

COUNCIL

25 May 2023

Present:-

Chair: P Prowse

Vice-Chair: C Slade

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

Apologies:-

Councillors R Croad

192 Election of Chair

Councillor Randall Johnson **MOVED** and Councillor Trail **SECONDED** that Councillor Prowse be elected Chair of Devon County Council for the ensuing year. The Motion was put to the vote and declared **CARRIED**.

COUNCILLOR PROWSE IN THE CHAIR

193 Appointment of Vice-Chair

Councillor Squires **MOVED** and Councillor Chesterton **SECONDED** that Councillor Slade be appointed Vice-Chair of Devon County Council for the ensuing year.

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

194 Appointment of Deputy Leader of the Council

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

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

195 **Cabinet Members and Allocation of Remits**

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

“that the Council note that the Members shown in the Appendix circulated with the agenda 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 Annual Meeting of the Council in 2024”.

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

196 **Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 16 February 2023 be signed as a correct record.

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

197 **Announcements**

The Chair reported the recent death of former County Councillor and Alderman Michael Roy Lee. Alderman Lee had first been elected to the Council in 1989 for the Crediton Rural Division serving until 1993 and then for the Bradninch & Creedy Division in 1999 serving until 2013. He had served on a number of Committees and further represented the County Council on a wide range of outside bodies. He had been Vice-Chair of the Council in 2003/4 and former Chair of the Mid Devon Highways & Traffic Order Committee and Vice-Chair of the Farms Estate Committee.

He had also been a Member and past Chair of Mid Devon District Council.

The Chair then reported that the Community Health and Social Care Teams had been shortlisted in the ‘Large Team of the Year’ category at the Local Government Chronical (LGC) Awards. The focus of the nomination was Moving with Dignity which was an approach that gave support and confidence to care providers so they could safely provide single-handed care, and also support people to learn to be more independent. The winners would be announced on 8 June 2023 at Grosvenor House, London.

The Council’s Waste Team had been shortlisted for ‘Local Authority, Individual or Team of the Year’ at the Awards for Excellence in Recycling and Waste Management 2023. These annual awards recognised achievements and celebrates efforts made by those in recycling, reuse and waste reduction and the Chair highlighted that the Waste Team strived to find new and innovative ways of managing waste as a resource to keep Devon looking

beautiful. The result was finalist rather than winner and the Chair congratulated them on their achievement.

He further updated the Council on the re-signing of the Armed Forces Covenant, which reaffirmed the Council's commitment to do all that the Council could to support the armed forces community and their families. The signing was at a special event at the Commando Training Centre Royal Marines (CTCRM). The Council further noted that it had been awarded Employer's Recognition Silver Award.

198 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

199 **Appointment of Committees**

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Leaver, and **RESOLVED**

(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 for the period expiring at the date of the Annual Meeting of the Council in 2024;

(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 Annual Meeting of the Council in 2024;

(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 Annual Meeting of the Council in 2024 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.

200 **Appointment of Chair's and Vice-Chair's of Committees**

Councillor Hughes **MOVED** and Councillor Barnes **SECONDED**:

‘that Members shown in the Appendix circulated prior to the meeting and uploaded to the website be elected Chair and Vice-Chair of those Committees as indicated therein to hold office until the date of the Annual meeting of the Council in 2024’.

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

(In accordance with Standing Order 32(4) Councillor Biederman asked that his vote against the motion be recorded)

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

A petition was presented to the Leader from Elizabeth Downen on behalf of residents of Harpford, Sidmouth seeking ‘Connect Our Community – Harpford and Newton Poppleford’. The petition contained approximately 800 signatures. The petition outlined that Newton Poppleford and Harpford were currently joined by the Red Bridge and highlighted there was significant support for a new bridge to provide a safe pedestrian route between Harpford and Newton Poppleford and to maintain the East Devon Way.

A second petition was presented to the Leader from Mr Luckham on behalf of Heavitree Advocates raising concerns about the potential trial of a Low Traffic Neighbourhood (LTN) for Heavitree, Whipton and Thornpark Rise and asking for a detailed public consultation before any LTN trial commenced. The petition contained just over 800 signatures.

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

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on the following matter.

1. recent changes in parking permits for residents, the move towards a digital solution, timeliness of checking, piloting of the system and consultations as well as costings.

