

COUNCIL

15 February 2024

Present:-

Chair: P Prowse

Vice-Chair: C Slade

Councillors T Adams, M Asvachin, J Berry, F Biederman, J Bradford, J Brazil, J Brook, P Bullivant, R Chesterton, I Chubb, A Connett, D Cox, P Crabb, R Croad, A Davis, A Dewhirst, R Gilbert, G Gribble, I Hall, R Hannaford, J Hart, 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, L Samuel, P Sanders, A Saywell, R Scott, D Sellis, M Squires, J Trail BEM, P Twiss, C Whitton, J Wilton-Love, M Wrigley and J Yabsley

Councillor Gent (online attendance)

Apologies:-

Councillors Y Atkinson, S Aves, J Bailey, D Barnes, C Channon, M Hartnell, R Radford, I Roome and D Thomas

251 Minutes

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 7 December 2023 be signed as a correct record.

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

252 Announcements

The Chair of the Council reported on the passing of former County Councillor and Alderman, Sir Simon Day. Sir Simon had been elected to the County Council in 1964, serving continuously for the Modbury Division until 1972, for the Modbury & Salcombe Division from 1972 until 2005 and the Thurlestone, Salcombe & Allington Division from 2005 until 2013.

Sir Simon had been Chair of the Council in 2001/2002 and Leader of the Council in 1991/1993. He had also been Chair of the former Devon & Cornwall Police Authority in 1991/1992, a Member of the Committee of the Regions of the European Union, appointed by the UK Government, High Sheriff of Devon in 1999/2000 and appointed a Knight Bachelor in 1997.

He also reported on the death of former County Councillor David Stark who had been first elected to represent Stoke Ward in Plymouth in 1959, becoming the youngest serving Councillor. He was then elected to the County Council in

1973 (when local Government reorganisation took Plymouth into Devon County Council) for the Plymouth No. 17 (Stoke) division up until 1985. He then served the Compton division from 1989 up until 1998. Whilst on the Council, he chaired the Council's Finance and Performance Review Sub-Committee and at his time at Plymouth he served as Deputy Lord Mayor from 1999 to 2000 and Lord Mayor from 2003 to 2004. In 2015, he was made a Freeman of the City.

The Chair then congratulated Jacqui Hendra, one of the Council's Social Care Assessors, who had been recognised in the New Year's Honours List. Jacqui worked in the Ivybridge and Kingsbridge Community Team and had been awarded a BEM for her 'services to people with disabilities.

253 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

254 Public Participation: Petitions, Questions and Representations

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 Council's rationale with DfT LTN 1/20 guidelines for disabled access and the proposed part removal of the sensory controlled pedestrian crossing at Paul Street, Exeter.

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

In accordance with the Council's Public Participation Rules, the Council received and acknowledged oral representations made by Teegan Creed on behalf of vulnerable and elderly residents of Heavitree and Whipton regarding the LTNs, from Clive Hutchings against the Exeter Low Traffic Neighbourhood / Active Streets Trial, and from Neil Martin (statement read by Sue Westle) on the Heavitree and Whipton Barton LTN / AST and the relationship between resident and the Council.

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

(NB: A copy of the question and answer is appended to the agenda page of the meeting and the supplementary question and answer may be observed through the [livestream of the meeting](#))

255 Petitions from Members of the Council

The Leader was presented by Councillor Sellis, on behalf of Mr Parker, with a petition titled 'give back our bus services' relating to reinstatement of the afternoon bus service on Whitchurch Road. The petition contained some 400 signatures.

There was also a petition from Councillor Letch on behalf of residents who wished to call upon the Council to withdraw the proposed pay & display zones in Crediton. The Petition had in the region of 300 signatures.

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the [Council's Petition Scheme](#).

256 Questions from Members of the Council

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

1. number of public rights of way currently closed or diverted due to coastal or river erosion and length of time of closures or diversions.
2. when Cllr Samuel planned to meet with DSPCC.
3. percentage of SEND decisions that ended in tribunals.
4. actions to reduce SEND decisions lost at tribunals.
5. why were so many cases going to tribunal.
6. whether there had been a reduction in SEND Council decisions going to tribunal in the last 12 months.
7. 20 mph speed limits and cost comparison between current process of assessment of applications and implementation as opposed to a one-off cost to implement a county wide policy of 20mph as the default speed to replace the current 30mph.

