens, and those at higher risk of becoming problem gamblers.
4. Acknowledgement and direction to Public Health to address the mental health and suicide correlation with problem gambling, particularly with

¹ <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-scope> 30/04/20

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children. To include the blurring of gamification of gambling for example with loot boxes, which particularly appeal to younger people.

5. Phasing out entirely the use of fixed-odds betting terminals (FOBTs).

Problem Gambling is an addiction and needs to be treated as one. We certainly would not accept a drug cartel using this approach on national TV streams and online advertising. 1% of the gaming industry's profits for treatment clinics really will not get to the 'root causes' of gambling and we know that families are being ruined and lives are being lost through gambling and we cannot endorse the industry's approach. The digital world is ruthlessly encouraging accessibility to 24/7 gambling where people can lose a fortune in a work 'tea break'.

Please can you look again and demonstrate your leadership on an issue that increasing numbers of MP's are adding their collective concerns. Below are some of the comments that were aired at the last public meeting of our [scrutiny Committee](#):

- Your response did not address, issues relating to the proliferation of advertising by the gambling industry and indirect advertising before the watershed by TV coverage of horse racing;
- The need for further information relating to gambling related tax receipts and expenditure on rehabilitation programmes for problem gambling;
- The impact of the pandemic in terms of problem gambling;
- Noting that some forms of gambling were acceptable in terms of their minimum impact and pleasure it provided for non-problem gamblers.

Devon County Council Scrutiny intends to work with the Gambling Commission and the Centre for Public Scrutiny to continue to raise the profile of this important issue. We intend to be part of a proactive solution around problem gambling.

We look forward to your further thoughts on these matters,

HIW/20/31

Corporate, Infrastructure and Regulatory Services Scrutiny Committee
17 September 2020

Highways Performance Dashboard

Report of the Chief Officer for Highways, Infrastructure Development and Waste

1. Introduction

In response to the recommendations of the Planned & Reactive Maintenance: Potholes & Drainage Task Group presented to the Corporate, Infrastructure and Regulatory Services (CIRS) Scrutiny Committee in March 2019 an updated Performance Dashboard Report has been produced. The intention of this report is to provide Members with an overview of the performance of Devon Highways with a particular focus on the impact on the Service during the response to Covid-19.

This report considers the following areas;

- Operational impact and response to Covid-19
- Reactive works including potholes and drainage cleansing
- Ash dieback
- Increased capital funding
- Preparedness for winter
- Doing What Matters update

2. Operational Impact/response to Covid-19

2.1. Processing Licence Applications

The first stage of lockdown had a significant impact on number of licence applications we received for minor changes (section 171), vehicle crossings, road closures and skips and scaffolds, as many works were cancelled or postponed. These amendments created a significant demand on the team as they worked to ensure that all relevant notices and permits were updated.

2.2. Insurance claims

Pre-lockdown claim demand this year has more than doubled that of last year and demand has only started to decrease over the last two months. This increase in demand is thought to be generated by the increase in potholes (see section 3 below). The team are currently processing all claims within our normal timescales.

2.3. Customer contact

Contact via social media remained steady during the lockdown period. Contact via other methods such as telephone, live chat, etc reduced significantly although recorded/reported issues did not drop as much as anticipated. A table of monthly customer contact levels can be seen in Appendix A.

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2.4. Civil Parking Enforcement Operations

During the lockdown period the parking operations team have consistently needed to adapt to the changing needs of the network and ensure the safety of frontline parking operations staff.

During the early stage of the pandemic in March, April and May on-street deployment was reduced with a focus on safety critical enforcement and keeping arterial routes moving. Staff were deployed with vehicles rather than walked beats to maintain social distancing.

The team also worked with colleagues on the implementation of additional temporary permits, and relaxation of enforcement to aid local residents to work from home and key workers to access workplaces. An extension was granted to the care and health worker permit scheme and adoption of NHS permits to support essential workers. The operations team were critical in ensuring that the needs of communities were met whilst continuing to allow the safe and smooth flow of traffic and supply chains.

Where reduced deployment meant that staff were unable to be fully employed on-street they stepped in to support the County's Covid response elsewhere, or assisted other highways teams, this included:

- Assisting in emergency food parcel delivery across Devon
- Transfer of staff to key internal support roles in the HOCC
- Supporting in developing Asset inventories.

From the start of June, as the lockdown eased and high streets reopened, the team have needed to return to a full range of enforcement and deployment. The team have taken a proportionate approach, initially focusing on areas where communities had requested enforcement support and maintained up to date information online and via our communications team.

