

County Council
Thursday 16th February, 2023



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

8 February 2023

Your attendance is requested at the Meeting of the Devon County Council to be held in the Council Chamber at County Hall, Exeter on Thursday, 16th February, 2023 at 2.15 pm.

Chief Executive

[A period of quiet reflection will be offered by Jude Taylorson, a representative of the Buddhist faith, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

A G E N D A

1. **Apologies for Absence**
2. **Appointment of Vice-Chair**

In the absence of the appointed Vice-Chair, the Council is asked to appoint a Vice Chair for this Council meeting only.

3. **Minutes**

To approve as a correct record and sign the minutes of the meeting held on 8 December 2022, previously circulated.

4. **Announcements**

5. **Items Requiring Urgent Attention**

6. **Appointment of Independent Persons (Localism Act / Standards)**

The Chair of the Standards Committee will move that the Council endorse the appointment of Mr R Jeanes and Mr J Smith as Independent Persons, as required under the Localism Act.

Electoral Divisions(s): All Divisions

7. **Public Participation: Petitions, Questions and Representations**

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

8. **Petitions from Members of the Council**

9. **Questions from Members of the Council**

Answers to questions from Members of the Council pursuant to Standing Order 17.

FRAMEWORK DECISION

10. **Revenue Budget, Medium Term Financial Strategy 2023/2024 - 2026/2027 and the Capital Programme for 2023/2024 - 2027/2028**

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2023/24 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at <https://www.devon.gov.uk/impact/budget-setting-2023-2024/>.

To receive and approve the Report of the Director of Finance and Public Value (DF/23/19) together with the Minutes of the Cabinet held on 10th February 2023 relating to the budget.

Minutes from the recent Scrutiny Budget meetings (Children's Scrutiny, Health and Adult Care and Corporate Infrastructure and Regulatory Services) are also attached for the information of Members which contain the Scrutiny Budget Resolutions, attached.

The Report of the Director of Finance and Public Value will follow.

The Cabinet Minutes will be available to view (shortly after the Cabinet meeting on the 10th February 2023) at;

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4465&Ver=4>

- (a) Health & Adult Care Scrutiny (Budget) - 20 January 2023 (Pages 1 - 8)
- (b) Children's Scrutiny (Budget) - 26 January 2023 (Pages 9 - 16)
- (c) Corporate Infrastructure & Regulatory Services Scrutiny (Budget) - 30 January 2023 (Pages 17 - 26)

Electoral Divisions(s): All Divisions

11. Pay Policy Statement 2023/2024 (Pages 27 - 32)

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments, Remuneration and Chief Officer Conduct Committee (2 February 2023) (Minute 53 refers). The minutes and Pay Policy Statement are attached to the agenda.

Electoral Divisions(s): All Divisions

OTHER MATTERS

12. Cabinet Member Reports

To consider reports from Cabinet Members.

13. Minutes

To receive and adopt and / or approve the Minutes of the under mentioned Committees

- (a) Appeals Committee - 5 December 2022 (Pages 33 - 34)
- (b) Appeals Committee - 9 January 2023 (Pages 35 - 36)
- (c) Development Management Committee - 7 December 2022 (Pages 37 - 40)
- (d) Appointments, Remuneration and Chief Office Conduct Committee - 2 February 2023 (Pages 41 - 44)
- (e) Procedures Committee - 2 February 2023 (Pages 45 - 62)
Including approval of minute 29 relating to Members Allowances. The revised scheme to take effect from May 2023 is also attached.
- (f) Health & Adult Care Scrutiny (ordinary) - 20 January 2023 (Pages 63 - 72)
- (g) Children's Scrutiny (ordinary) - 26 January 2023 (Pages 73 - 78)
- (h) Corporate Infrastructure & Regulatory Services Scrutiny (ordinary) - 30 January 2023 (Pages 79 - 84)

NOTICES OF MOTION

14. Istanbul Convention to Prevent and Combat Violence against Women and Girls and Article 59 (Minute 168 - 8 December 2022)

To receive and consider the recommendations of the Cabinet (Minute 270(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

On 1st November the UK's ratification of the Istanbul convention to prevent and combat violence against women and girls and domestic violence finally came into force.

However, the Government has reserved article 59 of the treaty opting out of protecting migrant women. By quietly reserving article 59 of the treaty, the Government is still failing some of the most vulnerable women living in Devon: migrant women.

The Government's National Statement of Expectations on Domestic Violence sets out what local areas like Devon need to put in place to ensure their response to Violence against Women and Girls (VAWG) issues is as collaborative, robust and effective as it can be so that all victims and survivors can get the help they need. The Home Office expects to see local strategies and services that, amongst other things, put the victim at the centre of service delivery.