The Leader and relevant Cabinet Members 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](#))

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

All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or a land, business or property owner in the administrative County of Devon or by being a County Council representative on a local authority company or joint venture or by being a parent / carer or guardian of a child in a school on any matter relating to school meals and school transport, or in relation to being an approved foster parent, providing placements for the Council's Children in Care or in relation to the setting of members' allowances

or the receipt of allowances from another Authority or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a pension.

Members were also reminded of the need to be compliant with the requirements of the Local Government Finance Act 1992 (section 106).

(Councillor Wilton- Love declared a personal interest in this matter by virtue of working in the Health and Social Care field)

(Councillor Hodgson declared a personal interest in this matter by virtue of being a Member of South Hams District Council and intending to mention the Authority in the debate).

The Council considered the Minutes of the Cabinet meeting (Minute 475 (1-20) of 9th February 2024), together with the Report of the Director of Finance and Public Value on the Revenue Budget and Medium-Term Financial Strategy 2024/25 - 2027/28 and Capital Programme 2024/25 - 2028/29 (DFP/24/16).

The budget book contained details of the County Council's revenue and capital budgets together with associated financial and operational information. The Leadership commentary highlighted this was a time of significant challenge for local government as a whole and preparing for the financial year 2024/25 had meant a continuation of plans to make savings by getting best value from all contracts, maximising income, reducing the number of employees, and selling Council owned property.

The overriding focus was to meet the needs of the young, old and most vulnerable across Devon, working closely with NHS partners to support and develop the local health and care system. Work would also continue with Team Devon to help support the local economy, improve job prospects and housing opportunities for local people, respond to climate change, champion opportunities for young people, and address the impacts of the rising cost of living for those hardest hit.

The detail of the budget book included:

- Strategic Leadership Team Introduction
- Revenue Budget Overview;
- Statement on the Robustness of the Budget Estimates, the Adequacy of Reserves and Affordability of the Capital Strategy;
- Capital Programme Overview 2024/25 - 2028/29;
- Service Budgets;
- Fees & Charges;
- Medium Term Financial Strategy 2024/25 - 2027/28;
- County Fund Balance and Earmarked Reserves;
- Treasury Management Strategy 2024/25 - 2027/28 and Prudential Indicators 2024/25 - 2028/29;
- Capital Strategy 2024/25 - 2028/29;
- Risk Analysis of Volatile Budgets; and

- Abbreviations.

The Chair of the Council **MOVED** that the Minutes of the Children's Scrutiny, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Budget Scrutiny Committee meetings held on the 18th, 24th and 25th January 2024 relating to the annual estimates be approved.

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

The Chair of the Council **MOVED**, and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

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

The Council noted that the Corporate Infrastructure and Regulatory Services Scrutiny Committee had at that meeting on 25th January 2024, considered and endorsed the proposed Treasury Management and Investment Strategy for 2024/25, prior to determination of the budget for that year (Report of the Director of Finance and Public Value (DFP/24/06)).

The Council further noted that the Council's financial plans had been drawn up with reference to the County Council's major policies and objectives, the Council's performance framework, demographic changes and consultation with local residents, businesses and other stakeholders.

The Autumn Statement of 22 November 2023 and the Provisional Local Government Finance Settlement that followed on 18 December 2023 indicated an increase in overall funding and confirmed the council tax referendum principles for 2024/25. The Core Spending Power, that included general grants and the Government assumption that full council tax increases would be applied, provided for an average 6.5% increase in funding in 2024/25.

The Secretary of State issued a further Written Statement on 24 January 2024 indicating that a further £600 million of funding would be provided for local government.

Directorate Budget Targets had been set by Cabinet on 10th January 2024, totalling £743.4 million, a net increase of £43.8 million or 6.3% compared to the 2023/24 adjusted budget. Details of the directorate budgets analysed by service was set out on pages 43 to 92. The targets set for each service area had been subject to different pressures and influences and the table on page 11 showed the 2024/25 Budget Targets by service area.

Key Table 1 on page 11 showed the estimated level of total spending on services and other items such as capital financing, interest income, costs met centrally and funded from specific reserves, and contingencies and provisions for additional costs not included in service budgets. Capital Financing Charges were dependent on the Authority's Capital Programme explained in pages 25

to 42. Factors that influenced the income gained from investing cash balances were set out on pages 131 to 153 that explained the Authority's Treasury Management Strategy.

Detailed in Key Table 5 on pages 15 and 16, were the most significant grant being the Dedicated Schools Grant which must be spent on schools and related expenditure. This Grant had increased by £38 million to £714 million.