2.5. Civil Parking Enforcement Processing

During the lock down period, our processing policies were revisited to take into account the pandemic's impact on our communities, taking into account personal circumstances and finances; extra discretion was afforded to those who mitigation was attributed to Covid-19.

While reduced numbers of enforcement officers were issuing penalty charge notices during April and May and incoming correspondence levels dropped, the team focussed on resolving as many of the open appeals cases as possible.

All of the temporary Care and Health Worker permits and additional temporary permits for RD&E staff, NHS and key worker arrangements put in place in March were initially expected to last 12 weeks until 30th June. This was subsequently revised to the 30th August as it became clearer that further restrictions would remain in place throughout July.

In accordance with guidance issued by the British Parking Association (BPA) we are affording additional discretion at Charge Certificate stage allowing customers who engage with us to either submit a late appeal, settle their case at the reduced rate or agree a deferred payment date to assist them with the financial impacts of the pandemic.

2.6. Traffic Orders, Policy and Programme Team

Delivery of the Traffic Orders, Policy and Programme (TOPP) Team workload has been delayed due to Covid-19. Crucially the lockdown prevented the advertisement of Traffic Regulation Orders (TROs) as the public would not have been able to access the deposit documents in the usual locations and officers were not able to carry out site visits to measure, mark up, place notices etc. Recently the Government has temporarily amended the TRO process regulations easing some of these difficulties.

Furthermore, the TOPP Team officers and consultants have been under extra pressure to deliver high profile Active Travel works utilising new central government funding. The team were redeployed to design, approve and implement emergency temporary works to improve the public realm enabling social distancing and improve walking and cycling facilities. Some of these temporary works may be made permanent and this will add extra strain on staff resources later in the year.

As a result of staff shortages there is currently a large backlog of work including HATOC TROs. To maintain the progress of these TROs they have been outsourced to our consultant WSP.

3. Reactive Works

3.1. Gully cleaning

A programme of extensive performance audits was carried out as a number of concerns regarding the quality of gully cleaning were being identified. This has led to a sub-contractor being dismissed by Skanska. The gully cleaning programme remains on target to be completed within the financial year. The addition of permanent hand cleaning gangs has had a positive effect to the service delivery. Additional details can be found in Appendix B.

3.2. Grips, Easements and Buddlehols

The performance this year on this work type has been strong, the programme is 9% ahead of schedule. Audits have been carried out on the Grips Easements and Buddlehols gangs which has improved quality. Additional details can be found in Appendix B.

3.3. Grass Cutting

The first rural grass cut was complete by the end of August. The second cut commenced on the 1st of September. The rural grass cutting delivery in 2020 has been delivered with minimal disruption or complaints.

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The urban grass cutting is about to commence the fourth and final cut. This year we have focused some effort into data accuracy on areas of cutting and location of road traffic signs.

3.4. Potholes

The number of pothole defects recorded this year has been consistently higher than the average since the start of the Devon Highways Term Maintenance Contract (TMC) in April 2017. These increased numbers highlight the fragility of the network following a particularly wet winter. A graph of monthly numbers recorded per year can be found in Appendix C

This increase in recorded potholes has predominantly been driven by high numbers of defects being identified during Highway Safety Inspections caused, in part, by bringing a number of carriageway category 8-10 inspections forward from the winter into the summer months to facilitate inspection of trees for Ash Dieback. This change will also free up inspector capacity to respond to publicly reported defects through the winter periods when the volume of reports is naturally higher.

3.5. Public Pothole Enquiries

Decreased travel due to lockdown and social distancing requirements has seen the number of public reports of potholes reduce significantly from previous months. We have used this opportunity to inspect locations with large numbers of historic defects, with a view to ordering larger serviceability repairs where possible.

A graph showing the number of pothole enquiries received each month can be found in Appendix C.

The publicly reported pothole triage process continues to reduce the number of wasted trips from gangs by closing down non-actionable reports by members of the public before they are passed to Skanska.

3.6. Other Defects

The number of defects instructed from 1st April 2020 to date are compared with the same period from the previous year in the table below:

Defect Type	2019	2020
Grey (trips, kerbs, ironwork etc)	8081	7252
Signs	2586	2671
Lining	749	1497
Vegetation	2458	2505

4. Ash Dieback

Ash Dieback continues to place an ever-greater pressure on both the revenue budget and staff resources. During the initial lockdown we took the opportunity to remove significant numbers of infected trees on both the A361 and A39 around Barnstaple. As well as minimising disruption on the busiest sections of the road

during lockdown it also prevented local contractors from furloughing staff and maintained our ability to respond to emergencies. Significant works have been planned for the remainder of the A361 from September to November to remove this significant risk to the travelling public. The works have been planned at relatively short notice to take advantage of the ecological window.