This Council believes:

- The Devon County Council and UK Government not being obliged to provide VAWG support and protection to migrant women effectively reinforces the two-tier system of support for victims, as some remain discriminated against because of their migration status.
- The Government must immediately remove the reservation to this article and provide equal protection for every woman in need, irrespective of migration status.
- All women, regardless of where they come from, deserve protection against violence.
- That DCC resolves to make available to migrant women in Devon services and support that it provides for other women.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council is committed to ensuring that victims presenting for domestic abuse support by local services commissioned by DCC receive the support they need and are not disadvantaged because of their status and therefore the Council will:

(a) work with local providers to explore how we can further improve access to support and services to be completely assured that no one is turned away on the basis of their immigration status;

(b) work with colleagues to understand how the issue presents itself in Devon within local migrant and settling communities (including those seeking asylum, those housed under the homes for Ukraine scheme and those housed in Home Office hotels, bridging hotels and in resettlement schemes);

(c) engage with organisations that already support and others that may be in a position to support this group to identify solutions that may minimise the impact of the reservation of Article 59 and ensure access to bespoke support; and

(d) create an opportunity to look at this issue in the context of the wider system and engage stakeholders, particularly DWP, housing, health, generic support services, police and adult and children social care, in this conversation focused on increasing awareness and developing shared solutions'

15. Stop Shortchanging Devon - Save our Services (Minute 170 - 8 December 2022)

To receive and consider the recommendations of the Cabinet (Minute 270(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely

'While the Conservative Leader of Devon County Council reports that the authority's **'financial situation has never been so bleak as it is now'**, the Government has slashed the surcharge paid by UK banks from 8% to just 3% and lifted the threshold before the levy is even paid from £25million to £100million.

Yet again, while local government faces huge challenges to support the most vulnerable in our community and maintaining services, it is not increasing support to Councils that is at the forefront of the Conservatives in Government, but helping their banker mates.

The Cost of Chaos budget from short-lived Prime Minister Liz Truss which sparked the mortgage interest rate rise has also helped boost Bank earnings with NatWest, Santander, HSBC and Barclays, among others, reporting their earnings boosted in the last quarter as mortgage rates surged.

And while energy companies, fat on the profits of record increases in the price of gas and electricity, were slapped with a windfall tax, the Conservative Chancellor decided not to do the same for banks.

Devon County Council believes the budget delivered by Chancellor Jeremy Hunt was a very poor deal for the people of Devon and has done nothing to address the real terms cut of 72% in core funding for Devon in the 11 years to 2021/22. Cuts now being considered by the county council are a direct result of the Government's failure to support this authority and the Leader is instructed to write again to the Chancellor and Prime Minister setting out the devastating impacts for Devon and to call, once more, for fair funding for Devon'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/22/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

‘that Council be asked to;

(a) note the concerns expressed in the Notice of Motion regarding the fair funding of Services; and

(b) continue County Council’s lobbying campaign, working in partnership with Devon MPs, the LGA and CCN on matters of common concern and in the best interests of the people of Devon.’

16. Voter Photo ID requirement (Minute 171 / 172 - 8 December 2022)

To receive and consider the recommendations of the Cabinet (Minute 270(c)) as an amendment to the following Notice of Motion submitted previously to the Council (Councillor’s Wrigley and Bailey agreed to merge two separate motions on the same matter, the composite wording outlined below as accepted by Council) and referred thereto in accordance with Standing Order 8(2), namely

The Government has recently introduced a requirement for photographic identification before electors are to be permitted to vote.

This is to take effect for all elections from May 2023.

Devon condemns the introduction of the requirement for Voter Photo ID and considers that the introduction of photographic ID for elections is completely unnecessary, as voter fraud is extremely rare, and at the last count, a single prosecution was taken forward on the matter. The move would have the effect of suppressing voter participation in democratic processes.

The requirement for Voter Photo ID will disenfranchise anyone without a UK Driving Licence or Passport in their hands at the time of voting. The range of additional acceptable IDs is limited and skewed towards the elderly.

The Council considers that the new rules would place a considerable burden on Returning Officers, Presiding Officers, and polling staff who would have to adjudicate on identification issues. Staff at polling

stations would inevitably have to deal with angry would-be voters turned away from the polling stations. Furthermore, District councils are expected to deliver free IDs with no funding or guidance yet issued, despite it being less than six months until the elections.

The Association of Electoral Administration considers that the timelines for the new rules under the Elections Act 'are optimistic at best, undeliverable at worst'. Details of how voters without photographic ID can apply for a 'Voter Authority Certificate' has not even been published yet.

The move could suppress the number of residents who should be able to vote, which does not reflect British standards for democracy and respect for voters.

Motion

The Council therefore agrees;

1. To ask the Local Government Association (LGA) and the County Council Network (CCN) to raise the matter with the Secretary of State for Levelling Up, Housing and Communities expressing its great concern about the proposed use of photographic identification for May 2023 elections.
2. In particular the Council stresses its concern about the procedures to be introduced, which will have a disproportionately detrimental impact on younger voters for whom the procedures will be more challenging than for older voters. The Council asks the LGA and the CCN to press the Government to actively seek to encourage young people to participate in elections, **not** to place obstacles in the way of young would-be voters.
3. Asks the LGA and the CCN to press the Secretary of State not to introduce voter photographic identification for the scheduled 2023 elections. The Council also asks the LGA and the CCN to urge the Secretary of State to engage in debate with the LGA and CCN about the need for voter photographic identification, and should it be concluded that it is necessary that a more acceptable system be considered.
4. The Council agrees to send a copy of its message to the LGA and the CCN to its MPs and the Prime Minister.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/23/1) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

- (a) that Council note the concerns raised by the Notice of Motion, in particular the additional requirements on Local Authorities to deliver Voter ID in a short timescale and also the additional financial costs at a time when budgets are constrained and squeezed;

(b) that Council share the concern of the Local Government Association, as articulated by its Chair, Cllr James Jamieson and further supports its view of the Gould Principle whereby electoral law should not be changed within six months of an election that the change would impact; and

(c) therefore, Council agrees to write to the LGA outlining its support of the LGA's position and that the letter be copied to the CCN and the Devon MP's.

