

## 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 where appropriate or available, to facilitate the Cabinet's discussion of each Notice of Motion.

### (a) **European Union Habitats Regulations (Councillor Wright)**

*'Devon is home to many scarce and threatened habitats such our ancient woodlands, rivers and wetlands, upland blanket bogs, lowland heaths, Culm grasslands and our stunning coast and marine environments. These support a myriad of species with internationally important populations of marsh fritillary butterflies, greater horseshoe bats, otters, overwintering waders and marine creatures including whales, dolphins and basking shark.*

*European Union Habitats Regulations protection of land and seascapes such as the pebblebed heaths in East Devon, large swathes of Dartmoor and Exmoor, the Exe and Tamar Estuaries and Lundy Island have meant that wildlife has flourished over the years and has ensured that these places remain crucial international strongholds.*

*The latest State of Nature report published last October found that the UK has experienced huge losses of habitat and wildlife, and 15 per cent of those studied are threatened with extinction.*

*Leaving the European Union puts at risk all of these protections - and the Government has not yet promised to retain the same level of protections that currently exist under EU legislation.*

*This Council recognises the huge importance of these rich landscapes for people and wildlife in Devon – and calls upon the Secretary of State for the Environment to support the Environmental Audit Committee, as well as the coalition of wildlife and nature organisations, asking for retention of **at least** the same level of protection for our wildlife and environment, as takes place currently under EU law'.*

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

The European Birds and Habitats Directives help to protect a network of important wildlife sites across Europe – Special Protection Areas and Special Areas of Conservation. In Devon we have 22 of these sites covering ~ 115,000 hectares. They include the Exe Estuary, Dawlish Warren, East Devon Pebblebed Heaths, Braunton Burrows and large parts of Dartmoor, Exmoor and sections of Devon's coast and coastal waters. All are also designated as Sites of Special Scientific Interest and, therefore, also receive some protection under UK legislation. A number

of species which occur in Devon such as dormouse, otter and bats are given added protection under European legislation. These Directives will no longer apply in their current form in UK law, even if the UK remains in the Single Market.

In December 2016 the Environmental Audit Committee published *The Future of the Natural environment after the EU Referendum*. This considered the implications of Brexit on protection of the environment through European legislation and warned that leaving the EU could have potentially far-reaching negative consequences for the UK's biodiversity. That Report stated that *'..In order to meet its manifesto commitment to "be the first generation to leave the environment in a better state than it found it", the Government must, before triggering Article 50, commit to legislating for a new Environmental Protection Act, ensuring that the UK has an equivalent or better level of environmental protection as in the EU..'*

Greener UK is a group of 13 major environment organisations (including the RSPB, Green Alliance, National Trust and WWF) who believe that leaving the EU is a pivotal moment to restore and enhance the UK's environment and are working to ensure that the UK matches or exceeds current environmental, wildlife or habitat protection. The Green Alliance is concerned that, as environmental issues were not mentioned in the Government's Brexit plan, the future of environmental protection is far from certain.

**(b) South West Local Enterprise Partnership – Chief Executive Pay (Councillor Connett)**

*'At a time of huge reductions in Government funding for local councils forcing cuts in health, education, care for older people and children, Devon County Council is offended by the reported 26% pay rise for the chief executive of the Heart of the South West Local Enterprise Partnership.*

*We [the Members] call upon the Council to take urgent steps to stop the annual pay rise of £24,271 and if it cannot do that, to withdraw from membership of the Partnership until common sense prevails with regard to top management pay increases'.*

**Briefing Note/Position Statement from Head of Economy, Enterprise & Skills**

The County Council makes a core funding contribution of £10,000 to the Heart of South West Local Enterprise Partnership. This is less than other upper tier authorities and is supplemented by other support on joint working activities such as MP engagement and research, although some funding is currently being withheld by both the County Council and District Councils pending clarification of a number of issues.

The Council also provides a number of services to the LEP and is reimbursed through Service Level Agreements for officer time, and this provides significant income for the Economy, Enterprise and Skills Service.

These agreements include:

- leading on People Theme activities for the LEP which covers employment, skills and social inclusion agendas, including designing the European Social Fund programme, supporting the Plymouth City Deal, leading the LEPs input to the employment and skills theme for devolution (producing income of £100,000);
- providing a programme management service for the Growth Deal programme: the County Council provides a monitoring and reporting set of services to support the LEP deliver significant capital investments secured under the Local Growth Fund (producing income of approximately £50,000);
- Growing Places Fund Loan programme: the County Council acts as the accountable body for this loan fund, which is administered, managed and monitored through the Council's Financial Services section;

- Local Transport Board: the County Council provides the secretariat for the Local Transport Board which forms part of the LEPs governance arrangements.

The LEP has, for instance, recently been successful in securing extra government funding, of £43.57m to help create jobs, support businesses and encourage growth - a significant proportion of which will enable the much needed improvement of the A382 with the widening of the route between Trago Mills roundabout and Whitehill's Cross and a two-lane dual carriageway on the section of the road between Drumbridges and the Trago Mills roundabout.

The Leader of the Council and the Cabinet Member for Economy Growth and Cabinet Liaison for Exeter have both publicly made clear their view of the actions of the LEP but the Council has no overriding power to annul or revoke the LEPs decisions.

**(c) Anti-Litter Campaigns – Deposit Scheme for Plastic Bottles (Councillor Hook)**

*"That the County Council supports, in principle, the Sky News anti litter campaigns and in particular the proposal which is to be considered in Parliament after Easter to introduce a deposit scheme on plastic bottles: such schemes are currently in operation in 11 European countries and more than 30 countries worldwide where their introduction has seen a massive leap in plastic bottle recycling - in many cases upwards of 95%.*

*The County Council will contact all Devon MPs urging them to support a plastic bottle deposit scheme to reduce waste, increase recycling and also make a major contribution to reducing dangerous marine pollution, the latter being a significant and increasing problem with plastic bottles and containers".*

**Briefing Note/Position Statement from Chief Officer for Highways, Infrastructure Development and Waste**

The County Council fully supports initiatives that lead to an increase in recycling and moves management of waste away from disposal and higher up the Waste Hierarchy. In addition, it would, in principle, support any anti-litter campaign, acknowledging the detrimental impact that litter can have on the environment and in particular upon wildlife.

All District Councils and Torbay Council currently collect plastic bottles as part of their kerbside collections. This allows residents to recycle their plastic bottles. There has been significant investment in these services and the income derived from the bottles collected helps to support the future provision of those services. It is unclear as yet how any proposed deposit scheme would operate and what impact that may have on the existing collection services referred to above. Devon already supports *Refill Devon* encouraging plastic bottles to be reused to be filled for free with tap water by a number of participating premises including cafes, bars, restaurants, banks and museums in Exeter.

The Devon Authorities Strategic Waste Joint Committee, which includes representatives of all District Councils, Torbay and the County Council, has been tasked with looking at litter/fly tipping campaigns including prevention, education and co-ordinated activities with partner agencies to tackle litter and is due to consider this matter further at its next meeting scheduled for June 2017.

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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]**

Cabinet Member for Policy & Corporate: Councillor Hart  
Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter: Councillor Leadbetter  
Cabinet Member for Community & Environmental Services: Councillor Croad

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

Contact for Enquiries: R Hooper

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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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Nil