The now annual county wide inspections have recorded a significant increase in infected trees, highlighting the rapid spread of the disease throughout the whole of the County. The team managing the works are either arranging for the trees to be removed or they are contacting landowners to make them aware of their liability.

5. Increased Capital Budget

In March the Government announced a new Pothole Fund to be awarded each year to highway authorities from 2020/21 until 2024/25 with Devon's share of this funding for 2020/21 being £28.869M inclusive of the last year of the Pothole Action Fund at £1.92M. This increased capital funding adds an additional £26.949M to the capital programme approved by Cabinet in May this year making this the largest capital programme ever at £81.843M.

The increased capital funding is being used to provide additional resource that addresses the pothole issues on our roads by arresting the development of a pothole through more preventative action rather than making reactive repairs once the pothole has formed and to also fund repair of damage caused to the highways during the storms of late 2019 into early 2020.

Alongside the Pothole Fund the Government wrote to the authority in May to advise that Devon's unsuccessful 2019/20 Challenge Fund bid was now to be approved. This announcement provides a further £5M to the capital programme to be spent specifically on the A380 between Teign Viaduct and Ashcombe Cross on resurfacing, road restraint barrier, drainage and structural upgrades.

Suitable highway schemes to be funded from the Pothole Fund will be identified on a route-based approach for both the principal and non-principal road network with a greater financial emphasis on our 'C' and unclassified roads. The objective being to improve both condition and resilience particularly on the minor road network to prevent potholes from forming in the first instance.

The additional funding will also be used to address bridge strengthening needs and will assist with combatting severe weather damage following the 2019/20 winter by providing additional funding for highway stabilisation and retaining structure repairs.

The programmes will also take into consideration the recent Covid-19 related need to support emerging active travel solutions, particularly for walking and cycling and to improve the underlying condition and resilience of such routes. This additional funding will enable the team to permanently improve the overall condition of some of these walking and cycle routes by directly attending to the cause of the problems rather than having to simply treat the symptoms.

There are already risks identified regarding the potential impact of Covid-19 on staff resources available to manage the highway capital programme and the challenges

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that brings in providing forward design capability and in the delivery of the schemes. The risks are being mitigated by utilising several key suppliers to assist in the design and delivery of the programme, including additional design resources from the new Transport and Engineering Professional Services contract with consultant WSP, Skanska and various suppliers from the current framework contract for highway works.

The revised annual programmes for Highways and Bridges and Structures strikes a balance between applying the approved Asset Management Strategy and Plan, considering the risks in the current pandemic and the uncertainty surrounding future funding sources.

Due to Covid-19 planned works delivered through the TMC ceased on the 23rd March and did not commence again until the 18th May. This was largely due to a complete loss of supply chain and quarries, along with self-isolating of some of the workforce. More urban function types such as footways have been slowly introduced, being subject to individual risk reviews.

At the time of writing, TMC output for planned capital works has returned to approximately 95%. The net effect of this however does mean that there is currently some over-programming in certain areas such as drainage and footways and a heavily back-ended works programme. This programme will of course be subject to risks through winter periods, and potential of second spike in terms of Covid-19.

Our Term Maintenance Contractor (TMC) Skanska is expected to deliver £32m of the total budget, with a further £42m to be delivered through external contracts. This approach recognises supply chain capacities while encouraging agility, and promoting financial sustainability across the industry.

Despite a delayed start other planned works delivered through external contracts generally appears to be on track other than the footway slurry contract which did not commence until early September and is weather dependant.

6. Preparedness for winter

Skanska should have 3 drivers available for each route, with a further 60 HGV drivers available among their staff. Work has been undertaken to identify a significant level of sub-contract resource to supplement inhouse resources which consist of 49 dedicated gritters, 9 tractors (for 5 snow blowers and ploughs), 7 trailed gritters and 7 other secondary gritters. The fleet is in its final stages of preparation.

Salt barns were reasonably well-stock at the end of last winter, but an order for a further 10,000 tonnes has been placed and is starting to be delivered.

The new Network Operations Control Centre will be ready for the start of winter, to co-ordinate winter service and emergencies. Satisfactory arrangements are in place to ensure a level of resilience and business continuity planning, both internally and with our suppliers, to manage the coming winter service through any heightened Covid-19 restrictions.

7. Doing What Matters

The impact of lockdown on the service has impacted some of the Doing What Matters projects as it has been difficult to bring teams together and discuss ideas with those that really understand the work. However, both the Defects and Planned Works projects are moving forward.

