

County Council
Thursday, 8th December, 2022



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

30 November 2022

Your attendance is requested at the Meeting of the Devon County Council to be held in the Chamber at County Hall, Exeter on Thursday, 8th December, 2022 at 2.15 pm.

A handwritten signature in blue ink, appearing to read 'S. Carter'.

Chief Executive

[Councillor Chaz Singh representing the Sikh faith will be a guest speaker. He is a Sikh educator and represents the Drake ward at Plymouth City Council as an Independent Member. This will be at **2.10pm**, prior to the commencement of the meeting and all Members are welcome to attend].

AGENDA

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 6 October 2022.

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 DECISION

NIL

OTHER MATTERS

8. Cabinet Member Reports

To consider reports from Cabinet Members.

9. Minutes

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

(a) Appeals Committee - 3 October 2022 (Pages 1 - 2)

(b) Appeals Committee - 7 November 2022 (Pages 3 - 4)

(c) Appointments, Remuneration and Chief Officer Conduct Committee - 13 October 2022 (Pages 5 - 6)

(d) Appointments, Remuneration and Chief Officer Conduct Committee - 11 November 2022

The minutes for this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=201&MId=4873&Ver=4>

(e) Appointments, Remuneration and Chief Officer Conduct Committee - 24 November 2022

The minutes for this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=201&MId=4872&Ver=4>

(f) Public Rights of Way Committee - 3 November 2022 (Pages 7 - 10)

(g) Standards Committee - 17 November 2022 (Pages 11 - 14)

(h) Investment & Pension Fund Committee - 25 November 2022 (Pages 15 - 20)

- (i) Audit Committee - 29 November 2022
The minutes will be published here soon after the meeting - <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=161&MId=4567&Ver=4>.
- (j) Children's Scrutiny Committee - 15 November 2022 (Pages 21 - 26)
- (k) Health and Adult Care Scrutiny Committee - 22 November 2022 (Pages 27 - 34)
- (l) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 24 November 2022 (Pages 35 - 42)

10. Endorsement of DCS (Interim)

The Council is asked to endorse the interim appointment of Julian Wooster as DCS for the Council.

Electoral Divisions(s): All Divisions

NOTICES OF MOTION

11. Bus Passes (Minute 145 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(a) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely

‘Pensioners can travel free on buses after 9.30am. This council will introduce an enhanced bus pass which will allow those aged 80 and over or registered blind to travel free before 9.30am. A similar scheme is available in Plymouth’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

‘that the County Council keeps the time of free travel the same for all eligible residents as now – from 0930 Monday to Friday’.

12. Housing White Paper (Minute 146 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(b) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

‘Historically, the Government’s answer to the housing shortage has been to broaden access to home ownership with schemes such as the discounted sale of council housing to sitting tenants. Effectively, this has provided each buyer with a subsidy of up to £100,000 via discount entitlement. The

programme has contributed little to the supply of affordable housing in a locality yet its cost to local government is and has been colossal.

Because such costs have been incurred by means of accepting a below market price for a publicly owned asset rather than by direct government expenditure, the true cost of the scheme to the public purse has never been easily identifiable. However, if the government wishes to pursue its recently declared intention to promote housing association right to buy sales this would change as the associations concerned would expect Treasury compensation for the value of discounts approved.

What has not been identified is where would this money for the extension of the right to buy to Housing Associations would come from. It is worth noting that when this was last proposed in 2015 it was to come from the sale of high value council houses, which proved unworkable and the proposal was dropped.

This Council believes that the government should instead focus its policy on increasing the supply of affordable houses through measures such as the following first-time buyer assistance proposals and social housing development proposals:

1. Mandating developers to include below-market price housing for sale (as well as affordable rental) in residential developments on the grounds that the discount is effectively financed by taxing land value
2. Lowering both the income and wealth threshold for home ownership access, to the benefit of lower income households via the shared equity model (e.g. Help to Buy).
3. Enabling development of for-sale housing offers by state agencies such as local authorities or housing associations as a means of providing dwellings that can be sold to qualifying applicants at cost price (i.e. no need to factor-in profit), while also expanding overall housing supply to the benefit of the wider market
4. Provide a subsidy per dwelling to local authorities and housing associations to build houses for rent at social housing and affordable rents in areas where there is a waiting list for such properties and for those who do not qualify for the help to buy provisions in 2 & 3 above.

