

## COUNCIL

23 May 2024

### Present:-

Chair: P Prowse

Vice-Chair: C Slade

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, R Radford, I Roome, L Samuel, A Saywell, R Scott, D Sellis, 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.

## 277 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**.

### **COUNCILLOR HART IN THE CHAIR**

The Chair and Group Leaders expressed their gratitude to the immediate past Chair for his service during his year of office: Councillor Prowse responded.

## 278 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**.

The Chair, immediate past Chair and Group Leaders thanked the immediate past Vice-Chair for his services and support to the former Chair during his year of office. Councillor Slade responded.

**279**      **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**.

**280**      **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**.

**281**      **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**.

**282**      **Declarations of Interest**

The Chair reminded Members of the Council to declare any interests they had in any to be considered at the meeting, prior to any discussion taking place on that item - [A list of county councillors who are also district, borough, city, parish or town councillors](#). The Chair indicated that both he and the Vice Chair had a declaration later in the agenda (item 21)

**283**      **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**.

**284**      **Announcements**

The Chair of the Council reported the death of former County Councillor Maureen Lawley who had represented the Plympton St Mary ward from 1993 to 2001. During this time she had been a member of a number of committees

including the Education, Arts and Libraries Committee, the Public Protection Committee and the Community Safety Committee.

The Chair then congratulated Rebecca Pearson, an advanced practitioner in children's services and Janine, one of the Council's children's social care team managers who had been awarded the title, 'Amazing Social Worker 2024' by The British Association of Social Workers (BASW), as part of Social Work Month.

**285 Important Announcements from the Leader and Cabinet Members**

In line with the Cabinet Procedure Rules, the Council could receive any important updates or announcements from the Leader and/or Cabinet Members that could not reasonably wait. However, there were no updates or announcements made.

**286 Items Requiring Urgent Attention**

The Chair invited the Leader to make a statement regarding the impact of the announcement of a general election on the Devolution process and endeavoured to keep Members updated.

**287 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**.

**288**      **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**.

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

The Leader was presented with a petition relating to the bus gate in Taw Vale, containing some 1200 signatures.

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Members responded to three questions from members of the public on the following matters;

1. School transport policy and revision to the designated schools in Newton Abbot.
2. Race Equality Audit, provision of report, consultation and funding.

3. The new draft statutory government RSE guidance and gender ideology teaching in schools.

The Cabinet Members also responded orally to supplementary questions arising from the above and would get a written reply to those where indicated at the meeting.

Responses had been sent to those not in attendance at the meeting.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Cath Sleight who represented the Plant-Based Councils campaign and asked the Council to take climate action on food. A further representation was made by Cathy Mudge on school policies and gender ideology.

Four representations were then heard from Ian Frankum, Ginni Wells, Joe Bolton and Exeter City Councillor Lucy Haigh opposing the LTN trial in Exeter and the impact on unpaid carers and businesses.

Mr David Endicott also addressed the Council on the effects that gender ideology was having on children.

The next representations were from Sue Simmonds against the Heavitree and Whipton LTN and Neil Martin also opposing LTN.

The Chair thanked the public for their contributions and representations.

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

## **290 Petitions from Members of the Council**

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

## **291 Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader, relevant Cabinet Members and Committee Chairs provided written responses to six questions submitted by Members of the Council on the following matters.

1. Number of children placed in the care of Devon's own foster carers in 2022/23 and 2023/24 compared with the number of children placed Independent Fostering Agency carers during the same period?
2. Progress made in identifying and securing sustainable alternative mental health support provision to meet the needs of service users of the Link Centres?

3. Steps to identify investments in firms supplying arms to Israel within the Council's Pension and Investment funds' portfolios and divestment therefrom?
4. Reduction in number of bedrooms rooms registered as available for foster children and reasons?
5. Article 27 Letter for Planning Application DCC/4101/2018, threat of Judicial Review and legal costs?
6. Government provision of additional funds to provide foster carers with emergency cost of living uplift in allowances and informing foster carers of this cost and publication of fostering payments and comparisons to other Councils in the South West?

The Leader, relevant Cabinet Members and Committee Chairs 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](#))*

## **292 Coroners Devon Wide Service**

The Council considered the Report of the Director of Legal and Democratic Services (LDS/23/16) which sought approval for adoption of functions and duties from Plymouth, Torbay and South Devon, following approval of the business case for the merger of the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon, as recommended by the Cabinet (10 April 2024) (Minute 512 referred).

