

## COUNCIL

16 February 2023

### Present:-

Chair: I Hall

Vice-Chair: J Trail BEM

Councillors T Adams, M Asvachin, Y Atkinson, S Aves, J Bailey, D Barnes, J Berry, F Biederman, J Brazil, J Brook, P Bullivant, R Chesterton, I Chubb, A Connett, D Cox, P Crabb, R Croad, A Davis, A Dewhurst, H Gent, R Gilbert, G Gribble, R Hannaford, J Hart, M Hartnell, J Hawkins, L Hellyer, S Hughes, S Randall Johnson, S Khan, A Leadbetter, C Leaver, F Letch MBE, D McGeough, J McInnes, J Morrish, R Peart, R Radford, I Roome, L Samuel, P Sanders, A Saywell, R Scott, D Sellis, C Slade, M Squires, D Thomas, P Twiss, C Whitton, J Wilton-Love, M Wrigley and J Yabsley

### Apologies:-

Councillors J Bradford, C Channon, P Henderson, J Hodgson, P Maskell and P Prowse

## 173 **Appointment of Vice-Chair**

In the absence of the appointed Vice-Chair, Councillor Hughes **MOVED** and Councillor Hart **SECONDED** that Councillor Trail (BEM) be appointed Vice-Chair for this Council meeting.

## 174 **Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 8 December 2022 be signed as a correct record.

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

## 175 **Announcements**

The Chair of the Council welcomed Mrs Saltmarsh who was attending the meeting in her capacity as co-opted Member of the Council's Standards Committee to monitor compliance with the Council's ethical framework.

He then reported on the sad passing of former County Councillor Paul Diviani who had represented the Honiton St Paul's division between 2009 and 2017. He had served on numerous Committees as well as the former Police

Authority. He also served on East Devon District Council, joining in 1999 and becoming Leader in 2011.

The Chair had attended the funeral on the 30<sup>th</sup> January 2023 and advised Members of a memorial service being held in March.

The Chair congratulated the Council's Public Health Nursing team who provided health visiting and school nursing services across Devon. The Care Quality Commission had recently highlighted 'outstanding practice' following a recent inspection.

Overall, CQC inspectors had rated Devon's Public Health Nursing service as 'good' across all measures – for being 'Safe', 'Effective', 'Caring', 'Responsive' and 'Well-led'.

The Chair also updated the Council on the race equality development sessions for Members, thanked the team for the illuminating sessions and welcomed the EDI agenda being progressed including the launch of an equality commission.

He then welcomed Donna Manson (the Council's new Chief Executive) and Julian Wooster who joined the Council as interim Director of Children's Services. He also said thank you to the outgoing interim Director of Children's Services, Lisa Bursill, thanking her for her huge contribution over the last few months in this role and in her previous role as Deputy Director of Children's Social Care. The Chair wished her well for the future.

The Chair further welcomed the young people who had come to the Chamber to observe the meeting.

Finally, on behalf of the Council, the Chair thanked Jan Spicer for being the Council's interim Chief Executive for the last few months and wished her well in her retirement. Group Leaders echoed the words of the Chair and Jan Spicer responded.

**176      Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**177      Appointment of Independent Persons (Localism Act / Standards)**

The Chair of the Standards Committee **MOVED** and Councillor Trail **SECONDED** that the appointment of Mr R Jeanes and Mr J Smith as Independent Persons be endorsed.

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

The Council noted that the Director of Legal and Democratic Services had undertaken interviews with prospective applicants for the role of Independent Persons, as required by the Localism Act.

**178      Public Participation: Petitions, Questions and Representations**

The Leader was presented with a Petition, by Councillor Radford from Kingskerswell Parish Council, on behalf of residents seeking the resurfacing of pavements, highways and footpaths in Lyn Grove and Meadow Close. The petition contained approximately 60 signatures.

The relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days.

There was no question or representation from a Member of the public.

**179      Petitions from Members of the Council**

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

**180      Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to twelve questions submitted by Members of the Council relating to the following matters;

1. numbers of excess deaths in Devon over the last 5 years;
2. figures and trends in Devon relating to excess deaths;
3. the link between excess deaths and the cost-of-living crisis, poverty and cold homes;
4. work with key partners and stakeholders to monitor and reduce these numbers of excess deaths;
5. percentage of Councillors who had completed mandatory equality and diversity training;
6. Cabinet Member attendance at the DSCPP protest and improved communication;
7. schools and Educational Health and Care Plan money for children not attending a school when the school cannot accommodate their needs;
8. why does Devon not have enough alternative provision capacity for children in Education other than at School, who should be receiving education for a minimum of hours per week;
9. number of tribunals Educational Health and Care Plans this financial year, percentage won and costs for Devon;
10. scrutiny reports, such as SEND Task Group Report not automatically sent out through corporate communications;
11. whether officers advised any members of the Cabinet of the allegations against John Humphreys around the time of LADO meetings;
12. multi agency safeguarding meetings, and an omission of a third meeting from the Report.