The Cabinet Member responded to the supplementary question arising from the above, confirming he would get a written reply to the questioner.

In accordance with the Council's Public Participation Rules, the Council received and acknowledged an oral representation made by Mr Lawrence Jenner on over development and lack of road infrastructure, schools, health services and destruction of wildlife by the North Devon Biosphere.

The Chair thanked all members of the public for their contributions.

202 Petitions from Members of the Council

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

203 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the relevant Cabinet Members and a Committee Chair provided written responses to 39 questions submitted by Members of the Council relating to the following matters.

1. Work to if any schools were constructed with reinforced autoclaved aerated concrete;
2. Number of schools identified?
3. Number schools affected by the thirty-year immediate structural failure danger?
4. Number of schools operating with structural modifications?
5. Whether any schools were under threat of closure / partial closure due to reinforced autoclaved aerated concrete?
6. Investment / capital plans in place to actively address reinforced autoclaved aerated concrete issues?
7. Numbers of Exe Press printed for each edition of the magazine?
8. Cost to produce and print the magazine (Exe Press) for each edition?
9. Copies of Exe Press posted and costs?
10. Cost of postage for each edition of Exe Press?
11. Number of editions (Exe Press) produced in 2022 and number scheduled for 2023?
12. Total non-pay budget of the Exe Estuary Management Partnership for 2022/23 and 2023/24?
13. Whether the Council faced a 'material threat of a Section 114 Notice?
14. Update and timetable for the resurfacing of the A379 through Starcross?
15. Priority levels and timescales to repair potholes in Devon?
16. As at 14 May 2023, the number of potholes awaiting repair in the DCC area?
17. In the last financial year and as at 14 May 2023, number of potholes repaired within the relevant priority time limit?

18. In the last financial year and as at 14 May 2023, the longest period of time taken to repair any pothole in each priority category from the time reported?
19. In the last financial year and as at 14 May 2023, the longest period of time for any pothole in each category waiting to be fixed from the time reported?
20. Number of claims for damage arising from potholes or road defects submitted in the last financial year and to 14 May 2023 (current financial year)?
21. Amount of money paid or agreed to be paid to settle claims for damages arising from road defects in the last financial year and to 14 May 2023 (current financial year)?
22. Money spent preparing the planning application DCC 4329/2022 Proposed Electricity Sub Station at Matford, Exeter (submitted to DCC in December 2022)
23. In relation to above (22), cost of the separate planning application fee?
24. In relation to (23) the same Planning Application was submitted Teignbridge District Council, therefore reasons for the duplicate application and cost of the planning fee ?
25. Lower Hare Farm, Whitestone, landfill planning consent, progress in meeting planning requirements and when the site would become operational.
26. Current (at 17 May) waiting time for an assessment by an Educational Psychologist?
27. Current (at 17 May) waiting time for an Education Health & Care Plan (EHCP) to be issued?
28. Number of children in Devon waiting for an EHCP?
29. In last financial year and to 17 May 2023 (current year), number of EHCPs delivered within the 16-week time limit?
30. Current (at 17 May) longest wait in Devon for an EHCP?
31. Number of EHCPs currently over the 16-week time limit?
32. Design life for the wooden huts used as classrooms at Abbotskerswell Primary school, length of time in place and schedule for replacement and the position in other schools?
33. The redbridge link across the River Otter and progress with negotiations for a new bridge?
34. Number of claims made against the Council relating to poor condition of roads during 2020/21, 2021/22 and 2022/23 financial years and to date in the financial year 2023/24?
35. Amount of compensation paid by the Council in response to road claims during the 2020/21, 2021/22 and 2022/23 financial years and to date in the financial year 2023/24.
36. Response to queries raised at last Council meeting on economics of the way potholes are repeatedly filled rather than fixing them?
37. Closure of Grafton Childcare Day Nursery and Preschool in Newton Abbot and provisions made to ensure sufficiency of childcare in the area?

38. Adoption of 20mph speed limits in residential areas and town and village centres implemented by Cornwall County Council and why the current criteria is being used?
39. Measures being considered to address the Air Quality Management Action Plan for the Totnes AQMA on the A385?

The Cabinet Members and Committee Chair 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](#)).