7.1. Defects

The current focus of this project is to improve the quality of information going into the system to ensure gangs have adequate information to carry out a good repair at the first time of asking.

Gangs carrying out repair work on the network have been interviewed to establish what they need in terms of additional information captured by inspectors during both scheduled inspections and during inspector visits to public reports. Agents and co-ordinators also contributed to the survey.

The information required for each defect is different – 133 different additional fields spread across 25 defect types were discovered. There are, however, some common themes. All gangs suggested that they need the following:

- Photographs of the defect available on their tablets;
- Full dimensions of the defect and the materials require to complete the correct repair;
- A complete traffic management plan.

The information gathered from these surveys has now been collated and forms the backbone of the new scheduled inspection software that is being developed.

Under the current system of work the inspectors fill one of two roles; a scheduled safety inspector or a PIP triage inspector (an inspector who is dispatched to public reports). The new system of work will allow all inspectors to be able to complete both work types. This increases the flexibility of the workforce and will help during periods of high demand.

The reaction from the inspection team has been extremely positive. They will be assisting with the design of the software as well as its testing to ensure that the system is user friendly as well as functional.

7.1.1. Next steps

The team will be identifying gaps in training and experience within the current inspectors and looking to ensure that they are all competent and confident in what will be expected of them under the new way of working.

Our software provider WDM is continuing to develop the bespoke software which should be ready for testing at the end of Autumn.

With regard to addressing concerns with workmanship, recent audits indicate the quality of repairs is improving; roughly in the magnitude of 20% more repairs passing

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audit with a 82% pass rate compared to 62% under the old way of inspecting. There are multiple factors as to why the remaining 18% are not up to standard including the fact that this was a blind test, the additional information is not easily accessible for the gangs and that photographs are not being shared digitally.

In addition to auditing, Skanska have already established a series of benchmark documents that demonstrate the correct way to complete certain tasks including pothole repairs, hand patching, machine patching, grass cutting and gully emptying. These have been rolled out and are being adopted by gangs. DWM has highlighted both the need for the benchmarks to be drawn up for all defect types. All gangs must be trained to use these standards and Devon County Council will use the same standards to audit repairs made on the network.

7.2. Dragon Patcher

Since April we have been operating with four dragon patchers across the county. This increase from the previous two machines has allowed the Neighbourhood Teams to take a more active role in site identification in addition to historic defect data.

This new blended approach allows local priorities to be accounted for while still using available data to ensure a large enough programme is developed to make effective use of the extra machines.

The main impact of the pandemic on the Dragon Patchers has been the inability to train additional operatives. This has meant that it has been impossible to double shift the machines with the exception of one machine from August. It is currently expected that all 4 Dragon Patchers will be double shifted from May 2021.

The impact of the pandemic on productivity has been less than traditional forms of patching. Operatives do not require the same close proximity to their co-worker and therefore can observe social distancing without much adaptation. Due to this, within four months (from April through July) 80 sites were completed across Devon. This was achieved in 261 shifts, outputting over 1100 tonnes of aggregate.

7.3. Planned Works

We continue to make progress in transforming our approach to planned work. The test area in west Devon has identified schemes and we are working closely with Skanska to test opportunities for efficiencies. All across the county teams are in the process of completing driven surveys of their network and they will use this information alongside asset condition data and community input from parish councils to prepare a works programme for the forthcoming financial year. This work has not gone as quickly as we would have liked and it may be some time before all parishes are engaged. In addition to the lockdown, staff resources have had to respond to the additional funding announced earlier in the year.

Meg Booth

Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Rob Richards

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
Nil		

rr030920cirssc Highways Performance Dashboard - Final

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Appendix A to HIW/20/31

Monthly Customer Contact Volumes

Month	2017	2018	2019	2020
January	6098	12342	7717	10320
February	7246	9796	7533	10737
March	8317	10677	8704	7040
April	5610	10703	6383	4284
May	6659	7218	5740	3857
June	6404	6430	6211	4396
July	6088	6575	5137	5146
August	6035	5220	4731	5542

Appendix B to HIW/20/31

Gully Cleaning Programme

As of 21/8/20		38% Through the year		
	Total to be cleaned	Total Assets Attended	Left to Attend	% Complete
Honiton	26774	10437	16337	39%
Exeter	39099	9543	29556	24%
Rydon	19120	10084	9036	53%
South Hams	18150	9599	8551	53%
Okehampton	13777	9065	4712	66%
Merton	16988	7883	9105	46%
South Molton	25431	10862	14569	43%
Hand Cleans		430		
Sub Contract		11422		
	159339	79325	91866	42%

