

County Council
Thursday 15th February 2024



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

7 February 2024

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 15th February, 2024 at 2.15 pm.

A handwritten signature in purple ink, appearing to be 'D. Curtis', written over a small circular stamp.

Chief Executive

[Dr Jon Curtis, Founder Member of Exeter Food Action will speak on the value of foodbanks **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 7 December 2023.

3. Announcements

4. Items Requiring Urgent Attention

5. Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

6. **Petitions from Members of the Council**

7. **Questions from Members of the Council**

Answers to questions from Members of the Council pursuant to Standing Order 17.

FRAMEWORK DECISION

8. **Revenue Budget, Medium Term Financial Strategy 2024/2025 - 2027/2028 and the Capital Programme for 2024/2025 - 2028/2029**

In the exercise of its Public Sector Equality Duty, as set out below, the County Council must have full regard to and consider the impact of any proposals in relation to equalities prior to making any decisions and any identified significant risks and mitigating action required. The overview of the impact assessments for all service areas entitled '2024/25 Budget Impact Assessment' has been circulated separately and is available to all Members of the Council for consideration under this item (alongside any specific equality impact assessments undertaken as part of the budget's preparation) at [Budget 2024-2025 - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/impact/budget-2024-2025/) (<https://www.devon.gov.uk/impact/budget-2024-2025/>)

To receive and approve the Report of the Director of Finance (DFP/24/16) together with the Minutes of the Cabinet held on 9th February 2024 relating to the budget.

Minutes from the recent Scrutiny Budget meetings (Children's Scrutiny – 18th January 2024, Health and Adult Care Scrutiny – 24 January 2024 and Corporate Infrastructure and Regulatory Services on 25 January 2024) are also attached for the information of Members which contain the Scrutiny Budget Resolutions.

The Report of the Director of Finance and Public Value will follow.

The Cabinet Minutes will be available to view at [Cabinet - 9th February 2024](https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4713&Ver=4) (<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4713&Ver=4>) shortly after the meeting takes place on the 9th February 2024.

Electoral Divisions(s): All Divisions

- (a) Budget Impact Assessment (Pages 1 - 24)
- (b) Children's Scrutiny Committee Minutes (Budget) - 18 January 2024 (Pages 25 - 32)
- (c) Health and Adult Care Scrutiny Committee (Budget) - 24 January 2024 (Pages 33 - 42)
- (d) Corporate Infrastructure and Regulatory Services Scrutiny Committee (Budget) - 25 January 2024 (Pages 43 - 52)

9. Pay Policy Statement 2024/2025 (Pages 53 - 60)

To receive and approve the Councils Pay Policy Statement, as recommended by the Appointments, Remuneration and Chief Officer Conduct Committee (15 January 2024) (Minute 85 refers). The minutes of that meeting and Pay Policy Statement are attached to the agenda.

Electoral Divisions(s): All Divisions

10. Corporate Performance Management Framework and Local Government Association Corporate Peer Challenge (Pages 61 - 72)

To Council is asked to receive and approve the proposed Corporate Performance Management Framework and proposal for a LGA Corporate Peer Challenge, as recommended by the Cabinet (13 December 2023) (Minute 433 refers and replicated below).

(a) that the development and introduction of the corporate performance management framework described in this Report be agreed and commended to Council; and.

(b) that the proposal for a Local Government Association Corporate Peer Challenge in June 2024 be endorsed.

The Joint Report of the Director of Transformation and Business Services and Head of Economy, Enterprise and Skills, is attached.

The Leader will move an amendment to the above resolution (b) with a new date of December proposed for the Corporate Peer Challenge.

Electoral Divisions(s): All Divisions

OTHER MATTERS

11. Cabinet Member Reports

To consider reports from Cabinet Members.

12. Minutes

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

(a) Appeals Committee - 4 December 2023 (Pages 73 - 74)

(b) Appeals Committee - 5 February 2024

The minutes will be published here -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=160&MId=4859&Ver=4> shortly.

