CABINET

15 January 2020

Present:-

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

Apologies:-

Councillors S Barker

Members attending in accordance with Standing Orders 8 and 25

Councillors A Connett, A Dewhirst, B Greenslade, I Hall, R Hannaford, R Scott and C Whitton

* 441 Minutes

RESOLVED that the minutes of the meeting held on 11 December 2019 be signed as a correct record.

* 442 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 443 Announcements

There was no announcement by the Chair at this meeting.

* 444 <u>Petitions</u>

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

* 445 Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to one question from a Member of the Council on cultural education schemes (music, film making and museums) and how the Council might benefit from additional Government funding.

[NB: A copy of the question and answer are appended to these minutes and are also available on the Council's Website at http://www.devon.gov.uk/dcc/committee/mingifs.html]

KEY DECISIONS

* 446 <u>Budget 2020/21 Update</u>

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

The Cabinet considered the Report of the County Treasurer (CT/20/07) on the revised target budget in light of the provisional budget settlement, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that at its December meeting, it had set Revenue Spending Targets for 2020/21 that had represented an overall increase of £31.9 millions or 6.4%, notwithstanding the Provisional Local Government Finance Settlement had not been announced at that time.

On the 20th December 2019, the Secretary of State for the Ministry for Housing, Communities and Local Government, the Rt. Hon. Robert Jenrick MP, made a written statement to Parliament on the Provisional Local Government Finance Settlement 2020/21. This was as expected and gave an opportunity to increase the Spending Targets that were previously set. The settlement was for one year only.

In relation to Council Tax, the referendum limit was 2% with social care authorities allowed a 2% social care precept. The three elements of the Business Rates Retention system (Baseline Need, NNDR Baseline and Tariff/Top Up amounts) had all increased by 1.63%, in line with the September 2019 CPI inflation figure. The Revenue Support Grant had increased in line with the Business Rates Retention system (+1.63%) and in relation to the Social Care Support Grant and Improved Better Care Fund, the provisional settlement confirmed the previously proposed national amounts and allocation methodologies. The national allocation of £81m and methodology for distribution of the Rural Services Delivery Grant remained unchanged from 2019/20 and there were no new business rates pilots for 2020/21.

The Provisional Settlement for the County Council was outlined as follows.

000's
546
80,654
21,997
3,526
7,455
20,160
28,271

The Revenue Spending Targets approved in December totalled just under £530 millions. The increased Revenue Spending Targets for 2020/21 now totalled just over £541 millions which represented an increase of £11.3 millions on the December target figures and an increase of £43.1 millions or 8.7% on 2019/20.

The target for Adult Care & Health had increased by £7.7 millions, for Children's Services an increase of £2.5 millions. The increased targets also included £60,000 for additional legal support within Corporate Services and £1 million within Highways, Infrastructure and Waste to help with drainage issues on the Highway network.

The budget for Adult Care & Health was £260,258 millions, a net change of £23,714 millions or 10.0%. For Childrens Services, this was £146,845 millions, the net change being £11,538 millions (8.5%). Community Health, Environment & Prosperity was £39,713 millions, with the net change of £925,000 or 2.4%. For Corporate Services £37,160 millions, a net increase of £2,479 millions (7.1%) and in relation to Highways, Infrastructure Development & Waste £57,508 millions, an increase of £2,790 millions (5.1%).

The Cabinet noted that although the final settlement would not be received until late January or February, the risk of the figures being very different was low.

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

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

RESOLVED

- (a) that the Provisional Settlement set out in paragraph 2.3 be noted; and
- (bi) that the increased Revenue Spending Targets for 2020/21 as set out in paragraph 3.4 of the Report be approved.

* 447 Budget Monitoring - Month 8

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

The Cabinet considered the Report of the County Treasurer (CT/20/08) on the budget monitoring position at month 8 (to the end of November 2019), circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the total projected overspend at month 8 was £3.4 millions, a £1.9 millions reduction from the £5.3 millions forecast at month 6.

In relation to Adult Care and Health Services, the service was forecast to overspend by £6.8 millions, £137,000 worse than month 6. The position included £749,000 of management actions yet to be delivered but which were still considered achievable.

For Children's Services, the forecast was an overspending of £6.6 millions. However, this did not include projected funding shortfall of £21.5 millions on SEND as explained in sections 3.7 to 3.9 of the Report.

In Highways, Infrastructure Development and Waste, the service was forecasting an underspend of £515,000 at month 8, an increase of £113,000 from month 6.

For other Services, Communities, Public Health, Environment and Prosperity (COPHEP) was forecasting an underspend of £482,000 an increase of £478,000 from month 6, and Corporate Services forecasting an overspend of £2.3 millions, a similar position to month 6.

Non- service items were forecast to underspend by £11.4 millions which would be achieved by not making the planned £3 millions transfer to the budget management reserve or the planned £5 millions contribution to the service transformation reserve in the current year.

The approved capital programme for the Council was £150.2 millions and the year-end forecast was £120.5 millions, producing forecast slippage of £29.7 millions. The main areas of slippage could be attributed to variations and programme delays in Planning and Transportation, £23.4 millions net slippage, reflecting the complexity of the major schemes within the service.

