

CABINET

26 September 2022

Present:-

Councillors R Croad, A Davis, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), A Saywell and P Twiss

Members attending in accordance with Standing Orders 8 and 25

J Brazil, P Prowse and C Whitton

M Wrigley (virtual attendance)

* 203

Minutes

RESOLVED that the minutes of the meeting held on 13 July 2022 be signed as a correct record.

* 204

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 205

Announcements

The Chair welcomed Tandra Forster (Director of Integrated Adult Social Care) to her first official meeting of the Cabinet.

He further thanked all staff who had been involved in the Council's response to Operation London Bridge, including the proclamation and cathedral events which had required significant organisation.

* 206

Petitions

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

* 207

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Members responded to four questions from Members of the Council on the following matters;

- damaged 'speed camera' on the A379 and the timescale for repair;
- County Highway at Starcross, operation of non return valve, flooding issues and liaison with Network Rail;

- Vehicle Activated Speed Signs (VAS) in Kenton and Starcross, delays, timeline and contractual control; and
- former Councillor John Humphreys, multi-agency safeguarding meeting and progress with the proposed independent investigation

The Cabinet Member for Children's Services also responded orally to a supplementary question arising from the above.

[NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through the webcast of this meeting]

208 Update on Race Equality Progress

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

The Cabinet considered the Report of the Interim Chief Executive circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report highlighted that the Council's Strategic Plan 2021-2025 which set out the Council's commitment to becoming an organisation that was intolerant to prejudice and discrimination and helping Devon to be a place that was inclusive, compassionate, and caring, where everyone could feel safe.

The Report provided an update on the progress made throughout 2022 since the publication of the Strategic Plan in December 2021 and the Race Equality Audit in January 2022.

There had been a lot of work in responding to the learning and findings of the Race Equality Audit and deliver against the commitments in the Council's Strategic Plan.

The initial steps included a key action in the Strategic Plan 2021/2025 *to consider the findings of the Race Equality Audit and implement its recommendations*. The Equality, Diversity and Inclusion (EDI) function moved to Organisational Change Team for wider access to support and embed EDI into the Council's organisational change work and also included an additional budget. Other actions included a raised awareness of the unacceptable behaviour help line and relaunching the *It's ok to say it's not ok* campaign.

A cross organisational Race Equality Delivery Group was developing an Anti-Racism Framework (how the Council would address racism in the workplace and community), a Race Equality Staff Group met regularly and provided direction, leadership and prioritisation for the Council's race equality work. There were key connections with the Cabinet Member for Public Health,

Communities and Equalities and the Chair of the Council who cited inclusivity, diversity and equality as one of his priorities.

Corporate Infrastructure and Regulatory Services Scrutiny Committee (CIRS) had agreed to monitor the progress against the Race Equality Action Plan and an Elected Member Masterclass was taking place in November.

A number of actions were also in train for raising awareness and understanding, including the Council's Core Principles and Behaviours Framework, equality statement for use in recruitment, iTrent data and improved and increased communications to staff. Training and Development was also being strengthened.

In terms of moving forwards (as well as continuing delivery against the Race Equality Framework and Action Plan), an area of focus would be providing protection for staff at risk of identity-based harm including taking a 'zero tolerance approach' to racism and a number of mechanisms for improved protection for staff at risk.

The Cabinet noted that the Race Equality Framework and Race Equality Action Plan contributed positively to public sector equality duties to eliminate unlawful discrimination, advance equality of opportunity and foster good relations for the protected characteristic of race (Equality Act 2010). The activities would have a positive equality impact for the protected characteristic of race.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, risk management, equality and legal considerations and public health impact) set out in the Interim Chief Executive's Report and/or referred to above having been considered:

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

RESOLVED

- (a) that the progress on race equality made throughout 2022 be noted;
- (b) that the planned next steps to further advance race equality and commit to a 'zero tolerance' approach to racism be supported; and
- (c) that attendance at the elected Member Masterclass on Equality, Diversity and Inclusion 'Legal and Moral Duties' on 23rd November 2022 be encouraged.

* **209** **Budget Monitoring - Month 4**

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

The Cabinet considered the Report of the Director of Finance (DF/22/68) relating to the Budget Monitoring Position at Month 4, 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.

At month 4 it was estimated that budgets would overspend by £17 million, excluding the dedicated schools grant deficit. This was made up of an underlying overspend of £35.6 million that was being reduced by £18.6 million of Financial Sustainability Programme (FSP) proposed savings and income.

