

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) Traffic on A35 at Wilmington (Councillor Shaw)**

*The County Council expresses its concern about the effects of heavy traffic on the A35 on the people of Wilmington, East Devon, and other communities along the route. The Council notes that Highways England commissioned a report which recommended remedial measures for Wilmington, including two pedestrian crossings, which was published in April 2015, but three years later no decisions have been made to introduce any of these measures. The Council urges Highways England to give greater priority to improvements in Wilmington as a matter of urgency.*

### **Briefing Note/Position Statement from the Head of Highways, Infrastructure Development and Waste**

The A35 is part of the strategic road network, where Highways England is the responsible highway authority for the route. Wilmington is one of a number of communities between Axminster and Honiton in East Devon on the A35 road. The County Council is concerned about the effect of traffic on all communities which are located on heavily trafficked roads in Devon, and like Highways England uses traffic flows as an explicit part of identifying and managing this risk.

The 2015 Report on Wilmington is a wide-ranging feasibility report covering the whole of the environment in Wilmington, not just the pedestrian crossings referred to. It does however consider a puffin crossing at the White Hart and also near Orchard Lea. It is a feasibility report and since the report was produced an additional body of work has been undertaken by Highways England to investigate further route treatment options, including discussions with the safety camera partnership. We have contacted Highways England and are awaiting engagement as a consultee on their actual proposals.

## **(b) Gender Pay Gap in Devon (Councillor Atkinson)**

*This Council is concerned about the gender pay gap in Devon (details available from the ONS gender pay gap website.) and understands that it needs to carry out further research into what is causing it and what needs to be done to address it for instance is it as a result of the concentration of women in occupations with lower hourly pay and/or part-time work. the so-called "glass ceilings", fundamental stereotyping in gender roles in our societies from birth that lead to gendered economic roles and outcomes.*

*In view of cross party concern not only about gender pay gap but ethnicity and disability pay gaps this Council should review the ECHR report and recommendations set out in 'Fair opportunities for all – A strategy to reduce pay gaps in Britain' and other recent and planned reports and develop an action plan for Devon*

*Further the Council recognises that addressing these pay gaps is a fundamental part of improving productivity and economic outcomes for all and will ensure that this issue and research is included in the work of the Heart of the South West Joint Committee.*

### **Briefing Note/Position Statement from the Head of Human Resources**

The Council's mean<sup>[1]</sup> Gender Pay Gap (GPG) is 13.5%, the median<sup>[2]</sup> is 17%. This means that on average female employees are paid either 13.5% or 17% less than male employees, depending on which figure is used. However, it is important to remember that this does not suggest that men are being paid more for doing the same job as women. Everyone performing the same role at DCC is paid the same grade irrespective of their gender.

The Upper Quartile for DCC contains the top 25% of earners and is made up of 58% women and 42% men. The percentage of women increases down through the quartiles, with 78% of women in the Lower Quartile.

DCC's 17% median GPG is lower than the 18.4%<sup>[3]</sup> national average. The Office of National Statistics (ONS) publish Public Sector statistics for full-time employees only<sup>3</sup> so the Council's fulltime employee GPG has also been calculated. The public sector fulltime average is 13.1% which is significantly greater than DCC's 8.8% for fulltime employees.

It is very difficult to compare GPG data because organisations provide different services and their workforce composition will differ e.g. District Councils will provide different services to a County Council and have different job roles. Additionally County Councils will provide their services in different ways, i.e. outsourced social care or shared services and this will impact on their GPG figures. Devon's GPG is at the higher end when compared with other County Councils and this requires further analysis to try to identify the causes and put in place measures to reduce the GPG.

Initial analysis has identified 4 key reasons for the Council's pay gap:

- A high proportion of women in low graded roles
- A lower proportion of women in Senior roles.
- A high proportion of female part time staff
- Workforce Age Demographics

A more detailed report about the Council's gender pay gap is due to go to the Corporate Infrastructure and Regulatory Services Scrutiny Committee on 12<sup>th</sup> June 2018.

The Council has committed to take action with the aim of reducing the GPG. We are already conducting further analysis on the causes of DCC's GPG by reviewing service areas with a

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<sup>[1]</sup> Mean is a form of average achieved by adding a number of items together and then dividing by the number of items.

