

COUNCIL

21 February 2019

Present:-

Chair: C Chugg

Vice-Chair: R Hosking

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, F Biederman, R Bloxham, J Hook, J Brook, C Channon, I Chubb, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhurst, A Eastman, R Edgell, R Gilbert, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, R Radford, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors J Berry, J Brazil, E Brennan and B Greenslade

167 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 6 December 2018 be signed as a correct record.

The Motion was put to the vote and declared **CARRIED**.

168 Announcements

The Chair of the Council paid tribute to all those staff who went the extra mile to keep Devon moving during the January snow and ice and to those who continued to provide services to those in need.

She reported that Fairtrade Fortnight was approaching (25 February to 10 March 2019), where Fairtrade brought a producer to Devon to 'tell their story'. It was an opportunity to show the Council's commitment to Fairtrade, especially in Fairtrade Devon's 10th Anniversary year.

The Chair announced that Scomis, who worked on behalf of the Council in delivering high quality ICT and telephony services, had received national recognition at the BETT Awards. Furthermore, they had been invited to partake in the Parliamentary Review to be launched next month. The Council congratulated all at Scomis for their achievements.

Also highlighted was the event being hosted by the Chair on the 8th March (International Women's Day) for inspirational women who had made a difference in Devon. Residents had been asked to nominate the County's female community champions to celebrate these unsung heroes. There had been some 250 nominations.

Last, the Chair wished Alderman Saxon Spence a happy 90th birthday, sending the Council's best wishes and many happy returns.

169 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

170 Public Participation: Petitions, Questions and Representations

There was no petition received from a member of the public.

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to four questions from Member(s) of the public on highways officers and site visits at Crockernwell, spending on the road network, evaluation and investment in walking and cycling infrastructure, climate change and the views of research scientists, severity of the impact of climate change and the need to act for future generations.

The Cabinet Members responded verbally to one supplementary question arising from the above and would also respond direct to three questions received from members of the public, who were not present at the meeting.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Mr M Spurway on the IPCC Special Report published in October 2018 on climate change and the plan to enable the Council to go Zero Carbon by 2030, referring to current 'tipping points' in relation to climate change.

Further representations were made by Mr C Hughes and Miss S Hughes on the decision facing the council to declare a Climate Emergency and recent notifications that Carbon Neutrality by 2050 was not sufficient, was a continuation of the status quo and the impacts on the next generation.

There was also a verbal representation from Mr J Rose representing the youth interest in declaring a state of climate emergency for Devon and the next generation, referring to many other contributory factors such as plastics, agricultural systems and chemicals and deforestation.

Mr R Knight highlighted the success of the climate accord in Paris and Mrs G Westcott reported that the time to act was now. Ms Lopez and Ms C Byng spoke in support of the climate change motion and the importance of safeguarding the future.

Mr Yi Postelnik, offered a faith perspective on the matter of climate change, referring to moral injury.

Anthea Simmons, Spokesperson for Devon for Europe spoke on the Brexit Motion, also being dealt with later on the agenda.

The Chair thanked the presenters acknowledging that their representations had been heard by Members present.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

171 Petitions from Members of the Council

There was no Petition received from a Member of the Council.

172 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to ten questions submitted by Members of the Council relating to the South Devon Highway and progress with Part One compensation claims, research by Sheffield Hallam University on the average spend on food and drink for council-funded residents and the figures for food in homes supported by the Council, the numbers of qualified specialist teachers for deaf children in Devon, specialist schools and the work being done

locally, regionally and nationally on this issue, Energy to Waste plants working at capacity, landfill waste and measures to increase recycling rates, public health activity champions, maintenance of cycleways and key routes, the response to previously submitted question relating to changes as a result of Integrated Care Management, infrastructure investment, the impact of a 'No Deal Brexit' for local authorities keeping children safe relating to cross-border police and judicial cooperation mechanisms and the recent climate change protest by young people and authorised absences from school.

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

[NB: See also responses to Questions referred to at Minute 170 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below].

173 Revenue Budget 2019/2020, Medium Term Financial Strategy & Capital Programme 2019/2020 to 2023/2024

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension.].

The Council considered the Minutes of the Cabinet meeting ([Minute 300](#) of 15th February 2019), together with the Report of the County Treasurer (CT/19/6) on the Revenue Budget for 2019/20, Medium Term Financial Strategy to 2022/23 and Capital Strategy 2019/20 to 2023/24, including an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment that identified risks associated with the budget strategy, together with how the risks would be managed. This year, for the first time, there was a requirement to prepare a Capital Strategy in line with the CIPFA Prudential Code for Capital Finance in Local Authorities 2017 and this was also included.

The book contained;

- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Strategy and Programme Overview 2019/20 - 2023/24;
- Service Budgets;
- Medium Term Financial Strategy 2019/20 - 2022/23;
- County Fund Balance and Earmarked Reserves 2019/20;
- Treasury Management Strategy 2019/20 - 2021/22 and Prudential Indicators 2019/20 - 2023/24;
- Risk Analysis of Volatile Budgets;
- Fees & Charges; and
- Abbreviations.

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 21st, 24th and 29th January 2019 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Council noted that the Corporate Infrastructure and Regulatory Services Scrutiny Committee had at its meeting on held 29th January 2019 considered the proposed Treasury Management Strategy for 2019/20, and Capital Strategy, prior to determination of the budget for that year.

The County Treasurer's Report (CT/19/6) contained details of the County Council's revenue and capital budgets together with associated financial and operational information. The Council's financial plans were drawn up with reference to the Council's major policies and objectives, performance frameworks, demographic changes, consultation with local residents, businesses and other stakeholders.

