

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 Chief Officer and / or Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Voting Systems (Councillor Shaw)**

*This County Council regrets that under the current first-past-the-post system for electing councillors:*

- 1. A large proportion and usually the majority of the votes cast do not help to elect a councillor, meaning that many voters see their votes wasted over many successive elections.*
- 2. This situation discourages participation in the electoral process since many people see no point in voting.*
- 3. A party is able to gain an overwhelming majority on the Council despite receiving only a minority of the votes across the county, reducing voters' faith in the fairness of elections.*

*In this light, this Council welcomes the new legislation agreed by the Welsh Assembly to allow councils to choose to change their voting system to the proportional Single Transferable Vote system, which is already used for local elections in Scotland and Northern Ireland. This Council calls on the Government to introduce similar legislation for England so that we can make a choice of the best system for the people of Devon.*

## **Briefing Note / Position Statement from the County Solicitor**

Before 1997 all elections in the UK, with the exception of Northern Ireland, used the same voting system. However, since 1997 a number of different voting systems have come to be used. The House of Commons, Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly and UK local authorities all use different voting systems.

**First-past-the-post** – used in the House of Commons and local councils in England and Wales. This is a familiar arrangement with the UK divided into constituencies and Local Authorities into wards. Voters put a cross (X) next to their preferred candidate on a ballot paper, they are counted and the candidate with the most votes represents the constituency or ward.

**Alternative Vote (AV)** - Voters rank candidates in order of preference by marking 1, 2, 3 and so on. A voter can rank as many or as few candidates as they like or vote for one candidate. First preference votes are counted first and if a candidate receives more than 50% of the first preference votes then they are elected. If no candidate reaches 50%, the candidate with the fewest first preference votes is eliminated. Their second preference votes are reallocated to the remaining candidates. If one candidate has more votes than the other remaining candidates put together, that candidate is elected. If not, the process is repeated until one candidate has more votes than the other remaining candidates put together. This candidate wins the election.

**Supplementary Vote (SV)** – this is similar to the AV system and is used for Elections for mayors in England and Wales, and for Police and Crime Commissioners. Voters are limited to a first and second preference choice. A voter marks a cross in one column for their first preference candidate. They mark another cross in a second column for their second preference (if they wish to do so). If a candidate receives more than 50% of the first preference votes then they are elected. If no candidate reaches the 50% threshold, the two candidates with the highest number of votes remain. This eliminates the other candidates. The second preference of the eliminated candidates are counted. Any made for the two remaining candidates are transferred. The candidate with the most votes at the end of this process is elected.

**Single Transferable Vote (STV)** – this is used for Northern Ireland Assembly elections and Local elections in Scotland and Northern Ireland. Voters rank candidates in order of preference by marking 1, 2, 3 and so on. A voter can rank as many or as few candidates as they like or vote for only one candidate. Each candidate needs to reach a quota. This is the minimum number of votes calculated according to the number of seats and votes cast. The first preference votes for each candidate are added up. Candidates who achieve this quota are elected. Surplus votes from candidates who hit the quota go to second preference candidates. Votes from the candidate with the fewest first preference votes who do not achieve the quota are eliminated. Their votes go to the second preference.

**Additional Member System (AMS)** – this is used by the Scottish Parliament, National Assembly for Wales and London Assembly. Voters are given two votes on separate ballot papers. One vote is for a constituency member and one vote

is for a party list. In Scotland and Wales list members are elected by region. In London there is a single London-wide list.

Constituency votes are counted first and the members for each constituency are elected using first-past-the-post.

Additional members are then elected by counting the party list votes in each region. The number of members elected from the list is based on the percentage of the votes cast but also takes into account the number of constituency members already elected in the region. This is designed to make the result more proportional to the number of votes cast.

| <b>Voting System</b>           | <b>Where Used</b>                                                                                                                                    |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Past the Post            | House of Commons<br>Local elections in England and Wales<br>Scottish National Park authorities                                                       |
| The Supplementary Vote         | Mayor of London and all other elected Mayors in England and Wales where there are more than two candidates.<br>Police and Crime Commissioners.       |
| Single Transferable Vote (STV) | Northern Ireland Assembly<br>European Parliament elections in Northern Ireland<br>Local elections in Scotland<br>Local elections in Northern Ireland |
| Additional Member System       | Scottish Parliament<br>National Assembly for Wales<br>London Assembly                                                                                |
| Alternative Vote (AV)          | Excepted hereditary peers in the House of Lords.<br>Elected members of the Scottish Crofting Commission                                              |

## **Referendum**

A referendum was held on 5 May 2011 on whether the electoral system used for UK general elections should be changed from the first past the post system to the AV system.