<sup>[2]</sup> Median is the middle point of a group of numbers, in which half the numbers are greater than and half are less than the middle point.

<sup>[3]</sup> Office of National Statistics 2017

higher than the average GPG to identify the cause. A corporate action plan will be agreed which is likely to include actions such as:

- Incorporating GPG into Workforce Planning processes to prompt proactive consideration of gender differences (already instigated)
- Collecting recruitment gender statistics to assess the gender ratios of applicants and their progress through recruitment stages
- Reviewing service areas where there is a high proportion of women in low graded posts to assess whether there are natural progression opportunities. Where natural progression opportunities don't exist, analysis will be conducted to see whether an appropriate proportion of women are applying for and attaining promotion. Consideration will be given to what appropriate action could be taken.
- Organise internal careers events and provide career pathway advice and support
- Organise gender equality initiatives and events to promote equal opportunity and choice as well as challenge barriers and stereotypical attitudes. i.e. promoting men and senior managers working part-time

Gender Pay Gap reporting is based on a snapshot of the Councils workforce from the 31<sup>st</sup> March the preceding year. Therefore GPG reports will be reporting on 12 month old data. Actions taken during 2018 will not become evident until 2020 reporting.

### **(c) Adult Social Care Sector - Workforce Issues (Councillor Atkinson)**

*This Council supports the findings of the Public Accounts Committee whose report of 9th May concluded*

*The adult social care sector is underfunded, with the care workforce suffering from low pay, low esteem and high turnover of staff. The care sector is in a precarious state but the Department of Health and Social Care (the Department) has not yet said how it intends to put in place a long-term, sustainable funding regime to meet the ever-increasing demand for care. The Department does not know whether the ways that local authority's commission care, and the prices they pay providers, are contributing to the problems within the care workforce. We are not convinced that the lack of regulation within the care sector workforce and the balance of regulation versus a market-based approach, is supporting the care sector to provide the best care possible. The UK's departure from the EU is causing uncertainty over how the workforce will be sustained, particularly in areas that are more reliant on non-UK workers. There is an urgent need to reverse the poor public image that care work must boost recruitment and retention across the care sector. We are also concerned that the move to supporting people with substantive and critical care needs only is contributing to growing levels of unmet need for people with moderate care needs. These moderate needs may well grow into substantial or critical needs if support is not given. The Department has committed to addressing all these issues through the health and care workforce strategy that it is currently consulting on, and the promised Green Paper on funding of care for older adults. But given the pressures on the sector, we are concerned that the Department sees the Green Paper as a cure all and underestimates the scale of the challenge. The Department must ensure that its delivery partner, Skills for Care, is properly supported and funded to implement the workforce strategy.*

*And resolves to write to all Devon M.Ps to support cross party working to solve the crisis in social care health and care workforce and funding*

### **Briefing Note/Position Statement from the Head of Adult Care Commissioning and Health**

DCC has played a major role in raising the profile of the adult social care workforce through its nationally recognised 'Proud to Care' campaign which has been adopted regionally and nationally as best recruitment practice.

We are working closely with our NHS partners to establish career pathways that allow career progression between the social care and health workforce. However there remains an ongoing need for more professional care workers.

Nationally, Skills for Care estimate that there are 1.58 million jobs in adult social care in England. There is a projected estimate of between 500,000 and 700,000 additional adult social care jobs required by 2030. Nationally 83% of workers are British, with 7% from the EU and 9% non-EU. There is a vacancy rate of 6.6% and 27.8% of the workforce left their role in the past 12 months.

In Devon, Skills for Care estimate that there are 25,000 jobs in adult social care in Devon. Based on the information for the South West, there is a projected estimate of approximately 12,000 additional adult social care jobs required in Devon by 2030. In Devon 90% of workers are British, with 6% from the EU and 4% non-EU. There is a vacancy rate of 6% and 35.3% of the workforce left their role in the past 12 months. Not all turnover results in workers leaving the sector; 65% of new starters in Devon were recruited from the adult social care sector. The goal is for Devon care workers to develop their career within the Devon social care and health workforce, which is likely to result in some turnover from adult social care. To address this, DCC is working with health partners to develop some joint recruitment initiatives, to pilot placements for health staff in adult social care and further rotational posts across health and adult social care.