The Cabinet Member for Resources Management commented that 2019/20 was the final year of the Government's four-year Local Government financial settlement and although core funding had been reduced by £13.5 millions (11.7%), to £101.5 millions, this was in line with expectations. The reduction had been offset to some extent by additional grants for Winter Pressures of £3.6 millions and Social Care Support of £6.1 millions. However, the overall picture was a significant reduction to funding at a time when there were huge pressures on Social Care services.

He also gave details on the Service budgets which totalled £493.850 millions, with Children's Services base budget being £135.153 millions (an increase of 9.4% from 2018/19), Adult Care and Health base budget was £232.599 millions (an increase of 2% from 2018/19), Communities, Public Health, Environment and Prosperity Services base budget was £38.577 millions (an increase of 0.7% from 2018/19). Corporate Services base budget was £32.974 millions (a decrease of 6.6% from 2018/19) and included inflation, pressures and NLW of £1.476 millions and required savings and income initiatives of £3.808 millions. Highways, Infrastructure Development and Waste Services base budget was £54.547 millions (an increase of 0.7% from 2018/19).

The settlement had set the Council Tax increase that would trigger the need for a referendum, excluding the Social Care Precept, at 3% for 2019/20; the same level as 2018/19. The Adult Social Care Precept regulations also remained unchanged. In 2016/17, the Social Care Precept was capped at 2% per annum for the period 2016/17 to 2019/20. Government then changed the regulations in 2017/18 and allowed Authorities to increase the precept to a maximum of 3% per annum over the period 2017/18 to 2019/20 as long as the total increase over the three years did not exceed 6%.

The Council increased the Adult Social Care Precept by 3% in 2017/18 and 2% in 2018/19 leaving 1% available for 2019/20.

A Band D Council Tax would, if the proposed budget was approved, increase by 3.99% to £1,384.29. The Council Tax requirement for the Council was £401,663,454.61.

The Council acknowledged that a Budget 2019/20 Impact Assessment had been prepared previously and taken into account by Scrutiny Committees as part of their earlier deliberations together with those specific impact assessments undertaken as part of the budget's preparation or in relation to service reviews arising therefrom: to ensure all Members had all relevant information in having regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010 when considering the proposed budget, its impact and any mitigating action required, prior to making a decision. The preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time. The Impact Assessment had been made available to all Members of the Council for the purpose of the Scrutiny meetings, the Cabinet meeting on 15th February 2019 and this County Council meeting. A revised version had been circulated to all Members on 13th February 2019. <https://new.devon.gov.uk/impact/budget-2019-2020>

The Chair of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

The Motion was put to the vote and declared **CARRIED**.

The Chair then indicated that she would exercise her discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Barker **SECONDED** that Cabinet Minute 300 (a) – (v) setting out the proposed revenue and capital budgets as detailed in Report (CT/19/6) be approved.

In commending the proposed budget to the Council, the Leader commented this was the tenth year of reduced spending for Devon, with savings having been required every year. 2019/2020 was no exception with £13millions needing to be saved. He highlighted the aim was to protect statutory services and commended the budget to the Council as one that supported the old, young and the vulnerable.

Both the Leader of the Council and Cabinet Member for Resources Management paid tribute to and expressed gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2019/20. They also thanked other Members of the Council for their input into the Scrutiny process.

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Hannaford **MOVED** and Councillor Whitton **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

- a. *support the retention of the **£10,000** per elected member **Locality Funding** to ensure that local members can fulfil their local leadership roles and agree that any remaining or unspent **Investing In Devon** funding, be allocated out equally to all members for local capital projects.*
- b. *support raising the **Social Care Precept** by **1%** to help relieve service pressures, and lobby parliament for a long term, cross party, progressive solution to the care crisis as a matter of urgency.*
- c. *support raising the **Council Tax** by **2.99 %** to help front line services for local communities, however registers deep concerns about the heavy reliance of using the **Council Tax system** to raise funds because of its very **regressive nature**.*
- d. *registers serious concerns over the potential loss of **“Troubled Families”** funding in 2020, and the loss of vital and crucial work around **early help**, and supports the proactive work being done to lobby and secure future funding streams.*
- e. *allocate **£2,000,000** per annum for a rolling programme to deliver **School Suitability Funding**, in addition to the Schools Expansion Programme, including **heating, energy efficiency, and invest to save measures**.*
- f. *allocate **£125,000** to the **Atkinson Unit** to secure new staffing arrangements on an invest to save basis through capacity and income generation.*
- g. *allocate **£150,000** for an additional three **SEND grade three case workers** to improve performance, operational effectiveness, and timeliness.*
- h. *allocate **£200,000** to respond to the **OFSTED SEND inspection** report, especially on condition and suitability issues.*
- i. *allocate **£85,000** to develop, establish and market an **SEND Interactive Care Portal**.*
- j. *allocate **£200,000** for **Children Centres transition work** with local communities and families to promote new service delivery models, in partnership with Action For Children.*

- k. *allocate an additional £250,000 for the **Building Accessible Adaptations** to adequately meet service demands.*
- l. *allocate £ 50,000 to **Domestic Abuse and Sexual Violence prevention work**, with a specific focus on **supporting children and young people**.*
- m. *allocate £20,000 for **Period Dignity Pilots** in some selected local schools to provide **free sanitary products** to assess take up, and to improve school attendance, performance, and welfare.*
- n. *allocate £450,000 to improve the **Transition Journey from Children's Services to Adult Services**.*
- o. *allocate **1,000,000** for **Economic Development Work**, to counter the effects of **BREXIT**, the recent **1,300 regional job losses**, and generally **promote innovation, enterprise, sustainable transport, resilience and diversification**.*
- p. *allocate **£800.000** to facilitate construction of **Okehampton Parkway Station** and infrastructure improvements for the reinstatement of the Exeter to Okehampton passenger service. This to be subject to a guarantee from Great Western Railways that a service will start in 2020.*
- q. *Allocate **£900.000** to **sustainable transport projects** within Exeter and its hinterland with particular emphasis on improving bus information and extension to bus/rail park and ride sites.*
- r. *Allocate **£300,000** for **public health**.*

Items (e) to (r) total £6,530,000 millions and it is suggested that in 2019/20 this is funded from the Council's Budget Management Reserve.