There was also a risk that inflationary pressures could result in costs, in addition to this overspend, of more than £10 million this year.

The pandemic and geopolitical situation had created huge financial pressures and immediate action was being taken to safeguard the financial sustainability of the authority. Work was ongoing to identify services and projects in both revenue and capital that could be transformed, modernised, remodelled, funded differently, ceased, or postponed.

The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), was forecast to be £34.5 million. The outcome of the discussions with the Department for Education as part of the Safety Valve Intervention were still awaited.

The table at section 2.1 of the Report detailed the forecast outturn position by service area at month 4.

Integrated Adult Social Care was forecasting an overspend of £3.2 million and Children and Young People's Futures an overspend of £19.9 million and £34.5 million on Special Education Needs and Disabilities (SEND).

The remaining Directorates were forecasting an underspend of £4.6 million at month 4. The underlying forecast position was an overspend of £1.3 million and additional savings identified as part of the FSP totalled £5.9 million. Non Service items, which included capital financing charges and business rates pooling gain were forecasting an underspend of £1.5 million. The underlying position was a forecast pressure of £6.5 million, predominantly the forecast impact of the 2022/23 pay award and the FSP had identified further savings of just over £8 million.

An organisation wide Financial Sustainability Programme had been developed in June to examine areas of expenditure and develop proposals that directly addressed the in-year financial challenges. The Report included a table with a

high-level summary by type of saving and included a saving of £128,000 from Member's Locality Budgets (representing 50%, or half, of the individual member balances that had been unspent at the end of 2021/22 that were carried forward into the current year and also a £38,000 carry forward from 2021/22 as a central contingency that remained unallocated).

The approved capital programme for the Council was £215.8 million and the year-end forecast was £185.6 million, producing forecast slippage of £30.2 million. Material and labour price increases continued to be experienced which were impacting the delivery costs and tender prices being returned.

Cabinet noted that the formation of the Financial Sustainability Programme was having a positive, immediate, and significant impact on the projected overspend. However, the underlying position had worsened since month 2 and therefore must be addressed as a matter of urgency.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the Director of Finance's Report and/or referred to above having been considered:

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

RESOLVED

(a) that the month 4 budget monitoring forecast and the very challenging financial position faced by the Council be noted;

(b) that the immediate action being taken to safeguard the financial sustainability of the authority be supported;

(c) that the proposed reduction to Member Locality Budgets, as outlined in paragraph 3.4 be approved; and

(d) that the savings and additional income resulting from the Financial Sustainability Programme also be noted.

* **210** **Transport Capital Programme 2022/23 and 2023/24: Update and Proposed Allocation**

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

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/22/45) circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report provided an update on the capital programme covering the current financial year and sought approval for a two-year transport capital programme covering the financial years 2022/23 and 2023/24 (excluding maintenance). The Transport Capital Programme set out the short-term priority for investment in transport infrastructure. It built on long-term commitments as detailed in adopted strategies such as Local Plans, the Local Transport Plan, the Multi-Use Trail and Network Strategy, and the Transport Infrastructure Plan.

The Programme continued to build on national policy changes to support transport's contribution towards addressing the climate emergency, with a range of sustainable transport schemes included.

Significant inflationary pressures were continuing to be felt in the construction sector with recent estimates on live projects putting the increase due to inflation at 20-24%, with the situation continuing to be monitored. This could result in scheme costs increasing with shortfalls needing to be covered by the Council's Local Transport Plan Integrated Transport Block. However, this funding was limited.

The Integrated Transport Block (ITB) settlement from Government for 2022/23 was £3.628 million. The same value has also been indicatively allocated for 2023/24 and 2024/25.

The Council also had a strong track record of successfully leveraging in external funding sources, often through competitive bidding processes and the Report outlined the extensive list of existing funding sources successfully secured and currently in use (for example the Housing Infrastructure Fund (HIF), Large Local Majors (LLM) Fund, Bus Service Improvement Plan (BSIP), Major Road Network (MRN) Fund, Growth Deal to name but a few).

In order to continue delivering transport infrastructure, additional funding opportunities to enhance the capital programme would continue to be sought and there could be opportunities through the Peninsula Transport Sub-National Transport Body, Active Travel Fund 4, Levelling Up Fund and Plymouth and South Devon Freeport.

The proposed Transport Capital Programme was detailed in full at Appendix 1 and included a range of schemes across the County covering different transport modes. The programme was extensive, ambitious and diverse, the scale of which could result in resourcing implications; the level of overprogramming was evidence of this.