204 **Governance Review Plan**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the recommendations of the Procedures Committee in relation to the framework for a forthcoming Governance Review (Minute 33 referred) be adopted.

The Leader of the Council then **MOVED** and Councillor Brazil **SECONDED** that the motion be amended, as outlined below (additions in red type).

That Council be recommended to:

- (a) establish a cross-party working group comprising up to 7 Members, to progress a root and branch Governance Review, noting recommendation (b) below which gives flexibility for wider membership as the review progresses;
- (b) that the Director of Legal and Democratic Services, in consultation with the Chair of Procedures Committee **and Group Leaders** be authorised to appoint additional Members to the working group, in line with the review themes;
- (c) approve the proposed approach, programme and timeline for the Governance Review, as set out in Appendix 1; and
- (d) that the Director of Legal and Democratic Service, in consultation with the Chair of Procedures Committee **and Group Leaders** be authorised to implement any changes to the Governance review programme which are required.

The amendment was put to the vote and declared **CARRIED** and thereafter as the substantive motion.

205 Cabinet Member Reports

(Councillor Sanders declared a personal interest in this matter by virtue of being a Director and Trustee of Dartmoor Multi Academy Trust and Safeguarding Lead on the Trust).

The Council received reports from the relevant Cabinet Members on specific issues upon which they had been asked to comment, as set out below:

(a) Children's Services and Schools

Councillor Leadbetter circulated a Report, as requested by Councillor Hannaford on Government announcement of £600m ringfenced funding to support primary school physical activity and sport, alongside £22m of funding for the nationwide network of 450 School Games Organisers.

The Cabinet Member confirmed that further guidance, including school allocations, priorities and reporting requirements, was expected in the summer and would include a new digital tool to support schools in using the funding to the best advantage of their pupils. The allocations were expected to be in line with 22/23 funding levels (£5.6m for Devon primary schools). He added that the £22 million for School Games Organisers (SGOs) was invested through specific host schools who employ the SGOs. Active Devon was leading work locally on Opening School Facilities (OSF) which was part of the £600 million funding allocation.

The Report responded to concerns and allegations about the Ted Wragg Schools, the role, responsibilities and statutory duties that the Council had when issues had been raised in relation to non-local authority maintained schools as well as Dartmoor Multi Academy Trust, the Cabinet member had been asked to comment on the financial position, potential job losses and curriculum reductions, and long-term viability.

The Cabinet Member clarified that Schools were self-governing institutions, and it was the role of the governing body to address school issues. The Council had no powers to interfere with the running of Academy schools as the responsibility sat with the Department for Education and ultimately with Parliament.

He was further asked to report, by Councillor Adams, on future engagement plans with the Devon SEND Parents and Carers for Change (DSPCC) and work with the Devon Parents Forum, including communication mechanisms. The Cabinet Member committed to responding in full at a later date.

(b) Climate Change, Environment and Transport

Councillor Davis circulated as Report, as requested by Councillor Hannaford on the current funding situation for the Dawlish Line. The Report outlined the various phases, progress and monetary commitments.

Phases 1 and 2 were the Dawlish sea wall (£80.6m committed), but this phase included Colonnade viaduct and the new seating area around the stalling basin and improving Dawlish Station accessibility. Phase 3 was Parson's Tunnel North Portal rockfall shelter with £52.6m committed, Phase 4 was Dawlish to Holcombe (cliff stabilisation) with £32.2m committed and Phase 5 – Parson's Tunnel to Teignmouth with £5.3m spent to date and the final scheme funding uncommitted.

She also reported, as requested by Councillor Connett on Progress at Southwest Exeter, including the delivery of the planned GP surgery/primary care facility and Community Centre building. Of particular note with regards to the community building and GP surgery, ongoing discussions had been held with Exminster Parish Council, Ide Lane Surgery and the NHS to inform the design and requirements for the building, within the funding available. A planning application was being prepared based on the discussions, which was due for submission by the end of May.

Finally, the Report commented on the Scrutiny applied to the impact on wildlife and habitats of new planning developments that are likely to affect protected wildlife species, wildlife corridors or other protected habitats, as requested by Councillor Hodgson, outlining that such Scrutiny regarding planning and wildlife (both for DCC and other local planning authorities where a Service Level Agreement to provide planning and wildlife advice was in place) aligned with legislative and policy requirements and related national and local guidance, as outlined on DCC's wildlife and planning web page at: [Wildlife and geology planning guidance - Environment \(devon.gov.uk\)](https://www.devon.gov.uk/wildlife-geology-planning-guidance-environment).