Councillor Connett **MOVED** and Councillor Way **SECONDED** that Cabinet Minute 300 (Revenue Budget and Medium-Term Financial Strategy to 2019/20 – 2022/23 and Capital Programme 2019/20 – 2023/24) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 300(a) – (v):

“A decade after the financial crash, people need to know that the austerity it led to is over and that their hard work has paid off...” Prime Minister, Theresa May

...But still the Conservatives short-change the people of Devon:

- £134 million cut in the Government's Revenue Support Grant since 2013/14
- Funding for our schools has got worse. Devon now gets £294 a year **LESS** per child compared to £265 **BEFORE** Devon's Conservative MPs lobbied for more money!
- We note with concern that Devon has lost 525 Teachers and Teaching Assistants in the last year alone
- The boiling-point pressure on the budget for Children's Services and for children with special educational needs.
- Cuts to Public Health and the pressure on Children's mental health services.

Devon Liberal Democrats propose investment in services by searching out waste, better efficiency, and focussing money where it will really help our communities, by:

- 1. Investing £400,000 to improve Mental Health Services for Young People.**
- 2. Putting an additional £1 million - for education and services for children with special educational needs.**
- 3. £500,000 for much-needed rural bus services.**
- 4. Creating a hardship fund of £60,000 - to support young people in Post-16 education with home to college travel.**
- 5. Improving highway drainage with £500,000 additional investment**

We will fund this investment of £2,460,000 million by:

1. Cutting waste currently being allowed by County Hall and efficiency savings:

- Save **£500,000** - by cutting the budget for expensive consultants and stand-in managers
- Cut spending on media, public relations and advertising **by £500,000** -
- Reduce spending on room hire to save **£ 140,000** -
- **Save £500,000** - from car allowances and mileage payments

2. **Transferring £820,000** a year from the Economic Development budget into these higher priorities.

Costs for the transformation of Economic Development and other services will be charged to the council's **Service Transformation Reserve, currently £10 million.**

Other financial steps:

Devon County Council to lobby government to end the switch from Council Tax to Business Rates loophole used by some second home owners and to allow local councils the power to charge up to 200% Council Tax on second/holiday homes.

Such measures would, it is believed, raise in the region of £10 million for Devon County Council from South Hams alone. Across the county, it is suggested the income could be in excess of £20 million.

The amendment in the name of Councillor Connett was then put to the vote and declared **LOST.**

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Biederman, Connett, Dewhirst, G Hook, J Hook, Shaw, Way and Wright: (Total: 8)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 40)

Abstained from Voting; Councillors Ackland, Asvachin, Atkinson, Aves, Hannaford, Hodgson and Whitton (7)

The amendment in the name of Councillor Hannaford was then put to the vote and declared **LOST**

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the amendment; Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)

Against the amendment; Councillors Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)

Abstained from Voting; Councillor Prowse (1)

The motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows):

For the Motion; Councillors Ackland, Asvachin, Atkinson, Aves, Ball, Barker, Bloxham, Brook, Channon, Chubb, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hannaford, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Radford, Randall Johnson, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Whitton and Yabsley: (Total: 46)

Against the Motion; Councillors Biederman, Connett, Dewhirst, Hodgson, G Hook, J Hook, Shaw, Way and Wright (Total: 9)

174 Heart of the South West - Local Industrial Strategy

The Council considered the recommendations of the Cabinet held on 12 December 2018 relating to proposals for the Governance arrangements relating to the Local Industrial Strategy.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of Cabinet be approved and that Governance arrangements relating to the Local Industrial Strategy, as set out at [Minute 265](#) of the Cabinet, be endorsed.

The motion was put to the vote and, nem con, declared **CARRIED**.

175 Pay Policy Statement 2019/2020

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2019 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2019/20.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2019/20 (and consequential changes to the Council's Constitution) as set out at [Minute 47](#) of that Committee be endorsed and the Constitution amended accordingly.

The motion was put to the vote and, nem con, declared **CARRIED**.

176 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

(a) Policy, Corporate and Asset Management

Councillor Hart circulated a Report, as requested by Councillor Brennan on the impact that a 'No Deal Brexit' could have on the Council's finances, its ability to provide statutory services and any lobbying activities to Government.

The Leader referred to the current uncertainty of which Brexit scenario might prevail from the Parliamentary process and referred to the recent report in the Western Morning News to voice his concerns about the impacts on Devon's communities and economy. He also said how difficult it was to predict and plan for such an unprecedented event, but the Council was determined to play a lead role in assisting both communities and businesses.

The Leader then outlined the work of the Council in preparing for a 'No Deal Brexit', for example the role of the Local Resilience Forums, the updating of Business Continuity Plans to plan for this, working through professional associations to ensure the dissemination of information and good practice and pressing Government to release impact assessments to inform the planning and preparedness process.

Members were further advised that the Council had played a central role in advising Government about the place, service and community impacts of Brexit, including the Chief Executive chairing the HoSW Joint Committee's Brexit Resilience and Opportunities Group and also the work of the Economy and Enterprise Service. Brexit was also a standing item on the regular meetings of the Devon Emergency Planning Service.

