

COUNCIL

2 December 2021

Present:-

Chair: J Trail BEM

Vice-Chair: D Sellis

Councillors T Adams, M Asvachin, Y Atkinson, J Bailey, F Biederman, J Brazil, J Brook, C Channon, R Chesterton, I Chubb, A Connett, D Cox, P Crabb, R Croad, H Gent, R Gilbert, G Gribble, R Hannaford, J Hart, J Hawkins, P Henderson, J Hodgson, S Hughes, A Leadbetter, F Letch MBE, D McGeough, J McInnes, J Morrish, S Parker-Khan, R Peart, P Prowse, R Radford, S Randall-Johnson, I Roome, L Samuel, P Sanders, A Saywell, R Scott, C Slade, M Squires, D Thomas, P Twiss, C Whitton, J Wilton-Love, M Wrigley and J Yabsley

Apologies:-

Councillors S Aves, D Barnes, J Berry, J Bradford, P Bullivant, A Davis, A Dewhurst, I Hall, M Hartnell, L Hellyer, C Leaver and P Maskell

In Remote Attendance

Councillors A Davis, L Hellier, C Leaver and P Maskell

58 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 7 October 2021 be signed as a correct record.

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

59 Announcements

The Chair of the Council reported that the Council's commitment and approach to supporting health and wellbeing had been recognised on a national scale as the Council made the shortlist in the prestigious Personnel Today Awards for the Health and Wellbeing Award – Public Sector. Whilst the Council did not win, it would continue and expand its health and wellbeing offer and to have been recognised in this way in such a difficult year was a great honour.

The Chair also congratulated all those involved in the ESFA South West Regional Apprenticeship Awards which took place on Friday 22nd October Award Categories (appawards.co.uk) The Council won the Macro Employer of the Year (5000+ employees) and were Highly Commended in the Recruitment Excellence Category.

The Council also had three apprentices on the short list in individual apprenticeship categories. Holly Brimson and Paiton Crawley, Step In Apprentices were shortlisted for Advanced Apprentice of the Year and Sharon Vaughan, Next Step Apprentice was shortlisted for Higher or Degree Apprentice of the Year. The whole event had been co-hosted by Amy Kyme, in her role of Chair of the South West Young Apprentice Ambassador Network. The national event took place on the 1st December and whilst there wasn't a final win, the Council congratulated the achievements nonetheless.

Further congratulations were given to Rosemarie Connor and Florina Rice who had been shortlisted at the prestigious Social Worker of the Year Awards in the category of Newly Qualified Social Worker of the Year. To reach this stage was a real accolade and testament to their hard work and dedication.

The Council's Trading Standards Service had been nationally acclaimed for a ground-breaking project which focused on farmers' mental health and strengthened links with rural communities. It had been awarded the Chartered Trading Standards Institute (CTSI) Hero Award for best project and the award presented to Nikki Rattenbury, Rebecca Barker and Samantha Younger. The projects had been supported by numerous organisations including Police, Fire & Rescue, The Royal Agricultural Benevolent Institution, Mind and CALM.

Finally, the Chair thanked Jan Shadbolt, the Council's County Solicitor, Monitoring Officer and Returning Officer for her many years of service and support and guidance to Members and wished her a long, happy, and healthy retirement. The County Solicitor and then Group Leaders and other Members responded.

60 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

61 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Mrs Chapman with a petition containing approximately 1060 signatures relating to the divestment of fossil fuels.

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on the Exeter Street Charter, clearance of pavement obstructions under the Charter and a lack of implementation planning and performance measures.

A copy of the question and answer had also been sent to the questioner who was not present at the meeting.

There were no oral representations by any member of the public.

(NB: A copy of the question and answer are available on the website)

62 Petitions from Members of the Council

There was no Petition received from a Member of the Council.

63 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to ten questions submitted by Members of the Council relating to the following matters;

- COP26 Summit and how policies and resources at DCC would be reallocated to accelerate the actions required of Local Government to achieve Net zero carbon by 2030;
- Houses of multiple occupation and residents parking permit issues;
- Council view and policy position on the proposal to re-establish the North Devon to South Wales ferry link;
- North Devon to South Wales ferry link and Strategic Transport Plan;
- North Devon to South Wales ferry link and aims and ambitions of Devolution Deal to improve Devon's connectivity diversity;
- North Devon to South Wales ferry link and potential funding;
- North Devon to South Wales ferry link and work with other key players to use the project as an opportunity to help regenerate North Devon;
- North Devon to South Wales ferry link and journey times;
- North Devon to South Wales ferry link and support for the MP for North Devon's campaign; and
- Councillors speaking on agenda items relating to matters in their ward at council meetings;

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

(A copy of the questions and answers are appended to the minutes and any supplementary questions and answers may be observed through the [webcast of this meeting](#))

64 Devon County Council's Vision, Ambition and Priorities: Our Strategy for 2021 - 2025

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the Report of the Chief Executive (CEX/21/1) together with Minute 68 of the Cabinet held on 10 November 2021 relating to the Council's Vision, Ambition and Priorities: Our Strategy for 2021 – 2025 be approved.