Grips, Easements and Buddleholes Programme

As of 21/8/20				38% Through the year			
	To be Cleaned	Cleaned	Programmed Length (m)	Cleaned (m)	Additional Cleaned (m)	Total Cleaned (m)	% Complete
South	16,653	7,347	54,599	26,283	2,852	29,135	44%
West	34,963	10,903	114,481	35,555	1,727	37,282	31%
North	5,394	4,751	14,313	13,484	1,104	14,588	88%
Mid Devon	7,403	2,047	18,758	8,403	3,491	11,894	28%
East	33,717	20,690	86,135	49,439	5,289	54,728	61%
	98,130	45,738	288,286	133,164	14,463	147,627	47%

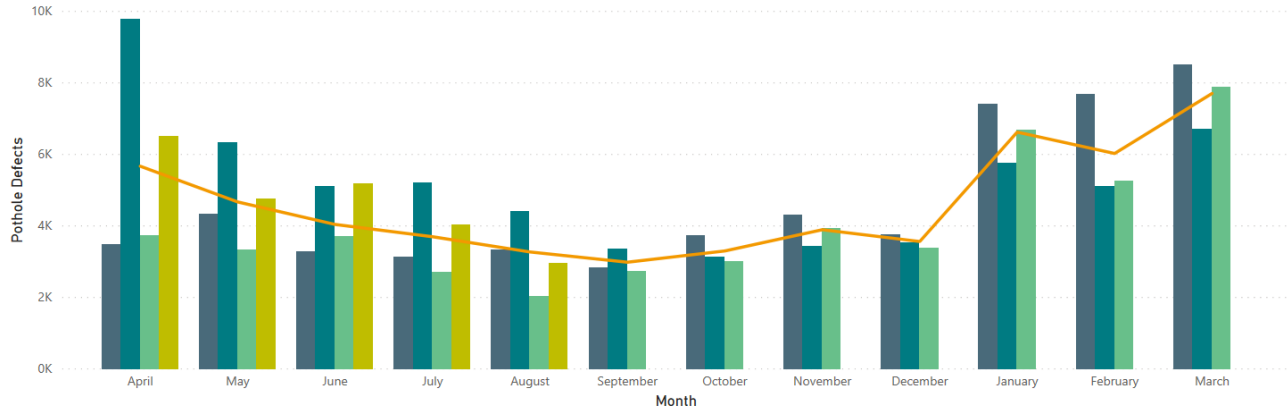
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Appendix C to HIW/20/31

Graph showing volumes of pothole defects identified each month

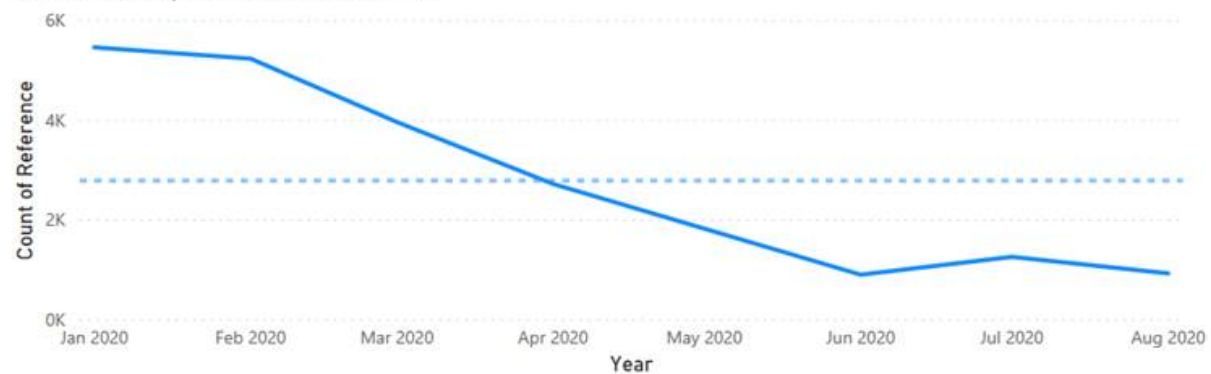
Bar Chart Showing Number of Pothole Defects Per Month, Split by Financial Year

Financial Year ● 2017/2018 ● 2018/2019 ● 2019/2020 ● 2020/2021 ● Average 2017/18 - 2019/20