In terms of the Council's finances, the Leader stated that the Council Tax increase from April 2019 had been determined, the business rates position was clear and the settlement agreed with central Government. In the short term, there would be no impact on the Council's finances. Longer term, there could be an impact on future business rates income and potential cost increases from imports and exports, but at present this was not possible to quantify.

Furthermore, the Council was in regular contact with business representative organisations and in relation to the recent business closures none had cited Brexit as a reason for closure. However, the Economy, Enterprise and Skills team were working with businesses to keep a close eye on performance and impacts on the Devon economy.

The Leader summarised by saying the Council had contingency planning in place to enable the provision of statutory services and also planning for all eventualities including any supply issues (e.g. fuel and food). Government recently announced that it had put funding of £56.5m aside to assist Local Authorities with Brexit planning, of which the Council had a share of £175,000.

(b) Economy and Skills

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford on the new contract awarded to BT and the installation of telegraph poles to improve connectivity and the relevant consultation and / or planning processes as part of this.

The Cabinet Member reported that Openreach had embarked on a "Fibre First" programme in February 2018 to upgrade its entire UK network to ultra-fast broadband. Locally, the intention was for coverage across Exeter City by the end of 2020. It was their own commercially funded network and not an awarded contract. Many locations across Exeter had some form of poled cabling, although public concerns had been raised in Pennsylvania and Exwick, both of which had an in-ground copper cable telecommunications infrastructure.

Whilst concerns were reviewed, a stop had been placed on erecting more poles in any locations where none currently existed and Openreach had agreed to remove the poles in Armstrong Avenue, pending an evaluation of alternative options.

Fibre poles were classed as 'telecoms infrastructure' under permitted development rights and did not require planning permission (covered in the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018). Up to 2013, new infrastructure had to be in-ground, however this was removed for 5 years. In the most recent amendment the requirement for in-ground installation had been permanently removed.

Liaison was continuing between the City and County Councils and Openreach.

He also responded to Councillor Hannaford, in writing, in relation to the current regional job losses (for example Appledore, Clarks, British Ceramic Tiles), analysis and other contributory factors and what might replace EU economic development funding, highlighting the current position with Babcock, based at Appledore shipyard, British Ceramic Tiles, based at

Heathfield near Newton Abbot and Wolf Minerals, based at Drakelands mine, Hemerdon. He outlined how many people were employed at all sites and the direct GVA impact to the local economy and also the plans of the companies in terms of moving forward. For example, for Appledore there were relocations to Devonport, in relation to British Ceramic Tiles, Job centre Plus had been assisting and had advised that some ex-employees of British Ceramic Tiles had found or started work or were booked onto retraining courses. Wolf Minerals ceased operations in October 2018 and Job Centre Plus indicated that nearly all ex-Wolf employees had found work or re-training opportunities.

He also reported on matters outside of the Council area, for example the Barden Corporation and the closure of its Plymouth operation and Clarks shoes, based at Street, in Somerset and then potential changes to Devon based company operations, such as Premier Foods and the Ambrosia plant at Lifton (West Devon) where the site remained operational, but no further announcements made. Also, Flybe at Exeter Airport, but assurances continued to be sought by partners (including DCC) and work was ongoing to safeguard and enhance Exeter Airport and passenger operations there.

The Cabinet Member highlighted that in relation to European funding and UK potential replacements, a Government consultation on its proposed Shared Prosperity Fund (expected to replace elements of the current EU structural funds) was awaited. Programmes such ERDF and ESF were scheduled to continue post-Brexit, underwritten by the UK Government.

(c) Children's Services and Schools

Councillor McInnes circulated a Report, as requested by Councillor Hannaford on the Legal Aid cuts and family court work from a Devon perspective, including issues such as parental access to children, domestic violence, court processes, debt and housing issues.

In summary, the Cabinet Member highlighted that Legal Aid was reformed in 2013 to limit the number of areas of law that would be considered within "scope" without having to pass a separate exceptional case test. Legal Aid for the Council's core business (Childcare and Deprivation of Liberty cases) had not been changed by the 2013 reforms. However, changes to the "scope" of Legal Aid was likely to have had an effect on other areas of law that potentially touched upon the Council's core business (e.g. domestic violence for which no Legal Aid was available could ultimately lead to Childcare proceedings being commenced in respect of children living within the household in question). However, as soon as the Council issued legal proceedings, parents would become eligible for Legal Aid for the purposes of responding to those proceedings.

The Cabinet Member also reported the details of further Legal Aid reform due to be implemented by Autumn of 2019, recently published by the Government.

He also circulated a Report on the feedback from Ofsted and the CQC on the recent inspection of Devon's Local Offer for children with special educational needs and disabilities, including action being taken, as requested by Councillor Brennan. The Cabinet Member welcomed the opportunity to share the findings of the recent area inspection of SEND and the actions being taken to respond to the inspection's recommendations. The inspection findings had confirmed the partnership's own self-assessment and the Cabinet Member referred to the task and finish group, being chaired by Councillor Aves which focused on Education Health and Care Plans (EHCP). Inspectors had recognised that the strategies and plans in place were the correct ones, but were not yet sufficiently impacting on the lived experience of children and families in Devon.

Partners had affirmed their commitment to the Improvement Programme that was delivered by the multi-agency SEND Improvement Board and the Cabinet Member welcomed the opportunity to publicly express regret for the adverse impact on children and families and to affirm commitment to ensuring all necessary changes across the system were made.

The Report also highlighted the joint inspection that took place between 10 and 14 December 2018 on the effectiveness of implementing the special educational needs reforms as set out in the Children and Families Act 2014. From that, a Written Statement of Action (WSOA) was required to address four areas of weakness identified, including Strategic plans and local area SEND arrangements not embedded or widely understood, concern over communication with key stakeholders, particularly parents and families, the time taken to issue EHC plans and the variable quality and weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

The local authority and clinical commissioning groups were jointly responsible for submitting the written statement to Ofsted no later than Friday 10 May 2019.