This **Council resolves** to propose the above measures to the Devon Housing Forum and to make representations supporting such recommendations to the government in response to the White Paper.'

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that Council notes the issues raised and will continue to work as part of the Devon Housing Task Force'.

13. Funding for Local Government (Minute 147 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Whitton and referred thereto in accordance with Standing Order 8(2), namely

This Council

- Notes the National Audit Office figures show central Government funding for local authorities in England has been cut by 52.3 percent overall in real terms between 2010-11 and 2020-21; in Devon County Council it has been closer to 75%.
- Believes the Government must address the financial challenges arising from this decade of underinvestment together with the additional financial pressures local authorities now face because of such factors as increasing fuel and staffing costs, increased social care referrals, high vacancy rates across frontline services and other challenges associated with covid-19, and loss of income.
- Notes recent Local Government Association analysis that social care-providing authorities are spending more than 60 percent of their outgoings on these essential care services.
- Believes we need locally led initiatives to improve equality, sustainability and resilience, including providing genuinely affordable, energy efficient homes, supporting socially necessary bus services, providing adult and child social care, support for older people, looked-after children, care leavers, people with disabilities or special educational needs, survivors of domestic violence and low-income families in crisis.
- Believes the government must take action to ensure the financial stability of local government and its ability to plan, sustain and improve community and essential frontline services.
- Believes the need for the government to address the financial pressures on local authorities and their ability to deliver frontline services is urgent and immediate.

This Council resolves

To call on the Government to develop a national funding strategy that will provide Devon and other local authorities with the funds required to protect and restore spending on social care, community and frontline services to sustainable levels and reset local economies in the autumn budget.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

(a) that the County Council supports the LGA and CCN in calling for the earliest possible resumption of the Government's Fair Funding Review to ensure that the true costs of delivering public services particularly in rural

areas are properly funded and the needs of all our communities – rural, coastal and urban – are met;

(b) that the County Council supports the LGA and CCN in calling on Government to ensure this year's Local Government Settlement recognises the unprecedented pressures on the sector so that Councils are adequately funded to protect public services;

(c) that the County Council calls on Government to delay the charging reforms to adult social care services, and to reinvest funding earmarked for these proposals in local government to help ease the pressures on social care;

(d) that the County Council calls on Government to rebalance funding between health and social care, by allocating more of the £13bn committed to tackling the NHS backlog to Councils who can work with NHS partners to invest in preventative social care and help ease the pressure on our hospitals; and;

(e) that the County Council calls on Government to urgently approve the Council's Safety Valve Intervention Fund proposal or provide temporary respite by rolling the Dedicated Schools Grant deficit forward a further year.

14. Second Homes and Council Tax Premium (Minute 148 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239 (d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Brazil and referred thereto in accordance with Standing Order 8(2), namely

'This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that as soon as legislation allows the County Council will ask each of the District Councils to give consideration to adding the Council Tax premium on second homes to their Council Tax schemes'.

15. Pedestrian Priority in Highways Policies (Minute 149 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wrigley and referred thereto in accordance with Standing Order 8(2), namely

'In January 2022 the new version of the Highway code reinforced the principles that pedestrians have higher priority than cars, as do cyclists and

others.

In Devon County Highway discussions, too often the impression is given that car drivers have priority of consideration in the design of road layout, speeds and other considerations.

This Council asks for a systematic review and re-appraisal of priorities in Highways policies such that pedestrians are actively and always considered first, and vehicle traffic takes second place, in line with the new highway code.

In particular this should be emphasised in the considerations of speed limits and restrictions, pedestrian crossings, parking restrictions and in consultation responses for planning of new developments. Consideration of pedestrians must include safety and the perception of safety from a pedestrian point of view.

