

## CABINET

8 March 2023

### Present:-

Councillors R Croad, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), A Saywell and P Twiss (in person)

Councillor A Davis (remote attendance)

### Members attending in accordance with Standing Orders 8 and 25

Councillors J Brazil and C Whitton (in person)

Councillors Y Atkinson, A Dewhirst and M Wrigley (remote attendance)

\* 288

### Minutes

**RESOLVED** that the minutes of the meeting held on 10 February 2023 be signed as a correct record.

\* 289

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 290

### Announcements

There was no announcement by the Chair at this meeting.

\* 291

### Petitions

There was no petition received from a Member of the Public or the Council.

\* 292

### Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to three questions from a Member of the Council on the following matters:

- the current consultation on day care services and calculate / breakdown of costs;
- differentials in costs and the charity / independent sector; and
- provision elsewhere for complex needs and likely costs and charges.

The Cabinet Member also responded orally to the supplementary questions arising from the above.

*[NB: A copy of the questions and answers are available on webpage for meeting and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

\* **293**      **Budget Monitoring - Month 10**

(Councillors Atkinson, Brazil, Dewhurst, Whitton and Wrigley attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Finance and Public Value (DF/23/39), circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 on the budget monitoring position at month 10.

The Report highlighted that the forecasted position was an overspend by £3.6 million, which was an improvement of £3.4 million from month 8. The position comprised an underlying outturn forecast of an overspend of £30.1 million but this was reduced by £26.5 million as a result of the of the Financial Sustainability Programme (FSP) savings and additional income.

An inflationary pressure risk continued to be present but this was not expected to have a significant impact on the in-year position. The Dedicated Schools Grant forecast had not been included in these figures. Work continued to implement in-year cost containment measures and at month 10 £26.5 million of in-year savings and additional income was expected to be delivered.

The forecasted deficit on the Dedicated Schools Grant this year of £41.1 million relating to Special Educational Needs and Disabilities (SEND) was an increase in the overspend of £564,000 compared to the month 8 position and the outcome of the discussions with the Department for Education, as part of the Safety Valve Intervention, was awaited.

The table at paragraph 2.1 of the Report detailed the forecast outturn position by service area at month 10. The underlying outturn forecasts, column (d), detailed the forecast outturn position before the impact of the Financial Sustainability Programme (FSP) had been taken into account. The impact of the proposed FSP savings was shown in column (e) and the final month 10 forecast outturn overspend or underspend in column (f).

In summary, Integrated Adult Social Care was forecasting an overspend of £4.1 million, Children and Young People's Futures was forecasting an overspend of £19.5 million and an overspend of £41.1 million on Special Education Needs and Disabilities (SEND). The remaining Service areas were forecasting an underspend of £8.9 million at month 10, comprising an underlying forecast position of £1.9 million underspend and additional savings identified in the FSP totalling £7 million. Non-Service items, which included capital financing charges and business rates pooling gain were forecasting an underspend of £11.1 million. The underlying position was a forecast pressure

of £1.1 million and £12.2 million of savings identified by the FSP (although most were of a non-recurrent nature).

The organisation wide Financial Sustainability Programme had been examining options for service transformation, modernisation, remodelling of delivery, and ceasing or postponement of activity where possible. The month 10 position reflected £26.5 million of savings identified through the FSP and a high-level summary by type of saving was included at section 3.3 of the Report.

The latest approved 2022/23 capital programme totalled £227.0 million and the total year end forecast for capital expenditure was £159.6 million of which £137.1 million was externally funded. Total slippage was forecast to be £67.4 million. The main areas of net slippage could be attributed to scheme variations and programme delays reflecting the complexity of some of the major schemes.

The latest corporate aged debt position had risen to £5.0 million, 2.02% of the rolling 12-month value of all invoices, against the annual target of 1.9%. Work was underway to reduce the level of debts where possible.

Whilst the month 10 forecast had improved from month 8 due to further savings, containment of expenditure, and utilisation of one-off grant funding, the forecast across Integrated Adult Social Care and Children and Young People's Futures had continued to deteriorate. In the final months of the financial year there was a need to continue to identify savings, additional income and cost containment measures to ensure that the revenue outturn was as close to a balanced position as possible.

