

NOTICES OF MOTION

Report of the County Solicitor

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Free Personal Care (Cllr Biederman)**

*Devon County Council notes that over a million older people in England are struggling with unmet care needs and believes that in light of an ageing population we need bold changes to deliver a long term funding solution for social care.*

*Devon County Council believes that it is fundamentally unfair that to access basic care many older people face catastrophic costs that can run into hundreds of thousands of pounds, wipe out a lifetime of savings, and force families to sell their homes.*

*Devon County Council also believes that England's care system needs major reform to provide a long-term sustainable funding solution and to make care free at the point of use.*

*Devon County Council therefore supports Independent Age's call for the introduction of free personal care for all older people in England, alongside a new social care contribution to fully fund the policy on a sustainable basis.*

*Devon County Council calls on the Government to take the necessary steps to implement this policy as swiftly as possible to end the care crisis and properly support older people in Devon.*

*Devon County Council also calls on our local MP(s) to support the campaign for free personal care, and to speak up in favour of the policy in the House of Commons and through their wider engagements.*

### **Briefing Note / Position Statement from the Joint Associate Director of Commissioning**

Devon County Council already provides non-chargeable short-term support, also known as intermediate care or reablement. This type of care can include personal care and is provided free of charge after discharge from hospital, normally up to six weeks but can be longer based on individual needs.

This free short-term support gives people the time and space to recover, rebuild their strengths and regain or even improve the level of independence they had prior to their hospital admission.

The Council also provides aids and minor housing adaptations up to the value of £1000 free of charge.

This approach, is a key element of the Promoting Independence Policy that seeks to enable as many citizens as possible to stay healthy and active in their own homes and communities for as long as possible as this is what people say they want.

In Devon 92% of new service users over the age of 65 who receive reablement do not return to hospital within 91 days; this is above national (77%) and comparator (81%) authority levels. Work continues to improve the reach and effectiveness of these types of services.

The Care Quality Commission rate 86% of community care services across Devon as either good or outstanding. This is better performance than both our comparator authority areas (74%) and the England average (73%).

The Care Quality Commission rate 88% of domiciliary care agencies across Devon as either good or outstanding. This is better performance than both our comparator authority areas (72%) and the England average (67%).

The future of adult social care is an on-going national issue. The much-anticipated Green Paper is expected to set out government proposals for how adult social care will be funded and delivered; both for older people and working age adults. At this stage there are still wide-ranging views as to the likely proposals of the Green Paper.

The most significant challenge within adult social care at present is ensuring a sufficient workforce. Future proposals on the future funding and delivery of adult social care must be cognisant of that, and of the likely resulting pressures of any proposals.

When the Green Paper is eventually published, Devon County Council will respond to the proposals and ensure that Members across the council are engaged and have opportunities to contribute.

### **(b) 10 Point Green Action Plan (Councillor Wright)**

*This Council notes its resolution on declaring a climate emergency in Devon, in February.*

*This council notes also that officers launched the policy on wildflower verges earlier this month. Huge congratulations to the officers who helped bring this about.*

*The government has now declared a state of climate emergency across the UK, following the actions of Extinction Rebellion.*

*Climate change and other human activity is now causing species to decline at a rate unprecedented in human history, with three-quarters of land-based environments and two-thirds of the marine environment significantly altered.*

*Devon County Council, with its positive record on the environment is well placed to work with others to help mitigate the catastrophe coming our way.*

*Therefore, this council agrees to:*

- 1. Call on the government to offer all pollinators full legal protection from harm*
- 2. Write to all Devon outlets stocking bee harming pesticides, and urge them to permanently cancel their order with the suppliers*
- 3. Take action to phase out all glyphosate pesticides used in council weed spraying or any other council related activity, by December 2019 (there may be exceptional circumstances such as dealing with specific non native species, such as Japanese knotweed)*
- 4. Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023*
- 5. Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators*
- 6. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust to support Devon County Council tenant farmers to set aside five per cent of their land for tree planting*
- 7. Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust on supporting town and parish councils, schools and community groups to set aside land for tree planting*
- 8. Develop a policy on soil health good practice, with an emphasis on allowing land to recover and phasing out damaging chemicals, which are ultimately sterilising the land. This would include setting appropriate and reasonable targets for Devon County Council tenant farmers*
- 9. Work with South West Water on a campaign to save water across the county, with an emphasis on education about future water scarcity. Specifically target town and parish councils, community groups and schools to raise awareness of the importance of good water practice*
- 10. Support Devon Wildlife Trust's campaign by calling on the Environment Secretary to allocate a further eight Marine Conservation Zones to Devon's waters. Details can be found on the DWT website - <https://www.devonwildlifetrust.org/take-action/marine-conservation-zones>*