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

*(A copy of the questions and answers are appended to the minutes and any supplementary questions and answers may be observed through the [webcast of this meeting](#))*

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

*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 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 the receipt of allowances from another Authority or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a pension.*

(Councillor Wilton-Love declared a personal interest in this matter by virtue of working in the Health and Social Care field)

The Council considered the Minutes of the Cabinet meeting (Minute 281 (1-21) of 10th February 2023), together with the Report of the Director of Finance and Public Value on the Revenue Budget and Medium-Term Financial Strategy 2023/24 - 2026/27 and Capital Programme 2023/24 - 2027/28 (DF/23/19).

This included 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.

The budget book contained details of the County Council's revenue and capital budgets together with associated financial and operational information.

The detail of the budget book included:

- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, the Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Programme Overview 2023/24 - 2027/28;
- Service Budgets;
- Fees & Charges;
- Medium Term Financial Strategy 2023/24 - 2026/27;

- County Fund Balance and Earmarked Reserves 2023/24;
- Treasury Management Strategy 2023/24 - 2026/27 and Prudential Indicators 2023/24 - 2027/28;
- Capital Strategy 2023/24 - 2027/28;
- Risk Analysis of Volatile Budgets; and
- Abbreviations

The Chair of the Council **MOVED** that the Minutes of the Health and Adult Care Scrutiny, Children's Scrutiny Committee and Corporate Infrastructure and Regulatory Services Budget Scrutiny Committee meetings held on the 20<sup>th</sup>, 26<sup>th</sup> and 30<sup>th</sup> January 2023 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 that meeting on 30<sup>th</sup> January 2023, considered and endorsed the proposed Treasury Management Strategy for 2023/24, prior to determination of the budget for that year.

The Council further noted that the Council's financial plans had been drawn up with reference to the County Council's major policies and objectives, the County Council's performance framework, demographic changes occurring within the County; and consultation with local residents, businesses and other stakeholders.

The final Local Government Finance Settlement 2023/24 was published on 6th February 2023 and was a single year settlement. The table on page 6 set out the final settlement for Devon's Core Funding of £107.2 million and other grants such as the New Homes Bonus, Rural Services Delivery Grant, Social Care Grant, Improved Better Care Fund, Adult Social Care Market Sustainability and Improvement Fund, Adult Social Care Discharge Fund and Services Grant.

Detailed budgets had been produced within the Targets set by Cabinet in January 2023 which were shown on pages 40 to 85. The targets set for each service area had been subject to different pressures and influences. The table on page 7 showed the 2023/24 Budget Targets by service area.

The risks associated with the delivery of the 2023/24 budget and the mitigating action needed to try to contain that risk was detailed on pages 151 to 175.

Key Table 1 on page 9 showed the estimated level of spending on services and other items such as Capital Financing and Interest on Balances. Capital Financing Charges were dependent on the Authority's Capital Programme explained on pages 20 to 36.

Factors that influenced the income gained from balances were set out on pages 120 to 138 that explained the Authority's Treasury Management Strategy.

Pages 114 to 119 explained the Authority's strategy for its reserves and balances and Key Table 3 summarised the Authority's Reserves and Balances.

The Authority's approach to the Medium-Term Financial Strategy (MTFS) was detailed on pages 87 to 113 and Key table 4 was the financial representation of the current MTFS.

The Authority not only received Core Funding but also specific grants that related to particular activities and these were detailed in Key Table 5 on pages 13 and 14. The most significant being the Dedicated Schools Grant.

Key Table 2 set out the Council Tax Requirement, Tax Base, Council Tax by band and individual District Precepts.

Councils were able to raise the Adult Social Care Precept by an additional 1% above the 1% that had been previously announced, which meant that upper tier Councils could raise Council Tax by up to 4.99% in total for 2023/24.

A Band D Council Tax would, if the proposed budget was approved, increase by 4.99% to £1,634.13. The Council Tax requirement for the Council was £491,805,166.53.

The Council acknowledged that a Budget 2023/24 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 10th February 2023 and this County Council meeting and was available at <https://www.devon.gov.uk/impact/budget-setting-2023-2024/>

The Chair indicated that he would exercise his 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 Twiss **SECONDED** that Cabinet Minute 281 (1-21) setting out the proposed revenue and capital budgets as detailed in Report (DF/23/19) be approved.