The matter having been debated and other relevant factors set out in the Director's Report having been considered:

it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Hart, and

**RESOLVED**

- (a) that the month 10 budget monitoring forecast be noted;
- (b) that the action being taken to safeguard the financial sustainability of the authority be supported; and
- (c) that the savings and additional income resulting from the Financial Sustainability Programme further be noted.

\* **294**     **Seaton to Colyford Multi-Use Path - Approval to construct**

(Councillors Brazil and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/23/9) seeking approval to proceed to tender and construction of the Seaton to Colyford Multi-Use Trail, the Report having been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Seaton to Colyford Multi-Use Trail proposed to link the communities of Seaton and Colyford with a safe, direct and attractive path which was accessible for all. The route between the settlements was designated as part of the National Cycle Network (NCN) Route 2, which included the Exe Estuary Trail and connected the East Devon market and coastal towns of Exmouth, Budleigh Salterton, Sidmouth, Seaton and Axminster through to the Dorset border and onwards to Portsmouth.

Whilst the majority of the existing NCN2 between Seaton and Colyford consisted of high-quality off-road provision, there was a missing gap which currently diverted users onto a section of road, unsuitable for families and less confident cyclists. The scheme proposed to complete this section of the route with a parallel and off-road shared use path, delivering approximately 3km of high-quality, safe and attractive cycle route suitable for all ages between Seaton and Colyford.

A planning application had been approved in September 2011 and Compulsory Purchase Orders for the required land successfully secured in 2021, therefore the Council was in a position to construct the link during the summer of 2023.

The Proposed Route was outlined in full at Appendix 1 and explained fully in paragraph 3, and the new path would bypass the on-road section. The specific route proposed was supported in the Devon and Torbay Local Transport Plan 3, 2011-2026 and the Council's own Cycling and Multi-Use Trail Network Strategy prioritised the Seaton to Colyford Multi-Use Trail, as did the 2021 update. The route also aligned with the vision of the future for Seaton, as set out in the adopted East Devon Local Plan 2013 - 2031.

The Report also explained why other options had been rejected for example the Eastern Route, shared use provision along Seaton/Colyford Road and the existing route along Seaton/Colyford Road.

The proposals were well-aligned with a range of Strategic Plan priorities and the table in the Report summarised how the proposals would impact achievement of relevant Strategic Plan actions according to a seven-point scale.

The financial considerations were outlined in section 7 of the Report and how the scheme was being funded, including the potential of a successful bid to the Active Travel Fund Tranche 4 which would reduce the LTP funding required.

In progressing this particular scheme / proposal, an Impact Assessment had been prepared which had been circulated with the agenda and was also available on the Council's website at [Seaton to Colyford Multi-Use Trail - February 2023 - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/Seaton-to-Colyford-Multi-Use-Trail-February-2023-Impact-Assessment). The proposals were expected to enable people to participate more fully in society, by removing transport-related barriers to various opportunities. Consequently, the social wellbeing of the area should be improved, and the modal shift from car to cycling (and walking) should improve environmental wellbeing. Similarly, the proposal should provide a boost to the local economy through an uplift in visitor numbers to Colyford and Seaton.

The Seaton to Colyford Multi-Use Trail Scheme fell partly within a flood zone and conditions formed part of the planning permissions in order to mitigate impacts of the project on these zones,

The scheme was expected to reduce carbon emissions through encouraging greater levels of commuting and other short trips by active travel rather than by motorised vehicle.

The proposed scheme aligned well with the aims set out in the Strategic Plan and responded to the climate emergency through prioritising and encouraging sustainable, healthy lifestyles and supporting a green recovery from COVID-19.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact), risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

it was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

### **RESOLVED**

(a) that the preferred scheme, as shown in Appendix 1, to proceed to tender and construction at an estimated cost of £1,234,376 be approved; and

(b) that the Director of Climate Change, Environment and Transport be given delegated powers, in consultation with the Cabinet Member for Highway Management and the local Member, to make minor amendments to the scheme details.