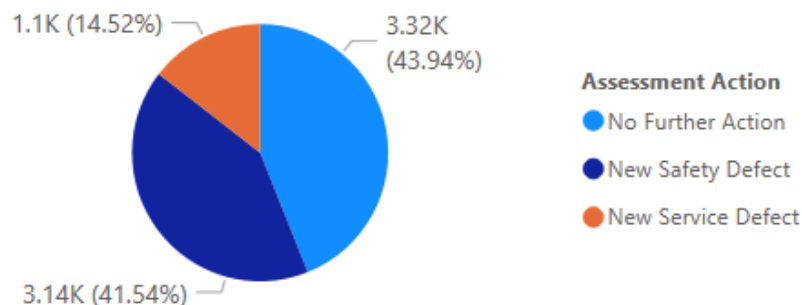
Graph showing volumes of publicly reported potholes each month

Number of Enquiries Added Over Time



Pie chart showing Outcomes of Triaged Public Pothole Enquiries

Enquiry Outcomes



Reason for No Further Action (NFA)	Percentage of NFA Enquiries
Duplicate/ Works already completed	63.23
Not classified as a defect	25.79
No defect found	8.82
Other	2.16

Devon County Council fire safety update

Report of the Head of Digital Transformation and Business Support

1. Summary

This report provides an update on the Council's fire safety measures and the actions which DCC took following the Grenfell Tower fire on 14th June 2017, and the fire in the block of flats housing students from the University of Bolton in November 2019.

It sets out DCCs response following these events and confirms DCCs position in relation to cladding on its property estate (including the Local Authority maintained schools estate), highlights the key focus of the government's interim report into the Grenfell tragedy and details DCCs current fire safety processes and procedures.

2. Background

The extent of the fire at Grenfell and significant loss of so many lives is being attributed to three main factors - the 'chimney' effect created by the exterior retrofit cladding, the resultant spread of the fire over the 20 floors combined with the procedures in place for responding to fire.

The incident in Bolton over 2 years later raised similar concerns over the safety of high-rise buildings and blocks of flats, however the cladding used on the building in Bolton (high pressure laminate – HPL) was different from the aluminium composite cladding (ACM) material used on the Grenfell Tower.

The Government's response to the Grenfell fire in 2017 required Local Authorities to provide property asset information for residential buildings with cladding over 30 metres high.

It is important to note that in the context of fire safety DCC do not have 'high risk' buildings in terms of their height, occupancy or material.

Following the Grenfell fire, DCC confirmed to the government that it does not own or manage residential accommodation with cladding over 30 metres high and that DCC are not a housing authority.

3. DCC Actions

A DCC officer group was convened on the 28th June 2017 to agree an appropriate 'fire safety review' action plan for DCCs property estate. The group, led by DCCs Maintenance and Compliance Manager included senior officer representation from Health and Safety, the Built Environments Team, NPS SW Ltd (DCCs property services provider) and Devon Norse (DCCs FM provider).

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The group were tasked with reviewing DCCs existing fire safety processes and procedures, overseeing a desk top review of fire safety information, arranging on-site inspections for residential accommodation (currently 3 sites detailed in section 6 of this report) and assessing whether Aluminium Composite Material cladding has been used on DCC buildings.

Whilst DCC are not a housing authority, fire protection surveys were carried out across the entire DCC estate and confirmed that we do not have residential buildings over 18m with ACM cladding (used on the Grenfell building).

Following the Bolton fire in 2019 the group instructed NPS SW Ltd, as DCCs property services provider, to review the estate for the presence of high pressure laminate cladding. NPS SW Ltd have been confirmed that we do not have sites with HPL cladding similar to that found on the student accommodation in Bolton.

4. DCCs fire safety review findings

The review concluded that DCCs approach to Fire Safety was robust and compared well to the approach taken by other comparable organisations. This was evidenced by a survey of other organisations co-ordinated by DCCs Health and Safety Manager.

The DCC review identified the following areas, where, in light of the events at Grenfell, it was considered appropriate to strengthen DCCs approach:

- **Fire door inspections.** DCC now commissions an annual inspection of approximately 1,991 fire doors in 55 premises on the DCC property estate. All inspections, maintenance and replacement of fire doors are undertaken by an accredited contractor. This forms part of a monthly Compliance Monitoring report.

Local Authority Maintained schools are responsible for maintaining fire doors and fire door inspections form part of the condition survey inspection process undertaken by NPS.

- **Condition Surveys.** An addition to the quinquennial surveys to include explicit reference to identifying changes to the structure of the building (including any cladding) and the consideration of fire compartmentalisation (to contain the outbreak of fire).
- **Fire Risk Assessments.** A central record of site Fire Risk Assessments (using DCCs existing Property Management Information System)

5. DCCs Fire Safety and Fire Risk Assessment policies and procedures

Prior to the Grenfell Tower fire, DCC had in place (and continue with) the following procedures and processes:

- 6 monthly routine inspections of fire alarms and emergency lighting across the DCC maintained estate
- Compliance monitoring – monthly reporting by NPS SW Ltd to DCC to ensure the inspection regime is within the agreed tolerance (and subsequent reporting to Digital Transformation and Business Support Leadership Team through Performance Management monitoring).