In summary, the projected overspend had reduced by £1.9 millions from month 6 which was welcomed, although Adult and Children's Social Care continued to experience ongoing pressure along with the School's Transport service. The funding shortfall within the Dedicated School's Grant SEND High Needs Block continued to be a significant concern for this year and into the future.

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

it was MOVED by Councillor Hart, SECONDED by Councillor McInnes, and

RESOLVED that the Month 8 budget monitoring forecast position be noted.

448 Adult Services Market Sufficiency Position

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

The Cabinet considered the Report of the Associate Director of Commissioning (Care and Health) (ACH/20/118) giving a Market Position Statement, circulated prior to the meeting accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Care Act 2014 placed a duty on local authorities to promote a sufficient and effective market for adult care and support for all citizens. The Market Position Statement (MPS) set out the Council's sufficiency assessment to inform and support providers to make business and investment decisions and it was also a key element of financial planning.

The Cabinet noted that a lack of market sufficiency was the highest risk factor affecting adult social care and added to pressures on the NHS, especially during winter. They further noted that Members of the Health and Adult Care Scrutiny Committee had contributed to the development of the MPS at the Standing Overview Group on 17th July 2019.

The MPS for 2019: "Vibrant Markets for Happy and Healthy Lives" had been jointly prepared with the Devon Clinical Commissioning Group and the Devon Partnership NHS Trust. It outlined the strategic context in terms of what the future development of the health and care system would be underpinned by including collaboration, prevention, integration and partnership, outcomes and personalised services, innovation, the use of technology and workforce. It also reflected on the demographics and need analysis and the range of factors that affected markets, for example, economic context, quality, workforce, changing profiles of need, investment and suitability of buildings and potentially Brexit.

The Sufficiency Assessment Summary showed the major priorities, as set out in the MPS, which included addressing a shortfall of approximately 40 places in the supply of care home placements for people with complex needs and / or behaviours that challenged and the shortfall of circa 2,500 hours per week (6% of total commissioned hours) in the regulated personal care market, circa 50% of which was in Exeter and South Devon. Delivering alternative "care with accommodation" solutions, especially in relation to Extra Care Housing and Supported Living and improving access to replacement (respite) care and addressing shortfalls in the unregulated market to better support people with disabilities, mental health needs and autism.

The actions to address each of these issues were set out in Appendix 1, together with a summary of activity as set out in the MPS.

The MPS was a key tool for delivering plans, both countywide and at a local level. Without a vibrant market the Council could not fulfil its statutory obligations, nor meet the changing needs of the public. The providers were significant partners as well as contractors and the Council needed to continue to improve dialogue with them to adapt the profile of supply and assist with planning. The MPS needed to be considered in cycles of financial planning across the health and care system.

The Report of the Associate Director of Commissioning (Care and Health) incorporated an Impact Assessment circulated for the attention of Members at this meeting https://www.devon.gov.uk/impact/mps19/. This highlighted that the MPS provided a statement of strategic intent for how the Adult Social Care market would be shaped in the future, therefore when specific proposals, in line with the strategic intent, needed a decision there would be specific Equalities Impact Assessments prepared on that basis. The MPS however

provided an assessment of needs and supply which enabled gaps in provision to be identified and providers to see where opportunities existed to meet that need.

There were no unmanageable impacts arising from the assessment, but key measures of performance and sufficiency in the adult social care market would continue to be monitored through contract management and ongoing business relationships.

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

it was MOVED by Councillor Leadbetter, SECONDED by Councillor Hart, and

RESOLVED

- (a) that the Market Position Statement and the sufficiency assessment summarised in the Report be approved, together with the actions proposed to deliver the Council's duty under the Care Act 2014; and
- (b) that an Annual Market Sufficiency Report be prepared for Cabinet each September which sets out a market assessment and actions required to improve sufficiency and to inform budget preparation.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: https://www.devon.gov.uk/impact/mps19/].

MATTERS REFERRED

449 Notice(s) of Motion

(a) LGBT+ Inclusive Relationship and Sex Education

(Councillor Hannaford attended in accordance with Standing Order 8 and spoke to this item).

This Council notes that LGBT+ inclusive relationships and sex education is crucial to the development of young LGBT+ people, and in creating a more tolerant, caring and open society.

Council notes with concern that the current climate for LGBT+ people in the UK means that that nearly half - including 64 per cent of trans pupils - are bullied for being LGBT+ in Britain's schools.

Council notes that the repeal of Section 28 was a pivotal moment for LGBT+ rights, and that the UK must never move backwards on LGBT+ rights by stopping LGBT+ inclusive education in schools.

Council notes that people of all faiths and none are LGBT+ and it is vital that all children receive comprehensive and inclusive age appropriate relationships and sex education.

Council welcomes the introduction of statutory Relationships Education and Relationships and Sex Education (RSE), which all primary and secondary schools in England respectively will be required to teach from September 2020.

Council affirms unequivocally its support for compulsory LGBT+ inclusive Relationships Education and Relationships and Sex Education in all state funded primary and secondary schools.

Council commits to ensuring that schools are delivering RSE in line with new Government guidance.