*(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Seaton to Colyford Multi-Use Trail - February 2023 - Impact Assessment \(devon.gov.uk\)](#).*

\* **295** **Flood Risk Management Action Plan 2023/2024**

(Councillors Brazil, Dewhurst, Whitton and Wrigley attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/23/10) which sought approval for the budget allocations to support the Annual Flood Risk Management Action Plan for 2023/24 and highlighted the achievements made by the Flood and Coastal Risk Management team in delivering the 2022/23 Action Plan, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report highlighted that the Flood and Coastal Risk Management team had had a challenging but successful year. The team had doubled over the past 10 years due to new legislation and a significant externally funded project.

The continued aim of reducing the number of properties at risk from flooding meant a robust Annual Flood Risk Management Action Plan for 2023/24 had been developed and budget allocations made to support the ongoing development and delivery of current high priority areas as well as adequate resources to fulfil the duties as a Lead Local Flood Authority (LLFA). Full details of the Action Plan were provided in Appendix A showing the relevant projects and schemes with costings and full details of proposals.

The ongoing projects that had either been completed or were well underway through 2022/23 were reducing the risk of flooding to 111 homes and businesses. A total investment of £500k, which included £240k of DCC Capital funding and a further £260k secured through external funding, had enabled the delivery of essential flood improvements. Further details of all ongoing and delivered projects were included in Appendix B including Harbertonford, Axminster, Stokenteignhead, Barnstaple West, Beeson, Broadhempston and Colaton Raleigh. It further listed those places where there were ongoing studies (17 in total), and those where initial assessments were being progressed (a further 17). An update on the Flood and Coastal Resilience Innovation Programme was also provided.

The current projects being developed for the next 5-year period would require over £10.0million of investment, including £2.7million from the Council, split £1.0 million Revenue and £1.7million Capital and would look to draw down in the region of £6.5million FDGiA and £1.0million Local Levy.

Over the past 12 months the County had experienced a contrasting weather pattern with a very dry summer causing drought conditions, to a very wet winter that had caused some localised flooding of properties. Whilst all flooding was devastating to those affected the number of properties across the County was low compared to other years. However there had been incidents in Kingsbridge, north of Mid Devon at Oakford Bridge and Exebridge.

The Council was also a statutory consultee to the Local Planning Authorities on surface water management for new major development. Over the past 12 months the team of 2 officers had reviewed over 550 applications and had achieved a 99% return rate within the required timescale of 21 days. The Council also had a duty to review proposals for works on an ordinary watercourse and provide a decision to the applicant within 2 months of submission. In the last 12 months, over 160 applications had been received which was approximately 30 more than the previous year.

There was a further duty to develop, publish and maintain a Local Flood Risk Management Strategy which had to align to the vision of the National Flood & Coastal Erosion Risk Management Strategy published by the Environment Agency. This allowed alignment with Defra's 6-year Flood & Coastal Erosion Risk Management Programme to maximise the opportunity to draw down Grant in Aid funding. The Council had pulled in over £4.0million in recent years and had a further £10.0million allocated for future projects, subject to funding justification.

To support the development of the Local Flood Risk Management Strategy a full Impact Assessment had been completed, had been circulated with the agenda and was available to view on the Council's website at:  
<https://www.devon.gov.uk/impact/flood-risk-management-strategy/>.

This would be referred to when carrying out flood improvements to ensure any impact on the environment was minimised and/or mitigated against. For major capital flood schemes a bespoke Environmental Assessment would be prepared.

The Cabinet further noted that all flood risk management activity would be assessed and prioritised based on risk. The delivery of flood improvements would be dependent on their affordability, cost benefit justification and approval of funding.

The Flood and Coastal Risk Management team was well structured to deliver the statutory requirements of a Lead Local Flood Authority and lead the way in delivering vital flood improvements where most needed. The Action Plan for 2023/24 continued to build on the work of previous years by progressing with the detailed assessments and studies for the priority catchments set out in the Local Flood Risk Management Strategy, leading to the design and delivery of an optimistic programme of works.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact), risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

it was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

**RESOLVED**

(a) that the budget allocations made to support delivery of the Annual Flood Risk Management Action Plan for 2023/24 as set out in Appendix A be approved; and

(b) that the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Public Health, Communities and Equality be given delegated authority to approve any significant changes to the Revenue and Capital allocations.