Transport was a key mechanism to deliver the Council's Strategic Plan priorities and actions, with many cross-cutting themes evident in the transport capital programme. The programme sought to prioritise active and sustainable travel investment across the County, whilst also supporting economic growth through the delivery of major schemes.

The table within the Report summarised how the proposals would impact achievement of relevant Strategic Plan actions.

An Environmental Impact Assessment had been carried out for the overall strategy contained in the Devon and Torbay Local Transport Plan 2011-2026. The environmental impacts of individual schemes would be detailed in Cabinet or Highways and Traffic Orders Committee (HATOC) Reports where relevant. Also, individual Impact Assessments would be carried out on schemes where required and included with Cabinet and HATOC reports.

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 Director's Report and/or referred to above having been considered:

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

RESOLVED

(a) that budgets be allocated to the Local Transport Plan Integrated Transport Block (LTP ITB) schemes in 2022/23 and 2023/24 as set out in Appendix 1 of the Report, noting the level of overprogramming planned;

(b) that the 2022/23 capital programme be increased by £4.576 million, with £2.652 million funded from other external grants, £0.474 million from external contributions and £1.451 million from developer contributions and to decrease the 2022/23 capital programme by £4.738 million due to rephasing of the Tiverton EUE budget. The schemes are listed in Appendix 1 of the Report;

(c) that the 2023/24 capital programme be increased by £11.001 million with £3.234 million funded from other external grants, £5.967 million from external contributions and £1.800 million from developer contributions. This includes the rephasing of the Tiverton EUE budget. The schemes are listed in Appendix 1 of the Report;

(d) that £1 million LTP ITB from 2023/24 to 2022/23 be rephased; and

(e) that delegated authority be given to the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Climate Change, Environment and Transport and the Cabinet Member for Highway Management regarding amendments to the Integrated Block allocations.

* **211** **Civil Parking Enforcement: Changes to Parking Permits**

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

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/22/46) on Changes to Parking Permits (Civil Parking Enforcement), 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.

Further to the agreement of a new Residents Parking Policy at Cabinet on 9th December 2020, the Report sets out the response to the statutory public consultation earlier this year, proposals to make changes to the advertised Traffic Regulation Order (TRO) as a result of the consultation, and the implementation process.

The Traffic Regulation Order had been advertised on 1st June 2022 for one month, with an advert in the Western Morning News and proposals directly marketed to over 14,000 active permit holders (approximately 47% of all permit holders) who had provided email details. Information was also available on the public web pages: <http://devon.cc/cpetro>.

A summary of the proposed changes could be found in Appendix B of the Report.

769 responses had been received and the most frequently voiced comments by respondents included;

- *Timing and justification for price increases*
- *Fairness of tiering prices based on car tax bands*
- *Permit abuse and need to better enforce zones*
- *Reduction in number of visitors allowed and increase in price*
- *Opposition to new charges for the essential visitor permit and charges for motorcycles*
- *Unfair to those with no online access. Preference for paper permits*
- *Blocking access to permits to businesses, house in multiple occupation (HMO) residents and students*

The full summary of responses received to the proposals, including new permit prices and transformation to digital permits were outlined in Appendix C along with responses to the points made.

A number of amendments were considered following the consultation

- concerns relating to the application of charges for Essential Visitor Permits were understood and it was proposed these were modified to reduce the cost to £10;
- it was noted that Exeter S1 zone was unique due to its active times being limited to Exeter Chiefs Rugby Match Days and residents receiving refunds for permit costs from that club therefore it was proposed that paper permits and charges would be maintained.
- Sidmouth Zone A also had a unique ruleset on how permits were issued, therefore paper permits would be maintained and the differential charge could not be applied.

It was proposed to phase out the issuing of paper permits in favour of virtual permits at the time of renewal for existing permit holders, or at time of first purchase for new occupiers in properties in resident permit zones. The change over would take a year to complete. The tiered pricing structure linked to the number of permits held by a property owner and the vehicle's cars emissions (Based upon tax band or engine size for vehicles registered pre-2001) would be implemented at the same time.

Appendix A included a table explaining the schedule of charges, DVLA tax bands and provides examples of the popular makes and models currently on our roads and which band they fell into. It was also clarified that the lowest emitting vehicles (Electric and Ultra Low) (A) would be £35 for all permits (1st, 2nd and 3rd), not the figures outlined in row 1 of Appendix A.