(c) Adult Social Care and Health Services

Councillor McInnes circulated a Report, as requested by Councillor Hannaford on the Abbeyfield Societies 45-day consultation (i.e. six residential support units for elderly residents, three of which were in Devon). The Cabinet Members was asked to comment on the number of residents in the homes in Devon, locations and work to support residents and their families. The Cabinet Member highlighted that the local Community Health and Social Care team, Care Direct Plus service and commissioning colleagues had been made aware of the situation and that Integrated Adult Social Care had reached out to colleagues in West Devon Council's housing department to ensure they were aware of the situation and would continue to pursue communication with the Abbeyfield senior team.

(d) Highway Management

Councillor Hughes circulated a Report, as requested by Councillor Bailey, on the Council's DCC's 20mph scheme. He had been asked to comment on the scheme being heavily oversubscribed and how 20mph schemes could be enabled for communities who wished to have it. The Cabinet Member commented that he understood the huge demand for 20mph limits and this far exceeded current budgets. He added that a Report would be prepared for Cabinet on how we may meet the need for interventions in the many communities that had requested them.

206 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 | - | 27 February and 24 April 2023 |
| Audit Committee | - | 28 February 2023 |
| Investment and Pension Fund Committee | - | 3 March 2023 |
| Public Rights of Way Committee | - | 9 March 2023 |
| Standards Committee | - | 16 March 2023 |
| Appointments, Remuneration and Chief Office Conduct Committee | - | 20 March, 12 April, 27 April & 9 May and 25 May 2023
<i>(including approval of minute 59 and the appointment of Rebecca Hopkins to the post of Deputy Director Children's Services - Head of Children's Social Care, approval of minute 66 and the appointment of Matthew Jones as Director of Transformation and Business Services, approval of minute 67 and the appointment of Maria Chakraborty as Director of People and Culture and minute 71 and the appointment of Stuart Collins to the post of Director Children and Young People's Futures).</i> |
| Procedures Committee | - | 25 April 2023
<i>(noting that Minute 33 relating to the Governance Review Plan was dealt with earlier in the agenda – item 14)</i> |
| Development Management Committee | - | 26 April 2023 |
| Corporate Infrastructure & Regulatory Services Scrutiny Committee
(Special Meeting and Ordinary meeting) | - | 21 February & 23 March 2023 |
| Children's Scrutiny | - | 14 March 2023 |

Health & Adult Care Scrutiny - 21 March 2023

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

207 **Scrutiny Annual Report 2022-2023**

The Council received and endorsed the 2022/23 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 second year of this Council had seen Scrutiny focus upon ensuring the right decisions were taken to support improvement and fiscal solvency. Building upon the high number of masterclasses and training opportunities last year, this year had seen a high output in task groups and spotlight reviews.

Corporate Infrastructure and Regulatory Service Scrutiny continued to have a Standing Overview Group on Climate Change and had completed work on the cost-of-living crisis and set the future direction on moving traffic offenses and the replacement of the corporate finance system.

Children's Scrutiny had completed the Child Friendly Devon Task Group in June and the SEND Task Group in November and continued to closely monitor the improvement journeys of both Children's Social Care and SEND services.

Health and Adult Care Scrutiny had continued to seek ongoing public scrutiny of NHS Devon and adult social care, at a time with the former facing significant issues with waiting lists and its finances. In addition, Members had undertaken reviews on community pharmacy, unpaid carers and day care services.

The infographic from each review was also circulated with the Report.

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.

In terms in 'in person' meetings there had been 19 Public meetings (broadcast live), 76 Reports, 2 Call-ins and 13 Members of the public to speak. In relation to Task Groups and Spotlight Reviews there had been 10 reports published (see infographics of the Report), 140 witnesses and 2 new task groups

established. This was in addition to 7 Standing Overview Group meetings including dedicated sessions on Ofsted and climate change and 17 Masterclasses to increase understanding and improve Scrutiny.