*(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at <https://www.devon.gov.uk/impact/flood-risk-management-strategy/>).*

\* **296** **Education Travel Review: Approval to arrangements for subsequent academic year**

(Councillors Brazil, Whitton and Wrigley attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Interim Head of Education (Delivery) which sought approval for the Education Transport Policy and Post 16 Education Transport Policy 2023-2025.

The Cabinet were asked to note that the Education Transport Policies had been proposed and consulted on by the Local Authority summarised at section 2 of the Report.

A Home to School Transport consultation took place between 16 January and 2 March 2023, hosted at <https://www.devon.gov.uk/haveyoursay/consultations/home-to-school-transport-consultation/> and all stakeholders notified including, inter alia, Elected Members, schools, parent groups and Trade Unions. All potentially affected parents were also sent a letter. Responses to the consultation were detailed at Appendix One.

As part of the financial sustainability programme, Officers reviewed all forms of discretionary entitlement to transport support, and the level of parental contribution and from that review, no changes to discretionary entitlement were proposed for consultation. The review found that revenues from parental



contributions for concessionary seats and from contributions to costs for post-16 passengers was £297,000 in the 2022/23 financial year. An increase in contributions from parents from £600 to £800 per academic year was therefore proposed due to no increase since 2018, to mitigate rising costs to the LA from increased contract costs. The £30 discount where parents and carers paid the full year cost in full would remain and post-16 students should be able to seek financial support from sixth forms and Further Education Colleges' post-16 bursary fund.

The proposed figure of £800 was below most of Devon's neighbouring Local Authorities and was therefore proposed for the consultation, as outlined above.

Responses were received to the consultation, detailed at Appendix 1 and in light of those responses, officers reviewed options again and suggested a staged increase in the contribution rate.

- £690 in 2023-24
- £750 in 2024-25
- £800 in 2025-26
- £900 in 2026-27

By increasing parental contribution levels, the Local Authority would increase revenue which would offset the costs of providing school transport to all pupils. Where post-16 passengers made other arrangements, there would be savings where the size of vehicles could be reduced.

An Equality Impact Needs Assessment had been carried out on proposed changes to policy, published at <http://devon.cc/lapolicies>.

The Council must set a transport policy that informed parents clearly about eligibility and made the provision it was required to do and any provision it chose to do by discretion in a fair and consistent manner.

The recommendations of the Report ensured the Council met its statutory responsibilities in respect of school transport.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact), risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Head of Service's Report having been considered:

it was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

**RESOLVED** that the Education Transport Policy 2023-25 and the Post-16 Education Transport Policy 2023-25 be approved incorporating the changes as outlined below:

(a) that the level of parental contributions rise incrementally over the next academic years:

- i.£690 in 2023-24
- ii.£750 in 2024-25
- iii.£800 in 2025-26
- iv.£900 in 2026-27

(b) that the increase in the level of parental contributions take place from September 2023;

(c) that future education transport policies be determined for three academic years at a time;

(d) that Cullompton Community College continue to be recognised as the catchment school for transport purposes in the Willand School catchment and not to recognise Uffculme School for school transport purposes; and

(e) that Alphington Primary School, Exminster Community Primary School, Ide Primary School, and Kenn Church of England Primary School continue to be recognised and for Teign School, West Exe School, and Dawlish College be recognised as the catchment schools for transport purposes when the new Matford Brook Academy catchments are introduced and not to recognise Matford Brook Academy for school transport purposes.

*(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the <http://devon.cc/lapolicies>).*

\* **297** **Health and Adult Care Scrutiny Committee - Community Pharmacy Spotlight Review**

(Councillor Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that at its meeting on 20 January 2023, the Health and Adult Care Scrutiny Committee had considered the Community Pharmacy Spotlight Review (minute \*90 refers) and had RESOLVED (a) that the recommendations contained within the Report of the Spotlight Review be endorsed and commended to the Cabinet; and (b) that the Report also be shared with the Integrated Care Board.

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and **RESOLVED**

(a) that the Community Pharmacy Spotlight Review Report be welcomed, and the Health and Adult Care Scrutiny Committee be thanked for undertaking the review.

(b) that the recommendations be accepted, and that the Council is committed to working collaboratively with NHS Devon, who take over responsibility for commissioning local pharmaceutical service from NHS England on the 1<sup>st</sup> April 2023.