17. Protect the Right to Free Camp on Dartmoor

Councillor Wrigley to move:

Devon County Council joins with the thousands of Devon residents and is beyond shocked and appalled by the effective ban on wild camping on Dartmoor arising from a recent court decision.

This Council supports Dartmoor National Park in its rightful and spirited defence of wild camping, a right enjoyed by generations of local people and visitors.

Council condemns the loss of this right and calls on Government to enact urgent legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor.

Council asks the Leader and Chief Exec to write in the strongest terms to Members of Parliament for Devon, the relevant Secretaries of State and the Prime Minister urging them to act to restore the right to wild camp on Dartmoor.

18. Forced Installation of Prepayment Meters

Councillor Atkinson to move:

Citizens advice says across the UK 3.2 million people on prepay meters were left with cold and dark homes last year as they ran out of credit. Also 600,000 people were switched from credit meters to prepay in 2022, compared with 380,000 in 2021. With more freezing weather forecast we welcome British Gas announcement that it will halt the use of warrants to install prepayment meters.

This Council

1. calls on Government to urgently review how energy vulnerability can be reduced including considering extra financial support for struggling households; and

2. calls on energy suppliers to agree a three-month moratorium on the installations of gas or electricity prepayment meters including freeze on the use of court warrants to gain entry to homes to fit prepay meters, or

automatic switching of smart meters onto prepayment ones.

19. **Special Education Needs (SEND) Budgets and Deficits**

Councillor Atkinson to move:

Councils like DCC use the high needs funding block of the DSG to fund statutory Special Education Needs provision as required by law. Since its introduction the government has repeatedly refused to fund this adequately. This has meant that to meet its statutory duty DCC has spent £127m from reserves to fund this. The Government has allowed Councils like DCC to keep ever increasing deficits on spending for children with special educational needs and disabilities off their balance sheets and has approved an extension of this for a further three years. The Government's local government finance policy statement published in December says that the statutory override for the Dedicated Schools Grant (DSG) will be extended for the next three years, from 2023-24 to 2025-26.

This money has already been spent on SEND services by DCC to the tune of £127m by the end of this financial year. Across the UK the total deficit by all councils is expected to be £2.3bn which the government is refusing to fund. This deficit in Devon will only increase and can only be met out of our reserves or borrowing. Our reserves have already been run down to breaking point and the deficit has arisen as a result of the government's withdrawal of £135 m of Revenue Support Grant and inadequate funding in the DSG.

The statutory override means that any DSG deficits are not included in DCC Council's main revenue budgets. It also means that £127m is now unavailable to invest to save in much needed capital projects to benefit Devon residents.

The Government has said it may consent to a capitalisation of some or all of this deficit. This means that DCC would have to take out long-term borrowing at current interest rates of up to £127m so that the borrowed money could be available for capital spending on projects in Devon. It is contrary to local government law for us to do this without consent and it is also contrary to good economic planning to borrow money (other than in the short term by way of an overdraft) to be spent to pay off deficits for revenue spending or to fund revenue services. People in Devon would in effect be asked through their council tax to fund the paying off of this revenue debt run up by the government's refusal to fund SEND services. This loan would to be repaid over say 25 years. This means our residents their children or grandchildren will be paying through council tax to pay off the capital and interest on the loan for services that they obtained no benefit from as they have already been provided before the loan was taken out.

This Council

1. Calls on the government to pay DCC £127m, for this SEND deficit in 2023 so that this money can be used to invest in Devon.
2. Believes it is wrong for government to expect local authorities like Devon to borrow money on capital markets to fund past and present services.

20. Dartmoor National Park

Councillor Barnes to move:

In January, the right to backpack camp on certain common land in Dartmoor National Park without permission from the landowner was lost after a wealthy landowner took the park authority to court. It was the last place in England and Wales where there was a right to backpack camp. Under an agreement reached, the National Park Authority will now have to pay landowners an unknown fee for permission to camp on land that private landowners are willing to put forward.

This Council believes that

- Dartmoor National Park provides many opportunities for all of Devon's residents to responsibly enjoy and protect our great open spaces
- The ancient right to sleep under the stars on Dartmoor should be protected for future generations

This Council resolves to

- Criticise the decision made to restrict the right to backpack camp on Dartmoor National Park
- Robustly defend the right to backpack responsibly on appropriate land by expressing support for Dartmoor National Park's appeal
- Write to the government to urge them to adopt Labour's pledge to enshrine the right to roam in law.

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It is to be noted that Members of the Council must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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