**Briefing Note / Position Statement from the Head of Planning, Transportation and Environment**

The 'Special Report on Global Warming' published by the Intergovernmental Panel on Climate Change highlighted the need for rapid, far-reaching and unprecedented changes in all aspects of society if we are to limit the rise in global temperatures to 1.5°C and, thereby, avoid the worst of the anticipated impacts of climate change. It was in this context that this Authority declared a Climate Emergency and is now working collaboratively with other strategic bodies to this end.

In a similar vein, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services has just released its first-ever assessment, indicating that nature is declining globally at rates unprecedented in human history. More than just an

environmental crisis, this is characterised as a developmental, economic, security, social and moral issue which requires ‘transformative change’ at every level, from local to global. On this basis, it forms a direct parallel to the Climate Emergency and demands urgent consideration by all, including Devon County Council.

This Authority’s approach to minimising its impact upon the environment and supporting the protection and enhancement of Devon’s distinctive natural, historical and cultural surroundings is based around the nine objectives of its Environmental Policy. Since 2014 the role of implementing this policy has been overseen by an Environmental Performance Board and an associated Management Group. This has included the production of a suite of Strategy and Action Plan documents covering the following topics: energy; renewable energy; waste; plastics; water; environmentally sustainable procurement; environmental risk; and countryside and heritage interests, including an associated pollinators plan. All of these documents are available on the County Council’s web pages (see: <https://www.devon.gov.uk/environment/environmental-policy>).

The 10 Point Green Action Plan promoted by this Notice of Motion has been devised in the context of the Climate Emergency recognised by Devon County Council and sets out proposals which are directly relevant to this Authority’s environmental performance agenda.

Appendix 1 lists each of these proposed actions and provides a summary assessment of constraints and opportunities associated with each. This might be used to inform the consideration of their appropriateness and practicality for adoption.

### **(c) Community Waste Reduction and Recycling Organisations (Councillor Hodgson)**

*Full Council recognises the valuable and considerable contribution community groups and associated enterprises make towards waste reduction and recycling. To this end it commits to continued financial support where a waste project has proved successful in supporting the delivery of the Council’s waste services in line with its policies and priorities. Full Council further recognises that continued financial support can be vital to the viability of such organisations*

*The recent public consultation on the Reuse Credit Scheme (RCS) demonstrated the success and popularity of the three main community organisations who deliver these services and divert an extensive tonnage of waste from landfill for less than £50,000 p.a. These organisations have made a clear case that DCC financial support for their services is essential to their continued viability.*

*(when DCC ceased its funding of the large number of community composting groups, and reduced the landfill tax support it paid them for diverting waste - approximately 60 groups at the time- over half of them ceased to operate within 12 months; resulting in a major reduction in the volume of biodegradable waste being diverted from landfill)*

**Briefing Note / Position Statement from the Head of Planning, Transportation and Environment**

The Notice of Motion is referring to the Reuse Credit Scheme (RCS) which is one of the schemes to which the Devon Authorities Strategic Waste Committee (DASWC) contributes an element of its budget. This Committee is made up of the waste portfolio member from each of the district councils, Torbay Council and the County Council and each authority contributes to the committee's annual budget.

The committee's annual budget for 2019/20 is £182,800 is made up of contributions top-sliced from the statutory recycling credits paid to the districts by the county along with a contribution from the County Council and Torbay Council. Groups that meet the RCS scheme criteria are paid in the region of £60/tonne for each tonne of furniture and other items they divert from disposal. The groups repair the items if necessary and sell them on at low prices, often to those on low incomes. Since 1996 the committee has supported the RCS to the value of £770,000 with 14,000 tonnes of furniture and other items diverted from disposal. The annual allocation of DASWC funds to the groups is currently £49,000. It is understood that the turnover of the groups is in the region of £1million.

Consideration is being given to whether to continue this allocation of funding or whether to modify the scheme both to ensure value for money and to be sure that the scheme is fulfilling the policies and priorities of DASWC. A consultation was held for several weeks in early Spring this year. 880 responses were received, along with a petition containing just over 1000 signatures.

DASWC will be considering the results of the consultation and the options for this scheme at its meeting later this year when the budget is set for 2020/21.