(c) Development Management Committee - 6 December 2023 (Pages 75 - 78)

- (d) Appointments, Remuneration and Chief Officer Conduct Committee - 15 January 2024 (Pages 79 - 80)
- (e) Procedures Committee - 1 February 2024 (Pages 81 - 98)

Matters for Consideration

- Minute 50 relating to the recommendations of the Report of the Independent Members Allowances Remuneration Panel for 2024/2025 and the endorsement of the Procedures Committee that Council accepts the recommendations (any revised scheme would take effect from May 2024).
 - The Council is being asked to approve Minute 51 relating to the Bailey Report and a suggested update to the Council's Policy on Disclosure and Barring Service (DBS) Checks for Elected Members, following endorsement and recommendation thereof by the Procedures Committee.
 - The Council is being asked to approve Minute 52 relating to Revised Guidance and Operating Procedures for Delegated Member Decisions, following proposals of the Council's Governance Working Group and subsequent recommendations of the Procedures Committee. The amended text is included in full at Minute 52.
 - The Council is being asked to approve Minute 53 relating to Member Questions at Council Meetings, following proposals of the Council's Governance Working Group and subsequent recommendations of the Procedures Committee. The amended text is included in full at Minute 53.
 - The Council is being asked to approve Minute 54 relating to Cabinet Member Reports at Council Meetings, following proposals of the Council's Governance Working Group and subsequent recommendations of the Procedures Committee. The amended text is included in full at Minute 54.
 - The Council is being asked to approve Minute 55 relating to the new arrangements for Health Scrutiny and ensuring the Constitution was reflected of the legislative changes, as recommended by the Procedures Committee. The amended text is included in full at Minute 55.
- (f) Children's Scrutiny Committee (Ordinary) - 18 January 2024 (Pages 99 - 102)
 - (g) Health and Adult Care Scrutiny Committee (Ordinary) - 24 January 2024 (Pages 103 - 110)
 - (h) Corporate Infrastructure and Regulatory Services Scrutiny Committee (Ordinary) - 25 January 2024 (Pages 111 - 116)

NOTICES OF MOTION

13. Gaza Crisis (Minute 244 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Dewhirst and referred thereto in accordance with Standing Order 8(2), namely.

Council condemns the awful terrorist attacks carried out by Hamas in Israel on 7th October.

Council is horrified by the scenes of violence in relation to all individuals who reside in the area in the weeks and days since, in particular the devastating humanitarian situation and the potential effect on the residents of Devon.

Council supports the implementation of international law, which means targeting terrorists, not civilians, and ensuring that innocent citizens do not pay the price.

Council expresses its concern at the UK Government's failure to attempt to ensure that the Israeli government and its military adhere to the requirements of international law and the UK Government's refusal to publish legal advice it has received in relation to the conflict.

Council further calls for the international community to revisit UN Resolution 242, supporting a long term, peaceful, two-state solution for both Israel and Palestine.

Council also believes:

- Essential supplies of aid, water, food, medicine and electricity must continue to be provided to Gaza.
- The UK Government must, with others, work for a lasting ceasefire to:
 - A - Facilitate the delivery of humanitarian aid into Gaza, and
 - B - Allow for an intensive period of diplomacy to realise a political solution, aimed at achieving two states and a lasting peace.

Council accordingly resolves to:

- Ask the UK Government to work towards a lasting ceasefire.
- Note with deep concern the severe reverberations of this crisis in the UK, with Jewish, Muslim and Palestinian communities all fearing and grieving, and condemns the rise in antisemitism and Islamophobia since 7th October. This could have the potential to affect our communities in Devon.

- Thank community leaders for the role they are playing in reducing tensions at this sensitive and difficult time.
- Call upon community leaders and public figures to act responsibly and work to bring communities together at this sensitive time.
- Recognise the role Devon & Cornwall Police are playing at the current time in supporting communities in Devon.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to:

- (a) support the Government in its efforts to find a ceasefire solution in this situation;
- (b) express solidarity with the innocent people directly affected by the ongoing situation in Israel and Gaza;
- (c) pay tribute to the humanitarian aid workers who remain committed to their work, despite the dangers to their health and their lives; and
- (d) continue to work with the Devon and Cornwall Police and local communities to ensure Devon's residents are safe.

14. Tackling "Box Shifting" (Minute 245 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Adams and referred thereto in accordance with Standing Order 8(2), namely.

The bankruptcy of Birmingham City Council was partly attributed to "dramatic reductions in business rates income" - an issue facing all councils across the UK, to the tune of £250 million a year. The unethical "Box Shifting" practice is a loophole that allows businesses to avoid paying business rates. Closing this loophole will allow local authorities to put back these business rates in their own pockets.