In commending the proposed budget to the Council, the Leader commented that whilst the Council wished to utilise the opportunity to increase Council Tax by 4.99%, the Council would be spending 10.5% extra on services.

He added that since February last year, circumstances had changed exceptionally quickly with the war in Ukraine and the impact of this with inflation and the energy crisis had all placed pressure across the Authority.

The Leader paid tribute to the whole of the Leadership Team and Cabinet colleagues for working together in producing the budget adding that there was a need to focus on the old, the young and the vulnerable and he therefore commended the budget to the Council.

The Cabinet Member for Finance added that the Council had pulled together as an Authority to ensure it continued to provide the best services possible within the finite resources available. He also said the cross-organisation response to the financial pressures meant the Council was better placed to meet the challenges in the year ahead.

He added that increasing Council Tax bills at a time of rising prices and strain on household budgets was not a decision that had been taken lightly, but in order to protect the most vulnerable there was little choice but to propose the increase of 4.99% for next year.

He updated the Council on the Government settlement, as outlined in the budget book, as well as the service targets.

He commented on the matters of concern to Members and reported an extra £2 million into drainage and cyclic maintenance (Potholes), an extra £100,000 for the Citizens Advice Bureau; and £150,000 for a new Growing Communities Together Programme that would provide small grants for vital community initiatives.

He reported that the Authority's financial resilience (reserves), shown on page 114, were diminished and should only be used to cushion the impact of unexpected events and emergencies. Concern also remained around the level of cumulative SEND High Needs deficit that was expected to reach £127 million by the end of the financial year.

He concluded that the budget had received the necessary statement of assurance from the Director of Finance and Public Value.

Both the Leader of the Council and Cabinet Member for Finance paid tribute to, and expressed gratitude to, the Director of Finance and Public Value, her staff and all those Officers involved in the preparation, management and

monitoring of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2023/24. Group Leaders also echoed the words of the Leader in thanking the Director of Finance for their exceptional work in bringing the budget together.

Members then formally moved, and duly seconded, the amendment as shown below.

Councillor Brazil **MOVED** and Councillor Wrigley **SECONDED** that Cabinet Minute 281 (Revenue Budget and Medium Term Financial Strategy 2023/24 - 2026/27 and Capital Programme 2023/24 - 2027/28) be amended by the addition of the following and all necessary changes be made to the detailed budgets.

1. Additional funding of £2m for potholes and other highways maintenance.
2. An additional £1m provided to support 20mph limits and zones for communities which want them

(Total cost £3 million)

We will pay for these priorities by:

1. Cutting the Council's Citizens Engagement budget by £500,000
2. Drawing down £2.5 million from the Budget Management Reserve

The **AMENDMENT** in the name of Councillor Brazil 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 for, against or in abstention to the aforementioned Amendment as follows):*

*For the amendment; Councillors Bailey, Biederman, Brazil, Connett, Cox, Dewhirst, Gent, Leaver, Letch, Roome, Thomas and Wrigley (Total: 12)*

*Against the amendment; Councillors Adams, Asvachin, Atkinson, Aves, Barnes, Berry, Brook, Bullivant, Chesterton, Chubb, Crabb, Croad, Davis, Gilbert, Gribble, Hannaford, Hart, Hartnell, Hawkins, Hellyer, Hughes, Khan, Leadbetter, McGeough, McInnes, Morrish, Peart, Radford, Randall Johnson, Samuel, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Whitton, Wilton Love and Yabsley (Total: 41)*

*Abstained from Voting; (Total: 0)*

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 for, against or in abstention to the aforementioned Motion as follows):*

*For the Motion; Councillors Adams, Asvachin, Atkinson, Aves, Barnes, Berry, Brook, Bullivant, Chesterton, Chubb, Crabb, Croad, Davis, Gilbert, Gribble, Hannaford, Hart, Hartnell, Hawkins, Hellyer, Hughes, Khan, Leadbetter, McInnes, Morrish, Peart, Radford, Randall Johnson, Samuel, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Whitton, Wilton Love and Yabsley (Total: 40)*

*Against the Motion; Councillors Bailey, Biederman, Brazil, Connett, Cox, Dewhurst, Gent, Leaver, Letch, McGeough, Roome, Thomas and Wrigley: (Total: 13)*

*Abstained from Voting; Councillors: (Total: 0)*

## **182      Pay Policy Statement 2023/2024**

The Council considered the recommendations of the Appointments, Remuneration and Chief Officer Conduct Committee held on 2 February 2023 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2023/24.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of the Appointments, Remuneration and Chief Officer Conduct Committee be approved and that the Pay Policy Statement for 2023/24 (and consequential changes to the Council's Constitution) as set out at Minute 53 of that Committee be endorsed and the Constitution amended accordingly.

