

COUNCIL – DECISION NOTICE

23 May 2024

Present:-

Councillors T Adams, M Asvachin, Y Atkinson, J Bailey, J Berry, F Biederman, J Bradford, J Brazil, J Brook, P Bullivant, C Channon, I Chubb, A Connett, D Cox, A Davis, A Dewhurst, H Gent, I Hall, J Hart, M Hartnell, J Hawkins, L Hellyer, P Henderson, J Hodgson, S Randall Johnson, S Khan, A Leadbetter, C Leaver, F Letch MBE, P Maskell, D McGeough, J McInnes, R Peart, P Prowse (Chair), R Radford, I Roome, L Samuel, A Saywell, R Scott, D Sellis, C Slade (Vice-Chair), M Squires, D Thomas, J Trail BEM, P Twiss, C Whitton, M Wrigley and J Yabsley.

Apologies:-

Councillors S Aves, D Barnes, R Chesterton, P Crabb, R Croad, R Gilbert, G Gribble, R Hannaford, J Morrish, P Sanders and J Wilton-Love

1 **Election of Chair**

Councillor Channon **MOVED** and Councillor McInnes **SECONDED** that Councillor Hart be elected Chair of Devon County Council for the remainder of the municipal year.

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

2 **Appointment of Vice-Chair**

Councillor Davis **MOVED** and Councillor Saywell **SECONDED** that Councillor Maskell be appointed Vice Chair of Devon County Council for the ensuing year.

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

3 **Appointment of Leader of the Council**

Councillor Twiss **MOVED** and Councillor Hughes **SECONDED** that Councillor McInnes be appointed Leader of Devon County Council for the ensuing year.

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

4 **Appointment of Deputy Leader of the Council**

Councillor McInnes, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED** that Councillor Davis be appointed Deputy Leader of Devon County Council for the ensuing year.

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

5 **Cabinet Members and Allocation of Remits**

Councillor McInnes, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED**:

"that the Council note that the Members shown in the Appendix circulated with the agenda of the meeting have been appointed to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Elections in 2025".

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

7 **Minutes**

Councillor Slade **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 15 February 2024 and the special meeting of 29 April 2024 be signed as a correct record.

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

11 **Appointment of Committees**

Councillor Hughes **MOVED** and Councillor Letch **SECONDED**

(a) that in accordance with Standing Order 21, the County Council appoints those Committees, Joint Committees and Working Parties/Panels as shown in the Appendix circulated prior to the meeting and uploaded to the website with terms of reference set out in the Council's Constitution or set out therein for the period expiring at the date of the expiring at the date of the quadrennial Elections in 2025, and approving the recommendations of the Procedures Committees (minutes 62) (renaming of the Appeals Committee and not reappointing Locality Committees, Personnel Partnership and Personnel Panel). Furthermore, that the amended terms of reference for the Highways and Traffic Orders Committees (minute 63) to increase the value of schemes under the remit of the HATOCS are endorsed and the appointment and terms of reference for a new Property (Land and Buildings) Committee, outlined in full at minute 64;

(b) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members of the Council be appointed as voting members to those Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels referred to at (a) above in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the proposed allocation of seats as between political party groups and set out for the time being in the Appendix circulated prior to the meeting and uploaded to the website;

(c) that, as in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated with the agenda for the period expiring at the date of the quadrennial Elections in 2025;

(d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council; and

(e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the quadrennial Elections in 2025 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors.

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

12 Appointment of Chair's and Vice-Chair's of Committees

Councillor Hughes **MOVED** and Councillor Atkinson **SECONDED**:

"that Members shown in the Appendix circulated with the agenda for the meeting be appointed Chair's and Vice-Chair's of Committees as indicated therein to hold office until the date of the quadrennial elections in 2025".

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

16 **Coroners Devon Wide Service**

The Leader of the Council **MOVED** and Councillor Saywell **SECONDED** that the recommendations of the Cabinet, as set out at Minute 512, be approved, as outlined below;

(a) that as the relevant lead authority for the Combined Coroner Area for the County of Devon, Plymouth and Torbay, to the extent necessary, the duties and functions from Torbay and Plymouth under the Criminal Justice Act for the purposes of enabling Devon to deliver the Coroner's Service for the County of Devon, Plymouth and Torbay be adopted; and

(b) that assurance be taken from the progress report presented.

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

18 **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.

Audit Committee - 28 February 2024

Investment & Pension Fund Committee - 1 March 2024

Public Rights of Way Committee - 7 March 2024

Standards Committee - 18 March 2024

Appeals Committee - 15 April 2024 and 13 May 2024

Development Management Committee - 24 April 2024

Procedures Committee - 2 May 2024 *(including Minute 60 and the associated amendments to the Constitution on Standing Orders (paragraphs 6-10) – Notices of Motion at Council meetings)*

Appointments, Remuneration and Chief Office Conduct Committee - 20 May 2024 *(including endorsement of the proposals outlined in those minutes at minute 90 in relation to the Performance and Partnerships Director and Structure)*

Health & Adult Care Scrutiny - 21 March 2024

Children's Scrutiny - 25 March and 1 May 2024

Corporate Infrastructure & Regulatory - 28 March 2024

Services Scrutiny

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

20 **Flexibility and Action against holiday firms exploiting families, those working in schools and the holiday industry**

(Councillors Berry, Hart, Maskell, Prowse, Samuel and Twiss declared pecuniary interests in this matter by virtue of being involved in the holiday trade (and left the meeting for consideration of the item).

Councillor McInnes **MOVED** and Councillor Davis **SECONDED** that the Cabinet's advice be accepted, noting the additional of the wording in red, and that Council;

(a) recognise that every child has a right to access education and that it is the parent's legal responsibility to ensure their children of compulsory school age receive a suitable full-time education;

(b) acknowledge that regular attendance at school allows learners to make the most of their education, thereby improving their life chances into adulthood; and

(c) explores with **the LGA and** Devon's Members of Parliament, the tourism sector, schools and parents ways to develop practical policy proposals for Government to limit the price differential between the cost of holidays in and out of school term-time.

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

21 **Working Families'**

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

22 **Decline of the Swift Population (Swift Brick)**

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