- A rolling programme of health and safety audits (a site inspection every three years) by DCC Health and Safety Team including a review of Fire Risk Assessments and extinguisher servicing. Since 2017 the full cycle of audits has now been completed.
- Mandatory training for the designated site Premises Manager.
- Relevant and current guidance and health and safety policies and procedures accessible on-line.
- Minimum annual visits to site by NPS Surveyors and/or DCCs Maintenance and Compliance Manager.
- Quinquennial condition surveys.
- Annual servicing of fire extinguishers.

6. DCCs approach to fire

In the event of the fire alarm sounding at a DCC building or school, a full evacuation is invoked with the exception of DCCs 2 Dementia Centres (Woodland Vale and Mapleton) and the Atkinson unit.

For these 3 sites the approach is different because of the nature of the client groups (in the event of a fire occupiers are contained in 'safe' zones depending on where the fire is located).

Sprinkler systems are not routinely included in the design of DCC buildings – the priority is focussed on the safe evacuation of building users. Fire alarm systems and the evacuation process are tested on a regular basis.

7. Commissioned services, leased premises and Academy schools

Where DCC assets are leased to other users (including those as part of a commissioning arrangement such as Library and Youth Services and for Academy schools which are not maintained by DCC) the responsibility for the property is set out in the occupancy agreement, placing the day to day responsibility on the occupier as tenant. Commissioned Services can 'buy-back' into DCCs Service Term contract arrangements for services such as the inspection of fire alarms and emergency lighting.

For the schools estate similar arrangements exist for the servicing of fire safety equipment. The majority of Devon schools pay to use DCCs Service Term Contract arrangements with the remaining schools taking responsibility for commissioning and confirming that appropriate arrangements are in place.

8. Grenfell – Interim Report

An *"Independent Review of Building Regulations and Fire Safety"* was announced by government in July 2017 following the Grenfell Tower tragedy and was led by Dame Judith Hackitt. It examined building and fire safety regulations and related compliance and enforcement, with a focus on high rise residential buildings.

An interim report, *"Building a Safer Future" - An Implementation Plan* was published on 18 December 2017 and was the government's initial response to the final recommendations. The final report *"Independent Review of Building and Fire Safety"* being published on 17 May 2018. This final report set out over 50 recommendations for the government on how to deliver a more robust regulatory system for the future.

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The reports have set out the far-reaching programme of work that it intends to undertake to improve building safety and ensure that people who live in high-rise residential buildings are safe and feel safe, now and in the future.

In January 2020 a new, national Building Safety Regulator (BSR) was established in shadow form by the Health and Safety Executive.

The BSR's main three functions include;

- overseeing safety and standards of all buildings;
- 'directly' assuring safety of higher risk buildings; and
- improving the competence of those 'responsible for managing and overseeing' works.

The BSR will ensure that high rise buildings and the people who live in them are being kept safe, with new powers to raise and enforce higher standards of safety and performance across all buildings.

Devon County Council have no residential, high rise properties on its estate.

9. Equality Considerations

None – this report is provided for information and updates the Committee in relation to fire safety.

10. Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

11. Summary

The approach which DCC has taken in light of the events at Grenfell Tower and Bolton has been measured and appropriate to the profile of DCCs property portfolio. DCC are not a housing authority and we do not have high rise residential property, however, as a public authority with an estate (including sizeable office buildings and a limited number of specialist residential units) a review of our Fire Safety procedures and protocols, as well as an assessment of the estate in terms of risk was carried out.

A number of actions and processes have been implemented as a result of the review to further strengthen DCCs approach to managing Fire Safety.

The government's interim report has highlighted a number of key areas of focus, and it is likely there may be a 'tightening' of current legislation in the future.

It is not yet clear whether the government will recommend additional fire safety protection measures for new and existing properties and if so whether this would apply only to residential and/or high-rise properties.

DCC will need to consider the practical and financial implications of any recommendations set out in the final government's report.

