

County Council
Thursday 7th December 2023



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

29 November 2023

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 7th December, 2023 at 2.15 pm.

A handwritten signature in purple ink, consisting of a large, stylized 'D' followed by a wavy line.

Chief Executive

(A community cohesion message will be offered by Edith Chinnah (Clinical nurse specialist at RDE – Ethnic Minority Champion for Equality and Diversity and representative for the South West Region), 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. Minutes

To approve as a correct record and sign the minutes of the meeting held on 7 September 2023.

3. Announcements

4. Items Requiring Urgent Attention

5. 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.

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

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

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

FRAMEWORK DECISIONS

8. **Youth Justice Plan** (Pages 1 - 98)

To Council is asked to receive and approve the Youth Justice Plan, as recommended by the Cabinet (13 September 2023) (Minute 377 refers and replicated below). The Report is attached.

(a) that the 2023/2024 Youth Justice Service Plan be endorsed and in accordance with 'Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000', be recommended to the Council for adoption;

(b) that the existing contribution to a pooled budget to part finance Youth Justice Services in Devon of £299,200 be agreed, noting that no additional funding is being sought through the Report; and

(c) that in order to maintain an informed dialogue on youth justice matters within communities to achieve the ambitions of the plan to the greatest effect, for both the benefit of children and society as a whole, the Report be further endorsed.

Electoral Divisions(s): All Divisions

9. **Cornwall Council's proposal to join Adopt South West** (Pages 99 - 136)

The Council is asked to receive and approve the proposal that Cornwall Council join Adopt South West, as recommended by the Cabinet (8 November 2023) (Minute 414 refers) and replicated below). The Report is attached.

(a) that the proposal by Cornwall Council to become a full member of Adopt South West Regional Adoption Agency, hosted by Devon County Council, from 1 April 2024, be approved;

(b) that the acceptance of the statutory and legal functions relating to adoption services as set out in paragraph 8 of the Report, delegated by Cornwall Council to Devon County Council as the host authority be recommended to Council for adoption;

(c) that the Director of Children and Young People's Futures, the Director of Finance and Public Value, and the Director of Legal and Democratic

Services be given delegated authority to finalise and agree a revised Inter Authority Agreement for the purposes of adding Cornwall Council to the existing shared service and updating the financial model as set out in section 7 of the Report; and

(d) that the transfer of staff under TUPE regulations from Cornwall Council to Devon County Council be approved and the Director of Children and Young People's Futures and the Director of People and Culture be given delegated authority to complete all necessary actions required to support the expansion of the adoption services by the Regional Adoption Agency to the administrative area of Cornwall Council and the Isles of Scilly.

Electoral Divisions(s): All Divisions

10. Future of the Heart of the South West Joint Committee (Pages 137 - 140)

Report of the Head of Economy, Enterprise and Skills (EES/23/2) seeking approval, in accordance with the Heart of the South West Joint Committee (HotSW JC) inter-authority agreement, to give notice of intention to withdraw from the HotSW JC and propose to the HotSW JC that the Joint Committee be dissolved.

Electoral Divisions(s): All Divisions

OTHER MATTERS

11. Cabinet Member Reports

To consider reports from Cabinet Members.

12. Minutes

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

- (a) Appeals Committee - 4 September 2023 (Pages 141 - 142)
- (b) Appeals Committee - 9 October 2023 (Pages 143 - 144)
- (c) Appeals Committee - 6 November 2023 (Pages 145 - 146)
- (d) Development Management Committee - 6 September 2023 (Pages 147 - 150)
- (e) Investment and Pension Fund Committee - 15 September 2023 (Pages 151 - 158)
- (f) Investment and Pension Fund Committee - 24 November 2023 (Pages 159 - 162)
- (g) Audit Committee - 25 September 2023 (Pages 163 - 168)
- (h) Audit Committee - 27 November 2023

The minutes of this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=161&MIId=4790>

(i) Procedures Committee - 26 September 2023 (Pages 169 - 222)

The Council is asked to approve the following:

- Minute 37 – Revised Financial Regulations (endorsed by the Governance Working Group), revised regulations attached.
- Minute 38 – Policy Framework Amendments ((endorsed by the Governance Working Group). Changes are outlined in full (in red) at minute 38.
- Minute 39 – Revised Definition of Cabinet Key Decision (endorsed by the Governance Working Group). Changes are outlined in full (in red) at minute 39.
- Minute 40 – Public Participation. It is proposed that the Constitution provides a high-level summary of the public participation opportunities, attached and will signpost to the detailed guidance on the website, the revised scheme is also attached for endorsement.
- Minute 42 – relating to the boundary between the County’s Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, Map attached.