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 - [Document 2022 - 2023 Annual Report - Democracy in Devon](#) or type the following text

(<https://democracy.devon.gov.uk/ecSDDisplay.aspx?NAME=2022%20-%202023%20Annual%20Report&ID=1219&RPID=6783206>)

208 **Protect the Right to Free Camp on Dartmoor (Minute 188 of 16 February 2023)**

Pursuant to County Council Minute 188 of 16 February 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wrigley that:

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.

and having had regard to the advice of the Cabinet set out in Minute 301(a) of the 8 March 2023:

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

(a) shares the concern expressed by this Notice of Motion (and the one submitted by Councillor Barnes) about the legal implications of this High Court ruling for the right to backpack camp on relevant parts of Dartmoor, particularly in the light of long-standing tradition of such

activity and the resulting benefits for physical and mental wellbeing of connecting with nature in this way;

(b) endorses the actions taken by Dartmoor National Park Authority in its efforts to uphold the ability for the public to enjoy responsibly this activity on an ongoing basis, including its promotion of a 'Backpack Camping Code'; and it is recognised that motorised vehicles, campervans and sleeping in cars is not included in the backpack camping code and will be subject to regulation and enforcement to avoid harm to Dartmoor's moorland environment; and

(c) calls on the Secretary of State for the Environment to support appropriately these endeavours across relevant parts of the Dartmoor Commons.

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.

(In accordance with Standing Order 32(4) Councillor Morrish asked that his abstention from voting be recorded)

209 **Forced Installation of Prepayment Meters (Minute 189 - 16 February 2023)**

Pursuant to County Council Minute 189 of 16 February 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 301(b) of 8 March 2023.

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

(a) continue to work with and support local partners, including Team Devon Councils, the NHS and the voluntary and community sector, on supporting vulnerable households; and

(b) write to the Secretary of State, with a copy to Devon MPs, urging Government to: reduce energy vulnerability through financial support for struggling households; introduce a moratorium on the installation of gas or electricity prepayment meters; cease the use of court warrants to gain entry to homes to fit prepayment meters or the automatic switching of smart meters onto prepayment ones.

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.

210 **Special Education Needs (SEND) Budgets and Deficits (Minute 190 - 16 February 2023)**

Pursuant to County Council Minute 190 of 16 February 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 301(c) of 8 March 2023:

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

'welcomes the concern and support shown by all Members, demonstrating the desire across the County Council to ensure a secure future where children with special needs receive the educational support they need and in the right settings. To that end, the Council reaffirms its strong commitment to achieve a financially sustainable future for special educational needs and thereby also provide parents and carers of children with special needs with confidence and reassurance'.

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.

211 Dartmoor National Park (Minute 191 - 16 February 2023)

Pursuant to County Council Minute 191 of 16 February 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Barnes that:

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

and having had regard to the advice of the Cabinet set out in Minute 301 (d) of 8 March 2023:

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

(a) shares the concern expressed by this Notice of Motion (and the one submitted by Councillor Wrigley) about the legal implications of this High Court ruling for the right to backpack camp on relevant parts of Dartmoor, particularly in the light of long-standing tradition of such activity and the resulting benefits for physical and mental wellbeing of connecting with nature in this way;

(b) endorses the actions taken by Dartmoor National Park Authority in its efforts to uphold the ability for the public to enjoy responsibly this activity on an ongoing basis, including its promotion of a 'Backpack

Camping Code'; and it is recognised that motorised vehicles, campervans and sleeping in cars is not included in the backpack camping code and will be subject to regulation and enforcement to avoid harm to Dartmoor's moorland environment; and

(c) calls on the Secretary of State for the Environment to support appropriately these endeavours across relevant parts of the Dartmoor Commons.

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.

212 Debate not Hate

Councillor Aves **MOVED** (on behalf of Councillor Hannaford) and Councillor Whitton **SECONDED**

'The intimidation and abuse of councillors, in person or otherwise, undermines democracy; preventing elected members from representing the communities they serve, deterring individuals from standing for election, and undermining public life in democratic processes.

Devon County Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy, and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

Devon County Council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does. Devon County Council further agrees to sign up to the [LGA's Debate Not Hate campaign](#). The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

In addition, this council resolves to:

- Write to the local Members of Parliament to ask them to support the campaign.
- Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians at every level.
- Ensure that Devon County Council has a clear reporting mechanism which councillors can use to monitor and record incidents of harassment and abuse of councillors and officers.