Members considered the Officer's factual briefing note on the matter (CSO/20/1) which referred to the aim of the new RSE curriculum including helping pupils understand the benefits of healthy relationships and equal opportunity to explore the features of stable and healthy same-sex relationships, the support offered by the Devon advisory service and training and support from Stonewall trust, the RSE statutory guidance under S80A of the Education Act 2002 and S403 of the Education Act 1996 and that whilst the Local Authority had a limited influence over academies they would monitor implementation and continue to promote good practice, raising concerns as needed.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that Council be asked to support the principles of the Motion and therefore commits to advocate, promote and challenge schools to deliver RSE in line with new Government guidance.

(b) Care Leavers Council Tax Exemption

(Councillor Hannaford attended in accordance with Standing Order 8 and spoke to this item).

This Council notes that:

- 1. Last year 780 young people (aged 16 or over) left the care of Devon County Council and began the difficult transition out of care and into adulthood.
- 2. A 2016 report by The Children's Society found that when care leavers move into independent accommodation they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty.
- 3. Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.
- 4. The local authority has statutory corporate parenting responsibilities towards young people who have left care up until the age of 25.
- 5. The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions.

This Council believes that:

- 1. To ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying council tax until they are 25.
- 2. Care leavers are a particularly vulnerable group for council tax debt.

This Council, therefore, resolves:

1. To use the county council's convening powers and expertise in corporate parenting to work with all council tax collecting authorities to exempt all care leavers in the county from council tax up to the age of 25, sharing any arising costs proportionately.

Members considered the Officer's factual briefing note on the matter (CSO/20/1) which referred to the Council's role as Corporate Parents, that the transition to independent living was a big step for a care leaver, potential entitlement to benefits and access to extra support through Exceptional Hardship Funding and/or discretionary Council Tax write offs and how this was facilitated. It was also reported that an evaluation of the first-year operation of this scheme would be prepared in April 2020 to establish how many care leavers had been assisted, how they had benefited, the costs to the Collection Fund and to inform a further consideration of alternative options available for the future.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED

- (a) that Council note that in April 2020 there will be an evaluation of the first-year operation of the scheme established by the Devon Local Government Steering Group (targeted support including exceptional hardship funding and/or discretionary Council Tax write offs); and
- (b) that this review establish how the Council continue to support care leavers by establishing how many care leavers have been assisted, how they have benefited, the costs to the Collection Fund and to inform a further consideration of alternative options available for the future of support for care leavers.

(c) Artificial Light Pollution

This County Council is concerned by scientific findings showing that artificial light pollution is a major factor in the decline of insect populations, and resolves to review the appropriateness of all external lighting for which the Council is responsible in the light of this concern, in conjunction with its Climate Emergency planning.

Members considered the Officer's factual briefing note on the matter (CSO/20/1) which referred to a new Report by Professor Dave Goulson (Sussex University) and the vital roles performed by insects such as pollination and seed dispersal and the profound consequences of the decline. The briefing paper outlined the declines in species of bees, flower-visiting wasps, butterflies and larger moths and also the causes of the decline including habitat loss, pesticide use, fertiliser use, invasive species, other pollutants and climate change, noting that artificial light was often overlooked but new evidence showed it was another major driver of the decline. The Report then outlined what the Council was doing to reduce detrimental lighting impacts for example actions within the Street Lighting Policy as well as other work with wildlife and lighting experts and the first ever 'Devon Dark Skies Day' on 31st October 2019 which had involved workshops on how to reduce lighting impacts. Partners were keen to organise another bigger Dark Skies Day in 2020.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that Council;

- (a) Notes with concern recent research highlighting the effect of artificial lighting in contributing to the decline of insect populations;
- (b) Continues its current efforts to reduce the detrimental effects of artificial lighting; and
- (c) Investigates what further steps might be taken as part of its commitment to enhanced environmental action through the DCC Environmental Performance Board.

(d) Devon and Somerset Fire and Rescue Service - Consultation and Options for Change

This County Council notes that the Devon and Somerset Fire and Rescue Service have carried out a public consultation on 7 options for change, all of which include the closure of fire stations at Appledore, Ashburton, Budleigh Salterton, Colyton, Kingston, Porlock, Topsham and Woolacombe, as well as the removal of engines from other stations, and that, while a potential overall improvement in safety has been claimed as a result of these options, all are likely to result in increased risk for the substantial proportion of Devon's population who live near the affected stations.

This County Council notes that divisional members representing affected stations who are not members of the Fire and Rescue Authority, while having had the opportunity to submit written representations to the consultation, would not normally be able under the Authority's Standing Orders to address the Authority's decision-making meeting, This Council therefore requests the Authority to provide an opportunity, Standing Orders notwithstanding, for any affected members who wish so to speak.

This County Council also regrets the failure of the Fire and Rescue Service to consult directly with the Council as a partner Category 1 responder organisation in the provision of emergency services under the Civil Contingencies Act 2004, and notes that detailed discussion of the impact on civil contingencies such as flooding was not provided in the consultation. The Council therefore resolves to communicate its concern to the Service about this aspect of the consultation.