The Report had been circulated with the agenda.

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**.

## 293 Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits, as set out below:

Reports had been circulated with the agenda by the Cabinet Members with the following remits.

- (a) Finance
- (b) Children's Services and Schools
- (c) Climate Change, Environment and Transport

The Reports all highlighted recent decisions made and progress thereof, meetings attended and outcomes, service issues and forthcoming activities, performance and partnership work, successes to be celebrated, significant projects updates and relevant inspection updates.

The Cabinet Members responded to questions posed at the meeting in response to their Reports.

## 294 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
<i>(including Minute 60 and the associated amendments to the Constitution on Standing Orders (paragraphs 6-10) – Notices of Motion at Council meetings)</i>	
Appointments, Remuneration and Chief Office Conduct Committee	- 20 May 2024
<i>(including endorsement of the proposals outlined in those minutes at minute 90 in relation to the Performance and Partnerships Director and Structure)</i>	
Health & Adult Care Scrutiny	- 21 March 2024
Children's Scrutiny	- 25 March and 1 May 2024
Corporate Infrastructure & Regulatory Services Scrutiny	- 28 March 2024

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

**295**      **Scrutiny Annual Report 2023-2024**

The Council received and endorsed the 2023/24 Annual Report summarising the activities and investigations undertaken by each of the Council's three Scrutiny Committees during the course of the year, the outcomes arising and the continuing challenges, particularly in light of the difficult financial position of the Council, and also continued challenges with improvement journeys and the development of the Scrutiny role over that period.

The third year of this Council had seen Scrutiny focus upon the impact of proposed service changes on people, ensuring the right decisions were taken to support the financial sustainability of the Council.

The Corporate Infrastructure and Regulatory Service Scrutiny Standing Overview Group on Climate Change had considered the Devon, Cornwall and Isles of Scilly Climate Adaption Strategy. The Committee had monitored the Council's implementation of the Race Equality Action Plan and maintained a focus on Highways improvement.

Children's Scrutiny had completed a Spotlight Review on Children's Services Recruitment and Retention in July 2023 which had informed the service's refreshed strategy. The improvement journey of both Children's Social Care and SEND Services continued to be monitored closely by the Children's Scrutiny Committee.

The Health and Adult Care Scrutiny undertook a second significant review of the proposed changes to services in Teignmouth relating to the Community Hospital as well as focused scrutiny on Integrated Adult Social Care consultations on service change.

Scrutiny Chairs expressed their thanks to all Scrutiny Committee Members, especially those with regular attendance and contribution and particularly highlight the reward of contributing to meaningful scrutiny and policy development. The support of the dedicated Scrutiny team, coupled with the expertise offered by the two special advisors continued to be critical to the success of scrutiny.

Looking forward, following an iterative review of Scrutiny through the Council's Governance Review, the Scrutiny Action Plan 2024, aimed to continue the development and refinement of Scrutiny in the Council in the final year of the term.

In associating himself with the above remarks the Leader of the Council also expressed his thanks to the Council's Scrutiny Committees for the advice they had given to the Cabinet over the last year.

[NB: A copy of the Annual Report was available on the website here - <https://democracy.devon.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13628>

296 **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 Hughes **MOVED** and Councillor Peart **SECONDED** that Councillor Hall be elected as Chair for this item of business.

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

**COUNCILLOR HALL IN THE CHAIR**

Pursuant to County Council Minute 269 of 15 February 2024 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

We must stop the exploitation by Holiday Firms on families and staff in our schools.

Devon County Council recognise the importance of children being at school for the maximum time possible in order for them to be able to thrive and succeed in life after school.

Central government policy, Ofsted and this Council adopt a strong stance against schools and parents, who wish to take children out of school for a family holiday in term time. A five day unauthorised absence can mean a fine of £240 for a family with two school aged children.

The main reason for parents taking children out of school, with the financial and life pressures facing families in these incredibly tough times, is the cost of holidays in the holiday seasons. Holiday firms are clearly exploiting them.

From research on four holidays for a family of four, two adults and two children aged 5-15 for summer 2024, checking dates of 12th July 2024 and 9th August in the same accommodation, the figures are staggering.