Key information:

- Box shifting involves landlords placing boxes in vacant commercial properties for a six-week period to trigger a three- or six-month rates-free period. Annually, this costs councils around £250 million (*Local Government Association Survey, 2019*)
- This cycle is often repeated, resulting in local councils losing over two-thirds of their empty rates incomes, and properties remain empty for

- months on end.
- Some landlords put a broadband box, an empty fish tank, or even snail farms in the property to trigger rates avoidance.

This Council pledges to:

Send a letter to the Chancellor of the Exchequer to propose extending the occupation period for business rates exemption from six weeks to six months to tackle the unethical practice of “Box Shifting”.” This follows the example of the Welsh and Scottish governments, who have already introduced legislation to tackle the issue.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**;

‘that County Council asks the Director of Finance and Public Value to liaise with the Districts in Devon, as the billing authorities in the County for business rates, to explore whether there is a concern around the scale of empty property rates relief in Devon and assess whether the practice of ‘box shifting’ is an issue locally. This will inform any further information and recommendations to the Cabinet Member for Finance for further consideration’.

15. Local Government and Social Care Ombudsman (LGSCO) findings on Special Educational Needs and the Role of Scrutiny (Minute 246 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Bailey and referred thereto in accordance with Standing Order 8(2), namely.

This Council notes that there has been a concerning high number of Local Government and Social Care Ombudsman (LGSCO) findings against Devon County Council relating to Special Educational Needs provision this year, with 26 complaints being upheld against DCC (15 of these have been since June alone).

This Council believes that it is important that each of its three main Scrutiny Committees are furnished with complete information to enable them effectively to scrutinize the various services of Devon County Council and that each committee agenda should include a standing item provided by DCC officers on any LGSCO findings.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**:

'that the County Council supports the independence of Scrutiny in carrying out the important role of critical friend challenge whilst recognising the importance of taking an evidence-based approach to work programming and asks the Chairs and Vice Chairs Committee to consider if the current approach to incorporating Local Government Ombudsman reports is as comprehensive as it needs to be'.

16. Hospiscare Funding (Minute 247 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(d)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely

Hospiscare which provides humane respectful end of life care and management costs almost 10M a year to run with just 18% of that funded by the ICB. This is well below the national average of 37% other hospices receive.

Despite ongoing discussions with the ICB they have refused to provide additional funding, and this means they will be forced to close or reduce services to meet a £2.5 million funding gap.

Without Hospiscare, its patients will need to be treated in an acute hospital setting where they will be a further demand on the NHS system and cost the NHS additional millions in direct care.

Motion

- DCC Believes that hospices are a better place than acute hospitals for people to receive palliative care when dying when no other medical treatment beyond pain relief is appropriate.
- DCC supports Hospiscare's fight for fairer funding from Devon Integrated Care board and agrees to write to the ICB to ask them to meet the funding gaps so services can be maintained.
- DCC will write to the ICB, NHS England ministers and local MPS to urge them to support Hospiscare's request for funding.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**:

that in line with the LGA guidance to local authorities on EoLC, Council ask the Health and Adult Care Scrutiny Committee and / or the Health and Wellbeing Board to review the recommendations and:

(a) explore the quality of end-of-life care in the area, on an annual basis, including how end of life care and support is experienced by different communities in their area;

(b) seek assurance that key responsibilities under the Care Act are being delivered and also that processes, such as those around NHS Continuing Health Care, are effective and person-centred; and

(c) consider whether there is a role for an elected member end of life care champion role to raise the profile of end-of-life care across the council and with partners.

17. Humanitarian Emergency in Gaza (Minute 248 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(e)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely.

Devon is proud to offer refugees sanctuary and proud of the of all communities in Devon. Devon County Council stands in solidarity with all those affected by the recent events in Israel and Gaza.

The extreme humanitarian emergency in Gaza, following the 7 October attacks on Israel have both been shocking for us all to see. The situation has had a deep impact on our communities in Exeter.

Devon County Council denounces hate crime in the strongest terms and community cohesion remains a priority for this local authority. It is important that we do not allow these tragic events to divide our communities here in the Devon.

The rise in Antisemitism and Islamophobia across the UK is unacceptable, and Devon County Council will continue to work with all of our communities in Devon to ensure residents feel safe and free from hate.

The Council supports the humanitarian work being done in Gaza and the middle east and encourages residents to donate to organisations raising funds for those in need.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**:

that Council be recommended to:

(a) support the Government in its efforts to find a ceasefire solution in this situation;

(b) express solidarity with the innocent people directly affected by the ongoing situation in Israel and Gaza;

(c) pay tribute to the humanitarian aid workers who remain committed to their work, despite the dangers to their health and their lives; and

(d) continue to work with the Devon and Cornwall Police and local communities to ensure Devon's residents are safe.