Members considered the Officer's factual briefing note on the matter (CSO/20/1) which referred to the options in the consultation, its Standing Orders and speaking at meetings of the Fire Authority, the briefing previously provided to members of the Council's Corporate Infrastructure and Regulatory Services Scrutiny Committee, the responsibility for coordination of flooding and the role of the Local Resilience Forums.

An updated briefing note was circulated at the meeting which gave an update on the outcome of the Fire Authority meeting on 10th January 2020 and the changes to services. This is appended to the minutes of this meeting.

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

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

RESOLVED that the Council notes the decisions made on 10 January 2020 by the Devon and Somerset Fire and Rescue Authority about changes to operation of the fire and rescue service, the details of which are summarised in the statement available here; http://www.dsfire.gov.uk/News/Newsdesk/PressReleaseArticle.cfm?ReleaseID=2277&siteCategoryId=3&T1ID=26&T2ID=36

(e) Prevention Concordat for Better Mental Health and the 'Every Mind Matters' Campaign

(Councillor Scott attended in accordance with Standing Order 8 and Councillor Hall in accordance with 25(2) and spoke to this item).

DCC to sign the Prevention Concordat for better mental health.

Recognises and commits to support The Every Mind Matters campaign.

Supports the mental health of all DCC employees and contractors, this is key to providing first class services and leadership in Devon.

Understands the need to prevent mental health problems and promote good mental health through the lived experience of people who have suffered mental health problems.

Members considered the Officer's factual briefing note on the matter (CSO/20/1) which referred to the Council's recognition of mental health and emotional wellbeing as a local priority, the Public Health England's 'Prevention Concordat for Better Mental Health', the focus on prevention, cross-sectoral action to deliver an increased focus on the prevention of mental health problems and the promotion of good mental health at local level, collaborative working across organisational boundaries and building the capacity and capability across the workforce to prevent mental health problems and promote good mental health. The Council was committed to supporting local authorities, policy makers, NHS clinical commissioning groups and other commissioners, service providers, employers and the voluntary and community sector to adopt the Concordat and its approach.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

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

RESOLVED that this Council requests the support of all Members for signing the Prevention Concordat; in promoting the Public Health England 'Every Mind Matters' campaign; in supporting the mental health of the Council's employees and, through its commissioned services, the mental health of providers; and to support the work the Council currently does – and will continue to do – in using the lived experience of people to better understand and to help and prevent mental ill-health.

* 450 <u>South Hams Highways and Traffic Orders Committee - Littlehempston Cycle</u> and Foot Path

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

The Cabinet noted that at its meeting on 29th November 2019, the South Hams Highways and Traffic Orders Committee raised the Littlehempston Cycle and Foot Path under Standing Order 23(2) and the issue of public access across the South Devon Railway (SDR) pedestrian bridge (Minute 84 Refers)

The Committee RESOLVED 'that given the lack of progress over time, Cabinet be recommended to investigate the public use of the pedestrian railway bridge by compulsory purchase if necessary, given its importance and benefit as a public amenity'.

The Cabinet noted that a case could not be made using the compulsory purchase powers. There would need to be a compelling case in the public interest that would outweigh the security and safety concerns and this could not be achieved.

It was MOVED by Councillor Croad, SECONDED by Councillor Hart, and

RESOLVED

- (a) that no further work be undertaken on investigating whether the footbridge could be used by the public and the development of a multi-use trail to Littlehempston; and
- (b) that Compulsory Purchase Order should not be pursued as it cannot be justified due to
 - the scheme need is not a compelling case in the public interest in terms of transport, safety, or economic development;
 - the scheme is not included in the County Council's Cycling and Multi use Trail Strategy and there is no current funding allocation; and
 - 24-hour public access through the footbridge impacting on South Devon Railway Station and the Rare Breeds Farm would have significant security issues. The Council would need to make provisions in order to effectively increase the security in the area, adding an additional cost to the scheme which would not be in the public's interest.

OTHER MATTERS

* 451 Devon Safeguarding Adults Board Annual Report 2018/2019

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

Ms Sian Walker, Independent Chair of the Devon Safeguarding Adults Board, attended and spoke at the invitation of the Cabinet to present the Board's Annual Report.

The Cabinet received the Annual Report of the Devon Safeguarding Adults Board charting progress within Devon of national expectations and safeguarding activity. This included the 2018/19 key priorities which had shaped practice of ensuring that people in Devon felt safer, protecting people from harm by proactively identifying people at risk, whilst promoting independence and increasing legal literacy of practitioners in respect of the Mental Capacity Act. For the first time, the Annual Report presented some of those personal stories which had been shared with the Board.

It also reported on the work of the DSAB sub groups such as the Mental Capacity Act (MCA) Subgroup, Safeguarding Adults Review Core Group (SARCG), Learning and Improvement (L&I) Subgroup, Operational Delivery Subgroup (Ops Group) and Community Reference Group (CRG) as well as the learning events which had taken place within partner agencies.

The Report concluded with the key achievements that had been made with partner agencies including the Police, HM Prison Exeter, the Council (Adult Social Care), Northern, Eastern and Western (NEW) Devon and South Devon & Torbay Clinical Commissioning Groups (CCGs), National Probation Service, RD & E Hospital, Devon Partnership Trust (DPT), Public Health Devon, University Hospitals Plymouth NHS Trust, South Western Ambulance Service NHS Foundation Trust, Torbay and South Devon NHS Foundation Trust (TSDFT), Northern Devon Healthcare NHS Trust, Healthwatch Devon, the Dorset, Devon and Cornwall

Community Rehabilitation Company, NHS and Ambulance etc.