Community Composting: The County Council has paid discretionary recycling credits to community composting groups for many years. In 2017 following a consultation, it was agreed that the credits should be reduced over 3 years from approximately £50/t to £25/t in line with a reduction in the market rate for composting. The most recent data available shows the tonnage composted consistent with previous years prior to the reduction of the credits, at approximately 1200 tonnes.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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Nil



|    | <b>10 POINT GREEN ACTION PLAN MOTION FOR DEVON</b>                                                                                                                                                                                                            | <b>COMMENTARY ON OPPORTUNITIES AND CONSTRAINTS TO INFORM POTENTIAL ACTION BY DCC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 1. | Call on the government to offer all pollinators full legal protection from harm                                                                                                                                                                               | <p>According to the national charity Buglife, wild pollinators include bumblebees and other bees (250 species), butterflies and moths (2200 species), flies (6700) and various other insects such as beetles, wasps and thrips. On this basis, calling on government to offer all pollinators full legal protection from harm would not appear to be a pragmatic option.</p> <p>A wide range of readily available insecticides have the potential to harm bees; DCC does not hold details of Devon outlets stocking such products. In any event, the targeting of Devon outlets is questionable when such authorised products remain readily available to purchase / order from elsewhere. There might also be legal and financial constraints related to such an approach in the light of the regulatory functions exercised by Trading Standards and their need to maintain a non-political / non-campaigning stance and avoid any potential future claims of bias or civil claims relating to financial losses.</p> <p>In relation to both 1. and 2., this Authority's current proactive approach in relation to the pollinators issue is set out through the DCC Pollinators Action Plan, which includes support for the Devon LNP's 'Keep Devon Buzzing' campaign.</p> |
| 2. | Write to all Devon outlets stocking bee harming pesticides, and urge them to permanently cancel their order with the suppliers                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3. | Take action to phase out all glyphosate pesticides used in council weed spraying or any other council related activity, by December 2019 (there may be exceptional circumstances such as dealing with specific non native species, such as Japanese knotweed) | <p>In the absence of any cyclic programme of weed spraying by DCC through its highway management activities, any usage would be through exceptional circumstances. However, glyphosate is currently used for several other Council activities, particularly through the grounds maintenance contract and the tree works contract (as a stump killer) and, less regularly, through specific landscaping schemes and some management operations linked to public rights of way and country parks. To limit such applications, the majority of such use is highly targeted (i.e. selective treatment, rather than blanket spraying).</p> <p>At present there is no clear consensus on the safety risks associated with the use of glyphosate or related formulations, nor on suitable alternatives which offer the same practical advantages. More informed choices should become possible as this evidence emerges.</p>                                                                                                                                                                                                                                                                                                                                                       |
| 4. | Support Devon County Council tenant farmers in phasing out the use of inorganic fertilisers (such as nitrogen) by December 2023                                                                                                                               | <p>The underlying purpose of the County Farms Estate is to provide people with their first opportunity to farm, whilst also realising financial and environmental objectives. The following points on the management of the estate are relevant to the consideration of Green Action Plan points 4, 5 and 6.</p> <p>The County Council's agricultural tenancy agreements have been reviewed by a Chartered Surveyor and Lawyer and, as far as we can see, provided the tenant is acting within the law and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5. | Support Devon County Council tenant farmers in setting aside 10 per cent of their land for wildlife and/or wildflower mixes for pollinators                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <p>6.</p> | <p>Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust to support Devon County Council tenant farmers to set aside five per cent of their land for tree planting</p> | <p>industry best practice, there are no provisions within the leases that would enable the landlord to prevent the tenant using artificial fertilisers. Similarly, the landlord is not able to insist any proportion of the farm is set aside for wildlife and/or wildflower mixes for pollinators or for tree planting.</p> <p>Despite this, the County Council actively supports, signposts and encourages participation in all agri-environment scheme contracts by tenants, such as the current Countryside Stewardship Scheme or the standalone 'Wildlife Offer', through which they can apply for funding towards the establishment costs of creating nectar and pollen rich environments for insect pollinators, plus annual payments for maintaining these areas under a five-year contract. Tree planting can be supported through a Woodland Creation Grant, which is also available through the Countryside Stewardship Scheme. Tenants attending the recent Training Academy received a presentation from a consultant on applying for the current Countryside Stewardship grant.