The **MOTION** was put to the vote and declared carried.

65 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on specific issues upon which they had been asked to comment, as set out below:

(a) Economic Recovery and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford on levelling up digital connectivity, including access to gigabit broadband speeds, the challenges in rural connectivity and data on access to gigabit broadband in Devon. The Report highlighted the importance of fast and reliable broadband and the significant capital investment through the Connecting Devon and Somerset (CDS) programme to support this aim, including new contracts being underway rolling out full fibre connections. The Cabinet Member also said that the Council had contributed to a recent Government consultation on addressing the very hard to reach areas, stating a case for focusing on rural connectivity. [Briefing-Very-Hard-to-Reach-Premises-consultation-CDS-response.pdf](#) (connectingdevonandsomerset.co.uk) as well as working with Government to advance Project Gigabit and secure national investment to upgrade digital connectivity.

The Report also included, in response to Councillor Atkinson, information on Levelling Up bids, the Team Devon's Prospectus 2020 pledge to re-build the County's economy, monies obtained, impact on the HotSW LEPs Plan to Build Back Better, the programmes and projects listed in the prospectus and Government plans for the HotSW LEP and relationship to the shared prosperity fund. He highlighted that the Government's forthcoming £2.6bn Shared Prosperity Fund had yet to be announced and would form part of the Government's Levelling Up White Paper in December 2021. Furthermore, Team Devon partners had sought to work together closely on priorities and programme ambitions over the past two years, seeking to focus on a selection of shared aspirations through the recovery prospectus and its underlying themes.

(b) Children's Services and Schools

Councillor Leadbetter circulated a Report, as requested by Councillor Letch on what the Council and Children's services were doing to identify, assess and help child carers. The Report highlighted the legal definition of a young carer and also the definition applied by the Council as well as the work of the Young Carers Support Service and young carer assessments by Devon Young Carers to identify young carer support needs. Westbank, Devon Young Carers was the commissioned provider who offered a range of support services and at the end of September 2021, 1880 young carers in Devon were known to and being supported by Westbank, Devon Young Carers. The Report provided an overview of the contract for support services for young carers as well as their work as a champion for young carers across the

system, including publicity and communications plans and national events such as Young Carers Action Day as well as the Devon Young Carers Multi-Agency Steering Group and Devon Carers Leads Group and many schools having a 'Young Carer Champion' identified in their school.

(c) Climate Change, Environment and Transport

Councillor Davis circulated a Report, as requested by Councillor Atkinson, on progress in installing 400 electric vehicle charge points by the end of the year including locations, highways standards, future requirements for EV charge points and plans for funding and installation, who owned charge points and responsibility for repair and publicity regarding location of charging points. The Report outlined that progress could be viewed on the [online map](#) that would be updated regularly and that the Council would continue to make use of Government funds for charge point installation and explore investment models with the private and community sector.

The Report also covered, in response to Councillor Hannaford, the Council's official response to the DEFRA Beaver Reintroduction and Management In England Consultation, highlighting that the Council had been well placed to provide comment, having been closely involved in the River Otter Beaver Trial. The response strongly supported most aspects of the proposed approach to beaver reintroduction as set out in the consultation, however the main area of concern related to the suggested approach to funding for beaver reintroductions and the duration of that support, therefore the Council's response called for national funding to be allocated, provided over a sufficiently long 'project plan' period during the re-establishment of beavers.

The Cabinet Member reported on two further issues, as requested by Councillor Hodgson, the first being air quality issues including reference to a report into measures taken, funding allocated (i.e. including 106 monies) and spent, and an assessment of the outcomes in terms of air quality and behaviour change that DCC and its District Council partners had instigated to address air quality issues. The Report also included an explanation of how the inclusivity requirements and Policy was applied for Devon pedestrians. The Cabinet Member highlighted that the assessment of air quality, and the establishment of Air Quality management Areas (AQMA), was a District Council function, however, the Council's Transport Planning and Highways Development Management teams liaised closely to maximise the air quality benefits of transport and accessibility improvement schemes and Section 106 contributions.