The Report also set out the summaries of Safeguarding Adults Reviews (SARs) which had been completed and approved by the Board in 2018/ 2019. For the SARs published, the full details were available on the DSAB website.

Furthermore, the Report outlined the 2019-20 Strategic Priorities which included finding the right solution at the right time for the most at-risk people, increasing public awareness of Safeguarding, improving the experience of children transitioning (moving) to adult services (working together to ensure they remained safe) and increasing staff understanding of the law in relation to Safeguarding Adults.

It was MOVED by Councillor Leadbetter, SECONDED by Councillor McInnes, and

RESOLVED that the Report be welcomed and Cabinet place on record its thanks to the Chair and those involved in the production of the Report as well as the work of the Board.

[NB: The Safeguarding Board Annual Report will be available, alongside other documentation, such as the Safeguarding Adult Reviews (SAR's) at: https://new.devon.gov.uk/devonsafeguardingadultsboard

STANDING ITEMS

* 452 Question(s) from Members of the Public

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to seven questions from members of the public on the decline in insects and evidence that 5G would not cause a further decline in the insect population, the planning application for the Marsh Barton station and the prioritisation of local rail services ahead of further road building, the public questionnaire concerning 5G and readiness for the process, ICNRIP guidelines for protection against non-ionizing radiation and the ability to follow the safety exposure guidelines and any potential solutions, the corporate telecoms industry and health, ICNIRP guidelines for exposure limits to EMFs and PHE integrity and a forthcoming free talk by independent researchers on Wi-Fi taking place at Phoenix Exeter on 3rd February 2020 at 7.30pm.

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

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

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

* 453 Minutes

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

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

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

Farms Estate Committee - 9 December 2019.

* 454 Delegated Action/Urgent Matters

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

* 455 Forward Plan

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

NOTES.

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

*DENOTES DELEGATED MATTER WITH POWER TO ACT



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday 15 January 2020

1. QUESTION FROM COUNCILLOR HANNAFORD Re: Cultural Education Schemes – Music, Museums and Film

The new Government has committed **£5 million** to extend cultural education schemes aimed at getting school pupils to play instruments, learn about film making, and also visit museums.

The majority of this, **£4 million**, will fund programmes focused on getting pupils involved in film, dance, theatre and design for the 2020-21 year.

The remaining £1 million will pay for charities to help youngsters learn about different styles of music for another year.

The funding comes alongside the £80 million injection to extend the music education hubs scheme into 2020-21.

- How and where will pupils in the Devon County Council area, benefit from this additional £5 million to extend cultural education schemes aimed at getting school pupils to play instruments, learn about film making and visit museums?
- How will we be working with local charities to make the most of this funding boost?
- Are there any music hubs in the DCC area?
- If so where are they based?
- If not, what work can be done, with others, to establish them locally so that we can benefit from this additional £80 million funding opportunity?
- Can the Cabinet Member please briefly outline some of the work that DCC is already doing to promote pupils to play and perform musical instruments?

REPLY BY COUNCILLOR MCINNES

Background

On 3rd of January 2020, the government committed £5 million to extend cultural education schemes aimed at getting school pupils to play instruments, learn about film making and visit museums. Organisations such as Music Mark and the Incorporated Society of Musicians (ISM) have been lobbying the DfE for a decision on the continued funding of Music Education Hubs (MEHs) for some time. This funding which supports music hubs in nearly every Local Authority (120 including Devon) has remained at £75M per year for several years. £2M of this new funding has been set aside to support Music Education Hubs with a workforce facing increases to Teachers Pensions Contributions; something that does not apply to Devon. A further £1 million has been allocated by DfE to support national music education charities and organisations such as the National Youth Orchestra, Music for Youth and specialist music schools.

At this time, we have no information on additional cultural opportunities in relation to film making or museums or any remaining funding that may be associated with it.

1. How and where will pupils in the Devon County Council area, benefit from this additional £5 million to extend cultural education schemes aimed at getting school pupils to play instruments, learn about film making and visit museums?

While an uplift in the continued funding of Music Education Hubs is welcome news, the reality is that this announcement represents only a small increase in funding. Devon's allocation is yet to be confirmed, but this is likely to increase from £914K to around £928K. This increase will further support the work of Devon Music Education Hub across the County. This work is outlined in detail in question 6 below.

2. How will we be working with local charities to make the most of this funding boost?

Devon Music Education Hub already works with a range of local charities and non-profit organisations to enable children and young people to sing and play musical instruments. This work includes supporting progression opportunities for young musicians through direct funding for a network of music centres and ensembles, spanning a wide range of genres and specialisms the length and breadth of the County, delivered by hub funded partner organisations.

Nationally, £1 million has also been confirmed for organisations such as Youth Music, Music For Youth and the National Youth Orchestra, as well as specialist music schools.