The inspection also identified strengths in relation to positive academic outcomes, support for children with the most complex needs and the strong commitment and dedication from staff across the local area.

The Report then outlined the actions taken to date in respect of the four areas identified and it was noted that the rate of EHCPs being issued was now higher than the rate of requests received each week. In relation children with autism, the CCG would lead a piece of work to review the referral rates into support services.

The Cabinet Member also updated the Council on the two new special schools that had been agreed for children with autism needs – opening September 2019 and September 2020.

(d) Community, Public Health, Transportation and Environment

Councillor Croad circulated a Report as requested by Councillor Hannaford, on Community Transport and the ongoing work with the CCN, LGA and Ministers.

The Cabinet Member highlighted that the Transport Act 1985 made it possible for all community transport (CT) groups operating on a not-for-profit basis to apply for permits to carry passengers in a bus or minibus without requiring a Public Service Vehicle Operator's licence (PSV licence). The changes in 2017 raised questions on the wider community transport sector and specifically the interpretation of non-commercial/not-for-profit services, the requirements for a Public Service Vehicle (PSV) Operator's licence and the consequences of employing paid drivers.

A DfT Public Consultation followed in February 2018 and the Council submitted a formal response (see Cabinet Report from 11th April 2018). A response from the DfT was still awaited, but Local Authorities had been advised:

"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts."

The Council had maintained all existing contracts and partnership agreements with Community Transport operators in Devon.

A local authority working group (LAWG) had been set up by the DfT on which there was DCC representation. Two LAWG meetings had taken place.

The Community Transport Association UK (CTA) and the bus industry trade press announced that a Judicial Review Claim had been issued against the Secretary of State for Transport, challenging the DfT's and DVSA's failure to enforce PSV regulations against CT Operators. The High Court had subsequently approved the judicial review application specifically into the Government's interpretation of "non-commercial" operations under EU regulations.

The Council would continue to keep all local Community Transport providers up to date with regular meetings and monthly bulletins.

He also circulated a written statement on the decline of insects, the impact of ecosystems, the recently published report (Biological Conservation Journal), the use of pesticides, urbanisation and climate change, in response to the request from Councillor G Hook. The Cabinet Member highlighted that the study reviewed 73 historical reports of insect decline and assessed the underlying drivers, reporting that 40% of the world's insect species were experiencing dramatic rates of decline. It referred to four main drivers such as habitat loss (intensive agriculture and urbanisation), pollution, biological factors and climate change. The conclusion was a rethink of current agricultural practices. The issue of insect decline had long been recognised in Devon, but the findings were also symptomatic of the wider degradation of ecosystems.

The Council's Environmental Policy, performance agenda, support for Devon Local Nature Partnership, formed part of the Councils response to such issues. The adoption of the Pollinator Action Plan (July 2016) and declarations of a 'Climate Emergency' are specific examples of the proactive approach being taken by the authority. A survey of the County Farms Estate showed there was limited use of neonicotinoids, but the Pollinator Plan stated the work with tenants to promote Integrated Pest Management Plans. Lastly, actions that communities could take to help insects would be promoted by the Council and Local Nature Partnership at the County Show as part of the contribution to the 2019 Year of Green Action.

(e) Highways Management

Councillor Hughes commented, as requested by Councillor Whitton, on any delays in the repair of street lights in Exeter, including action on any backlogs and whether any lights had been awaiting repair for more than 2 weeks.

The Cabinet Member reported the Council was responsible for approximately 88,000 streetlights across the County, of which approximately 12,750 were within Exeter. Typically between 20-30 reports per day were received of faulty streetlights and illuminated signs and the Cabinet Member outlined how faults were dealt with and the role of external contractors including WPD when power failures occurred.

At the end of January there were approximately 400 'outstanding' fault reports across the County which was less than 0.5% of stock, with 138 in Exeter. Whilst this was a small proportion, the issues were taken seriously and regularly monitored with SSE.

The Council was experiencing an increase in false reports of dangerous streetlighting which had drawn resource away from dealing with genuine issues. However, a recent decision by Cabinet had agreed to start work on a new tender for the maintenance of streetlighting for which robust and timely fault dealing would be a key component of the contract.

177 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved.

Appeals Committee	-	7 January 2019
Appointments & Remuneration Committee	-	15 January and 15 February 2019
Development Management Committee	-	30 January 2019
Procedures Committee	-	6 February 2019
Children's Scrutiny (ordinary meeting)	-	21 January 2019
Health & Adult Care Scrutiny (ordinary meeting)	-	24 January 2019
Corporate Infrastructure & Regulatory	-	29 January 2019
Services Scrutiny (ordinary meeting)	-	

The Motion was put to the vote and declared **CARRIED**.

178 **Devon County Council and Fracking (Minute 159 of 6 December 2018)**

Pursuant to County Council Minute 159 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

I am aware that South Devon has little if any shale reserves that could attract potential fracking exploration or would be economically viable to extract. However, as part of a national support to prevent controversial planning matters being able to avoid public consultation and protest and also to support a permanent ban on fracking in the UK, I am also requesting this motion regarding permitted development rights which has now been allowed for Fracking planning applications. This means that applications can by-pass the usual public consultation and objection processes and publicly represented decision making bodies such as council planning committees. France, Ireland, Bulgaria, Germany, Victoria, in NSW Australia, four provinces in Canada New Brunswick, Newfoundland, Nova Scotia and Quebec have all banned fracking and Germany has placed an indefinite moratorium, Netherlands has placed a temporary moratorium on fracking. This also supports this Council's agreement in principle to support initiatives that will prevent or mitigate climate change.

