

## NOTICES OF MOTION

Report of the County Solicitor

**Recommendation:** that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Chief Officer and / or Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) LGBT+ Inclusive Relationship and Sex Education (Councillor Hannaford)**

*This Council notes that LGBT+ inclusive relationships and sex education is crucial to the development of young LGBT+ people, and in creating a more tolerant, caring and open society.*

*Council notes with concern that the current climate for LGBT+ people in the UK means that that nearly half - including 64 per cent of trans pupils - are bullied for being LGBT+ in Britain's schools.*

*Council notes that the repeal of Section 28 was a pivotal moment for LGBT+ rights, and that the UK must never move backwards on LGBT+ rights by stopping LGBT+ inclusive education in schools.*

*Council notes that people of all faiths and none are LGBT+ and it is vital that all children receive comprehensive and inclusive age appropriate relationships and sex education.*

*Council welcomes the introduction of statutory Relationships Education and Relationships and Sex Education (RSE), which all primary and secondary schools in England respectively will be required to teach from September 2020.*

*Council affirms unequivocally its support for compulsory LGBT+ inclusive Relationships Education and Relationships and Sex Education in all state funded primary and secondary schools.*

*Council commits to ensuring that schools are delivering RSE in line with new Government guidance.*

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

The aim of the new RSE curriculum is to give young people the information they need to help them develop healthy, nurturing relationships of all kinds, not just intimate relationships. It will provide clear progression from what is taught in primary school in Relationships Education and, as pupils grow up, at the appropriate time extend teaching to include intimate relationships. It will also help pupils understand the benefits of healthy relationships to their mental wellbeing and self-respect.

As part of the curriculum it states that:

Pupils should be taught the facts and the law about sex, sexuality, sexual health and gender identity in an age-appropriate and inclusive way. All pupils should feel that the content is relevant to them and their developing sexuality. Sexual orientation and gender identity should be explored at a timely point and in a clear, sensitive and respectful manner.

It also advises that when teaching about these topics, it must be recognised that young people may be discovering or understanding their sexual orientation or gender identity. There should be an equal opportunity to explore the features of stable and healthy same-sex relationships. This should be integrated appropriately into the RSE programme, rather than addressed separately or in only one lesson.

The Stonewall School Report 2017 states that nearly half of lesbian, gay, bi and trans pupils (45 per cent)– including 64 per cent of trans pupils – are bullied for being LGBT at school. We know that some LGBTQ+ children in Devon schools also report being bullied by peers. Where this happens, schools are offered support from the Devon advisory service and also access training and support from Stonewall trust.

On 24 May 1988 Section 28 of the Local Government Act 1988 was enacted in England, Scotland and Wales. It Stated that a local authority "shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality" or "promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship."

In July 2019 The Department for Education issued RSE statutory guidance under Section 80A of the Education Act 2002 and section 403 of the Education Act 1996. All state funded schools (maintained, Academy and Free Schools) must have regard to the guidance, and where they depart from those parts of the guidance which state that they should (or should not) do something they will need to have good reasons for doing so.

The Local Authority has a limited influence over academies and we therefore cannot “ensure” that this happens. We do however monitor implementation and continue to promote good practice, raising concerns as needed.

## **(b) Care Leavers Council Tax Exemption (Councillor Hannaford)**

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

- 1. Last year 780 young people (aged 16 or over) left the care of Devon County Council and began the difficult transition out of care and into adulthood.*
- 2. A 2016 report by The Children's Society found that when care leavers move into independent accommodation they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty.*
- 3. Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.*
- 4. The local authority has statutory corporate parenting responsibilities towards young people who have left care up until the age of 25.*
- 5. The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions.*

### ***This Council believes that:***

- 1. To ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying council tax until they are 25.*
- 2. Care leavers are a particularly vulnerable group for council tax debt.*

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

- 1. To use the county council's convening powers and expertise in corporate parenting to work with all council tax collecting authorities to exempt all care leavers in the county from council tax up to the age of 25, sharing any arising costs proportionately.*

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

As Corporate Parents, the Council must recognise that transition to independent living is a big a step for a care leaver. Running a home for the first time will involve paying bills such as rent, heating, electricity and water and possible liability for Council Tax.

Council Tax payers on a low income, including care leavers, can apply for a reduction to their bill through the local Council Tax reduction scheme established by their District Council. They may also be entitled to Housing Benefit, Jobseeker's Allowance or Universal Credit.

In addition, the County Council and Districts have arranged to provide care leavers who experience financial difficulty with access to extra support through Exceptional Hardship Funding and/or discretionary Council Tax write offs. This provides targeted support of up to 100% Council Tax reduction depending on the circumstances of the care leaver concerned. This scheme is open to all care leavers between the ages of 18 and 25 years old who are the responsibility of Devon County Council and are liable to pay Council Tax to a Devon District Council. To facilitate this, each District has appointed a named revenues officer to liaise with care leavers and their case workers.