The Cabinet Member added that the Manual for Streets was used by designers primarily for the design, construction, adoption and maintenance of new residential streets but it could also apply to existing streets. The guidance advocated inclusive design principles, which included placing people at the heart of the design process and it acknowledged diversity and difference.

(d) Public Health, Communities and Equality

Councillor Croad circulated a Report, as requested by Councillor Atkinson, on the NAO report of 19th November on preparedness for the pandemic and its wide-ranging impacts on society and the effects of the Government failures (as highlighted by the Report) has had on Devon's health, economy and resilience and any lessons for Local Government. The Cabinet Member commented that the Council had constantly reviewed its responses during the pandemic to see how services and resilience could be improved in the future and the search for continuous improvement and preparedness to future incidents was set out in the Strategic Plan 2021 – 2025.

(e) Adult Social Care and Health Services

Councillor McInnes circulated a Report as requested by Councillor Hannaford on the Government plans for a revised social care cap and any work done to assess the impact of the changes for local residents and care system and market sufficiency. The Report highlighted that the Government had yet to publish its impact assessment of the proposals and this would assist with the assessment of the local impact which would be included in the Council's response to the national consultation on the proposals. The Cabinet Member also commented on Deferred Payment Agreements and that the Council was currently using this power, with 102 DPAs in Devon.

The Report also covered, as requested by Councillor Hannaford, issues surrounding the care worker shortage which had been raised by a Unison survey. The Report commented that workforce sufficiency remained the single biggest challenge in adult social care, however Devon had recently received £2.4M as part of the national workforce recruitment and retention fund to invest in supporting adult social care providers over the winter period. The Council also continued to develop its Proud to Care campaigns and the LoveCare programme was currently looking at a Team Devon 'Care Offer'.

66 Minutes

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

Appointments, Remuneration and
Chief Office Conduct Committee - 20th October 2021
(including Council approval of minute 10 relating to the appointment of the Director of Finance)
Standards Committee - 4 November 2021
Procedures Committee - 16 November 2021
*(including Council approval of Minute 12;
Member Development Strategy 2021 – 2025)*
Appointments, Remuneration and
Chief Officer Conduct Committee - 16 November 2021

(including Council approval of minute 13 relating to the appointment of the interim Monitoring Officer and Proper Officer and also the endorsement of the role of Returning Officer being included within that interim role.)

Audit Committee - 23 November 2021

(including Council approval of minute 26 relating to the endorsement of Procurement Arrangements for External Audit 2023/24 to 2027/28)

Public Rights of Way Committee - 25 November 2021

Investment & Pension Fund Committee - 26 November 2021

(except minute 35 which is dealt with at minute 71 of this meeting)

Children's Scrutiny - 9 November 2021

Health & Adult Care Scrutiny - 11 November 2021

Corporate Infrastructure & Regulatory - 19 November 2021

Services Scrutiny

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

67 **Supporting Devon Residents into Homes of Their Own (Minute 53 - 7 October 2021)**

(All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on housing where they owned / leased land, business, property in the administrative County of Devon, unless the matter relates directly to that land, business or property)

The Chair **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 5 be suspended to permit the re-ordering of agenda items and for the Council to take agenda items 11 and 12 together with the consent of Councillor's Connett and Hannaford.

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

Pursuant to County Council Minutes 53 and 54 of 7 October 2021 relating to the Notice of Motions set out below as submitted and formally moved and seconded by Councillors Connett and Hannaford as below:

Supporting Devon Residents into Homes of their Own (Councillor Connett)

Devon County Council calls on the Government to:

1. End the tax dodge loop-hole of second home owners switching from Council Tax to Business Rates and then claiming 'small business' exemption, so they pay nothing at all.
2. To re-extend the notice period given to tenants to 6 months
3. Maintain the Local Housing Allowances at Covid-levels (plus cost-of-living increases) to support families into homes

and that the County Council will:

1. Work with Devon's District, City and Borough councils to establish a 'housing taskforce' working across the county to tackle the flight to Air BnB and holiday rentals
2. Support the provision of urgently needed rented housing on County owned land

Council welcomes the research undertaken by property agents Colliers and published in August 2021, which confirms:

Local authorities are losing out on millions of pounds of council tax income because the Government's business rates system is still giving many holiday home and second home owners the opportunity to avoid paying the tax, provided they make their properties available to rent. This situation has been made even worse by the pandemic.