1. *Will write to the Secretary of State to object to applications for fracking having permitted development rights such that applicants can avoid the usual planning system.*
2. *Supports a national ban on fracking in the UK on public safety and climate change grounds.*

and having had regard to the advice of the Cabinet set out in Minute 290(a) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted, that the Committee on Climate Change will advise Government on a revised 'net-zero' carbon emissions target. Government will then need to consider the contribution that shale gas can make to meeting that target. It is therefore recommended that as there is no Government consultation on extending permitted development rights for 'fracking', it is not necessary to write to the Secretary of State on this matter and no further action be taken on the Notice of Motion.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

179 **British Sign Language (Minute 160 of 6 December 2019)**

Pursuant to County Council Minute 160 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

This Council passionately believes that good communication lies at the heart of a civilised society and furthermore believes that inclusion is a vital part of a fair society.

To that end this Council realises that there is a large number of British Sign Language (BSL) users in Devon and so offers Deaf people an on-line interpretation service to enable people whose first language is BSL to communicate and interact with our Council.

The BBC offer in-vision BSL interpretations of some popular and topical programmes however it is not provided for the local and live news services. They do however offer the option for subtitles to be used for their programmes for Deaf people or

people with limited hearing. Sadly, Deaf people find this service less than helpful and often very confusing - try watching the news with the sound off and just subtitles. ITV offer no services for Deaf people. Many Deaf people in Devon wish to keep up with the news in our County and wish that the BBC and ITV offered a similar interpretation service to our Council. This currently happens in America and most western countries.

In a spirit of inclusion this Council resolves to ask the BBC and ITV to start a process of full inclusion by asking the Chief Executive to write to the Director General of the BBC to ask for Spotlight South West to be signed in BSL and to the Managing Director of ITV Westcountry to ask for West Country News to be signed in BSL.

and having had regard to the advice of the Cabinet set out in Minute 290(b) of 9 January 2019

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be approved and that the County Council writes to the BBC and ITV in support of a campaign for Spotlight South West and West Country News to be signed in BSL and that the Council asks other partners and stakeholders such as the Police, NHS and voluntary sector to join in support of the Deaf Community in taking this action.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

180 Devon's Housing Need / CPRE Reports (Minute 161 of 6 December 2018)

(Councillor Shaw declared a personal interest in this matter by virtue of being a Member of the CPRE).

Pursuant to County Council Minute 161 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

Devon County Council welcomes the reports published by the Council for the Preservation of Rural England (Devon branch), 'Devon Housing Needs Evidence' and 'A Review of Government Housing Policy and Its Impact on Devon' and the extensive research from which they result. Noting that the reports conclude that Devon's real housing needs are substantially less than currently assumed, Council asks Cabinet to commission a full evaluation of the implications of these reports for both the Council's policies and relevant joint ventures including the Greater Exeter Strategic Plan.

and having had regard to the advice of the Cabinet set out in Minute 290(c) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that whilst the County Council recognises and welcomes the engagement of the CPRE in the planning process it is also recognised that the local planning authorities are required to comply with the Government requirements in setting housing numbers in local plans and ensuring housing delivery. The County Council's role is to ensure the necessary infrastructure is planned for and in this role it is considered not necessary for DCC to commission work on the CPRE reports, therefore that no further action be taken on the Notice of Motion.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

181 **The Impact of Brexit to Devon's Economy (Minute 162 of 6 December 2018)**

Pursuant to County Council Minute 162 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

While welcoming the Devon Councils' support for Flybe, this County Council expresses its alarm that Brexit has contributed to the airline's crisis and that it has been followed by the announcement of the closure of the Schaeffler factory in Plymouth.

In view of (a) this accelerating harm to Devon's economy, which also threatens our agricultural, health, university and small business sectors and living standards, and (b) polling evidence which suggests that a majority of Devon voters and Devon districts now oppose Brexit, Council calls on the Government to organise a referendum in which voters are offered the choice of accepting the deal which the Government has negotiated or remaining in the European Union.

and having had regard to the advice of the Cabinet set out in Minute 290(d) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Motion be amended and that the Council be recommended to endorse the work being carried out to support Devon residents and businesses through the Brexit period, to help understand and minimise the impacts where possible and take advantage of opportunities. The Council will continue to work with businesses during the transition period and beyond to support our local economy, including working with district colleagues and the HotSW LEP.

The amendment in the name of Councillor Hart was put to the vote and declared **CARRIED**.

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of the following words;

The Council recognise that a 'No Deal Brexit' is likely to cause serious harm to Devon and calls on the Government and Parliament as a matter of urgency to take all necessary steps to prevent this situation from arising.

The amendment in the name of Councillor Shaw was put to the vote and declared **LOST**.

The Motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

182 **Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee (Minute 163 of 6 December 2018)**

Pursuant to County Council Minute 163 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

This County Council welcomes the fact that the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee has now met, but believes that for effective scrutiny to take place:

- (1) two of the Council's four places on the Committee should be made available to opposition groups from next May;*
- (2) there should be an opportunity for the Non-Aligned Group to be represented from time to time;*
- (3) an opportunity for public participation should be provided;*
- (4) proceedings should be webcast.*

and having had regard to the advice of the Procedures Committee as set out in Minute 57 of 6 February 2019:

Councillor Chugg **MOVED** and Councillor Hart **SECONDED** that the Procedures Committee's resolution be accepted and;

(a) that the Notice of Motion be supported in terms of the emphasis on transparency and open democracy;

(b) that group leaders and whips be asked to consider the matter of representation and terms of appointment on the Committee when those allocations and appointments are reviewed prior to the Annual Council Meeting in May 2019; and

(c) that the issues of public participation at, and webcasting of, the LEP Scrutiny Committee meetings be raised as part of the evaluation of the operation of the Committee in Autumn 2019, highlighting that Devon supports both processes being introduced, notwithstanding any changes to the terms of reference will need to be agreed by both the Procedures Committee and subsequently all Constituent Authorities.