3. Are there any music hubs in the DCC area?

Devon's Music Education Hub works with schools, music educators and a range of local, regional and national partner organisations to create all kinds of opportunities for children and young people in Devon to have an excellent, high quality music education. Supported using public funding from DfE and Arts Council England, Devon Music Education Hub is tasked with delivering the core and extension roles of the National Plan for Music Education and ensuring that all schools engage with the Schools Music Education Plan (SMEP). Devon Music Education Hub is led by Babcock LDP as part of the joint venture with DCC. Detail of this work is provided in question 6.

4. If so where are they based?

Whilst the Devon Music Education Hub is based at the Babcock LDP site in Willand, where it houses offices and a musical instrument storage & maintenance facility, the work they carry out covers the whole of the County. Dedicated Music Development Leads, advise and support the schools in their area, as well as leading on wider music education projects and events, as detailed in question 6 below.

5. If not what work can be done, with others, to establish them locally so that we can benefit from this additional £80 million funding opportunity?

It has been widely reported as an "£80M increase in schools music funding", however as explained above it is actually a 5 million increase on the current funding of £75 million). Devon already has a music hub.

6. Can the Cabinet Member please briefly outline some of the work that DCC is already doing to promote pupils to play and perform musical instruments?

- All schools in Devon are eligible for delegated Music Education Grant (MEG) funding to support delivery of the core and extension roles of the National Plan for Music Education and additional funding will support a new Special Projects Fund over the coming months.
- 80% of schools engaged in Devon Music Education Hub's new Schools Music Education Plan self-evaluation process.
- Over 14,000 instruments were loaned to schools to support First Access/Whole Class Ensemble Tuition.
- 63% of schools delivered First Access/Whole Class Ensemble Tuition, involving 29,431 children and young people.

- Significant investment provided every primary and special school access to award winning Charanga digital resources to support curriculum music provision.
- Ongoing training and support for teachers was provided through specialist Music Development Leads and a range of CPD events.
- Over 3,500 children and young people have participated in large scale singing festivals facilitated by Devon Music Education Hub, including our Chorister Outreach Programme with Exeter Cathedral.
- A week-long residency with Bournemouth Symphony Orchestra reached 2,323 children and young people through a series of live performances and music-making opportunities.
- As part of the BBC Ten Pieces initiative, over 1,600 children from local schools and home educated groups attended sold out concerts with the BBC Concert Orchestra.
- Over 700 children and young people performed as part of Devon Music Education Hub's live music showcase at Devon County Show.
- Additional funding from Youth Music, has facilitated a music programme led by hub partners
 Daisi to work directly with children and young people from hard to reach groups to access
 music through an intensive test site in the Newton Abbot area.
- Over 10,000 children and young people in total engaged in a Devon Music Education Hub event.
- Direct funding of over £170,000 has been provided for bands, orchestras and groups spanning a wide range of genres and specialisms provided by schools and through a network of music centre and ensemble opportunities.
- Inclusive music ensembles supported through Open Orchestras have been successfully delivered in four schools.
- Devon Music Education Hub has established new strategic partnerships with the National Youth Jazz Orchestra and Live Music Now and continues to work with other Arts Council England NPOs and funded organisations, including the National Youth Orchestra, Royal Opera House, Friday Afternoons, Youth Music and HM Royal Marines Band Service.
- Children and young people from low income backgrounds have been supported through subsidised membership of youth music activities and instrument loans.

NOTICE OF MOTION. DEVON FIRE AND RESCUE SERVICE UPDATED BRIEFING PAPER

Devon and Somerset Fire and Rescue Service's consultation on a number of options for change http://www.dsfire.gov.uk/SaferTogether/Index.cfm?siteCategoryId=18 to the fire and rescue service closed on 22 September 2019.

The responses and feedback were collated by DSFRS and a Report submitted to the Devon and Somerset Fire and Rescue Authority (the Fire Authority) as part of the public agenda for its meeting on 10 January 2020 where the final decisions were made. The full Report can be found here; https://fireauthority.dsfire.gov.uk/documents/g616/Public%20reports%20pack%2010th-Jan-2020%2010.00%20Devon%20Somerset%20Fire%20Rescue%20Authority.pdf?T=10

Devon and Somerset Fire and Rescue Authority approved the following recommendations on changes to how the Service operates which the Service will now start to implement.

- (a) Defer the decision to implement day crewing at Barnstaple, Exmouth and Paignton subject to a revised 24/7 crewing model being agreed with the Fire Brigades Union, including roving appliances, before the end of the 19/20 financial year.
- (b) Close Budleigh Salterton fire station and allow affected firefighters to respond from Exmouth fire station.
- (c) Relocate Topsham fire station to Service Headquarters (Clyst St George) and relocate one of the fire engines to Middlemoor fire station (both fire engines to be relocated to Service Headquarters until an on-call crew can be established at Middlemoor).
- (d) The third fire engines from Bridgwater, Taunton, Torquay and Yeovil to be replaced with alternative vehicles.
- (e) Remove the second fire engines from Crediton, Lynton, Martock and Totnes.
- (f) Introduce variable fire engine availability dependent on risk.

The Fire Authority further asked that existing performance measures be reviewed, and that any necessary additional measures are developed, to monitor against expected improvements. For example on-call fire engine availability, emergency response standards and levels of prevention and protection activity.