Colliers estimates the total loss to local authorities from business rates relief for holiday lets in England and Wales alone is currently around **£110 million a year** - a significant sum that could certainly help bridge the gap in local authority finances, now suffering because of the pandemic.

Property owners who make their properties available to rent as holiday lets for 140 days of the year can claim they are a small business and as such can elect to pay business rates instead of council tax.

However, as small businesses they can claim for relief on 100% of the business rates payable if their properties have a rateable value of less than £12,000. Those properties with a rateable value between £12,000 and £15,000 are also entitled to a relief on a sliding scale in line with the Government's business rates relief policy.

Colliers has analysed the rating lists for the South West of England (Cornwall, Devon, Somerset and Dorset) where 9,600 new properties, claiming 100% business rates relief have entered the list in the last four years- an 82 % increase since the start of the 2017 Ratings List.

According to Colliers' estimates this flip from the council tax to the business rates list is costing the local councils an extra £16 million a year in council tax income. The South West now has 21,312 properties in the rating list that are eligible for 100% business rates relief and

Colliers has estimated that if these properties at least paid council tax the local councils would benefit by £35.5 million a year!

Council also notes that the Office for National Statistics has reported:

The number of households living in the private rented sector in the UK increased from 2.8 million in 2007 to 4.5 million in 2017, an increase of 1.7 million (63%).

Over this period, the number of owner occupier households remained broadly consistent at 17.7 million households.

However, households owned outright increased from 7.9 million to 9.4 million while households buying with a mortgage fell from 9.8 million to 8.3 million.

The number of social rented households decreased by 200,000 households to 4.5 million.

Younger households are more likely to rent privately, with those in the 25 to 34 years age group representing the largest group.

Households in the 45 to 54 years age group saw the biggest percentage increase from 11% in 2007 to 16% in 2017, an estimated increase of 384,000 households.

Council welcomed the protection for tenants but is concerned about a rise in evictions

Due to Government action during the Covid pandemic, thousands of private sector tenants were protected from homelessness by the national ban on evictions.

However, that protective shield was removed on 31 May this year and, in addition, the notice period that a landlord must give a tenant was cut from six to four months

Citizens Advice said there's been a **17 per cent increase in people with issues about being evicted from their private rented accommodation**, comparing the first four months of this year with the same period a year ago.

It said there's also been a **36 per cent increase in the number of people seeking help with all types of problems in the rental sector.**

Private rented homes are like Hens teeth...

In Devon, we are seeing a dramatic shift in the availability of private rented homes.

In North Devon, the Reach Plc news organisation, reported on 8 August that there are 2000 residents looking for social housing on Devon HomeChoice but only 20 residential properties available for rent via Rightmove. In Teignbridge, there are 1000 applicants on the Devon HomeChoice register, a search of Rightmove on 9 August showed 5 rental properties available in Newton Abbot, 7 in Dawlish, 1 in Teignmouth, 1 in Ide, 1 in Bovey Tracey, 2 in Chudleigh and 1 each in Ashburton and Buckfastleigh with none in Exminster. In East Devon, there were 22 rental properties displayed on Rightmove. Anecdotal evidence from other districts suggests this pattern of high demand and very low supply is repeated across Devon.

And this is an extract from an online search on 09 August 2021 for Air BnB properties for let in Devon

[500+ Devon Holiday Cottages | House and Apartment ... - Airbnb](https://www.airbnb.co.uk)
<https://www.airbnb.co.uk> › United Kingdom › England

Find the perfect self-catered holiday cottage for your trip to **Devon**. **Houses** with a kitchen and **apartments** with free parking await you on **Airbnb**.

The Guardian of February 2020 reported....

Out-of-control' dominance of rentals in some communities depriving locals of homes, critics say

- **The Devon village changed by Airbnb**

In England, the area with the highest rate of Airbnb lets was [Woolacombe](#), Georgeham and Croyde, in Devon, with 23 listings for every 100 properties.

<https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one-airbnb-for-every-four-homes>

Devon's Housing Crisis (Councillor Hannaford)

Council notes with concern that Devon is in the grips of a serious housing crisis. Second home sales are soaring, private landlords are switching to holiday letting in huge numbers, significantly fewer homes are available to buy or rent, and both renters and buyers are being priced out of the county in an unprecedented way.

The post pandemic far South West property boom has especially compounded decades of systemic under investment in social and affordable housing, that has prevented local councils, housing associations, alms houses and charities from investing in more much needed homes for local people and families.