(j) Procedures Committee - 23 November 2023 (Pages 223 - 250)

The Council is asked to approve the following:

- Minute 46 - Local Member Protocol for inclusion in the Constitution, attached.
- Minute 47 - Scrutiny Procedure Rules (Part 4d of the Constitution) and the minor amendments to update current processes, removing references to outdated practice and ensuring alignment with other areas of the Constitution, revised version attached with the changes annotated in red.

(k) Public Rights of Way Committee - 23 November 2023 (Pages 251 - 256)

(l) Appointments, Remuneration and Chief Officer Conduct Committee - 6 November 2023 (Pages 257 - 258)

(m) Children's Scrutiny Committee - 19 September 2023 (Pages 259 - 266)

(n) Children's Scrutiny Committee - 14 November 2023 (Pages 267 - 272)

(o) Health and Adult Care Scrutiny Committee - 21 September 2023 (Pages 273 - 278)

(p) Health and Adult Care Scrutiny Committee - 9 November 2023 (Pages 279 - 286)

(q) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 28 September 2023 (Pages 287 - 296)

(r) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 16 November 2023 (Pages 297 - 306)

NOTICES OF MOTION

13. Gaza Crisis

Councillor Dewhurst to move:

Council condemns the awful terrorist attacks carried out by Hamas in Israel on 7th October.

Council is horrified by the scenes of violence in relation to all individuals who reside in the area in the weeks and days since, in particular the devastating humanitarian situation and the potential effect on the residents of Devon.

Council supports the implementation of international law, which means targeting terrorists, not civilians, and ensuring that innocent citizens do not pay the price.

Council expresses its concern at the UK Government's failure to attempt to ensure that the Israeli government and its military adhere to the requirements of international law and the UK Government's refusal to publish legal advice it has received in relation to the conflict.

Council further calls for the international community to revisit UN Resolution 242, supporting a long term, peaceful, two-state solution for both Israel and Palestine.

Council also believes:

- Essential supplies of aid, water, food, medicine and electricity must continue to be provided to Gaza.
- The UK Government must, with others, work for a lasting ceasefire to:
 - A - Facilitate the delivery of humanitarian aid into Gaza, and
 - B - Allow for an intensive period of diplomacy to realise a political solution, aimed at achieving two states and a lasting peace.

Council accordingly resolves to:

- Ask the UK Government to work towards a lasting ceasefire.
- Note with deep concern the severe reverberations of this crisis in the UK, with Jewish, Muslim and Palestinian communities all fearing and grieving, and condemns the rise in antisemitism and Islamophobia since 7th October. This could have the potential to affect our communities in Devon.
- Thank community leaders for the role they are playing in reducing tensions at this sensitive and difficult time.

- Call upon community leaders and public figures to act responsibly and work to bring communities together at this sensitive time.
- Recognise the role Devon & Cornwall Police are playing at the current time in supporting communities in Devon.

14. **Tackling "Box Shifting"**

Councillor Adams to move:

The bankruptcy of Birmingham City Council was partly attributed to “dramatic reductions in business rates income” - an issue facing all councils across the UK, to the tune of £250 million a year. The unethical “Box Shifting” practice is a loophole that allows businesses to avoid paying business rates. Closing this loophole will allow local authorities to put back these business rates in their own pockets.

Key information:

- Box shifting involves landlords placing boxes in vacant commercial properties for a six-week period to trigger a three- or six-month rates-free period. Annually, this costs councils around £250 million (*Local Government Association Survey, 2019*)
- This cycle is often repeated, resulting in local councils losing over two-thirds of their empty rates incomes, and properties remain empty for months on end..
- Some landlords put a broadband box, an empty fish tank, or even snail farms in the property to trigger rates avoidance.

This Council pledges to:

Send a letter to the Chancellor of the Exchequer to propose extending the occupation period for business rates exemption from six weeks to six months to tackle the unethical practice of “Box Shifting”.” This follows the example of the Welsh and Scottish governments, who have already introduced legislation to tackle the issue.