We have also conducted research with professional care worker focus groups via the University of Exeter to better understand how we can improve workforce issues with providers and are working through our lead personal care contractors to address these issues. The joint DCC/NHS 'Living Well at Home' personal care contract already stipulates terms and conditions including paid travel time and we will be using our partnership with lead providers to consider further improvements to secure the workforce in the future (including for example salaried contracts).

The notice of motion is helpful in pointing out the importance of the adult social care workforce and the public accounts Committee raises significant issues in its recent report. I do raise this matter with Devon MPs in my regular sessions with them and am happy to do so again.

#### **(d) Grammar Schools and Additional Funding (Councillor Greenslade)**

*County Council expresses its concern at the Government's announcement of an extra £50 million to allow existing Grammar Schools to extend their premises and take on more pupils while Devon Schools remain significantly underfunded compared to the national average.*

*Accordingly the County Council writes to all Devon MP's asking them to oppose this proposal in favour of providing more funding to Devon Schools.*

#### **Briefing Note/Position Statement from the Head of Education and Learning**

**Cabinet Briefing (taken from the House of Commons Library Briefing Paper Number 07070, 15th May 2018)**

The Conservative manifesto for the 2017 General Election confirmed the Government's intention "lift the ban on the establishment of selective schools, subject to conditions, such as allowing pupils to join at other ages as well as eleven.

The proposals however did not appear in the Queen's Speech in June 2017, and the Education Secretary subsequently confirmed that the existing ban on opening new grammar schools would remain in place.

The Government response to the Schools that Work for Everyone consultation was published in May 2018. The response confirmed the previous announcement that the ban on new selective schools would remain in place. The response however made two key announcements:

- A new Memorandum of Understanding between the Department for Education and the Grammar School Heads Association, focused on improving access to grammar schools for disadvantaged children

- A new Selective School Expansion Fund, with £50m of funding in 2018-19 to expand selective schools, with applications open until 19 July 2018.

The Education Secretary, Damian Hinds, confirmed that the expansion fund was part of the £200m for selective school expansion announced by the Chancellor in the 2016 Autumn Statement.

## Research information

In **December 2016, the Parliamentary Office of Science and Technology** published a briefing on Academic Evidence on Selective Secondary Education. The briefing stated that, among other findings:

- Historic and current data show that children who are eligible for Free School Meals (FSM) are less likely to attend a grammar school than children who are not eligible for FSM. This is the case even when comparing only those pupils who achieve similar high levels in English and Maths at the end of primary school.
- Academic attainment at GCSE level is on average higher for pupils attending grammar schools
- One study looked at social mobility and found that the selective education system as a whole does not improve social mobility for children who were born into any particular income bracket or social class.
- Available evidence from England and international comparisons using PISA data suggests that selective education systems widen educational inequality.<sup>67</sup>

The **Sutton Trust published research in December 2016** which stated that students from families on below average incomes (those 'Just About Managing'), were significantly under-represented at grammar schools. The research also found:

- Disadvantaged white British children enter grammar school at the lowest rate of any major ethnic group;
- While there have been modest increases in the rate of grammar entry for disadvantaged black children and white non-British over the past five years, the rate of white British entry has not improved;
- High proportions of grammar school pupils come from the independent primary school sector, at roughly double the rate that might be expected;
- Much of the higher pupil achievement at grammar schools is attributable to high levels of prior attainment of the pupils entering grammars, and that highly able pupils achieve just as well in top comprehensives as they do in grammar schools.

In **September 2016, the Education Policy Institute** published a report on the impact of grammar schools on social mobility. The following is drawn from the EPI's summary of its findings (emphasis in original):

- Once prior attainment and pupil background is taken into consideration, we find no overall attainment impact of grammar schools, either positive or negative.
- Pupils who are eligible for free school meals (FSM), a proxy for disadvantage, are under-represented in grammar schools. Only 2.5 per cent of grammar school pupils are entitled to FSM, compared with an average of 13.2 per cent in all state funded secondary schools.
- We do not find a significant positive impact on social mobility. The gap between children on FSM (attaining five A\*-C GCSEs, including English and Maths) and all other children is actually wider in selective areas than in non-selective areas – at around 34.1 per cent compared with 27.8 per cent.
- An expansion of grammar schools in areas which already have a large number of selective schools could lead to lower gains for grammar school pupils and small attainment losses for those not attending selective schools – losses which will be greatest amongst poor children.
- Other interventions to raise school standards and attainment have proven to be more effective than grammar schools in raising the attainment of disadvantaged pupils.