We know that across Devon we have thousands on the Devon Home Choice waiting lists, with thousands more not eligible to apply, and thousands more in often poor quality private rental stock. Home ownership is now only a distant dream for so many.

People who've lived here for generations are being pushed further away by property prices that they simply cannot afford.

Furthermore, we also risk our communities becoming unsustainable, we have a county wide recruitment and retention problem across all sectors, including at Devon County Council.

Council therefore resolves to;

- Set up a high level action group to look at using Devon County Council resources to provide some key worker accommodation for our own staff such as adult and children's social workers.
- That Devon County Council use its convening powers to host and coordinate a county wide Devon Housing Forum with all key partners to develop a range of effective local and grassroots solutions to help solve Devon's housing crisis, including key workers such as nurses, care workers, teachers, hospitality and retail sector and those serving in the blue light services.
- Work with all our local Members of Parliament to ensure that new Secretary of State for Housing and Local Government fully understands the collective housing challenges that we urgently face in Devon, and to secure the necessary powers and resources through the Devon Devolution Deal to make significant and lasting progress to provide people in Devon with somewhere affordable, safe and secure to call home.

and having had regard to the advice of the Cabinet set out in Minute 73(a) and 73(b) of 10th November 2021:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that the Notices of Motion be supported and;

a) that the County Council assess the potential for it to offer accommodation to new social and key workers to attract them to work for Devon County Council;

(b) that the County Council, as a member of Team Devon (Leaders and Chief Executives), propose to Team Devon that a Devon strategic housing taskforce be established to help draw together the work of existing pan-Devon housing partnerships and focus on tackling homelessness and improving the availability of affordable housing in Devon; and

(c) that the County Council, as a member of Team Devon (Leaders and Chief Executives), proposes to Team Devon that it write to Devon Members of Parliament asking them to support changes to legislation and policy to address the housing problems in Devon described in the Notices of Motion. Team Devon's letter to MPs should propose strengthening the criteria on how a property becomes liable for Business Rates instead of Council Tax. Owners of these properties should have to show that they are commercially letting the property and not just declaring them available for rent.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion, nem. con.

68 **Devon's Housing Crisis (Minute 54 - 7 October 2021)**

Refer to minute 67.

69 **School Uniform Costs (Minute 55 - 7 October 2021)**

Pursuant to County Council Minute 55 of 7 October 2021 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hannaford that:

Thousands of parents across Devon were again forced to pay over the odds for [school uniforms](#) this academic year.

The Government failed to issue legally binding guidance obliging schools to ensure that their specified clothing is reasonably priced in time for the start of the new term.

Under a new law passed by Parliament in April, schools will be required follow statutory guidance on uniform costs, forcing them to keep prices down.

It was widely understood that this guidance would be in place in time for the start of the 2021/2022 academic year

In addition to encouraging schools to consider making second-hand uniforms available, the guidance will also instruct them to look into allowing parents to kit out their children in cheaper high-street alternatives and to also demonstrate that they obtained the best value for money possible from their suppliers.

Parents with children in state schools spend on average **£315 per year for each primary school child** and **£337 per year on uniform for each secondary school child**, according to [research from The Children's Society](#).

This is more than three times what parents think is a reasonable cost for primary (£85) and secondary (£105) uniform.

The new law, introduced as a Private Members' Bill by Labour MP Mike Amesbury, that had widespread cross party support, could save hard-pressed parents [hundreds of pounds](#) over the course of their children's academic careers.

Council therefore resolves to formally write to all Members of Parliament in the Devon County Council area, clearly raising all the ongoing issues and concerns around the rising cost of school uniforms, to urge them to actively support the implementation of these changes at the earliest opportunity.

Furthermore, with cuts to universal credit, increasing fuel and heating costs, and rising inflation, we need to support our families now by making school uniforms more affordable in Devon as we cannot wait for government decisions.

Council therefore also resolves to write to all our schools this term to ask them to urgently reconsider their uniform policies, and check that parents and families have the option of buying school clothing that is less expensive. In line with previous Department of Education guidance to local authorities, governors and schools for setting school uniform policy.

and having had regard to the advice of the Cabinet set out in Minute 73(c) of 10th November 2021:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Council support the issues as raised and outlined in the Notice of Motion and accordingly;

(a) writes to Devon MPs; and

(b) that schools be reminded of the impending statutory guidance and ask that they take a proactive approach.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion, nem. con.