\* 298 **Health and Adult Care Scrutiny Committee - Day Care Service Site Visits**

(Councillors Brazil, Dewhirst and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet noted that at its meeting on 20<sup>th</sup> January 2023, the Health and Adult Care Scrutiny Committee had considered a Report relating to Day Care Services which had followed a series of visits by Members to day care services to gain a better understanding on how these were working and key issues affecting services from a frontline perspective. The Health and Adult Care Scrutiny Committee had RESOLVED (a) that Cabinet receive and consider the Report, and as Adult Social Care transformation takes place, ensure that opportunities in the community are maximised to support people's independence and enable them to do the things that matter to them; and (b) that the learning from the visits be shared to inform the Committees future work programme.

The Head of Integrated Adult Care Operations clarified the reference to independence and its meaning in this context, as referred to in the recommendation.

It was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and

**RESOLVED**

(a) that the Health and Adult Care Scrutiny Committee be thanked for its continued work in this area and its constructive challenge and contribution; and

(b) that the recommendations within the Report be accepted that support the Council to deliver its promoting independence approach, including to ensure where services are provided, they are the right services, delivered in the right way by the right people and enable the best outcomes for individuals, families and communities.

\* **299** **Corporate Infrastructure & Regulatory Services Scrutiny Committee -  
Modernisation of the Corporate Finance System Spotlight Review**

(Councillor Dewhirst attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Members of the Modernisation of the Corporate Finance System Spotlight Review. Due to the timescales of the contract, the Report had been brought direct to the Cabinet, but the recommendations as outlined below had been agreed by Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee.

1. The Spotlight Review supports the aims and vision of the Future Finance Project and requests Cabinet maintain corporate prioritisation of the project until at least December 2024.
2. That the Cabinet ensures there is sufficient staffing and resources for the delivery of the project and is prepared, if required, to increase the number of officers supporting the project to ensure smooth delivery.
3. The service considers the creation of a local archive of financial data in case of a potential breach or malfunction as part of Disaster Recovery and Business Continuity planning as FINEST gets closer to the end of its life, as per the recommendation from Moore Insight.
4. That a Standing Overview Group (SOG) of the Corporate Infrastructure and Regulatory Services Scrutiny Committee is held around 3 months after the awarding of the contract to review the Future Finance Project and these recommendations.

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Saywell, and

**RESOLVED**

(a) that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their comprehensive report on the Modernisation of the Corporate Finance System;

(b) that the views of Scrutiny supporting the aims and vision of the Future Finance Project be welcomed; and

(c) that the recommendations of the Spotlight Review be accepted, specifically that:

- (i) corporate prioritisation of this project is recognised;
- (ii) necessary resources for delivery of the project will be ensured;

- (iii) in addition to a cloud based archive of financial data, that Service Management consider the creation of a local archive of financial data in case of a potential breach or malfunction as part of Disaster Recovery and Business Continuity Planning as Finest gets closer to the end of its life, as per the recommendation from Moore Insight; and
- (iv) a further progress review of the project is carried out approximately 3 months after contract award by a Standing Overview Group of CIRS scrutiny.

\* 300 **South Hams Highways and Traffic Orders Committee - A3121 in Ermington - Request for reduction in speed limit to 30mph**

The South Hams Highways and Traffic Orders Committee at its meeting on 3 February 2023 considered the matter of the A3121 in Ermington (request for reduction in speed limit to 30mph), as had been requested by Councillor Thomas under Standing Order 23 (minute \*29 refers). The Committee had **RESOLVED** *'That Cabinet be requested to consider a departure from policy, to revoke the existing 40mph Traffic Regulation Order (TRO) on the A3121 in Ermington, thus lowering the majority of the stretch to 30mph by virtue of an existing system of street lighting, with the remaining stretch (currently TRO 40mph) requiring a new 30mph TRO'*.

The Cabinet Member for Highway management commented that before coming to a decision he would value a site visit to hear from the Local Member, officers and the police, as to the most appropriate intervention in the location.

It was then **MOVED** by Councillor Croad **SECONDED** by Councillor Hughes, and

**RESOLVED** that the matter be deferred pending a site visit by the Cabinet Member for Highway Management with the Local Member and officers, including the Police and Road Safety Team.