- Regularly review the support available to Councillors in relation to abuse and intimidation and councilor safety.
- Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councilors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councilors face, as they do with other high-risk individuals, like MP's.
- Take a zero-tolerance approach to abuse of councilors and officers'.
- Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councilors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councilors face, as they do with other high-risk individuals, like MP's.
- Take a zero-tolerance approach to abuse of councilors and officers'.

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

213 **Devon County Council to Treat Care Experience as if it were a Protected Characteristic**

Councillor Aves **MOVED** (on behalf of Councillor Hannaford) and Councillor Whitton **SECONDED**

Devon County Council recognises:

- Every elected member and employee of this Council is a corporate parent to the children and care leavers in our care.
- We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.
- That Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.

Devon County Council notes:

- A UCL study which showed 70% of care experienced people die early. Over 50% of people who are in custody up to the age of 21 have been in care (Become Charity) and a quarter of the homeless population is care experienced (The Independent Review of Children's Social Care).
- The Government commissioned an independent national review of children's social care, chaired by Josh Macalister, and one recommendation was to look at making care experience an

additional protected characteristic; another was that all public bodies become corporate parents.

Devon County Council believes:

- Our children in care and those who have left care have the right to expect everything from a corporate parent that would be expected from a good and responsible parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence including through employment opportunities.
- This authority has already taken important steps to support our care experienced children and care leavers better, but we can always do more.
- That we cannot wait until the government decides which recommendations to implement and therefore, here in the Devon County Council area of responsibility, we should act to be the best corporate parents we can be.
- That when making any decisions in relation to our policies or formulating our Corporate Plan that we should recognise care experienced people as a vulnerable group who face discrimination.
- That whilst we cannot change national legislation, we can use our powers to ensure that the Council consider care experienced people as part of its decision making to seek to prevent discrimination and improve life chances, in doing this. This will mean that we treat people with care experience the same as those with a protected characteristic.

Devon County Council therefore resolves:

1. That the Chief Executive and Monitoring Officer ensure that all council making decision documentation has in it appropriate sections to allow for the impact upon 'care experienced people' to be considered in decision making, where relevant.
2. Officers consider how information might be captured and reported upon on these matters in a similar way to that of the Public Sector Equality Duty Annual report.
3. Any publication of information relating to people who share a Protected Characteristic also includes 'care experienced people'
4. To proactively seek out and listen to the voices of care experienced people of all ages when developing new Council policies and plans and, where possible, those where the Council produces them in partnership with others.
5. To request that the Chief Executive, as Head of Paid Service, explore with the Director of HR how the Council could seek to guarantee all care experienced persons an interview where they meet the essential criteria of the post applied for.

6. That the Cabinet Member for Children's Services and Schools writes to all public bodies represented in the Devon County Council area of responsibility ,the Chamber of Commerce and the Federation of Small Businesses to make them aware of this motion and, where possible and within available resources, offer training on corporate parenting and issues facing care experienced people and to work with our partners and our care experienced population to understand what corporate parenting means for them.
7. That the Leader of the Council, writes to Devon's MPs making them aware of this motion and asking them to press government to amend the law to include Care Experienced persons as a Protected Characteristic and for the extension of Corporate Parenting to all public bodies, following the recommendations of the Macalister Report.
8. That the Chief Executive, Monitoring Officer, and Section 151 Officer attend a Corporate Parenting forum meeting to report on the actions taken because of this motion on notice.

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

214 Teachers Pay - Investing in our Childrens Futures

Councillor Aves **MOVED** (on behalf of Councillor Hannaford) and Councillor Adams **SECONDED**

Council notes that:

Members of the National Education Union (NEU) have voted in overwhelming numbers to take strike action for a fully funded, above-inflation pay rise.

Teachers across England have been offered a 5 per cent pay rise, which represents a 7 per cent real terms cut to their pay when compared to the very high rates of inflation.

One in four teachers leave the profession within two years of qualification: a third within five. Nearly one third of the teachers who qualified in the last decade are no longer teaching.

Children are losing out because there are not enough teachers. One in eight maths lessons is taught by a teacher not qualified in the subject.

The Government missed its target for recruitment of new secondary school teachers by 41 per cent this year and by 11 per cent for primary school teachers.