The amendment in the name of Councillor Chugg was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

183 **Fair and Adequate Funding to Local Authorities (Minute 164 of 6 December 2018)**

Pursuant to County Council Minute 164 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

Philip Alston, the UN's special rapporteur has found that Local government in the UK has been "gutted" by government policies reflecting the "dismantling of the social safety net". He finds that since the onset of austerity, cuts to local government funding have transferred service costs to users who are "least able to pay" and local authorities are "even struggling with the basic services they are statutorily obligated to provide" such that the "overall social safety net is being systematically dismantled" as local authorities, especially in England, which perform vital roles in providing a real social safety net have been gutted by a series of government policies.

The UN official referenced the National Audit Office's finding that local government has incurred a 49% cuts in funding since 2011-2018 (but 75% cut in revenue funding to fund services in Devon County Council) community and youth centres have been shrunk and underfunded, public spaces and buildings including parks and recreation centres have been sold off and 14 million people – one fifth of the population – live in poverty, and noted that Institute for Fiscal Studies calculations predict a 7% rise in child poverty between 2015 and 2022. He also says that despite these factors, Alston claimed ministers were in "a state of denial" about UK poverty. Other areas in which social security have been undermined include cuts to legal aid and benefit reductions.

This Council agrees with the rapporteur's findings and urges the government to introduce fair and adequate funding to local authorities to meet local people's needs in Devon.

and having had regard to the advice of the Cabinet set out in Minute 290(e) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be approved and Council agrees with the rapporteur's findings and makes use of the UN report to underline and intensify the ongoing campaigning

work described in this note for fair and adequate funding to meet local people's needs in Devon.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

184 **Devon and Cornwall Police Funding (Minute 165 of 6 December 2018)**

Pursuant to County Council Minute 165 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

The government has been more interested in terrorism and high-end threats but less focused on local crimes and policing. Steep budget reductions and a widening mission for the police has forced Devon and Cornwall Police to make the difficult decision to cut budgets for local policing. Austerity cuts in other public services have also impacted on the police who are often the service of last resort for people with mental health conditions.

The National Audit Office report castigated the government's handling of the police. The NAO assesses the government did not fully understand the actual impact of these cuts on police forces such that policing is at the tipping point. This Council calls on the government and local MPs to ensure that the anticipated review of police funding agrees a fair funding formula for police forces that ensures an increase in funding for Devon and Cornwall Police which does not pass funding increases on through council tax beyond the current permitted up to 2% annual increase in the police precept.

and having had regard to the advice of the Cabinet set out in Minute 290(f) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that spirit of the Notice of Motion be approved and that it be recommended that the Council writes to Devon's Members of Parliament (MP's), thanking them for the increased precept but highlight the new challenges and rising demand which are putting the Devon and Cornwall Police under stress and urges MPs to support the introduction of a fair funding formula which takes account of all the demands on Police Forces nationally.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED** that the motion be amended to remove the words 'thanking them for' and replace with 'whilst acknowledging'.

Councillor Hart indicated his intention to accept the amendment and the Motion was then put to the vote and declared **CARRIED**.

185 **Climate Change (Minute 166 of 6 December 2018)**

Pursuant to County Council Minute 166 of 6 December 2018 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

Full Council notes:

1. *Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm). This far exceeds the 350 ppm deemed to be a safe level for humanity;*

2. *In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;*
3. *Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;*
4. *Carbon emissions result from both production and consumption;*
5. *Devon County Council has already shown foresight and leadership when it comes to addressing the issue of climate change when back in 2004 we signed up to the Nottingham Declaration on Climate Change and has since recognised this in its strategy for responding to the Climate Change Act 2008 which underpins its strategies, actions plans, public statements and advice to businesses, residents and parish councils;*
6. *Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050;*
7. *The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published last month, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities;*
8. *Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.*

Full Council believes that:

1. *All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change their policies. It is important for the residents of Devon and the UK that counties commit to carbon neutrality as quickly as possible;*
2. *Local Authorities are uniquely placed to lead the world in reducing carbon emissions;*
3. *The consequences of global temperature rising above 1.5 degrees Celsius are so severe that preventing this from happening must be humanity's number one priority; and,*
4. *Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).*

Full Council calls on the Leader to:

1. *Declare a 'Climate Emergency';*
2. *Pledge to make the county of Devon carbon neutral by 2030, taking into account both production and consumption emissions (scope 1,2,3);*

3. *Call on Westminster to provide the powers and resources to make the 2030 target possible;*
4. *Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius;*
5. *Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;*
6. *Report to Full Council within six months with the actions the Council will take to address this emergency.*

and having had regard to the advice of the Cabinet set out in Minute 290(g) of 9 January 2019:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and the Notice of Motion be amended to read that (a) the Council reaffirms its recognition of the scale and urgency of the global challenge from climate change, as documented by the latest Special Report of the Intergovernmental Panel on Climate Change, and declares a climate emergency; and (b) mandates the Environmental Performance Board to review and recommend what further corporate approaches can be taken through the DCC Climate Change Strategy and Corporate Energy Policy and to facilitate stronger Devon-wide action through collaboration at a strategic, community and individual level.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Hodgson then **MOVED** and Councillor Biederman **SECONDED** that the Motion be amended by the addition of the following paragraphs c, d, e and f:

(c) Pledges to lead the county of Devon towards becoming carbon neutral by 2030, taking into account both production and consumption levels;

(d) calls on Westminster to:

- *Provide the powers and resources to make the 2030 target possible; and*
- *Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius.*

(e) Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;

(f) Report back to Full Council within six months with the actions the Council will take to address this emergency.