During the consultation, the Service held 27 drop-in sessions – attended by nearly 2,000 people. In total, 3,818 responses were received: 3,232 completed questionnaires, 205 written submissions and 381 email responses. In addition, five petitions were submitted with a total of 43,644 signatures.



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 15 January 2020

1. QUESTION FROM MR C JENKINS (IN ATTENDANCE) Re: 5G and Insect population

Given the rapid decline in insects, so essential for pollination and as a food source for other wildlife, what evidence is there that 5G will not cause a further decline in the insect population?

REPLY BY COUNCILLOR CROAD

There is scientific evidence to suggest that electromagnetic radiation (EMR), such as that utilised by 5G technologies, has the potential to produce detrimental effects on wildlife. For example, studies have shown that EMR has the potential to disrupt the magnetic orientation used by migratory bird species (Engels *et al*, 2014) and also insects such as honey bees (Sharma & Kumar 2010).

More recently, EKLIPSE (an EU-funded Coordination Action under the Horizon 2020 programme) published a thorough review of scientific literature on impacts of artificial EMR on wildlife. Whilst this noted the potential risks of EMR to the physiological mechanisms of insects (e.g. affecting movement), current evidence is limited by the number and quality of studies. They also concluded that there is currently very limited evidence for effects on the diversity or abundance of insects (Malkemper et al, 2018). The associated international web conference arranged by EKLIPSE concluded that, 'there is an urgent need to strengthen the scientific basis of knowledge on EMR and their potential impacts on wildlife. In particular, there is a need to base future research on sound, high-quality, replicable experiments so that credible, transparent and easily accessible evidence can inform society and policy-makers to make decisions and frame their policies' (Goudeseune et al, 2018).

Within the UK, the invertebrate charity, Buglife, has already highlighted the need for such detailed research to gain a proper understanding of these issues. However, these potential risks have to be considered in the context of the wide range of other proven threats to insect life, such as habitat loss, pesticide use and climate change, which are already having a profound effect on insect populations and the wider ecosystem.

In this context, regardless of the potential implications of 5G or other forms of EMR, there is a clear need for collective action in Devon (as elsewhere) to address the conservation of insect life. An example of this is the work promoted through the Devon Local Nature Partnership, including DCC's own Pollinator Action Plan.

References:

MALKEMPER Erich P.*, TSCHEULIN Thomas*, VANBERGEN Adam J.*, VIAN Alain*, BALIAN Estelle, GOUDESEUNE Lise (2018). The impacts of artificial Electromagnetic Radiation on wildlife (flora and fauna). Current knowledge overview: a background document to the web conference. A report of the EKLIPSE project. * These authors contributed equally to this work. View Here

GOUDESEUNE Lise, BALIAN Estelle, VENTOCILLA Jorge. (2018). The impacts of artificial Electromagnetic Radiation on wildlife (flora and fauna). Report of the web conference. A report of the EKLIPSE project. <u>View here</u>

SHARMA Ved, KUMAR Neelima (2010). Changes in honeybee behaviour and biology under the influence of cellphone radiations. *Current Science*, **98**.

ENGELS, Svenja, SCHNEIDER, Nils-Lasse, LEFELDT Nele, HEIN Christine M., ZAPKA Manuela, MICHALIK Andreas, ELBERS Dana, KITTEL Achim, HORE P. J., and MOURITSEN Henrik (2014). Anthropogenic electromagnetic noise disrupts magnetic compass orientation in a migratory bird. *Nature*, **509**.

2. QUESTION FROM DAVID ROCHESTER (NOT IN ATTENDANCE) Re: Marsh Barton Station

In May 2019 I asked the following question

'UK government statistics show that over 40% of CO2 emissions in Devon are from transportation. Given our impending Climate Crisis it is essential that travel by car is diminished. Can the Council confirm that they will provide sufficient funding for Marsh Barton and Edginswell stations to be developed promptly and indicate how they intend to increase capacity on the Avocet line and rail services to Cranbrook, both of which are anticipated to reach capacity by 2023'.

Can the Council now advise when a planning application for the Marsh Barton station will be submitted and confirm that Devon CC have indicated to the Peninsular Transport SSTB that local rail services have to be prioritised ahead of further road building

REPLY BY COUNCILLOR DAVIS

There is funding in place to deliver Marsh Barton Station and we expect to submit a planning application in May 2020. In my roles as Chair of the Peninsula Rail Task Force and Vice Chair of the Peninsula Transport Sub National Transport Body I can assure you we are actively lobbying for further investment in rail to improve resilience, connectivity, capacity and comfort on our services. We have seen in recent years rolling stock improvements, which has increased capacity for passengers; resilience works completed north of Cowley Bridge and works start on the mainline between Dawlish and Teignmouth. The new timetable changes has increased frequency of trains between Paignton and Exmouth, consistently fast journey times to London and we remain hopeful of plans for a passing loop near Cranbrook to deliver improved reliability, diversionary capacity and increased frequency of local services to east of Exeter destinations. In October last year I met with the Rail Minister Chris Heaton-Harris to express our concerns that the Peninsula rail network is currently entirely powered by diesel and that we want the Government to explore discrete electrification and options for non-fossil fuel solutions for rail services in the future as part of our commitment to decarbonising transport in the South West.