This approach was selected by Devon Local Government Steering Group following a review and analysis of all possible options available to support care leavers. Sampled data indicated that only around 25% of care leavers were liable for Council Tax in their own right, and that a majority of those were not in arrears at the time. The review determined that a flexible and targeted scheme would be more advantageous than a blanket exemption, an alternative approach advocated by the Children's Society and many national organisations supporting care leavers.

The scheme matches resources to need, whilst still enabling support of up to 100% where necessary. It avoids the need for each District Council to rely on a formally defined exemption class within their Council Tax Reduction scheme, with requirement for separate public consultation and approval by each Council. It also recognises that many care leavers can and do live successful independent lives, whilst still providing extra help for those who need more support on their journey, and ensures the Council is making an active contribution to fulfil its responsibility and duty as a Corporate Parent.

Other Local Authorities help care leavers with their Council Tax in a variety of ways, including Council Tax deductions, time limited exemptions and support grants.

An evaluation of the first-year operation of the scheme will be completed for Devon Local Government Steering Group in April 2020. This will establish how many care leavers have been assisted, how they have benefited and the costs to the Collection Fund. It will also inform a further consideration of alternative options available for the future.

### **(c) Artificial Light Pollution (Councillor Shaw)**

*This County Council is concerned by scientific findings showing that artificial light pollution is a major factor in the decline of insect populations, and resolves to review the appropriateness of all external lighting for which the Council is responsible in the light of this concern, in conjunction with its Climate Emergency planning.*

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

#### **Insect decline in the UK and why it matters**

A new report by Professor Dave Goulson (Sussex University) has just been published. *Insect Declines and Why They Matter* reminds us that insects perform vital roles such as pollination, seed dispersal and nutrient cycling. The drastic declines in insect numbers will have profound consequences for both wildlife and people. Declines in the UK include:

- 23 species of bee and flower-visiting wasp have gone extinct in the UK since 1850
- The geographic ranges of many bumblebee species have more than halved between 1960 and 2012.
- Numbers of butterflies fell by 46% between 1976 and 2017, with declines running at 77% in 'habitat specialist species' such as marsh fritillaries and wood white butterflies.
- The abundance of larger moths such as the garden tiger dwindled by 28% between 1968 and 2007, with Southern England experiencing a 40% drop in numbers.

#### **Causes of the decline**

Well known key causes of the declines are habitat loss and pesticide use. Other issues include fertiliser use, invasive species, other pollutants and climate change.

Artificial light at night is often overlooked but new evidence shows that this is another major driver of the decline through affecting insect movement, foraging, reproduction, and increasing predation (Biological Conservation, 2019).

#### **What DCC is currently doing to reduce detrimental lighting impacts**

From a DCC perspective the most pertinent issues relate to street lighting and our role as a Local Planning Authority. Current work which helps to reduce lighting impacts includes:

- DCC Street Lighting Policy. Actions which will significantly reduce impacts on insects include implementing part night lighting in all residential areas (typically for a 5 hour period after midnight), using dimming regimes through the night and removing non-essential street lighting.
- DCC Environmental Specialists, Planners and Engineers work together to minimise the lighting impacts from all new developments for which we act as the planning authority, as well as through the design and construction of our own DCC infrastructure schemes.

Beyond these formal approaches, DCC worked with wildlife and lighting experts to organise the first ever 'Devon Dark Skies Day' on 31st October 2019 for the Devon Local Nature Partnership. This involved workshops for ecological consultants on how to reduce lighting impacts and an evening event for the public, including a talk on insects. Partners are keen to organise another bigger Dark Skies Day in 2020.

#### **(d) Devon and Somerset Fire and Rescue Service - Consultation and Options for Change (Councillor Shaw)**

*This County Council notes that the Devon and Somerset Fire and Rescue Service have carried out a public consultation on 7 options for change, all of which include the closure of fire stations at Appledore, Ashburton, Budleigh Salterton, Colyton, Kingston, Porlock, Topsham and Woolacombe, as well as the removal of engines from other stations, and that, while a potential overall improvement in safety has been claimed as a result of these options, all are likely to result in increased risk for the substantial proportion of Devon's population who live near the affected stations.*

*This County Council notes that divisional members representing affected stations who are not members of the Fire and Rescue Authority, while having had the opportunity to submit written representations to the consultation, would not normally be able under the Authority's Standing Orders to address the Authority's decision-making meeting, This Council therefore requests the Authority to provide an opportunity, Standing Orders notwithstanding, for any affected members who wish so to speak.*