Councillor Biederman then **MOVED** and Councillor Wright **SECONDED** that the vote on Councillor Hodgson's amendment be by a roll call vote.

The Motion was put to the vote and declared **LOST**.

The amendment in the name of Councillor Hodgson was then put to the vote and declared **LOST**.

The **MOTION** in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(In line with standing order 32(4) Councillors Ackland, Asvachin, Atkinson, Aves, Biederman, Connett, Dewhirst, Hannaford, Hodgson, G Hook, J Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Hodgson's amendment be recorded)

186 **Public Health**

Councillor Connett **MOVED** and Councillor Dewhirst **SECONDED**;

Devon County Council notes:

- *the vital role played by Public Health in helping Devon residents to lead healthier lives by, for example, avoiding diseases, unwanted pregnancies, support to stop smoking, and eating better;*
- *with grave concern the announcement of a further £85m cut to the Public Health Budget, as one of 12 Ministerial statements published by the Government on the last day of the Parliamentary term before Christmas, only weeks after the Secretary of State for Health described prevention as his priority; and*
- *this is on top of cuts to the Public Health budget announced since Summer 2015, now totalling just over £600 million.*

This Council meeting further notes:

- *the comments of the Health Foundation, who described these cuts as a false economy and who have calculated that an additional £3bn a year is required to reverse the impact of government cuts to the Public Health grant to date and have called for this increased budget to be allocated according to need; and*
- *the warnings from the King's Fund that such cuts could put pressure on councils to cut non-statutory sexual health prevention services, which could lead to more sexually transmitted infections and unplanned pregnancies.*
- *This Council believes that our Public Health team perform vital work to help keep the residents of Devon healthy and to avoid more costly admissions to hospital and other interventions by our NHS and that this should be properly funded by central Government.*

This Council meeting resolves to:

- *thank our Director of Public Health and her team for the great work they do across Devon despite continued financial challenges;*
- *condemn the Government's use of the time just before Christmas to make announcements such as this;*
- *call on the Leader of the Council and the Cabinet Member to consider carefully the required cuts to services will be implemented; and*
- *ask the Leader and Chief Executive to write to the Secretary of State for Health, calling on the Government to deliver increased investment in Public Health and to support a sustainable health and social care system by taking a "prevention first" approach*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

187 **Boniface Patron Saint of Devon**

Councillor Way **MOVED** and Councillor Connett **SECONDED**;

There is increasing interest in Crediton-born Winfrith, who became Saint Boniface, being recognised as Patron Saint of Devon. The Boniface Link Association is a secular organisation campaigning for the adoption of Boniface as Patron Saint of Devon. With links to Fulda in Germany and Dokkum in Holland, this initiative has gained letters of support from many churches and prominent civic figures from across the county.

Devon's most famous native-born saint, Boniface was born in the Crediton area circa 680AD. He is highly regarded for his missionary work across a large part of Europe. A significant historical figure he is often referred to as the First European. He studied at the monastery at Exeter, then at the monastery at Nursling, near Southampton.

In 716 he set sail to convert the tribes in Frisia (now Friesland) in the Netherlands to Christianity. Subsequent work in Frisia and Hesse gave him a reputation as an outstanding missionary and administrator. In 722, Pope Gregory made him Bishop of all Germany East of the Rhine. Much of his later work laid the foundations of Charlemagne's Holy Roman Empire 50 years later. In 754 he was martyred at Dokkum and buried at Fulda in Hesse.

The national shine to Boniface is at the Roman Catholic church at Crediton and the many references to him in Crediton's Parish church attract visitors to the town. A blue plaque can be seen at Tolleys, Crediton traditionally regarded as his birth place. An impressive statue of St Boniface is located at Newcombes Meadow.

Proud of Devon's heritage and recognising Boniface as a significant historic figure this Council supports the initiative to adopt Saint Boniface as Patron Saint of Devon.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

188 **Parental Leave Policies and Councillors**

Councillor Atkinson **MOVED** and Councillor Asvachin **SECONDED**;

This Council notes:

- *That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017.*
- *That across England, Labour has improved its representation of women, with 45% women compared with 40% in 2014, and the Liberal Democrat's representation is up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;*
- *That as of the 2017 DCC elections, only 18 out of 60 county councillors are women. Only three women were under 45 years of age*
- *As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;*
- *That the role of a councillor should be open to all, regardless of their age or background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to have more children to remain as councillors;*
- *That parental leave must apply to parents regardless of their gender, and that it should also cover adoption and fostering leave to support those who choose to adopt and foster.*

- *As there are County Council elections in 2021 the Council needs to review its policies with a view to encouraging prospective people who may be interested in standing for the County with a view to improving a wider range of people of younger age and gender to better reflect the Devon Community*

This Council resolves:

- *To refer to the Procedures Committee this motion to consider whether to recommend the adoption of the attached parental leave policy (see below) to give all councillors an entitlement to parental leave after giving birth or adopting and fostering;*
- *To ensure that councillors with children and other caring commitments are supported as appropriate;*

Parental Leave Policy for Councils

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as Councillors, and has been the subject of lengthy debate. Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or fostering/adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, but as requested to the Procedures Committee for consideration.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Councillor Mathews and Councillor Hosking.

The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.

Minutes should be read in association with any Reports or documents referred to therein, for a complete record. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.15 pm and finished at 6.50 pm