Electoral Divisions: All

Cabinet Member for Policy, Corporate, Resources and Asset Management (Leader of the Council): Councillor John Hart

Rob Parkhouse Head of Service

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Matthew Jones (matthew.jones@devon.gov.uk)

Tel No: 01392 383000

Background Paper	Date	File Reference
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Nil

The above mentioned Reports are published on the Council's Website at:

<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>

Meeting with Keri Denton and Iain Perkins on Procurement of New Contractor to replace Gigaclear

Questions Discussed:

1. Lessons learned from failure of the last contract
2. How these would be incorporated into the new procurement exercise
3. The guidance and specification to be set out in the contract at bidding stage e.g. on channelling wayleaves and poles
4. How the contractor would establish a clear framework control of and monitoring of sub-contractors and the supply chain
5. The procurement method and process and timescale
6. The evaluation process
7. The budget and effect on DCC client side

Part of the problem with Gigaclear (as has been set out in previous Member briefings) were:

No proper management from them locally. They clearly didn't understand local conditions and challenges as they tried to manage the contract from Oxford.

They were impacted by the fall of Carillion.

Their management of their sub-contractors including oversight of quality

Keri confirmed that evidencing and testing subcontractor arrangements, roles and responsibilities will be strengthened for the future procurement

Gigaclear did demonstrate that they had delivered projects like this previously during the application stage. Government had seen that too, so this was tested previously, and they seemed to be a suitable supplier.

They provided a site visit of their trenching and that seemed to be in good order. Gigaclear didn't appreciate that many of our lanes didn't have the space for trenching in the way they wanted to deliver it, having only completed a desk-top design at the bid stage.

It should be noted that the procurement process doesn't allow a full blown, walked and assessed inspection of all deployment plans, at bid stage. It is expected that a modelled solution is submitted, with clear assumptions which are tested in the evaluation of all bids. Once appointed the provider will have to submit a detailed build plan and ground surveys. More of the subsidy will be offered in the new procurement for this part of the design and build process and while the planning stages may take longer it should de-risk the build stage

Testing what future bidders say they can do is essential. We will require a clear setting out of roles between the supplier and its sub-contractors – responsibilities, accountabilities controls and information.

The new awardee(s) will have to tell us who their key personnel are more clearly once appointed with more detail be provided on resources for securing wayleaves, liaison with Highways and communities. This is an area that can be approved upon and a key lesson learned from the Gigaclear situation.

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Scoring / evaluation

Consideration of apportioning scores in the evaluation strategy for the new procurement has been done. The priority on implementation to score well on deliverability as a higher value is has been considered. A model was developed to test the balance of scores across all the criteria under Cost and Quality, working to the parameters set down by Government and has been used to inform the evaluation strategy being used for the new procurement

A data room has been used in previous procurements which contains documents and an information suite is was updated and has been made available to new bidders. This include relevant Standards for roads, community information, etc. Bidders will be required to refer to this in developing their proposals and will be tested by CDS in the procurement process. Suppliers are required to complete their own due diligence exercise on the data provided.

Competitive procedure with negotiation is the chosen procurement route for the new procurement and allows greater engagement with contractors before the final bid is submitted. We have considered the initial bids received so far, looking for weaknesses, clarifications and areas to strengthen. We have run a series of negotiation sessions with each bidder and provided feedback and debated options for optimisation of their proposals. This has completed and we have issued an invitation for final tenders, with the deadline of 25th August. On receipt of bids the evaluation and moderation process will begin.

CDS spoke to about 26 potential suppliers including national providers, alternative networks providers, companies who build and maintain networks, and companies who operate networks.

It is possible to award all the contracts to one supplier or several.

Procurement Process and timescales –

The data room will be open by middle of February. We will publish a selection questionnaire (formerly known as Pre-Qualification Questionnaire) and companies have 30 days to apply. We then do a check of their financial and technical track record of the company looing back. When the evaluation is done eligible tenderers continue with the process and are invited to tender. This stage has completed

Then they have 3 months to submit an Initial Tender response. There will be a review of bids and then negotiation. Then they get chance to optimise their bid before a full and final Invitation to Tender is launched. The Selection, Initial Bid and Negotiation stages have now been completed.

Final tenders are submitted on 25th August for full evaluation. Then CDS working with BDUK and the state aid team will embark on evaluation of the final bids to identify preferred lead bidders. Due diligence on the bids is expected to be completed by the end of November. There will be assurance steps all the way through with BDUK. The contracts are expected to be awarded at the end of 2020.

To assist households CDS is working with BDUK and promoting the Rural Gigabit Voucher opportunity. The Challenge fund offers pilot capital grant for broadband infrastructure and can be used in conjunction with vouchers. This will help while the procurement process is taking place and before work can commence by the selected providers.

Effect on the Budget

Until the final contracts are awarded, and the solution design and methodology are known it is hard to gauge if additional resources within DCC Highways and the contract management team will be required. It is expected that the current revenue budgets will be sufficient to cover contract management resources.