The referendum rejected the adoption of the AV and the results in brief were 6.2 million 'Yes' votes (32.1%) in favour of the change and 13.0 million 'No' votes (67.9%) opposing the change.

## **Local Government and Elections (Wales) Act 2021**

The Act which received Royal Assent on 20 January 2021 includes provisions for:

- Reforming electoral arrangements for local government, including:
  - extending the voting franchise to 16 and 17 year olds and foreign citizens legally resident in Wales,
  - changes to voter registration, and

- enabling a principal council to choose between the 'first past the post' or the 'single transferable vote' voting systems;
- A general power of competence for principal councils and eligible community councils;
- Reforming public participation in local democracy;
- The leadership of principal councils, including to encourage greater diversity amongst executive members and establishing a statutory position of chief executive;
- The development of a framework and powers to facilitate more consistent and coherent regional working mechanisms;
- A new system for performance and governance based on self-assessment and peer review, including the consolidation of the Welsh Ministers' support and intervention powers;
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area;
- Local government finance including non-domestic rating and council tax;
- Miscellaneous provisions relating to:
  - information sharing between regulators,
  - abolition of community polls,
  - fire and rescue authorities,
  - the Local Democracy and Boundary Commission for Wales, and
  - Public Service Boards.

## **(b) Elections – Campaigning (Councillor Shaw)**

*This County Council regrets the Government's decision to continue with elections in May as planned, despite the difficulties of organising this safely for voters or polling staff, while banning leafleting and canvassing and failing to make postal voting easier.*

*In order to ensure the safe and equitable running of the elections, this Council calls on the Government to facilitate (1) online registration for postal voting, and (2) a free postal delivery of leaflets for each Council Election Candidate.*

## **Briefing Note / Position Statement from the County Solicitor**

### **Postal Voting**

Members of the electorate are eligible to apply for a postal vote if they wish to vote by post. You do not need to give a reason (unless you're voting in Northern Ireland).

In terms of applying for a postal vote you can choose to apply for a single election on a specific date, a specific period of time (England, Scotland or Wales) or to permanently vote by post.

Postal vote application forms are available to download from the Electoral Commission website. The form can be downloaded and filled out in pen or can be completed online (text only), but then requires a signature to be included on the form. You could complete the application online by typing in details and technically

by drawing a signature on a computer. However, the Electoral Commission's form does state that the signature needs to be completed in ink.

In terms of trying to do an 'online signature', there can be issues when the actual postal vote is later returned to Electoral Services. This is because postal voting statements have to be completed on paper so the signature on the paper statement is often quite different to the 'signature' on the application form if this has been done / drawn on a PC.

In general discussion with Electoral Service Managers, generally, most postal vote applications are completed by hand on a paper form which means details can be clearly picked up and EROs prefer paper applications to avoid these situations and voters potentially losing their postal votes.

The requirement for Postal and Proxy voting applications to contain personal identifiers comes from the Electoral Administration Act 2006. This Act amends the Representation of the People Act 2000 to provide a date of birth and signature.

It is understood that the Cabinet Office is looking to introduce legislation to develop online postal voting, but this would not be in time for May 2021. However, there haven't been any indications as to how the proposals can address the issues with online signatures. As far as it is known, it is expected to be part of the Electoral Integrity Bill.

### Campaigning / Leafleting

The guidance, up until now, from the Cabinet Office is that doorstep campaigning and leafleting is not necessary and goes against the spirit of the stay-at-home order in force during the current lockdown. Campaigners also needed to ensure that leafleting is carried out through existing commercial delivery services.

However, new guidance has just received outlining that door-to-door campaigning for the Elections will be allowed from 8 March. Activists will be permitted to canvas and leaflet as long as they work alone, with groups of six allowed from 29 March.

Hustings and public meetings over this limit will still have to take place online.

Campaigners will be able to "engage with electors on their doorsteps," but must always stay socially distanced and not enter people's homes. They are also encouraged to wear face coverings and use hand sanitiser.

Operational collection and delivery of campaign literature should be handled on a click and drop or doorstep drop procedure as for other goods deliveries during the pandemic.

From 29 March, the provision for six people or two households to meet outdoors may support organisational work by campaigners and the holding of meetings outdoors. At this stage, there will be no change to the rules on meeting others indoors. This means that the rules on doorstep campaigning will not change.

All campaigning activity will need to follow the relevant rules on gatherings and social distancing. If it is necessary to meet electors, campaigners should continue to do so outdoors, for example on the doorstep, and should not enter people's homes.

However, it is also suggested that voters can continue to get campaigning information remotely, for example through online campaign events and materials and that this remained the safest way to conduct campaigning.

### **(c) Climate and Ecological Emergency Bill (Councillor Hodgson)**

*In line with our formal declaration of a climate and biodiversity emergency, and our commitment to actions to change behaviour to address the causes of this situation and mitigate the impacts, this Council supports the Climate and Ecological Emergency Bill proposed by a coalition of scientists, academics and lawyers with the aim of bringing the UK's climate policy into one with evolving scientific evidence. This proposed Bill is also supported by 96 cross-party members of parliament. Nationally we need a strong legislative framework that embeds the Government's targets in law, enabling us as supportive players, to plan and develop our future trajectories, to fit in with those targets.*

#### **Council therefore resolves to:**

- i. Support the Climate and Ecological Emergency Bill*
- ii. Inform the local media of this decision;*
- iii. Write to local MPs, asking them to support the Bill; and*
- iv. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk)'.*

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

Devon County Council declared a climate emergency in February 2019. Later, in May, the Authority convened the Devon Climate Emergency partnership with the aim of "Creating a resilient, net-zero carbon Devon – where people and nature thrive." The Devon Climate Declaration commits partners to collaborating to achieve net-zero emissions in Devon by 2050 at the latest.

The Climate and Ecological Emergency Bill originates from a campaign by the climate change campaign movement Extinction Rebellion. It is a Private Members' Bill, introduced to Parliament by Caroline Lucas MP on 2 September 2020.

The Bill's objectives in tackling the climate and ecological emergency are to ensure that the United Kingdom:

- (a) reduces its anthropogenic greenhouse gas emissions at a rate that would be consistent with keeping the global average temperature increase to 1.5 degrees Celsius compared to pre-industrial levels, in accordance with the provisions of the UNFCCC and the Paris Agreement, taking into account:

- (i) the United Kingdom's greenhouse gas footprint, and
- (ii) the United Kingdom's and other countries' common but differentiated responsibilities, and respective capabilities, given national circumstances;
- (b) restores and regenerates biodiverse habitats, natural and human-modified ecosystems and their soils;
- (c) expands natural ecosystems, wherever possible, and enhances agroecosystems for the purposes of safeguarding their carbon sink capacity and their resilience to global heating;
- (d) actively conserves biodiversity and safeguards ecosystem services; and reduces its overall anthropogenic impact on the variety, abundance and health of soils and biodiversity.

Many of the Bill's objectives are closely aligned to the Devon Climate Declaration, the work of the Devon Local Nature Partnership, particularly the Nature Recovery Network, and the co-benefits identified by the draft Interim Devon Carbon Plan. Unprecedented levels of behaviour change, skills development, technology deployment and investment from the private and public sectors will be necessary to achieve the vision.

#### **(d) Beach Breaks, Mental Health and Support of Initiatives (Councillor Biederman)**

*'This Council recognises that many children in Devon have never been to the Beach or because of financial limitations on families can often find it beyond their means.*

*Visiting a beach can have fantastic health benefits for young people and their family, particularly their mental health, as well as connecting them with our beautiful environment, if communities are better connected to our natural environment, they will be more inclined to preserve it for future generations.*

*Pensioners can access the beaches with their free bus pass, we believe this should also be available to our young people.*

*So, this Council commits to work with our travel partners to provide vouchers to families on low incomes for free travel to the beach at weekends and/or during school holiday periods.*

*Cabinet are asked to provide a budget to support this, from the public health budget.*

*We also lobby Government for more Public Health Funding to help support these type of initiatives'.*

## Briefing Note / Position Statement from the Director of Public Health

### Introduction

There is a substantial body of evidence suggesting that regularly accessing both green and blue spaces has benefits to physical and mental health for people of all ages:

- Better general health is associated with living in greener environments.
- Those living in urban environments with exposure to green and blue space are more likely to meet physical activity recommendations.
- Greater exposure to green and blue space reduces physiological markers of stress, is associated with higher life satisfaction and has been shown to reduce depression, anxiety, stress, and fatigue.
- Greener living environments are associated with better emotional wellbeing and more resilience in children and young people.

These benefits are conveyed via various mechanisms, including:

- Providing opportunities to easily engage in health behaviours such as physical activity, other recreation activities, and active travel.
- Improving opportunities for social connection.
- Supporting learning and the development of skills (particularly for children and young people).

### Accessing Devon's blue and green spaces

Most of Devon's landscape is defined as rural greenspace, and includes two national parks, five Areas of Outstanding Natural Beauty, 3,500 km of rivers, 79,000 ha of woodland, and three heritage coastlines. The scale of the natural landscape provides many opportunities for engagement, however the type of green and blue space that is beneficial to health also applies to 'any area of public or private vegetated land (urban or rural), or any natural or built environment that prominently features water'. This can include parks, gardens, playing fields, woodland, allotments, streams, ponds, canals, rivers, and the sea; many of which are accessible easily to the local population near to their home.

Accessing blue and green spaces regularly and experiencing the associated physical and mental health benefits is most likely to occur and be sustainable where barriers to access are reduced and **use of the space is seen as an everyday regular activity rather than a 'special' trip**. Barriers to access include perceived cost, distance, low levels of confidence in where to visit, and lack of time.

Due to the geography of the county, a planned activity such as a beach visit may pose logistic challenges for many families, even with financial assistance, due to an absence of or the complexity of transport routes.

## **Current initiatives at Devon County Council**

There are several ongoing workstreams to support increasing access to green and blue spaces:

- Engaging with the Devon Local Nature Partnership (LNP).
- Engaging with partners via the Naturally Healthy Forum and steering group.
- Working with Active Devon to promote the Connecting Actively to Nature Partnership and Naturally Healthy month initiative, this year to focus on Covid-19 recovery, mental health, the over 55's, NHS workplaces and schools.
- Promoting the Devon County Council 'Explore from your door' campaign via social media channels.
- Making links with social prescribers in Devon's Primary Care Networks to encourage 'green prescribing' to the individuals who most require support (all age).
- Public Health engagement with colleagues in planning to advocate for inclusion of green and blue spaces.
- Working with schools to promote active travel.
- Capital grant funding to schools through the Healthy Pupil Capital Fund to support improved opportunities for physical activity and mental health in the school environment.
- Engagement with Active Devon through Prevention workstream of Sustainability and Transformation Partnership to promote walking outdoors.

## **(e) Sustainable future funding for Local Welfare Assistance (Councillor Atkinson)**

### ***This Council notes that:***

- 1. Until 2013, emergency financial assistance was principally provided by central Government through the Discretionary Social Fund.*
- 2. From 2013, the Government implemented wholesale reform of the Discretionary Social Fund. Some parts were kept, however, the government abolished Crisis Loans (other than Alignment Payments) and Community Care Grants.*
- 3. Responsibility for emergency financial assistance was devolved to the local level and funding transferred to local authorities in England on a non-ring-fenced basis, with the intention that they establish their own Local Welfare Assistance (LWA) Schemes to support local people facing a crisis.*
- 4. The Government then decided that from 2015/16 onwards there would be no separate LWA funding stream. Instead, it would become part of the general Revenue Support Grant that central government provides to councils to support their spending on any local services.*
- 5. In the intervening years, with reduced overall funding for councils, a lack of guidance from central government, and the absence of a statutory requirement for local authorities to deliver emergency financial assistance, local authorities faced difficult decisions about funding and maintaining LWA schemes. In many areas local welfare provision was either significantly reduced or closed completely.*

6. *In 2020/21, in response to significant levels of need during the COVID-19 pandemic, Government provided additional funding to local authorities to deliver emergency financial assistance. £63million was provided through the Local Authority Emergency Assistance Grant for food and essential items, whilst a further £170million was provided through the COVID Winter Support Scheme.*

***This Council believes that:***

1. *As a result of the COVID-19 pandemic and its economic impacts, we can expect there to be significant ongoing need for emergency financial assistance, with many families in this country at some time facing a ‘financial crisis’ point – a financial problem which puts the immediate health and wellbeing of family members at risk.*
2. *If properly resourced, local authorities are uniquely placed to support residents facing financial crisis, with LWA schemes central to that support. Local schemes can be underpinned by the existing knowledge that councils have of need in their communities, alongside the relationships they hold with local voluntary and community sector partners.*
3. *Whilst local authorities have other mechanisms such as Discretionary Housing Payments and Local Council Tax Support Schemes to support low income households, Covid-19 has demonstrated how important it is for Councils to have the capacity to deliver timely and discretionary emergency support to households reaching crisis point.*
4. *Central Government should therefore provide sustainable, long-term funding for local welfare assistance- to give councils the confidence and certainty that they need to develop an effective local welfare offer.*