The previously agreed policy position and the proposals to link permit charges to emissions aligned with the Authority's Strategic Plan 2021 – 2025 to address climate change; by encouraging moves towards sustainable lifestyles and use of other modes of transport, which also aligned with the County's Local Transport Plan.

The last time permit prices rose was in 2015, in the past 7 years the Consumer Price Index has increased approximately 19.5%. The increase in base charge for residents parking permits was approximately 17%.

In progressing this proposal, an Impact Assessment had been prepared which had been circulated with the agenda for the meeting - [Impact Assessment - Residents Parking Policy.pdf \(devon.gov.uk\)](#).

The equality issues relating to these proposals had been considered as part of the report to Cabinet in December 2020 seeking approval of the new Residents Permit Parking Policy and permission to consult on changes to digital permits and tiered emission-based charging.

Concerns raised regarding lack of access to online facilities to buy and manage an online account would be overcome by the customer contacting the Council's contact centre or MiPermit helpline where an advisor would process an application on their behalf.

It was recommended that the changes to the advertised TRO as outlined in Section 4 of the Report were an appropriate response to the consultation. The concerns over the increase in permit cost were noted, however, these were justified to ensure a sustainable service going forward and to encourage the uptake of lower emission vehicles.

The Cabinet Member for Highways Management commented that the proposal improved enforcement and ensured that the service continued to self-fund without additional contributions from other budgets.

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) as set out in the Director's Report having been considered:

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

RESOLVED

(a) that the progress on the Residents Parking Permit Scheme be noted; and

(b) that the implementation of the Traffic Regulation Order as advertised be agreed, except for the recommended reduction in charge for Essential Visitor Permits, and amendments for Exeter Zone S1 and Sidmouth Zone A (as described in Section 4), noting the clarified the clarification that the lowest emitting vehicles (Electric and Ultra Low) (A) would be £35 for all permits.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and was available at [Impact Assessment - Residents Parking Policy.pdf \(devon.gov.uk\)](#).

* 212 **Fostering Friendly Policy**

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

The Cabinet considered the Report of the Head of Children's Health and Wellbeing (CS/22/9) which sought approval to adopt a Fostering Friendly Employer policy to support Council employees who were foster carers, 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 Council was responsible, as a corporate parent, for children who became cared for by the local authority. In Devon, as nationally, there was a shortage of suitable foster carers for children who needed a foster home, and the Council had a duty to provide a sufficient number and range of foster carers to meet children's needs. Recruiting more foster carers was a high priority in the Improvement plan.

Fostering Friendly policies were adopted by employers to support employees who were also foster carers and included a range of support. Other employers, such as Tesco and O2, as well as neighbouring local authorities, and the Council's improvement partner Leeds City Council, had already adopted Fostering Friendly Employer policies.

The draft Fostering Friendly Employer policy, attached at Appendix 1, met the requirements of the Fostering Network, which was a national body promoting the importance of foster care, and would support employees who were already employed by the Council, or employees who may wish to consider becoming foster carers.

The draft Fostering Friendly Employer policy required managers to adopt a flexible and accommodating approach to requests for flexible working arrangements. In addition, there was paid time off for fostering preparation and assessment processes.

Currently there were fewer than five Council employees who were foster carers for Devon. The financial impact of adopting the policy was small and would be funded from the current placements budget.

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

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

RESOLVED that the Fostering Friendly Employer policy which supports Devon County Council employees who are also foster carers, be endorsed and adopted.

* **213** **Foster Carer Uplift**

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

The Cabinet considered the Report of the Report of the Deputy Chief Officer – Head of Children’s Health and Wellbeing (CS/22/10) which sought approval for a proposed uplift to fees paid to the Council’s foster carers, 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 Council was responsible, as a corporate parent, for children who became cared for by the local authority and had a duty to provide a sufficient number and range of foster carers to meet children’s needs. Recruiting more foster carers was a high priority in the improvement plan. Foster carers were paid an allowance to meet the needs of the child or children they cared for, an additional amount that was assessed in relation to children’s assessed needs, and also a weekly payment in relation to attendance at training and support groups.

Foster carers were required to be approved with either a local authority or independent fostering agency (IFA) in order to have children placed in their care. Whilst foster carers could choose whether they apply to foster for a local authority, or an independent fostering agency, their decision would be affected by a number of things including terms and conditions and the financial allowances paid.