</p> <p>It is important to note that Tenants would be ineligible for these government-funded schemes if the works or management was already a requirement of the tenancy agreement.</p> <p>Where tenants have more than 15 hectares of arable land, of which less than 75% is in permanent grass, temporary grass, herbaceous forage or leguminous crops, they will need to put 5% of that land into an Ecological Focus Area (EFA) to claim their Basic Payment Scheme Entitlements. The EFA can include 'options' such as AB1 – Nectar flower mix, AB8 – Flower rich margins and crops and AB16 – Autumn sown bumblebird mix.</p> <p>The rapidly developing 'Payment for Ecosystems Services' market may well offer potential opportunities for the County Farms Estate. An example of how this operates is through reverse tender process to put land into specific management schemes which deliver public benefits in terms of improved water quality. This concept is currently being explored through Defra's 25-Year Environment Plan 'Pioneer' within the North Devon Biosphere Reserve, as well as by South West Water through its 'Upstream Thinking' initiative. DCC will need to consider carefully any specific management requirements or restrictions on its tenants which might prevent them from benefiting from this developing market.</p> |
| <p>7.</p> | <p>Work with community groups and non-government organisations such as Devon Wildlife Trust and the Woodland Trust on supporting town and parish councils, schools and community groups to set aside land for tree planting</p>  | <p>DCC is already working with the Devon Ash Dieback Resilience Forum to investigate ways of promoting tree planting across Devon. Specific consideration is being given to ways in which this might be encouraged through town and parish councils and community groups, particularly to compensate for the loss of ash. Cabinet previously approved the allocation of £250k in support of such compensatory planting, with this being offered as potential match-funding for the 'Saving Devon's Treescapes' project, which is focussed on exactly this type of initiative and for which lottery funding is being sought. A meeting is already planned with the Woodland Trust in June to explore how such action might be promoted in the interim.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| 8.  | Develop a policy on soil health good practice, with an emphasis on allowing land to recover and phasing out damaging chemicals, which are ultimately sterilising the land. This would include setting appropriate and reasonable targets for Devon County Council tenant farmers                                                                                   | <p>Soil health is vital to the sustainability of agriculture / food production and to providing resilience to climate change and flood risk. Whilst there is no overarching DCC policy relating to this, it is specifically addressed through the letting of County Farms Estate holdings. In particular, soil health and condition is covered by clauses within all new farm tenancy agreements. There is a requirement to comply with the DEFRA Code of Good Agricultural Practice for farmers, growers and land managers – covering the protection of water, soil and air – which includes a need to produce a soil management plan. In addition, Tenants are required to take soil samples on entry to the farm and to put, keep and leave soil pH levels, and macro and micro nutrients at prescribed maintenance levels. They are also prohibited from exporting manure off the holding, ensuring that all manure produced on the holding is spread on the holding to ensure good levels of organic material are maintained.</p> <p>Soil condition is also being addressed through a range of natural flood risk management initiatives in which DCC is a partner. This included support for the publication of the excellent guide to soils and natural flood management in Devon and Cornwall, which was produced through the East Devon Catchment Partnership in 2018 and will soon be made available in an interactive web format.</p> |
| 9.  | Work with South West Water on a campaign to save water across the county, with an emphasis on education about future water scarcity. Specifically target town and parish councils, community groups and schools to raise awareness of the importance of good water practice                                                                                        | DCC has developed a range of strategies and action plans linked to its environmental performance agenda, the most recent of which specifically deals with water consumption. The immediate corporate priority for this action plan is addressing the objective of reducing water usage by DCC. However, broader issues of good water practice will form part of the climate adaptation agenda to be addressed in Devon through the collective response to the Climate Emergency, which South West Water is now party to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10. | Support Devon Wildlife Trust's campaign by calling on the Environment Secretary to allocate a further eight Marine Conservation Zones to Devon's waters. Details can be found on the DWT website - <a href="https://www.devonwildlifetrust.org/take-action/marine-conservation-zones">https://www.devonwildlifetrust.org/take-action/marine-conservation-zones</a> | In recognition of the outstanding wildlife associated with the County's estuaries and coastal waters, the 2012 advice to Government from Natural England and the Joint Nature Conservation Committee on the potential designation of Marine Conservation Zones included 14 Devon sites. Since then, the designation of only six of these sites has been confirmed. This was followed in summer 2018 by a Defra consultation on the designation of a further eight sites; however, the outcome of this consultation is still awaited. Clarification of the intended status of these remaining areas would appear to be long overdue and would help to dispel the current, unhelpful, uncertainty.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |