

## 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 Director is included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Better Buses for Devon (Councillor Hannaford)**

That this Council:-

- a) Notes with great concern **the huge reduction in the bus network across Devon**, that has taken place **since privatisation, deregulation, and under funding**.
- b) Believes buses are essential to freeing up congested road space, to cleaning up the air that we all breathe and above all to connecting people to jobs, friends and life opportunities.
- c) Records the specific ongoing problems that our local **school pupils and college students** have in properly attending their places of education across Devon through inaccessible public transport.
- d) **Concludes that the bus service in Devon now presents itself as a failed model, to the extent that it no longer has widespread public confidence, because of its serious long term poor performance and post pandemic dysfunctionality.**
- e) Notes the completely unacceptable regional imbalances in funding for public transport services which prioritise the South East of England, and believes this must be radically reformed, and central government must do more to provide significant funding to revitalise local transport in the South West.
- f) **Wants to develop, design and achieve a good public transport system that runs where people need it, when people need it and at a price that is affordable.**
- g) Understands that the Government's impact assessment of **the Bus Service Act (2017)** highlighted that public control would better address **six out of seven Local Transport Authority objectives** compared to an enhanced partnership and was the only method likely to deliver a "significant increase in patronage".

- h) **Supports exercising powers to bring Devon's bus services back under local control via franchising, at the earliest practicable date.**
- i) Acknowledges that the costs of franchising cannot be estimated accurately until a “**notice of intent**” has been released and the associated statutory powers to access bus operators' commercial data is employed.

**Therefore, this Council requests that the Administration:-**

- (i) To conduct **a statutory assessment of franchising** at the earliest possible opportunity in 2022.
- (ii) Explore **a notice of intent to prepare a franchising assessment** at the earliest opportunity.

### **Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

Please see agenda item 7 of the Cabinet Agenda and the Report of the Director of Climate Change, Environment and Transport on the Future management of local bus network in Devon.

#### **(b) First Homes not Second Homes (Councillor Hannaford)**

In response to Devon's serious and ongoing housing crisis council supports the following measures :

- 1) New powers from Government for Councils to progressively raise taxes on holiday lets and unused second homes, up to a quadrupling of council tax, where homes are left empty for much of the year.
- 2) A licensing regime for second homes, Airbnbs and holiday lets - with a minimum of 51% of homes in any community being for local people. Councils should have the powers to raise this level to reflect local circumstances.
- 3) A " Last Shop in the Village Fund" - powers for local councils to introduce a Community Infrastructure Levy on holiday lets and Airbnbs, administered by local authorities, to support local shops, pharmacies, post offices and pubs.
- 4) Commitment to build affordable homes and social housing across the South West with a priority for local people.
- 5) Lock in the discount of new homes for future renters and buyers to ensure affordable homes are not lost after the first families move on.

Council therefore resolves to formally write to the Government, including the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities, requesting the appropriate changes in legislation to secure these much needed changes as a matter of urgency.

Furthermore Council resolves to formally write to all our local Devon Members of Parliament advising them of the Councils decision, urging them to also urgently

propose, lobby for, support and crucially vote for these vital measures in Parliament.

## **Briefing Note / Position Statement from the Head of Policy**

The Cabinet will be aware that the Council at its meeting on 2 December 2021 resolved:

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

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

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

The matters in Cllr Hannford's Notice of Motion are being addressed in ongoing work:

**(a) Offer of accommodation to key workers**

The Council is exploring options for resourcing the work needed to find ways to provide housing for key workers.

**(b) Establishment of a Devon Housing Task Force**

Team Devon has established a Devon Housing Task Force which is a Member-led group with representatives from across Devon, Plymouth and Torbay. The Task Force is providing regular updates to Team Devon (Leaders and Chief Executives) on its strategic review of housing policy and its impact on communities across geographical Devon. It will be exploring the issues raised in the various Notices of Motion and will be proposing pan-Devon solutions and lobbying points in the coming year.

**(c) Team Devon writing to Members of Parliament** to support changes in housing legislation and policy.

The Chair of the Devon Housing Task Force has written to all Devon, Plymouth and Torbay MPs to seek their support with the work and the findings from the Devon Housing Task Force.

### **(c) MOT Certification Scheme (Councillor Letch)**

'This Council recognises the value of the MOT Certificate scheme to assure roadworthiness of vehicles and will investigate the way to introduce an MOT Certificate scheme for the County's roads to assure everyone that they are fit for use by us all.'

### **Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

The Highways Act 1980 sets out the duties of a highway authority in England and thus Devon County Council. In particular Section 41 imposes a duty to maintain the public highway. To ensure we meet this duty the Highways and Traffic Management team manage a programme of Highway Safety Inspections across the whole of the highway asset including carriageways, footways, cycleways and public rights of way.

The purpose of a safety inspection is to identify defects within the highway that are likely to create a danger or serious inconvenience to highway users or the greater community. In order to provide clear guidance, minimum investigatory criteria has been developed using a risk and evidence based approach, benchmarking with other Highway Authorities and the code of practice. A list of defects and the intervention criteria can be found on our website.

The Authority has adopted a risk based approach to the inspection process with a variable frequency based on the strategic importance of the asset.

#### **Carriageway**

| <b>Maintenance Category</b> | <b>Frequency</b> |
|-----------------------------|------------------|
| 3 National primary route    | 1 month          |
| 4 County primary route      | 1 month          |
| 5 Secondary county route    | 1 month          |
| 6 Local distributor         | 6 month          |
| 7 Collector road            | 6 month          |
| 8 Minor collector road      | annual           |
| 9 Service road              | annual           |
| 10 Minor service road       | annual           |
| 11 Minor lane               | every 2 years    |

#### **Footway**

|                                    |               |
|------------------------------------|---------------|
| F1 Primary walking route           | 1 month       |
| F2 Secondary walking route         | 3 month       |
| F3 Link footway                    | 6 month       |
| F4 Local access footway            | annual        |
| Urban metalled public right of way | every 3 years |

## Cycleway

|                           |                |
|---------------------------|----------------|
| A Part of carriageway     | as carriageway |
| B Remote from carriageway | 6 month        |
| C Cycle trails            | annual         |

## Park & Ride Sites

|                |         |
|----------------|---------|
| P1 Park & ride | 6 month |
|----------------|---------|

All personnel involved in safety inspections must be competent and have successfully completed the UK Highway Inspectors training and certification scheme approved by the UK Roads Board.

The code of practice recommends the use of a risk assessment to determine the degree of risk a defect which meets an investigation criterion impacts upon highway users. The result of this assessment defines an appropriate response from immediate to no further action. Table 1.0 below and the response category definitions have been developed following consultation with Safety Inspectors, Insurance Manager, County Solicitor and other Stakeholders.

| Table 1.0 RISK MATRIX |                | PROBABILITY / LIKELIHOOD OF INTERACTION WITH HIGHWAY USER |              |              |            |                    |
|-----------------------|----------------|-----------------------------------------------------------|--------------|--------------|------------|--------------------|
|                       |                | Rare (1)                                                  | Unlikely (2) | Possible (3) | Likely (4) | Almost Certain (5) |
| LIKELY IMPACT         | None (1)       | 1                                                         | 2            | 3            | 4          | 5                  |
|                       | Negligible (2) | 2                                                         | 4            | 6            | 8          | 10                 |
|                       | Minor (3)      | 3                                                         | 6            | 9            | 12         | 15                 |
|                       | Moderate (4)   | 4                                                         | 8            | 12           | 16         | 20                 |
|                       | Serious (5)    | 5                                                         | 10           | 15           | 20         | 25                 |

|                                                                                                      |                                                          |                                                                    |                                                                      |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Category 4 (Low Risk)</b><br>Consider an appropriate response including no further action/monitor | <b>Category 3 (Medium Risk)</b><br>Repair within 28 days | <b>Category 2 (High Risk)</b><br>Make safe or repair within 7 days | <b>Category 1</b> Make safe or repair by end of the next working day |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------|

Note:

**Defects identified that pose a threat to life are considered an emergency and must be responded to, normally within 2 hours and made safe or repaired urgently.**

Safety Defects identified by a Highway Safety Inspector are immediately passed to the County Council's Term Maintenance Contractor, Milestone, who then carry out repairs inline with the specified response time.

In addition to scheduled highway safety inspections, Devon County Council encourages the public to report potholes through its 'Report a Problem' web portal. Once a report has been logged by the public an inspector attends the location and considers whether the report meets the investigatory criteria, if so they add the necessary detail to ensure the repair gangs can locate it and have the appropriate equipment to carry out a permanent repair at the first visit.

**(d) Implementation Process of 20mph Roads and Zones (Councillor Hodgson)**

'In light of the level of response to the recent call by DCC for Town and Parish Councils to nominate roads for 20mph speed limits and zones, the Council will seek to investigate, support and implement at least 50% of the applications in this financial year, and consider the remainder for implementation in 2023/24'.

**Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

Please see agenda item 8 of the Cabinet agenda and the Report of the Director of Climate Change, Environment and Transport on the 20mph projects prioritised for delivery in 2022/23.

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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.

ANDREW YENDOLE

[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> |
|--------------------------------|--------------------|------------------------------|
|--------------------------------|--------------------|------------------------------|

NIL