In **February 2017, the Commons Education Committee** published its report Evidence Check: Grammar Schools, which analysed the evidence base for the proposed expansion of grammar schools in England. The Committee's report recommended that:

- The Government's proposals should take account of the needs of the UK economy for a broadly skilled workforce, recognising that generally technical specialisation occurs later in a student's education;
- The Government should demonstrate how the policy would close the attainment gap within the school system;
- The Government should consider the consequences of the proposals for school funding, the supply of teachers, and the overall health of schools in England.

### **Devon Context.**

There is currently one Grammar School (an Academy) in the Devon Local Authority area with 870 pupils on roll (including the 6<sup>th</sup> form). There are currently no plans to expand this school in order to meet Devon statutory responsibilities in respect of the sufficient supply of school places. However, as an academy, it is possible that funding could be allocated directly by the Department for Education.

The Government has between 2018-19 and 2020-21, committed £2.25bn to provide additional pupil places in England and as such, a commitment of £50m to expand Grammar Schools represents 2% of this total investment.

It should be noted that this funding is capital funding. The revenue funding issues facing Devon Schools and the approach the Local Authority has taken in partnership with its schools, Devon's MPS and F40 group and the additional funds secured have been well documented in previous briefings. Devon will continue to focus our efforts to secure better funding for all Devon school through these established networks. The same funding allocations, and therefore issues, also apply to Grammar schools.

### **(e) Customs Union and Sarah Wollaston MP Campaign (Councillor Brazil)**

*County Council supports the UK remaining in the Customs Union and welcomes and congratulates Sarah Wollaston MP on the strength and clarity of her campaigning in support of the UK remaining in the Customs Union.*

*Therefore County Council recommends all Devon MP's support Dr Wollaston position.*

### **Briefing Note/Position Statement from the Head of Economy, Enterprise and Skills**

The European Union Customs Union is the largest customs union in the world, consisting of all the member states of the European Union (EU), Monaco, and some territories of the United Kingdom which are not part of the EU. No customs duties are levied on goods travelling within the customs union and members of the customs union impose a common external tariff on all goods entering the union. A precondition of the customs union is that the European Commission negotiates for and on behalf of the Union as a whole in international trade deals, rather than each member state negotiating individually. The customs union should not be confused with the single market, which is a broader agreement that covers the trade of services and the movement of people and capital across borders within the EU.

Whether the UK should remain part of the Customs Union is one of the most strongly contested elements of Brexit. It is the Government's policy that the UK should leave the Customs Union, so that the UK can be free to strike its own trade deals with other trading partners around the world. At the same time, it would like to continue to have free and frictionless trade with the EU and to avoid a border that could entail costly delays and paperwork for firms trading across it. There are currently no precedents for such a model, but the government believes that as a much larger economy the UK is in a better position to negotiate such a deal. That said, there isn't currently agreement within the government about how this could be achieved.

Reportedly the Prime Minister is in favour of a “Customs Partnership”, in which the UK would collect the EU's tariffs on goods coming from other countries on the EU's behalf. If those goods didn't leave the UK and UK tariffs were lower, companies could then claim back the difference. Nevertheless, business groups point out that such a model would still entail more bureaucracy and cost and may not be practical. The net economic impact would likely depend on just how costly that process proves to be for businesses and whether the new trade deals that the UK was free to negotiate with the rest of the world were more or less advantageous than those currently secured by the EU as a whole.

“Brexiteers” in the Cabinet are reportedly suspicious of the proposal for a customs partnership and are said to believe it is designed to tie the UK to the EU indefinitely. Instead, they favour a “Maximum Facilitation” option which would not do away with border checks but instead attempt to use new technologies such as scanners and cameras to minimise the impact of those checks. Critics argue that such technologies are untested. The Permanent Secretary of HMRC, John Thompson, told Parliament on 22 May 2018 that this option could cost businesses up to £20bn p.a. as a result of firms having to make customs declarations at the border, but this analysis isn't necessarily universally accepted.