Many IFAs were part of the ‘Southwest Peninsula’ multi- provider contract approach. Currently, the average weekly cost to the Council of a fostering placement with these providers was £971, reflecting the full commercial business cost for the organisation, an element of which will be foster carer allowances. Two local IFAs advertise standard allowances for their carers of £400 and £435 per week respectively. The Council’s foster carers were paid a standard weekly allowance of £329.10, which included an element for attending training and support groups (additional fees of £90, or £160, could be paid if the child had additional needs that met the criteria for a further allowance).

The report outlined proposals to provide an uplift of 1.75% for foster carers and SGO carers, in line with the public sector uplift for 2021/22, commencing 1st October 2022. Any further uplift would be considered within the Medium-Term Financial Strategy (MTFS) for 23/24.

This proposal supported the Council's strategic aim to transform, develop and improve children's services.

The Cabinet noted that endorsing the proposal would support the Council's statutory obligation to provide children in care with homes in Devon, close to families, friends, and communities. It would also support the children's services improvement priority to increase the number of in-house foster carers, which would reduce reliance on IFAs and subsequently reduce costs.

The Cabinet Member for Children's Services, the Leader and other Cabinet Members extended their heartfelt thanks to all Foster Carers, especially those of Devon and placed on record their appreciation for all their contributions to the service.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, risk management, equality and legal considerations) as set out in the Head of Service'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 proposed uplift to the fees paid to Devon County Council's foster carers be approved, as outlined in section 3 of the Report;
- (b) that an initial investment of £136,000 in 2022/23 from reserves be agreed;
and
- (c) that Cabinet further consider a base budget increase of £281,000 as part of the 2023/24 budget setting process.

214 **Notices of Motion**

(a) Building on Devon County Council Owned Brown-field Land to provide Homes for Devon (Councillor Wrigley)

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

The Motion text is outlined below.

The Council notes:

- *The world-wide concerns on the supply of food, in particular wheat following the war in Ukraine and climate change issues globally.*
- *The need for improved food security in the UK, encouraging more food production requiring grade 1 agricultural land including use in less intensive ways.*
- *The need for affordable homes, especially for health and social care workers set in sustainable locations.*
- *The change of work patterns of many Devon residents to have fewer days in an office setting and more days working from home in a hybrid model.*

This Council commends:

The acquisition of 34 Hectares of Grade One agricultural land for county owned Markham's Farm in 2009 with the express purpose to make the farm viable.

In the light of the need for thousands more affordable homes for Devon families, the lack of any form of homes to rent long-term in Devon, and to enable homes for incoming workers for health and social care provision this council resolves to:

- 1) *Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the council.*
- 2) *Work with the District Councils and their registered provider partners as housing providers*
- 3) *Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements.*
- 4) *Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability.*

In the site review particular attention will be given to the Topsham Road County Hall site. This site is antiquated and in the wrong place for modern council operation. Office space and meeting space would be far more

efficient in a modern working location such as alongside the council's other offices in Sowton or in Marsh Barton – both out of the town centre but well connected by train, bus and by road.

The current County Hall site would be far more effective if it were remodelled to become homes for rental, with a proportion reserved for NHS and social Care staff and many at social rent levels. This would provide much needed affordable homes and a rental income stream for the council. Turning a liability into a significant revenue generating asset.

Converting the existing office blocks and building new homes on the enormous supply of parking space would provide a highly desirable and green residential location with good connection to the RD&E hospital site and the city centre.

The hundreds of rented flats delivered would not only provide homes for local families, but also a long-term rental income for the Council that should exceed the cost of out-of-town office space.

Other sites owned by the council across the county should be identified and used in a similar way.

Members considered the Officer's factual briefing note on the matter (CSO/22/14) which referred to the role of the Council's asset management strategy in assessing what land and buildings could be declared surplus and sold, the contribution to the supply of affordable homes across Devon and the intention to seek discussions with social housing providers to consider potential models/options to utilise DCC land/assets to help address affordable housing provision. It further highlighted potential restrictions around future usage of County Hall, the role of the Devon Housing Task Force looking at the strategic housing challenges across Devon, Plymouth and Torbay, and also the current position with Manor Farm, Holcombe and Markhams Farm, at Shillingford Abbot.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors:

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

RESOLVED that Council be recommended to;

(a) note the number of affordable housing units across Devon which the Council's land has enabled over the past five years;

(b) confirm that in the short to medium term (3-5 years) the Council does not have plans to dispose of County Hall;

(c) endorse the approach to review the use of DCC assets as part of the Council's financial sustainability programme to identify opportunities for the provision of (in particular) DCC key worker accommodation;

(d) note the continuing work of the Devon Housing Task Force and DCCs involvement in this; and

(e) support the inclusion of strategic DCC farm land in relevant local plan allocations (including land at Markham's and Manor Farm) as part of the Council's work to support housing provision across the County whilst ensuring that farm holdings remain viable and where possible land is replenished (subject to financial resources being available) to maintain the Farms Estate at c10k acres.