District Councils had reported their final tax base for 2024/25 and estimated surpluses on collection up to March 2024. Key Table 2 set out the Council Tax Requirement, Tax Base, Council Tax by band and individual District Precepts. These assumed a 4.99% increase to Council Tax.

Councils were also able to raise the Adult Social Care Precept, which meant that upper tier Councils could raise Council Tax by up to 4.99% in total for 2024/25. A Band D Council Tax would, if the proposed budget was approved, increase by 4.99% to £1,715.67. The Council Tax requirement for the Council was £523,974,264.98.

The Authority's approach to the Medium-Term Financial Plan (MTFP) was detailed on pages 95 to 123 and Key table 4 was the financial representation of the current MTFP for 2024/25.

Pages 124 to 130 explained the authority's strategy for its reserves and balances, and it was recommended that general balances were maintained at or above £15.8 million. Key Table 3 summarised the authority's Reserves and Balances.

The Council acknowledged that a Budget 2024/25 Impact Assessment had been prepared previously and taken into account by Scrutiny Committees as part of their earlier deliberations together with those specific impact assessments undertaken as part of the budget's preparation or in relation to service reviews arising therefrom: to ensure all Members had all relevant information in having regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010 when considering the proposed budget, its impact and any mitigating action required, prior to making a decision. The preparation of Impact Assessments was necessarily a dynamic process and that individual assessments for specific proposals may necessarily have to be developed and updated with time.

The Impact Assessment had been made available to all Members of the Council for the purpose of the Scrutiny meetings, the Cabinet meeting on 9th February 2024 and this County Council meeting and was available 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>

The Chair indicated that he would exercise his discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Twiss **SECONDED** that Cabinet Minute 475 (1-20) setting out the proposed revenue and capital budgets as detailed in Report (DFP/24/16) be approved.

The Leader paid tribute to the whole of the Leadership Team and Cabinet colleagues for working together in producing the budget adding there was a need to work and do things differently in order to achieve the savings required.

The Cabinet Member for Finance addressed the Council and thanked the work and recommendations of the Council's Scrutiny Committees. He further commented that Local Government faced significant challenges, despite the Government increasing local councils' spending power, as 'demand outstripped supply'. It was a clear priority of both political and officer leadership that the Council must live within its means and having affordable expenditure plans that had a balance of service delivery, risk management and financial sustainability.

He said that increasing Council Tax bills was not a decision taken lightly, but the demand and the need to protect the most vulnerable meant there was no option but to propose an increase of 4.99%.

He commented on the matters of concern to Members and outlined the additional monies for drainage, Home for Children and homelessness support as well as service redesign.

The Cabinet Member referred to the Council's reserves position, the SEND debt and the approach to the Capital Programme as well as the Council's debt position.

He concluded that the budget had received the necessary statement of assurance from the Director of Finance and Public Value.

Both the Leader of the Council and the Cabinet Member for Finance paid tribute to, and expressed gratitude to, the Director of Finance and Public Value, her staff and all those Officers involved in the preparation, management and monitoring of budgets over previous years and recognised also the exceptionally difficult circumstances of preparing a budget for 2024/25. Group Leaders also echoed the words of the Leader in thanking the Director of Finance and Public Value for the exceptional work in bringing the budget together.

Members then formally moved, each duly seconded, the amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Leaver **MOVED** and Councillor Wrigley **SECONDED** that Cabinet Minute 475 (1-20) (Revenue Budget and Medium-Term Financial Strategy 2024/25 - 2027/28 and Capital Programme 2024/25 - 2028/29) be amended by the addition of the following and all necessary changes be made to the detailed budgets.

1. *Additional Funding of £2 million on improving road safety made up of £1.5million on mending potholes and improving road drainage, and an additional £500,000 on repainting white lines on the roads.*
2. *Restore £60,000 to Libraries Unlimited to enable them to increase community library provision.*

(Total Cost £2.06 million)

We will pay for these priorities by:

1. *Reducing the budget for travel by council staff and councillors by £10,000, taking advantage of remote working and virtual meetings.*
2. *Reduce spend on hiring outside rooms / venues for DCC activity and DCC related activity by £100,000 by reviewing current arrangements and seeking more cost effective options.*
3. *Reducing the corporate communications, media and press element of the Citizens Engagement budget by an additional £300,000 by improved and more efficient working.*
4. *Spending £50,000 less on subscriptions by reviewing value for money of all subscriptions with a clear focus on benefits to Devon's taxpayers.*
5. *Reviewing the council's essential car user scheme and making savings of £220,000.*
6. *Reducing expenditure on Agency and Temporary staff by £700,000 recognising the challenges faced by Children's Social Care and their strategy to increasingly move away from using agency staff.*
7. *Reviewing the council's mobile phone policies and making savings of £20,000.*
8. *A saving of £600,000 to be achieved by improved efficiency across all Corporate Services for example Business Services and Support, Customer Relations, Finance Services, Facilities Management and IT Services, through an increased use of web based services and other technologies such as Artificial Intelligence.*