70 **Bovine Tuberculosis, Badgers and Vaccination (Minute 56 - 7 October 2021)**

(Councillor's Morrish and Yabsley declared personal interests in this matter by virtue of being farmers / owning farms and additionally Councillor Morrish by virtue of being an auctioneer).

Pursuant to County Council Minute 56 of 7 October 2021 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Bradford that:

The badger cull is an attack on a native mammal without precedent in any country, in modern times.

As such – we shouldn't – and can't - stand by and watch from the sidelines. It is our wildlife, our natural heritage that is being decimated for no good reason at all.

I therefore propose that Council

1. recognises the impact of Bovine Tuberculosis on cattle, wildlife, and the farming community in the County
2. endorses good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculosis;
3. confirms that this Council will not support the culling of badgers on Council land and will seek to amend its new leases accordingly. Any essential variation of such a lease clause will be subject to a formal request in writing and subsequent consent;
4. endorses vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Devon and resolves to support badger vaccination programmes, particularly in those areas most at risk of the

spread of Bovine Tuberculosis, and to commit in principle to support them financially with Council and other resources.

and having had regard to the advice of the Cabinet set out in Minute 73(d) 10th November 2021:

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

(a) recognise the impact of Bovine Tuberculosis on cattle, wildlife, and the farming community in the County;

(b) endorse good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculosis through the continued promotion and dissemination of DCCs TB information packs for farmers;

(c) endorse vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Devon; and

(d) continue to assess the implications of the government's evolving strategy in relation to bovine TB and the resultant impact on the County Farms Estate.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

(In accordance with Standing Order 32(4) Councillors Asvachin, Bailey Biederman, Cox, Hodgson, Roome and Wrigley asked that their vote against the Cabinet amendment and motion be recorded)

71 **Divestment (Fossil Fuels and Local Government Pension Scheme)**
(Minute 57 - 7 October 2021)

Pursuant to County Council Minute 57 of 7 October 2021 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

Devon County Council notes:

- Devon County Council has around £157 Million invested in fossil fuels via the Local Government Pension Scheme. This is about 3.9% of its total fund and currently the 5th highest of all the Local Government Pension schemes in the UK[1]
- The United Nations Paris 2015 Agreement commits our governments to keep the global temperature increase to under 2 degrees and aim for 1.5 degrees. Carbon budgets produced by the

Intergovernmental Panel on Climate Change, United Nations and the International Energy Agency show that preventing two degrees of warming relies on not burning 60-80% of all proven fossil fuels.

- With COP26 taking place in Glasgow in November 2021, there is increased emphasis by the UK government on showing global climate leadership, especially in relation to finance. Divesting our pension is a clear and meaningful action that can be taken at a local government level.
- Fossil fuel investments are financially risky as a result of both the Covid19 pandemic and the global transition to a more sustainable economic and environmental model. They are now being consistently out-performed by renewables.[2]
- Former Bank of England Governor Mark Carney warned in December 2019 that fossil fuel investments risk becoming “stranded assets” (i.e., worthless) as investors exit the sector. “A question for every company, every financial institution, every asset manager, pension fund or insurer – what’s your plan?”
- As continued investments in fossil fuels pose material financial risks to portfolios, funds have fiduciary duties to consider the benefits of decarbonising as part of their investment strategies. Fiduciary duty is defined by the Law Commission as ‘ensuring that pensions can be paid, ensuring that this is undertaken at the best possible value’.
- Pension funds have a legal duty to treat members “fairly as between them”. That means taking seriously the longer-term interests of younger members who may well be affected more by the climate transition.
- Continued engagement with fossil fuel companies does not stop them polluting and recent court action with Shell (DCC Treasurer’s Investment Management Report to Pension Fund Committee 17.09.21) indicates that company’s resistance to reduce its reliance on fossil fuels in line with the Paris Agreement.

This Council commits to:

1. Reviewing its Investment Strategy and developing and implementing a Responsible Investment Policy which rules out new investments in fossil fuel companies and divests as a matter of urgency from those fossil fuel companies it is currently invested in.

2. Calls on Devon County Council’s Pension Fund to divest from fossil fuels by requesting its representative(s) on the Pension Fund Committee to call for the development and adoption of responsible investment policies which:

a. Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies.[3]

b. Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds to achieve net zero

by **2030**, in line with the aspirations of our Devon Carbon Plan. This requires a faster rate of change than the current 7% transition per annum.

c. Set out an approach to quantify and address climate change risks affecting all other investments.

d. Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk.

e. Seek investment in the Paris Aligned Benchmark via Brunel as part of the transition.