*This County Council also regrets the failure of the Fire and Rescue Service to consult directly with the Council as a partner Category 1 responder organisation in the provision of emergency services under the Civil Contingencies Act 2004, and notes that detailed discussion of the impact on civil contingencies such as flooding was not provided in the consultation. The Council therefore resolves to communicate its concern to the Service about this aspect of the consultation.*

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

Devon and Somerset Fire and Rescue Service's consultation on a number of options for change <http://www.dsfire.gov.uk/SaferTogether/Index.cfm?siteCategoryId=18> to the fire and rescue service closed on 22 September 2019. The responses and feedback have been collated by DSFRS and a report was, at the time of writing, due to be provided to the Devon and Somerset Fire and Rescue Authority (the Fire Authority) as part of the public agenda for its meeting on 10 January 2020 where final decisions are due to be made. Until the paper has been finalised it is not possible to state what may or may not feature in recommendations being presented for decision. The Fire Authority also has the ability to suggest alternative options to be considered by officers and further consultation undertaken should it wish to do so.

Devon and Somerset Fire and Rescue Authority is a standalone body. Devon County Council directly appoints Councillors to the Fire Authority along with Plymouth City Council, Torbay Council and Somerset County Council. Devon County Council Members have the ability to engage directly with the DCC appointees on the Fire Authority (and have done so). As a public authority, the Fire Authority is required to have in place a formal constitution and its Standing Orders form a key part of that constitution. Whilst the Chair of the Fire Authority has some discretion in the interpretation of Standing Orders

that does not extend to introducing a new Standing Order that would allow persons who were not Members of the Fire Authority to speak at meetings of the Fire Authority. The Fire Authority's standing orders do, however, allow for 'Questions from the Public' and DCC Members who are not Members of the Fire Authority are able to ask questions under this provision.

A briefing was provided to members of Devon County Council's Corporate Infrastructure and Regulatory Services Scrutiny Committee on 4 September 2019 at which the Chief Fire Officer and an Assistant Chief Fire Officer attended and took questions. Regarding provision of data, specifically flooding, Appendix A to the 28 June 2019 Fire Authority paper (pages 59-65), states five year averages for incidents such as flooding by individual fire stations. In addition, additional information (including flooding) was made available as part of the public consultation and remains available on the Fire Service website:

<https://www.dsfire.gov.uk/SaferTogether/ServiceDeliveryConsultation//SupportingDocuments.cfm?siteCategoryId=18&T1ID=211&T2ID=462>. The level of detail provided allowed specific fire station activity to be considered. The responsibility for coordination of flooding response is that of Local Resilience Forums (which the Fire Service actively supports and also provides a national lead officer for Water Rescue). The Fire Service has no plans to move away from undertaking such activity at the present time.

#### **(e) Prevention Concordat for Better Mental Health and the 'Every Mind Matters' Campaign (Councillor Scott)**

*DCC to sign the Prevention Concordat for better mental health.*

*Recognises and commits to support The Every Mind Matters campaign.*

*Supports the mental health of all DCC employees and contractors, this is key to providing first class services and leadership in Devon.*

*Understands the need to prevent mental health problems and promote good mental health through the lived experience of people who have suffered mental health problems.*

#### **Briefing Note / Position Statement from the Chief Officer for Communities, Public Health, Transportation and Environment**

Devon County Council, and its partners on the Health and Wellbeing Board, has recognised mental health and emotional wellbeing as a local priority.

Public Health England's 'Prevention Concordat for Better Mental Health' asks organisations to sign this agreement:

1. To transform the health system, we must increase the focus on prevention and the wider determinants of mental health. We recognise the need for a shift towards prevention-focussed leadership and action throughout the mental health system; and into the wider system. In turn, this will impact positively on the NHS and social care system by enabling early help through the use of upstream interventions.

2. There must be joint cross-sectoral action to deliver an increased focus on the prevention of mental health problems and the promotion of good mental health at local level. This should draw on the expertise of people with lived experience of mental health problems, and the wider community, to identify solutions and promote equality.
3. We will promote a prevention-focused approach towards improving the public's mental health, as all our organisations have a role to play.
4. We will work collaboratively across organisational boundaries and disciplines to secure place-based improvements that are tailored to local needs and assets, in turn increasing sustainability and the effective use of limited resources.
5. We will build the capacity and capability across our workforce to prevent mental health problems and promote good mental health, as outlined in the Public Mental Health Leadership and Workforce Development Framework Call to Action1.
6. We believe local areas will benefit from adopting the Prevention Concordat for Better Mental Health.
7. We are committed to supporting local authorities, policy makers, NHS clinical commissioning groups and other commissioners, service providers, employers and the voluntary and community sector to adopt this Concordat and its approach.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

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

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