18. Austerity and Cuts to Local Government Funding (Minute 249 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(f)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Atkinson and referred thereto in accordance with Standing Order 8(2), namely.

The Chancellor's Autumn statement has set the country on course for a "more painful" austerity drive after the next general election after more than a decade of austerity starting under David Cameron and George Osborne.

The £20bn package of tax cuts is almost entirely funded by swingeing real-terms reductions to public spending planned from 2025 when it may not even be in government according to the IFS.

It is estimated that the NHS receives 20% of its funding from National Insurance.

The plans to cut National Insurance means that some funding for social care and the NHS will have to come from other budgets or general taxation.

This implied a 1.8% cut for unprotected budgets each year from 2024-25 to 2028-29 – including for prisons, the courts system, local government and further education.

After taking into account funding settlements for Scotland, Wales and Northern Ireland, the plans imply cuts of 3.4% in England.

This Council has had more than 50% of its budget cut since 2010 and is already again planning to cut services to bring in a legally balanced budget for 2024-5.

Economists doubt efficiency gains on such a scale can be achieved.

Councils all around us and throughout the country are on the verge of bankruptcy and the County Council is having to make hard choices to cut funding and services to maintain a balanced budget.

This Council resolves:

1. To write to the government to ask them to make no real time cuts to Local Government until it has undertaken a spending review.
2. Seek the support of the LGA to oppose the Chancellor's budget for Local Government

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**:

‘that County Council be recommended to respond to the consultation on the Provisional Settlement for 2024/25 explaining the implications of the settlement for Devon and engages with the LGA and Society of County Treasurers to ensure the financial challenges faced by local government will continue to be represented to Government to inform the next Spending Review’.

19. Devon Residents Deserve Clean Rivers and Beaches (Minute 250 - 7 December 2023)

To receive and consider the recommendations of the Cabinet (Minute 458(g)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Leaver and referred thereto in accordance with Standing Order 8(2), namely.

This Council condemns repeated sewage outfalls across the county and Devon's Conservative MPs votes to allow South West Water to continue to pollute our rivers and beaches.

Council notes that the ongoing problem of poor water quality in Devon impacts on our local communities, economies and environment across the county.

Council believes that this issue goes beyond party politics, and resolves to write a letter from all DCC Group Leaders to Devon MPs and South West Water demanding urgent investment to clean up our water and funding for this to be prioritised over payment of dividends to shareholders and Directors' salaries.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (LDS/24/2) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **RESOLVED**:

that Council be recommended to

(a) note that the ongoing problem of poor water quality in Devon impacts on our local communities, economies and environment across the county; and

(b) urge all those with a specific role, including South West Water, the Environment Agency, Ofwat and central government, to pursue relevant action to adequately address this problem.

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

Councillor Biederman to move:

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

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

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

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

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

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

Research proves that a family holiday can be very important and have massive positive outcomes for both children and parents.

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

On these positive outcomes, McDonald said: "We consider these to be a 'happiness anchor' – reflecting on our happiest memories of joyful time spent together as a family can be extremely powerful in bringing relief and respite when faced with the darker times that life can bring.

"By using these memories as an anchor to take us back to more cheerful moments, we're often able to approach problems with a fresh sense of perspective.

"But for many without such memories, reigniting a sense of optimism for getting through the tougher times can seem like an impossible.

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

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

Devon County Council will

- (a) Write to Head Teachers, Academies in Devon Schools to urge them to be sympathetic to requests for holiday in term time, giving consideration to individual children's family circumstances, their previous attendance levels, and the importance of the school year that the child is in.
- (b) Write to Ofsted seeking their assurance that schools taking a more flexible approach to school absences for family holidays is not counted against them.
- (c) Write to the Local Government Association and appropriate government ministers to ask for a review of what holiday companies can charge. Butlins for example have increased their price by roughly x 2.5 the price of one month earlier.

The level at which holiday companies are increasing prices of course, means parents are willing to take the fine, as in all my examples, it's far less than the extra cost of taking the holiday in the school holidays perhaps it's the Holiday firms that should be fined if they charge more than 20% extra on any holiday over their average price over the year.

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Declarations of Interest for Members of the Council

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

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Induction Loop available