3. Recognising that fossil fuel investments should be considered as part of the council's 'carbon footprint' and divesting our pension fund is one of the most impactful steps we can take to reduce our impact on our community and the world. A detailed report on the carbon footprint of the Devon Pension Fund investments will be provided to this Council

4. Requests the Devon Pension Fund to poll its individual investors for their views of divestment from fossil fuel companies and increased investment in companies that support sustainable initiatives such as renewable energy.

Footnotes

[1] 2021 figures taken from the report *Divesting to protect our pensions and the planet – An analysis of local government investments in coal, oil and gas*. Available at: <https://www.divest.org.uk/councils>

[2] *Energy Investing: Exploring Risk and Return in the Capital Markets*, Joint Report by the International Energy Agency and the Centre for Climate Finance & Investment, Paris. Available at: <https://www.iea.org/reports/energy-investing-exploring-risk-and-return-in-the-capital-markets>

[3] As determined by the most recent Carbon Underground 200 list.

and having had regard to the advice of the Investment and Pension Fund Committee set out in Minute 35 of 16 November 2021:

Councillor Morrish **MOVED** and Councillor Hart **SECONDED** that the Committees advice be accepted and that the Notice of Motion be amended to read as follows.

(a) that the Devon County Council notes:

- The Devon County Council Pension Fund has committed to achieving net zero investment portfolios by 2050, or sooner.
- Significant progress has already been achieved with a reduction in the Weighted Average Carbon Intensity of the Fund's equity investments of

37% since March 2019, and a significant reduction in fossil fuel reserves exposure.

- The United Nations Paris 2015 Agreement commits our governments to keep the global temperature increase to under 2 degrees and aim for 1.5 degrees. Carbon budgets produced by the Intergovernmental Panel on Climate Change, United Nations and the International Energy Agency show that preventing two degrees of warming relies on not burning 60-80% of all proven fossil fuels.
- The Devon Fund invests via the Brunel Pension Partnership, who are seen as leaders in the investment world in their approach to climate change. Brunel have played an active role in COP26 that took place in Glasgow during November 2021 including meetings with key policy makers, pressing for changes in the investment industry to support the transition to net zero. Faith Ward from Brunel sat on a panel on: "*Deploying capital in the age of planetary boundaries*" with Mark Carney, former Governor of the Bank of England.
- The Devon Pension Fund has taken action to move its UK and factor based passive equity allocations to new benchmarks that will be climate transition aligned and support companies who are effectively transitioning their businesses as well as significantly reducing fossil fuel reserves exposure.
- That the revenue obtained by fossil fuel companies from their customers dwarfs any funding they receive from equity investors, and that working with all investee companies to transition their reliance away from the consumption of fossil fuels in the course of their business is therefore the most effective means of preventing the burning of fossil fuels and generating real progress in tackling climate change.
- As climate change poses material financial risks to portfolios, pension funds have fiduciary duties to consider the benefits of decarbonising as part of their investment strategies. Fiduciary duty is defined by the Law Commission as 'ensuring that pensions can be paid, ensuring that this is undertaken at the best possible value'. The Devon Pension Fund fully endorses the need to address climate change risks through its investment strategy.
- Pension funds have a legal duty to treat members "fairly as between them". That means taking seriously the longer-term interests of younger members who may well be affected more by the climate transition.
- Divesting shares in fossil fuel companies does not stop them polluting and continued engagement has a significant role to play in achieving progress on combatting climate change.

(b) that the Council, in its capacity as the Administering Authority of the Pension Fund, commits to:

1. Continually reviewing its Investment Strategy and Responsible Investment policies to ensure they remain fit for purpose and effectively manage the risks posed by climate change.
2. Maintaining responsible investment policies which:
 - (a) Seek to achieve net zero investment portfolios by 2050 or sooner.
 - (b) Seek a reduction of between 50-75% in the Weighted Average Carbon Intensity of the Fund's investments by 2030.
 - (c) Continue to quantify and address climate change risks affecting all investments.
 - (d) Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk, through for example a target to invest 5% of the Fund in renewable energy infrastructure by 2025, and investment in funds that reward positive progress by companies in transitioning their businesses in line with the Paris Agreement.
 - (e) Invest in funds that track the recently launched Climate Transition and Paris Aligned Benchmarks via Brunel as part of the Fund's asset allocation strategy.
3. Continuing to provide a detailed report on the carbon footprint of the Devon Pension Fund investments on an annual basis in the Pension Fund Annual Report.
4. Consulting regularly with pension fund members on their views on responsible investment, including the Pension Fund's policies on climate change.