In any case, either option would still need to be negotiated with the EU. Michel Barnier, the EU's official negotiator, has so far rejected either model and has said that trade barriers with the rest of Europe will be “unavoidable” if the UK opts to leave the Customs Union.

Industry groups such as the Confederation of British Industry advocate remaining within the Customs Union as they believe that is the option that will minimise costs to businesses and best facilitate trade, but that analysis is strongly rejected by the Government.

Companies in Devon are less reliant on exports than other parts of the country, with only approximately 20% of businesses in Devon exporting to markets overseas. The majority of those exports are to the EU. In fact, 70% of Exeter's exports are currently to the EU, which is the highest share of any city in the UK. Though of course, the proportion exported beyond the EU could increase under new trade arrangements. Imports are also a significant feature of the economy, both in terms of consumer goods and also as inputs for local manufacturers and producers (e.g. machinery, raw materials, etc).

Judging which is the best option on an issue of such national significance is beyond the ability of Devon County Council officers, particularly at this stage when there is little clarity on what is achievable through negotiations with the European Union.

#### **(f) Stagecoach Southwest and Increased Fares (Councillor Brennan)**

*'This Council condemns the decision by Stagecoach Southwest to remove the £1 child add-on fares, replacing them with child single or dayrider tickets.*

*In Exeter, this decision has resulted in a 200% increase in fares for children aged 5-15 who are travelling with an adult. Before 29th April 2018, a parent and child could travel together all day for £4.90, but this has now increased to £7 (£4 for an adult dayrider plus £3 for a child dayrider) – a total increase of £2.10, or 43%. Similarly, an adult travelling with two children could previously travel all day for £5.90, but this now requires a group dayrider of £8 – again, an increase of £2.10. Similar significant increases have also taken place across Devon.*

*This action by Stagecoach hits the poorest families hardest, including single parent families and those unable to afford a car. As the majority of single parents are women, and most adults travelling alone with children are likely to be women, the action disproportionately impacts women more than men.*

*This action also undermines Stagecoach's supposed commitment to working with Devon County Council to reduce traffic congestion and improve air quality, pushing higher numbers of families into cars for city journeys as it may be cheaper, and therefore also increasing Devon's contribution to climate change. Furthermore, Devon County Council's work to increase the take*

*up of sustainable methods of transport to school, and to increase safety around schools by reducing vehicle numbers, is also largely undermined and threatened by this move.*

*Additionally, there is a negative economic impact towards businesses in central areas, as more people choose to take their cars to out-of-town shopping areas, further depleting our high streets and lessening the viability of independent businesses.*

*This change took place without informing or consulting with councillors or passengers. A petition has been handed to Stagecoach Southwest regarding the increase in Exeter. It contains over 1700 signatures from concerned families and other residents, and calls upon Stagecoach Southwest 'to consider their social and environmental responsibilities, to reverse this decision, and to retain the £1 child add-on tickets'.*

*In accordance with what thousands of concerned families are telling us, this Council resolves to put pressure on Stagecoach Southwest to reverse their recent decision, and to bring back the £1 child add-on fares with immediate effect.'*

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

The change in child fares recently introduced by Stagecoach in Exeter is disappointing, particularly as the Authority has worked with them over a number of years to improve the local bus service network in Exeter and across the County. The £1.00 child add-on fare was a purely commercial offer which Stagecoach have now withdrawn. This fare was originally introduced as an off-peak offer which was extended to the full day a number of years ago. The vast majority of services in Exeter are provided commercially (without DCC financial support) and the County Council therefore has no formal role in deciding fares.

The County Council does not currently have a policy on child fares, other than, on its contracted services the child fare is specified as two thirds of the adult fare. The bus company is at liberty to offer (and subsequently withdraw) fares in addition to that specified by the County Council providing the company does not exceed the original fares laid down by DCC, taking into account inflation.

While the County Council can press Stagecoach consider its position this has to be in the context of a commercial decision with no financial input from the local authority. Not discounting our responsibility for the National Bus Pass for eligible residents, we have tried to maintain a public transport service for all as much as possible rather than target scarce revenue funding on reducing the cost of travel for a particular group. We therefore have little room to offer anything ourselves at the present time over and above what the commercial market decides.

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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Nil