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

## **183      Cabinet Member Reports**

The Council received reports from the relevant Cabinet Members on matters upon which they had been asked to comment, as set out below. All reports were written and can be found with the agenda papers for the meeting.

### **(a)      Policy, Corporate and Asset Management**

Councillor Hart circulated a Report, as requested by Councillor Hannaford, on the work and outcomes of the Devon Housing Task Force, including the matter of premium and second homes Council Tax, which had been the subject of debate at the last Council meeting.

He also commented verbally on the current position with the Devon Devolution Deal, advising the Council that he has seen the Minister in the previous week. He commented on the position in other Authorities, the tiers being considered and the position with elected mayors as part of these deals.

He responded to questions on affordable and social housing.

**(b) Highway Management**

Councillor Hughes circulated a Report, as requested by Councillor Biederman, on planning for road works and utility works and the authorisation and process of obtaining permits and minimisation of congestion.

He also responded in the Report to Councillor Connett on road re-surfacing schemes in Kenton and Starcross and timescales to be undertaken.

The Report covered Police enforcement of 20mph and 30mph speed zones in Devon, with or without traffic calming measures, and Exeter City Council bylaws, as requested by Councillor Hannaford. He gave a further update on recent Police activity for speed detection in both Exeter and Kenton and the further recruitment of speed detection officers.

The Cabinet Members Report also responded to Councillor Wrigley regarding the recent cold and wet weather and its impact on potholes in the roads, including issues such as emergency fixes, claims, repeated pothole fixes, economics of pothole repairs and economic impact of increased potholes and flooding and budgets for Gully clearance and Gully cleaning cycles. He undertook to provide further information on repeated pothole reinstatements.

He responded to questions on community speedwatch schemes and their operation in 20mph areas.

**(c) Climate Change, Environment and Transport**

Councillor Davis circulated a Report, as requested by Councillor Hannaford on the year-long trial in Kehelland Village School which had been using vegetable oil to heat its premises. It was asked if similar trials were being considered in Devon schools.

The Report also covered action taken by the Council to ensure developers and other operators regularly and properly cleaned the roads of mud in the area around development works at South West Exeter/Exminster, as requested by Councillor Connett.

She had been further asked to Report on the Traffic Commissioner's sanctions and actions with Stagecoach, the current work being done to look at a potential bus franchising scheme in Devon, delays to Marsh Barton Railway

Station and Stagecoach reductions on services to St Peters school in Exeter; all matters requested by Councillor Hannaford.

She also responded to questions on the cost of fuel and park homes, HVO fuel systems and entitlement to support, complaints on bus services and capacity on the transport system.

**(d) Public Health, Communities and Equality**

Councillor Croad circulated a Report, as requested by Councillor Hannaford, on the current state of Covid and Flu infections in Devon, the latest rates of Strep A and Scarlett Fever in children across Devon, including in local schools, the access and availability of antibiotics for children in Devon and the medium and long term viability of local Pharmacies in Devon.

His Report also responded to Councillor Atkinson on the Environment Act 2021, legally binding targets for environmental improvement, including waste reduction targets (including per person reductions in municipal wastes), and how the Council's Waste Reduction Strategy will address these matters and how close the Council was to meeting the targets currently. He updated the Council on the statistics with regard to waste food and how much unopened food was thrown away.

He also responded to questions on how the 'Don't let Devon go to Waste' campaign could help with the food waste issue and the impact of 'use by' dates on this.

He undertook to respond further to Councillor Hannaford on liquid antibiotics.

**(e) Children's Services and Schools**

Councillor Leadbetter circulated a Report, as requested by Councillor Letch, on Devon children and Bradford Children's Home (or Centres with a poor Ofsted), numbers and locations of out of County children, financial help for families to visit out of County children and promotion of any financial help programme.

His Report also covered what actions the County Council was taking to welcome new foster parents, as requested by Councillor Connett.

He was further asked to report on the recently published MacAlistair Review of Children's Social Care and comment on the Council's response and any implementation of the actions plan as well as giving an update on the Council's Child Friendly Devon initiative and the recently received Ofsted letter including positive areas of progress, by Councillor Hannaford.

The Report covered spend on consultants for Children's services, for what purpose they were engaged as well as spend on agency staff and permanent staff, as requested by Councillor Aves.