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

Councillor Hodgson then **MOVED** and Councillor Biederman **SECONDED** that the Motion be amended as follows (additional text in red).

2(d) Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk, through for example a target to invest **a minimum of** 5% of the Fund in renewable energy infrastructure by 2025, and investment in funds that reward positive progress by companies in transitioning their businesses in line with the Paris Agreement.

4. Consulting regularly with pension fund members on their views on responsible investment, including the Pension Fund's policies on climate change **and will poll the individual Devon Pension Fund holders for their views of divestment from fossil fuel companies and increased**

investment in companies that support sustainable initiatives such as renewable energy.

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

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

(In accordance with Standing Order 32(4) Councillors Bailey, Biederman, Roome and Wrigley asked that their vote against the Committee amendment and motion be recorded)

72 **Restoring Railway Resilience**

Councillor Hannaford **MOVED** and Councillor Whitton **SECONDED**

Council warmly welcomes and celebrates the restoration of the Okehampton to Exeter daily rail services after an absence of forty-nine years.

After many years of strong cross party support at Devon County Council, we are especially pleased and proud that the first reopening under the governments "Restoring Your Railway Programme" has taken place at the heart of Devon.

Hopefully heralding a national railway service revival across the whole country, that will see a transformational change in commuter movements, and a substantial reduction in harmful emissions.

Council also welcomes the £50,000 to develop a business case to reinstate passenger rail links between Tavistock and Plymouth, and the new additional funding to reopen Cullompton Railway Station.

However, council is greatly concerned, that there is still an estimated huge gap in regional railway service investment of 4.5 billion for the South West Region, based on its ONS projected population over the period to 2045.

Therefore in order to continue to build upon the restoring your railway programme, increase the far South West's general connectivity, secure our railway resilience, and crucially assist with the climate emergency, council commits its active support, working with others to lobby, help facilitate, and advocate for the following projects ;

- The completion of the Great Western electrification programme.
- The development of the North of Dartmoor line, connecting Plymouth, via Okehampton and Tavistock.

- Additional passing loops, and an increase in line speeds, between Exeter and Salisbury to improve journey times between Exeter and Waterloo Station.
- Encouraging and working with the logistics sector to commit to a serious switch to rail freight for the distribution of consumer goods, food, and industrial products.

Furthermore, Council resolves to make formal representations to the Government, national and regional transport bodies, the business sector, and our local Devon Members of Parliament, to secure the necessary funding and investment to progress these much needed and long awaited improvements.

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

73

After COP 26

Councillor Atkinson **MOVED** and it was duly **SECONDED**

The final draft of the COP26 agreement recognises " the urgent need for multilevel and cooperative action." which is understood by those negotiating on behalf of local government to refer to governance, and mean that action should include all levels of government from local to central.

This Council

- will work with Government and local Government networks, to make sure the COP26 text is translated into meaningful local and national programmes to reduce carbon which are supported by agreed and sufficient financing by Government
- demands that national plans formulated by the government are discussed and negotiated between local and devolved governments and not imposed centrally by government
- demands that when the Government promotes new financial measures addressing climate change, these should be discussed with local governments and associations before implementation to ensure that the resources are used effectively at a local level and provide value for money
- considers the current national Government competitive approach introduced in 2010, which has introduced an array of short-term and one-off funding pots for which councils have to dedicate resources to bidding for to access to often small pots of money is not an effective way to address action to reduces global warming.

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

74 Behaviour Change and Phasing Out Fossil Fuels

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED**

Further to the outcomes of COP26, which failed to secure strong commitments to phase out fossil fuels, this council will seek to support behaviour change in residents and businesses in the County by implementing initiatives modelled on the Welsh Government's One Planet Standard and associated Policies. This will include a commitment to switch funding from fossil fuel intense (e.g. new road building) projects to alternative (e.g. Active Travel) projects that will support low carbon, and healthier lifestyles

Background information at this link
<https://www.youtube.com/watch?v=eSDnAnpaGHs>

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

75 Community Composting Initiatives

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED**

In the spirit of COP 26 to reduce the carbon footprint of waste recycling, this Council will encourage and support community composting initiatives that are supported by Parish Councils in the County.

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

[NOTES:

The Minutes of this meeting and of any Committee referred to above are available on the County Council's Website.

Minutes should be read in association with any Reports or documents referred to therein, for a complete record.

A recording of the webcast of this meeting will also available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

The Meeting started at 2.15 pm and finished at 5.48 pm