There has been a fall of 23 per cent in trainee teacher recruitment in 2022 compared with the year before.

Teachers are leaving the profession because of a mix of excessive workload and poor pay. A teacher who started working in 2010 and made normal progress up the pay scale has lost over £64,000 in real terms.

Teachers in England top the OECD league table for working time outside lessons. In addition to their teaching timetable, primary teachers spend nearly 32 hours and secondary teachers nearly 33 hours working in addition to their teaching every week. This means working weeks of 55-60 hours are commonplace in staff rooms all over the nation.

Secondary class sizes are at their highest for 40 years. Primary class sizes are now at their highest for 22 years.

According to a survey sent out by the Department for Education (DfE) to all schools and trusts in England in May 2022 regarding gas and electricity contracts, the average quote given on renewal for gas has increased from £0.03 per kWh to £0.09 kWh for gas; and from £0.16 per kWh to £0.32 per kWh for electricity. These substantial cost increases are placing significant pressure on school budgets.

This Council also notes that:

Our teachers do not want to go on strike – they want to be in properly resourced classrooms with enough support staff, teaching and supporting our amazing children and young people in the way they deserve.

Teachers in Devon are doing their best for our children.

However, the proportion of reception age children achieving a good level of development, the proportion of Y1 children achieving expected level in phonics; and KS2 children achieving expected standard in reading, writing and maths are all ongoing concerns.

In recent years there have been substantial ongoing increases in the numbers of children in Devon requiring additional support in school due to Special Educational Needs and Disabilities (SEND), or significant anxiety and mental health difficulties which act as a barrier to accessing their education.

Staff and budgets can only stretch so far. Looking at the entire picture, is not difficult to see that faced with escalating running costs and unfunded pay rises heads will have no choice but to make cuts in areas which directly impact children such as additional support for those with SEND and other needs.

These growing cost pressures are borne out by projections for Devon County Council which show that without making compensatory cuts primary schools maintained by the local authority will struggle to balance their budgets in 2023/24, if no further funding is forthcoming.

It is short-sighted for the Government to expect schools to make savings which impact on children when it simply creates system pressures elsewhere such as increased demand for EHCPs and places at specialist schools and alternative provision.

This Council resolves:

To support the campaign for the Westminster Government to provide a fully funded, above-inflation pay rises for all teachers and support staff.

To write to the Prime Minister and Chancellor to call for a fully funded, above-inflation pay rise.

To resist the Government's ongoing cuts to school budgets and call for more funding to be invested in education.

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

215 Governance Review and Council Consultations

Councillor Atkinson **MOVED** and Councillor Biederman **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**.

(In accordance with Standing Order 32(4) Councillors Atkinson, Bailey and Biederman asked that their vote for the motion be recorded)

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

It is noted that the Council intends to review its consultations procedures as part of its governance review. This council notes that in response to the threat of a judicial review challenge by Mencap the consultation on the closure of the respite care facilities for disabled adults has been withdrawn. Other recent consultations also appear to be similarly flawed as not being genuine consultations as they were issued after a decision to make the cuts had already been made. These had not been made clear at the budget preparation and scrutiny and the budget cut had therefore not been scrutinised by the Adult Social Care Scrutiny Committee. These are

- The wellbeing Exeter Cessation of contribution
- Homelessness18 + prevention: cessation of contribution

- A cut in the day care service at the Nicholls Centre Exeter from a 5 day a week service to a 3 day a week service (plus closures of similar day care centres elsewhere in the county)
- Closure of the respite facility at either Pine Parks in Honiton or the Nicholls Centre in Exeter
- The reduction in the grant to Devon Carers.
- Closure of North Devon Link Mental Health and Wellbeing Service in Barnstaple Bideford and Ilfracombe

This Council therefore agrees to withdraw these consultations and to take no further steps to proceed with the planned cuts until after the governance review of its consultation procedures has taken place.

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

216 **Devon 20's Plenty**

Councillor Biederman **MOVED** (on behalf of Councillor Hodgson) and Councillor Bailey **SECONDED**

In light of the support for the 'Devon 20's Plenty' campaign, this Council will support the implementation of 20 mph zones where the local Parish Council has passed the 20's Plenty motion.

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 livestream of this meeting will also 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 2.15 pm and finished at 6.00 pm