A further report request from Councillor Aves related to how parent/carers received the information needed on any changes to Disabled Children and Young People services and that any communication needed to be accessible. Also, work being done to ensure short breaks and respite were suitable.

He was asked to report on Children in Care and Disabled Services as highlighted in the Ofsted report 30/1/23, including assurances, permanence for children in care, parental involvement discussions about options for their children, documentation handover, record keeping, leadership and staffing including agency staff by Councillor Adams.

Councillor Whitton requested a Report on school transport including numbers of seats, income to the Authority and consultations on future prices of such transport.

Councillor Bailey had also asked the Cabinet Member to report on the LADO (local authority designated officer) service and Reports that had been brought forward to Cabinet or Children's Scrutiny on the resourcing, function and performance of this service.

**(f) Adult Social Care and Health Services**

Councillor McInnes circulated a Report, as requested by Councillor Hannaford, on the Adult Social Care Discharge Fund, including monies received, how and where it will be used, and expected KPI outcomes.

His Report also highlighted Day Care Centres and respite in Adult Social Services, responding to Councillor Adams in relation to her questions on service provision in centres in Exeter, Totnes and Tavistock as well as New Treetops in Exeter, and Pine Park in Honiton.

He was also asked to report on any live consultations relating to day care and respite facilities in Devon by Councillor Bailey, adding that details will shortly be circulated.

**(g) Economic Recovery and Skills**

Councillor Gilbert circulated a Report, as requested by Councillor Hannaford, on key future projects in Devon to access more levelling up funding, and other economic development opportunities to promote skills, jobs and prosperity in Devon and Coastal Communities Funding.

**(h) Organisational Development, Workforce & Digital Transformation**

Councillor Saywell circulated a Report, as requested by Councillor Atkinson, on the difficulties with recruiting key staff, salary levels in public and private sector and how these have compared and fared since 2010 and steps the Council could take to retain and recruit staff across the board, including whether increased pay settlements would have an impact.

**184 Minutes**

In accordance with Standing Order 13(2), the Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the undermentioned meetings of Committees be endorsed.

Appeals Committee	-	5 December 2022 and 9 January 2023
Development Management Committee	-	7 December 2022
Appointments, Remuneration and Chief Office Conduct Committee	-	2 February 2023
Procedures Committee	-	2 February 2023
<i>(including Minute 29 and approval of the recommendations of the Independent Remuneration Panel to increase Members Allowances in line by 4.32%)</i>		
Health & Adult Care Scrutiny (ordinary)	-	20 January 2023
Children's Scrutiny (ordinary)	-	26 January 2023
Corporate Infrastructure & Regulatory Services Scrutiny (ordinary)	-	30 January 2023

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

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

Pursuant to County Council Minute 168 of 8 December 2022 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Barnes on behalf of Councillor Atkinson:

On 1<sup>st</sup> 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.

and having had regard to the advice of the Cabinet set out in Minute 270(a) of 11 January 2023:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and

'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'

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.

**186      Stop Shortchanging Devon - Save our Services (Minute 170 - 8 December 2022)**

Pursuant to County Council Minute 170 of 8 December 2022 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Brazil that:

'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'.

and having had regard to the advice of the Cabinet set out in Minute 270(b) of 11 January 2023:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and that Council;

(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.'

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.

**187      Voter Photo ID requirement (Minute 171 / 172 - 8 December 2022)**

Pursuant to County Council Minute 171 and 172 of 8 December 2022 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded (Councillor's Wrigley and Bailey agreed to merge two separate motions on the same matter, the composite wording outlined below as accepted by Council):

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.

and having had regard to the advice of the Cabinet set out in Minute 270(c) of 11 January 2023:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's advice be accepted and

- (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 shares 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.

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.

**188**      **Protect the Right to Free Camp on Dartmoor**

Councillor Wrigley **MOVED** and Councillor Brazil **SECONDED**

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.

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

**189**      **Forced Installation of Prepayment Meters**

Councillor Atkinson **MOVED** and Councillor Adams **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Atkinson be considered at this meeting.

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

Councillor Atkinson then **MOVED** and Councillor Adams **SECONDED**

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.

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

**190      Special Education Needs (SEND) Budgets and Deficits**

Councillor Atkinson **MOVED** and Councillor Whitton **SECONDED**

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.

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

## 191 **Dartmoor National Park**

Councillor Barnes **MOVED** and Councillor Atkinson **SECONDED**

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

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

[NOTES:

*The Minutes of this meeting and of any Committee referred to above 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 6.21 pm