***This Council, therefore, resolves:***

1. *To [establish/maintain] a Local Welfare Assistance Scheme to support residents facing financial crisis.*
2. *To campaign for a new funding allocation for councils from central government to provide Local Welfare Assistance schemes to be made available at the next comprehensive spending review and protected in real terms over the following years.*
3. *To write to the Chancellor, the Secretary of State for Housing, Communities and Local Government and Secretary of State for Work and Pensions to request that they make such a funding allocation available to local authorities.*

**Briefing Note / Position Statement from the Chief Executive**

1. The Notice of Motion describes the history of local welfare funding. Upon the 2013 abolition of the Discretionary Social Fund, a Government grant of approximately £1.2 m was made to Devon County Council. Common purposes were agreed with Districts and funding devolved to them under a partnership agreement that enabled local flexibility where required.
2. This partnership scheme worked well until Government funding was withdrawn in 2015/16. However, a small local welfare scheme was maintained in South West Devon.

3. At the onset of the COVID19 pandemic, Devon County Council took a proactive step by devolving £1m through Team Devon to District Councils under a similar funding agreement, tailored to the new crisis. Districts have used this Financial Hardship Fund for many types of support including food, other essentials, and advice services. Districts have also set up their own grant funds for local VCS organisations.
4. This funding was subsequently topped up by a DEFRA of £750,000 grant in Autumn 2020 and a further £600,000 from the County Council's 2021/22 budget agreed on Thursday 18<sup>th</sup> February.
5. This fund has been recognised as a good example of Team Devon working across local government (county, district and parish/town) together with community and voluntary organisations. Case studies are being gathered to illustrate how valuable it has been to people who are in financial hardship because of COVID19.
6. Despite these investments by the County Council there are wide gaps appearing in terms of social and economic deprivation and potential massive unmet need. County and Districts have no possibility of closing these gaps alone and will continue to lobby the Government for a strategy for dealing with hardship in the medium term.

#### **(f) Use of Neonicotinoids (Councillor Wright)**

*This Council regrets the Government's u-turn on using Neonicotinoids, banned under EU law, and which have proved to be damaging to our vital bee population, other insects and birds and water courses.*

*This Council calls on the Government to urgently reverse its decision.*

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

Neonicotinoids, also known as 'neonics', are relatively new pesticides. First developed in 1991, they are now the most widely used insecticides in the world. This is due to their efficacy against sap-feeding insects, such as aphids, and the diseases they transmit. Neonics are relatively long-lasting, remaining in the plant throughout the growing season and are persistent in the environment (in soils). Inadvertently they have a highly detrimental effect on bees and other insects. Research has also demonstrated cascading effects up the food chain affecting birds and fish. The impact of neonics on non-target species can impair ecosystem functioning, threatening food security.

In December 2013 the European Commission (EC) introduced a precautionary ban on the three most common neonics. This ban initially targeted flowering crops until 2018, when the EC extended the ban to all outdoor crops as a result of environmental concerns, particularly the acute risk to honeybees. Since 2018, 10 EU countries have been granted emergency use authorisations for neonicotinoid seed treatments and the UK's approach to authorisation has not changed since

leaving the EU. The latest such emergency use authorisation was approved by Defra in January this year to counter the threat to sugar beet crops from beet yellow virus. This was in response to a request from farming and commercial interests, despite a similar application in 2018 being rejected because of the unacceptable environmental effects.

It is stated that neonicotinoid use in this case will be limited and controlled through virus forecasting models, stewardship schemes and a plan to develop alternative sustainable approaches to protect crops in the future. The plan requires herbicides to be applied to prevent harm to bees from flowering plants growing in and around the crops; also, a 22-month window will be left before flowering crops can be planted. This should limit direct harm, but also removes flowering plants for pollinators over an extended period.

Sugar beet is grown exclusively in the East Midlands and East Anglia, so the granting of this emergency use application is not relevant to farmers in Devon. However, such prophylactic use is not compatible with the EU requirements for integrated pest management, a compulsory approach since 2014. The use of neonics also appears to be inconsistent with the UK government's policy support for pollinators and the wider environmental objectives set out in its 25 Year Environment Plan.

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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**

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