15. **Local Government and Social Care Ombudsman (LGSCO) findings on Special Educational Needs and the Role of Scrutiny**

Councillor Bailey to move:

This Council notes that there has been a concerningly high number of Local Government and Social Care Ombudsman (LGSCO) findings against Devon County Council relating to Special Educational Needs provision this year, with 26 complaints being upheld against DCC (15 of these have been since June alone).

This Council believes that it is important that each of its three main Scrutiny Committees are furnished with complete information to enable them effectively to scrutinize the various services of Devon County Council and that each committee agenda should include a standing item provided by DCC officers on any LGSCO findings.

16. Devon Residents Deserve Clean Rivers and Beaches

Councillor Leaver to move:

This Council condemns repeated sewage outfalls across the county and Devon's Conservative MPs votes to allow South West Water to continue to pollute our rivers and beaches.

Council notes that the ongoing problem of poor water quality in Devon impacts on our local communities, economies and environment across the county.

Council believes that this issue goes beyond party politics, and resolves to write a letter from all DCC Group Leaders to Devon MPs and South West Water demanding urgent investment to clean up our water and funding for this to be prioritised over payment of dividends to shareholders and Directors' salaries.

17. Hospiscare Funding

Councillor Atkinson to move:

Hospiscare which provides humane respectful end of life care and management costs almost 10M a year to run with just 18% of that funded by the ICB. This is well below the national average of 37% other hospices receive.

Despite ongoing discussions with the ICB they have refused to provide additional funding, and this means they will be forced to close or reduce services to meet a £2.5 million funding gap.

Without Hospiscare, its patients will need to be treated in an acute hospital setting where they will be a further demand on the NHS system and cost the NHS additional millions in direct care.

Motion

- DCC Believes that hospices are a better place than acute hospitals for people to receive palliative care when dying when no other medical treatment beyond pain relief is appropriate.
- DCC supports Hospiscare's fight for fairer funding from Devon Integrated Care board and agrees to write to the ICB to ask them to meet the funding gaps so services can be maintained.
- DCC will write to the ICB, NHS England ministers and local MPS to

urge them to support Hospiscare's request for funding.

18. Humanitarian Emergency in Gaza

Councillor Atkinson to move:

“Devon is proud to offer refugees sanctuary and proud of the of all communities in Devon. Devon County Council stands in solidarity with all those affected by the recent events in Israel and Gaza.

The extreme humanitarian emergency in Gaza, following the 7 October attacks on Israel have both been shocking for us all to see. The situation has had a deep impact on our communities in Exeter.

Devon County Council denounces hate crime in the strongest terms and community cohesion remains a priority for this local authority. It is important that we do not allow these tragic events to divide our communities here in the Devon.

The rise in Antisemitism and Islamophobia across the UK is unacceptable, and Devon County Council will continue to work with all of our communities in Devon to ensure residents feel safe and free from hate.

The Council supports the humanitarian work being done in Gaza and the middle east and encourages residents to donate to organisations raising funds for those in need”

19. Austerity and Cuts to Local Government Funding

Councillor Atkinson to move:

The Chancellor's Autumn statement has set the country on course for a “more painful” austerity drive after the next general election after more than a decade of austerity starting under David Cameron and George Osborne.

The £20bn package of tax cuts is almost entirely funded by swingeing real-terms reductions to public spending planned from 2025 when it may not even be in government according to the IFS.

It is estimated that the NHS receives 20% of its funding from National Insurance.

The plans to cut National Insurance means that some funding for social care and the NHS will have to come from other budgets or general taxation

This implied a 1.8% cut for unprotected budgets each year from 2024-25 to 2028-29 – including for prisons, the courts system, local government and further education.

After taking into account funding settlements for Scotland, Wales and Northern Ireland, the plans imply cuts of 3.4% in England.

This Council has had more than 50% of its budget cut since 2010 and is already again planning to cut services to bring in a legally balanced budget for 2024-5.

Economists doubt efficiency gains on such a scale can be achieved.

Councils all around us and throughout the country are on the verge of bankruptcy and the County Council is having to make hard choices to cut funding and services to maintain a balanced budget.

This Council resolves:

1. To write to the government to ask them to make no real time cuts to Local Government until it has undertaken a spending review.
2. Seek the support of the LGA to oppose the Chancellor's budget for Local Government

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Membership of a Committee

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Declarations of Interest for Members of the Council

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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