9. *To raise £60,000 from the Locality Grants budget, by reducing the increase proposed by the current administration, resulting in councillors having an allocation of £7,000 each instead of £8,000 in 2024/25. This money to be directed to improve community library provision.*

Councillor Biederman then **MOVED** and Councillor Hodgson **SECONDED** that Cabinet Minute 475 (1-20) (Revenue Budget and Medium-Term Financial Strategy 2024/25 - 2027/28 and Capital Programme 2024/25 - 2028/29) be amended by the addition of the following and all necessary changes be made to the detailed budgets.

The Independent & Green Group Welcomes and supports:

1. *The overall 6.3% increase in the budget, specifically the 10.4% in Children and Young People's Futures and 6% in Integrated Adult Social Care, while recognising this does not meet the Inflationary, National Living Wage & Demand pressures facing us and does not help with the years of cuts by Government to our core funding.*

We Support

- (a) *The £2.3 million increase in the internal and external fostering budget, and the increased number of in-house foster carers by 30, and £3.2 million investment in the development of three in [1] house children's homes reducing the reliance on out of county placements and independent fostering agencies, something we have pushed for, for many years.*
- (b) *The increase of 525 places in Devon's Special School estate.*
- (c) *The increase in Member Locality Budgets to £8,000 per Member, as local Members can help support their communities.*
- (d) *Welcome the extra £1.152m in cyclic Maintenance of the Highway. We have pushed for this in many years.*
- (e) *We reluctantly support the 4.99% Council Tax increase, recognising that failing to do so, will put at further risk, the services that our communities rely on, particularly our most vulnerable residents.*

We will support the Cabinets Budget, if the following amendments are accepted, as we believe if we are again asking the public to pay more, that they see an improvement or at least services maintained.

- A – *The £175,000 reduction proposed to Devon library Services are reversed, recognising the positive impact Libraries have on our communities.*

B – An increase of £250,000 to the Public Rights of Way & Cycle Network budget from £750,000 to £1,000,000.

C – Increase PROW Wardens by 4, to cover the 3000 miles of footpaths, split 2 extra for North & South Team. Total Cost including on costs £180,000

D – An increase of £100,000 to £250,000 LTP Budget for 20mph Zones supported by Parish Councils.

E – The Administration commits to look at the management Structures across the council, to seek to reduce the number of Managers we currently have.

F – Commit to write to each Devon Conservative MP, outlining the severe underfunding Devon County Council gets for School Funding & High Needs Block funding, asking them why they voted for a settlement that continues to disadvantage Devon's Children. We are 114 out of 151 in the funding Table.

This has led to the severe situation the Council finds itself in, being the Authority with the biggest SEND accumulated overspend on its books forecast to be £163M by the end of the year.

Devon's Children are underfunded by £213 each per Year. We have 94,302 Children, meaning Devon is shortchanged by £20,086,326 against the average.

High Needs Block Funding we are underfunded against the national average by £96.06 per head.

We have 9,401 children in this bracket, meaning we are down by £868,478.46 a year against the average.

Devon is underfunded for Schools & High Needs block by almost £21 million a year, meaning our children cannot get the support others get. This of course leads to children falling behind and needing expensive interventions later on. This has gone on for years, so we say Devon is not overspent, it is underfunded. We are now in this budget, asked to put £5m from capital projects to the safety valve for our negotiations with government to pay back the overspend, it will of course involve committing to not supporting so many children in the same way going forward. Which capital budgets will this come from, most probably our crumbling road network.

G – Public Health, we are worse off than School Funding, being 139 out of 150 that receive Public Health Funding. We receive £37 per head of population, whereas the national average is £70-£80. Its hard to get the exact figure but let's assume we have 800,000 residents and if its £70

that's a staggering £26.4 million we don't get against the average! Just imagine what we could do for our communities, if we just got the average. So, we write to the Government & all Devon MP's asking why they see it fit that Devon is so badly funded.

We believe F & G proves that we are not being levelled up but levelled down by this Government and its an insult to the people of Devon, when we hear Devon MPs and Government ministers talking about how they are levelling up. The fact is, they are using money taken from us originally. £150m in Core Grant a year gone since 2010, meaning we now spend officer time and money on bidding for pots of money.