Council asks for this review to be done within 6 months and to receive reports on changes required in currently applied policies or demonstration of how pedestrian considerations and experience is prioritised’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/20/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

‘that Council recognises that the safety of pedestrians and vulnerable road users is paramount in the planning, delivery, operation and maintenance of highway infrastructure and the planned review of the Local Transport Plan should be used to reinforce the hierarchy of users’.

16. Environmental Protections (Minute 150 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Bailey and referred thereto in accordance with Standing Order 8(2), namely

‘This Council is strongly opposed to the reckless ripping up of environmental protections by the Conservative Government including the creation 38 new investment zones which have been described by the RSPB as “an attack on Nature”. This Council urges the Government to uphold the legal protections which are vital for wildlife particularly as the UK is one of the most nature depleted countries in the world (it is in the bottom 10% of the world’s countries well below China and the last among the G7 group of nations)’.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that the County Council writes to the Secretary of State for the Environment to highlight:

(a) the concerns about the currently perceived policy threats to nature;

(b) the importance of strong environmental protection alongside other statutory considerations to achieve our strategic aim of supporting sustainable and inclusive economic prosperity that improves the health and wellbeing of our residents; and

(c) that careful streamlining of the delivery of regulatory requirements, rather than their weakening or removal, is the most effective way of ensuring that environmental interests do not cause inappropriate delay or constraint to future growth.

17. Glyphosate Use on all Council Owned Land (Minute 151 - 6 October 2022)

To receive and consider the recommendations of the Cabinet (Minute 239(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hodgson and referred thereto in accordance with Standing Order 8(2), namely

'This Council will ban the use of the pesticide Glyphosate on all Council owned land from January 1st 2023'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/16) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

'that in line with its adopted Environmental Policy, County Council services should only use glyphosate if absolutely necessary, where practical alternatives are not available'.

18. Istanbul Convention to Prevent and Combat Violence against Women and Girls and Article 59.

Councillor Atkinson to move:

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

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

The Government's National Statement of Expectations on Domestic Violence sets out what local areas like Devon need to put in place to

ensure their response to Violence against Women and Girls (VAWG) issues is as collaborative, robust and effective as it can be so that all victims and survivors can get the help they need. The Home Office expects to see local strategies and services that, amongst other things, put the victim at the centre of service delivery.

This Council believes:

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

19. Supporting Devon's Children - Ending a Decade of Despair

Councillor Brazil to move:

‘Devon County Council invites the Secretary of State to appoint Commissioners to immediately take over the running of Children's Services in Devon.

For more than a decade, vulnerable children and children with special needs in Devon have been shortchanged by the County Council. Though it has strived, it has singularly failed to improve services, which remain poor.

Children's life chances have been immeasurably harmed by the council's failure to get to grips with reforming the service and moving from the 'INADEQUATE' or 'REQUIRES IMPROVEMENT' ratings of Ofsted, the Government inspectors, to 'GOOD' or, better still 'OUTSTANDING'.

The County Council recognises that it is the children which must now come first and calls on the Secretary of State to immediately appoint Commissioners to take over the running of the county council's Children's Services functions and to do all that is necessary to improve services, raise standards, protect children and young people and achieve at least an Ofsted 'GOOD' rating’.

20. Stop Shortchanging Devon - Save our Services

Councillor Brazil to move:

'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'.

21. Voter Photo ID requirement

Councillor Wrigley to move:

Voter ID equals Voter Suppression

Devon condemns the introduction of the requirement for Voter Photo ID and will write to the Prime Minister and the MPs in Devon to state our objection.

Evidence for significant identity fraud at elections has not come forward. At the last count, a single prosecution was taken forward on the matter.

Despite this, Voter Photo ID will be required for anyone wishing to vote in the May 2023 elections. This 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.

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.

This move by the Conservative government is likely to disenfranchise many Devon residents, and thus suppress the number of residents who should be able to vote. This is shameful and does not reflect British standards for democracy and respect for our voters.

22. Voter ID

Councillor Bailey to move:

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.

This Council considers that the introduction of photographic ID for elections is completely unnecessary, as voter fraud is extremely rare, and would have the effect of suppressing voter participation in democratic processes.

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.

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.

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.

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

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Induction Loop available