(b) Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s (Councillor Hannaford)

Councillors Whitton and Wrigley attended in accordance with 25(2) and spoke to this item).

The Motion text is outlined below.

Council notes that:

- *In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.*
- *The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six-year increase in their anticipated retirement age. 67,000 of the affected women are in our own authority area.*
- *The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950s.*
- *The All Party Parliamentary Group on State Pension Inequality for Women has concluded that "the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice."*
- *Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.*
- *WASPI's figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by*

these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.

- *Despite the Ombudsman's findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.*

Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Devon and on local government, not least because:

- *Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care*
- *Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally*
- *Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock*
- *There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned*
- *Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950s*

Council supports:

- *The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.*
- *A swift resolution to this ongoing injustice before more and more women die waiting for compensation.*
- *The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.*

Council asks:

- *The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the*

communities in Devon and to seek their support for an immediate compensation package.

Members considered the Officer's factual briefing note on the matter (CSO/22/14) which referred to the Ombudsman's investigation of complaints about Department for Work and Pensions' communication of changes and the work of the All Party Parliamentary Group on State Pension Inequality for Women whose view was that DWP maladministration had impacted on 1950s-born women financially, as well as causing emotional, physical and psychological distress.

The Cabinet considered the recommendation now before them and the actions now proposed:

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

RESOLVED that Council be recommended to ask that the Leader of the Council writes to each of the Devon Members of Parliament and the Secretary of State for Work and Pensions supporting the July 2021 findings of the Parliamentary and Health Service Ombudsman; highlighting the impacts on women in Devon and urging the Government to offer compensation as a matter of urgency.

**(c) Sewage Discharges and Impacts on Wildlife and Public Health
(Councillor Bailey)**

(Councillor Hart declared an interest in this item by virtue of an ongoing dispute with South-West Water and left the room during the debate)

(Councillors Whitton and Wrigley attended in accordance with 25(2) and spoke to this item).

The Motion text is outlined below.

Sewage discharges not only harm wildlife but also pose a serious risk to public health as has been recently confirmed by Chief Medical Officer Professor Chris Whitty.

According to data from the Rivers Trust there were 12,436 sewage spills for a duration of 120,933 hours in Devon in 2021.

Sewage was discharged into the River Otter for 8457 hours in 2021. This includes discharges at Fluxton for 723 hours and upstream at Honiton where sewage was discharged continually for 1974 hours from 16th January 2021 to 10th April 2021.

This Council considers sewage discharges and the associated harm to wildlife and public health totally unacceptable and agrees to write to

South West Water to express its very great concern about the impact of sewage discharges on the rivers of Devon and to urge South West Water that this practice must cease urgently.

This Council also requests that the CEO Susan Davey, in recognition of the severity of the situation, considers not taking the whole of her current annual salary of £1.7 million until such time as a substantially improved situation is achieved.

Members considered the Officer's factual briefing note on the matter (CSO/22/14) which referred to concern over water quality in rivers, streams and coastal waters and the impact of pollution by sewage. The significance of the issue had been recognised by Ofwat, as detailed on their website. They were also progressing five earlier enforcement cases as well as opening a new one into South West Water. Government had also indicated it was seeking a change in how water companies tackled the issue, as addressed by its Storm Overflow Discharge Action Plan. Water companies had been required to significantly invest to protect and improve the environment; including storm overflow improvements as well as Government introducing a raft of measures through the Environment Act 2021.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors such as public health and environmental impact):

RESOLVED that as reflected by this Notice of Motion, it is recommended that Council:

(a) recognises the unacceptable extent of storm overflow discharges into Devon's watercourses and coastal waters and the huge public concern relating to these and the wider impacts of water pollution on public health and wildlife; and

(b) urges all those with a specific role, including South West Water, the Environment Agency, Ofwat and central government, to pursue relevant action to adequately address this problem.

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

There was no question from a Member of the public.

* **216** **Minutes**

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

Devon Audit Partnership – 12 July 2022

* **217** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [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.

* **218** **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.

There had been the addition of 'Endorsement of the Devon Carbon Plan' for 12 October 2022, the website having been updated to give the requisite notice period.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.36 am