1. Butlins Minehead - £946 July & £2437 August, difference £1491
2. Center Parcs Longleat- £1748 July & £2348 August, difference £600
3. Ruda Croyde - £649 July & £1039 August, difference £390
4. Cyprus Paphos All Inclusive - £4239 July & £5769 August, difference £1524

Research proves that a family holiday can be very important and have massive positive outcomes for both children and parents. Research conducted by the Family Holiday Association, the charity that helps struggling families to have a break, found that 49% of British people said their happiest memory is being on holiday with their family. The results from the poll of 2,000 British adults revealed that emotional, psychological and social benefits of family holidays last long after the break itself ends.

On these positive outcomes, McDonald of the Family Holiday Association said 'We consider these to be a 'happiness anchor' – reflecting on our happiest memories of joyful time spent together as a family can be extremely powerful in bringing relief and respite when faced with the darker times that life can bring. "By using these memories as an anchor to take us back to more cheerful moments, we're often able to approach problems with a fresh sense of perspective. "But for many without such memories, reigniting a sense of optimism for getting through the tougher times can seem like an impossible.

It also found children that have had the benefit of a holiday break are often inspired and learn better after a holiday.

It's not just children that suffer, many vital support staff in our schools are on low incomes and have no choice but to take holidays in the School Holidays and so the way holiday companies are exploiting the prices, affects them too.

Devon County Council will

(a) Write to Head Teachers, Academies in Devon Schools to urge them to be sympathetic to requests for holiday in term time, giving consideration to individual children's family circumstances, their previous attendance levels, and the importance of the school year that the child is in.

(b) Write to Ofsted seeking their assurance that schools taking a more flexible approach to school absences for family holidays is not counted against them.

(c) Write to the Local Government Association and appropriate government ministers to ask for a review of what holiday companies can charge. Butlins for example have increased their price by roughly x 2.5 the price of one month earlier.

The level at which holiday companies are increasing prices of course, means parents are willing to take the fine, as in all my examples, it's far less than the extra cost of taking the holiday in the school holidays ..... perhaps it's the Holiday firms that should be fined if they charge more

and having had regard to the advice of the Cabinet set out in Minute 519 of 10<sup>th</sup> April 2024:

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.

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### **Working Families'**

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

This Council notes:

- Polling from Working Families (a national charity) found 8 in 10 UK parents (82%) would be likely to apply for a job that lists flexible working options, while only 3 in 10 parents (31%) would be likely to apply for a job that does not list flexible working options.
- Many top UK employers agree that offering flexibility at the point of recruitment is essential.
- Flexible working is no longer just a 'nice-to-have'. It's good for people and good for business—boosting productivity, employee engagement, and staff retention.
- Councils play a leading role in showcasing positive employment practice through their own actions.
- Flexible Working has received cross party support with the Employment Relations (Flexible Working) Bill being supported by both the Government and opposition parties.
- The Civil Service is a proud adopter of Working Families' 'Happy to Talk Flexible Working' logo.

This Council resolves to:

- Work with local employers to promote the benefits of flexible working arrangements for employers and employees.
- Encourage all local employers to create more flexible working opportunities by advertising all jobs as flexible, unless there are solid business reasons not to.
- Advertise all council jobs as flexible, unless there are solid business reasons not to, listing the ways in which jobs can be done on a flexible basis in the advert.
- Use the 'Happy to Talk Flexible Working' logo and strapline on all relevant job adverts.

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

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

Councillor Bailey **MOVED** and Councillor Bradford **SECONDED**

The swift population has fallen by almost 60% in the last thirty years and it is estimated that there will be fewer than 40,000 pairs of swifts remaining in the UK by 2025.

Adding a swift brick to all new homes is an easy and cheap way to help ensure that swifts have somewhere to roost and nest at the end of their 3,400 mile journey. Introducing mandatory swift bricks will help stem the dramatic decline of this iconic species which was added to the red list in the 2021 UK Conservation Report as a species needing urgent action.

DCC notes local planning authorities face considerable difficulties in requiring swift bricks to be introduced in new builds as this has to be implemented through the lengthy local plan process. That is why we need Michael Gove urgently to change building regulations now to make swift bricks mandatory.

Devon County Council therefore agrees to write to the Secretary of State Michael Gove calling on him to urgently make swift bricks a mandatory requirement in all new housing development.

DCC also agrees to write to all Devon MPs urging them to press Michael Gove to support the mandatory introduction of swift bricks as a matter of urgency in order to stem the decline of swifts.

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-tv/core/portal/home>*

The Meeting started at 2.16 pm and finished at 5.53 pm