**301**      **Notice(s) of Motion**

**(a) Protect the Right to Free Camp on Dartmoor - Councillor Wrigley**

(Councillor Wrigley attended in accordance with Standing Order 8 and spoke to this item).

The text of the Motion outlined below.

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.

Members considered the Officer's factual briefing note on the matter (LDS/23/4) which referred to the High Court judgement which declared that Section 10(1) of the Dartmoor Commons Act 1985 did not confer on the public any right to pitch tents or otherwise make camp overnight on the Dartmoor Commons, the position of Dartmoor National Park Authority (DNPA) in seeking permission to appeal the High Court judgement and the discussions with the Dartmoor Commons Owners' Association on how backpack camping on some parts of the Dartmoor Commons could continue.

This legal case had brought into focus some of the issues which could arise from unregulated activities, such as discarded waste and increased threat of vegetation fires and the DNPA promotion of the Backpack Camping Code.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** 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.

**(b) Forced Installation of Pre Payment Meters - Councillor Atkinson**

(Councillor Atkinson attended in accordance with Standing Order 8 and Councillor Wrigley attended in accordance with 25(2) and spoke to this item).

The text of the Motion outlined below.

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.

Members considered the Officer's factual briefing note on the matter (LDS/23/4) which referred to Ofcom and its investigation into British Gas after customers' vulnerabilities seemed to have been ignored, the position of the Government in reviewing energy vulnerability and support, Household Support Funds (HSF no4 & no.5), Energy Relief Scheme (operated through Citizens Advice Devon) and the Minor Rapid Energy Improvement Scheme pilot via Sustainable Warmth. The briefing note also referred to the recent discussion at Scrutiny (30/01/23), focussing on household support, community resilience building and the latest Count Council funded research on food and fuel insecurity.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** that Council be recommended to:

(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.

**(c) Special Education Needs (SEND) Budgets and Deficits - Councillor Atkinson)**

(Councillor Atkinson attended in accordance with Standing Order 8 and spoke to this item).

The text of the Motion outlined below.

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.

Members considered the Officer's factual briefing note on the matter (LDS/23/4) which referred to the pragmatic proposals put to DfE for meeting the accumulated deficit arising from the overspend in the High Needs Block, that the deficit should be a shared responsibility between the authority and Government and was expecting a workable solution and finalised agreement being reached. The briefing highlighted that securing financially sustainable special needs provision in Devon was essential and there was a comprehensive plan of action being pushed forward which included increasing maintained and academy special school capacity in Devon with Government

support, therefore reducing dependency on costly independent sector placements.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors:

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

**RESOLVED** that the 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.

**(d) Dartmoor National Park - Councillor Barnes)**

The text of the Motion is outlined below.

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

Members considered the Officer's factual briefing note on the matter (LDS/23/4) which referred to the High Court judgement which declared that Section 10(1) of the Dartmoor Commons Act 1985 did not confer on the public any right to pitch tents or otherwise make camp overnight on the Dartmoor

Commons, the position of Dartmoor National Park Authority (DNPA) in seeking permission to appeal the High Court judgement and the discussions with the Dartmoor Commons Owners' Association on how backpack camping on some parts of the Dartmoor Commons could continue.

This legal case had brought into focus some of the issues which could arise from unregulated activities, such as discarded waste and increased threat of vegetation fires and the DNPA promotion of the Backpack Camping Code.

The Cabinet considered the recommendation now before them and the actions now proposed:

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** 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.

\* **302** **Question(s) from Members of the Public**

There was no question from a member of the public but the Chair exercised his discretion and allowed Ms A Goraj to make a representation on day care services, capacity of service users and the best interests of service users and their families, on the basis that the subject featured on the Cabinet agenda and she would have submitted a formal question if aware of the item.

\* **303** **Minutes**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** that the Minutes of the following be endorsed and any recommendations to Cabinet therein be approved:

Standing Advisory Council on Religious Education – 9 February 2023  
Farms Estate Committee – 20 February 2023  
Devon Authorities Strategic Waste Committee - 22 February 2023

\* **304** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [Decisions taken by Officers](#) under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution.

\* **305** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the [Forward Plan](#) and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

\* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.37 pm