3. QUESTION FROM TERE WELLS (IN ATTENDANCE) Re: Public Questionnaire and 5G Scrutiny

Now that the Public Questionnaire concerning 5g has been closed, please will DCC advise by which date we need to be ready for our witnessing and how and in what format we may prepare for our comment in the Spotlight Review/Scrutiny process.

(We wish to be as well prepared as possible to make the process as helpful and valuable as possible for the Council.)

REPLY BY COUNCILLOR CROAD

The Council received over 1200 responses to its 5G survey with a high number of respondents also wishing to attend the Scrutiny Spotlight Review meeting and speak to Councillors on this topic. Officers are currently analysing the survey results and working to set a date in February for this event. All respondents who expressed an interest in attending the event will be contacted with the full details and will be given as much advance notice as possible.

4. QUESTION FROM RHIANNON AUGENTHALER (IN ATTENDANCE)

Re: ICNRIP Guidelines and Solutions to Health Consequences.

ICNRIP has recently published guidelines for protection against adverse health effects of non-ionizing radiation. These guidelines state clearly that it is necessary to limit exposure to electric and magnetic fields.

The rollout of 5G would result in blanket coverage of emf 24/7 with 5G enabled lampposts every 150 meters additionally to an increased amount of phone masts.

As a consequence of that it would be impossible to follow the safety guidelines mentioned above: to limit exposure. Everybody, including pregnant women, young children and all other members of vulnerable groups, every insect, every tree would be exposed to emf radiation 24/7 without having any choice and without being able to limit their exposure.

People might suffer serious health consequences as a result of this.

Which solutions to this problem does Devon County Council suggest?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/. The Council follows Public Health England's advice on matters concerning the protection of the health of the population.

As set out in our statement, Devon County Council has no plans for 5G installations on lampposts. However, changes to planning regulations following the national consultation may place this matter outside the control of local authorities.

5. QUESTION FROM LISA GOUDIE (IN ATTENDANCE) Re: Corporate Telecoms

Sometimes it is quite distressing to having the realisation that the never-ending greed of the corporate telecoms are imposing such a proven, dangerous threat upon us, all in the name of progress and subsequently using the media to ban informative adverts and discredit decent professionals. It makes a disturbing scenario that the health of people, (especially pregnant women) animals, birds, bees and trees etc do not fit into their equation.

Do you think that this is progress or a distinct decline in morality?

REPLY BY COUNCILLOR CROAD

The expansion of telecommunications including access to the internet has brought with it considerable benefits both globally and locally. With regard to health risks, the Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/. We have been advised by Public Health England that the health risks of 5G are judged to be low, and as with many things in life, it is a matter of us having to balance risks and benefits.

6. QUESTION FROM JONATHAN BURNS (IN ATTENDANCE) Re: ICNIRP Guidelines and PHE Integrity

ICNIRP only sets guidelines for exposure limits to EMFs: it does not mandate regulations which must be followed without question, or punitive consequence. Many other countries across the globe set far lower, safer guidelines in spite of these bodies.

ICNIRP self-selects and self-appoints its members only from sources and bodies which promulgate only known industry supporting views. None have mainstream medical training and the newly appointed Chair is a psychologist.

ICNIRP guidelines were set in 1998, based upon guidelines 1,000 times higher than actual safe limits, taken from a US Navy report dated 1953 by a German WWII émigré scientist invited to live and research in the US by the US military in 1946. This scientist already knew that there were adverse health effects at levels lower than the guideline figure.

ICNIRP has never stated anywhere that EMFs do not cause harm to health.

As PHE base their advice upon ICNIRP guidelines, why would anyone forced to refer to these agencies not continue to question the integrity of both PHE and ICNIRP to the extent that the above facts do not convincingly demonstrate independence, or impartiality, or appropriate health background, and do not require compliance?

REPLY BY COUNCILLOR CROAD

The Council has previously published a statement on Health Risks from 5G Technologies Deployment which can be found at https://www.devon.gov.uk/economy/infrastructure/health-risks-from-5g-technologies-deployment/. The Council follows Public Health England's advice on matters concerning the protection of the health of the population.

At last month's Cabinet I provided a detailed statement quoting directly from Public Health England regarding the integrity of advice provided nationally to all local authorities. Taking into account the published research and current international guidance, Public Health England considers the risks low and therefore unlikely to cause harm to the public's health. For completeness, I am reproducing Public Health England's response here again:

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

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

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

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

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

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

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

7. QUESTION FROM CHARLIE KAY (IN ATTENDANCE) Re: Free Talk by Independent Researcher on WiFi

As most of you are probably receiving correspondence from your constituents regarding EMR and EMF's and it is a difficult subject to find out what is really going on are Councillors aware that we have a managed to engage one of the world's leading independent researchers on Wi-Fi, Barrie Trower, to give a free talk on the evening of Feb 3rd at the Phoenix Exeter. If not, you are all cordially invited.

REPLY BY COUNCILLOR CROAD

Thank you for the invitation. I will ensure this information is passed on to all County Councillors by our Democratic Services Team.