Our Budget Amendments A-D have been checked by the Finance Team and confirmed as Legal & Appropriate for consideration by Council.

They total £705,000 which will be paid for by:

A – The Citizen Engagement Budget, formerly known as Communications, is reduced by a further £500,000 from £1,061,000 to £561,000 as we do not believe we need 28 staff effectively acting as spin doctors for the administration. We have 60 councillors that regularly engage with our communities.

B - £205,000 is taken out of the Executive, Legal & Democratic Services, reducing it to £8,186,000 from £8,391,000. This could be done by reducing the number of staff from 111 – 106.

A & B are moved into the relevant budget lines.

The **AMENDMENT** in the name of Councillor Biederman was then put to the vote and declared **LOST**.

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted for, against or in abstention to the aforementioned Amendment as follows):

For the amendment; Councillors Adams, Asvachin, Biederman, Bradford, Brazil, Connett, Cox, Dewhurst, Hannaford, Hodgson, Leaver, Letch, Whitton and Wrigley) (Total: 14)

Against the amendment; Councillors Berry, Brook, Bullivant, Chesterton, Chubb, Crabb, Croad, Davis, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hughes, Leadbetter, Maskell, McInnes, Morrish, Khan, Peart, Randall Johnson, Samuel, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Wilton Love and Yabsley (Total: 33)

Abstained from Voting; Councillors Henderson and McGeough (Total: 2)

The **AMENDMENT** in the name of Councillor Leaver was then put to the vote and declared **LOST**.

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted for, against or in abstention to the aforementioned Amendment as follows):

For the amendment; Councillors Adams, Asvachin, Biederman, Bradford, Brazil, Connett, Cox, Dewhirst, Hannaford, Hodgson, Leaver, Letch, Whitton and Wrigley (Total: 14)

Against the amendment; Councillors Berry, Brook, Bullivant, Chesterton, Chubb, Crabb, Croad, Davis, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hughes, Leadbetter, Maskell, McGeough, McInnes, Morrish, Khan, Peart, Randall Johnson, Samuel, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Wilton Love and Yabsley (Total: 34)

Abstained from Voting (Total: 0)

The **MOTION** in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted for, against or in abstention to the aforementioned Motion as follows):

For the Motion; Councillors Berry, Brook, Bullivant, Chesterton, Chubb, Crabb, Croad, Davis, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hughes, Leadbetter, Maskell, McGeough, McInnes, Morrish, Khan, Peart, Randall Johnson, Samuel, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss, Wilton Love and Yabsley (Total: 34)

Against the Motion; Councillors Adams, Asvachin, Biederman, Bradford, Brazil, Connett, Cox, Dewhirst, Hannaford, Hodgson, Leaver, Letch, Whitton and Wrigley (Total: 14)

Abstained from Voting: (0)

258 Pay Policy Statement 2024/2025

The Council considered the recommendations of the Appointments, Remuneration and Chief Officer Conduct Committee held on 15 January 2023 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2024/25.

The Leader of the Council **MOVED** and Councillor McInnes **SECONDED** that the recommendations of the Appointments, Remuneration and Chief Officer Conduct Committee be approved and that the Pay Policy Statement for 2024/25 (and consequential changes to the Council's Constitution) as set out

at Minute 85 of that Committee be endorsed and the Constitution amended accordingly.

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

259 **Corporate Performance Management Framework and Local Government Association Corporate Peer Challenge**

The Council considered the recommendations of the Cabinet held on 13 December relating to the adoption by the County Council of the proposed Corporate Performance Management Framework and proposal for a LGA Corporate Peer Challenge. The joint report of the Head of Economy, Enterprise & Skills and Director of Transformation & Business Services (EES/23/3) had been circulated with the agenda.

The Leader of the Council **MOVED** and Councillor Saywell **SECONDED** that the amended recommendations of the Cabinet, as set out below, be approved (the change being an amendment of date for the Peer Challenge from June to December 2024)

(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 December 2024 be endorsed.

Councillor Connett suggested that the date of December be recorded as provisional due to many uncertainties and wished the matter to be discussed further with the LGA, as 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, **provisionally**, in December 2024 be endorsed.

The Leader indicated he was prepared to accept this suggestion and the revised Motion was put to the vote and declared **CARRIED**.

260 **Cabinet Member Reports**

No Reports were given or requested in advance of the meeting.

261 **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.

Development Management Committee	-	6 December 2023
Appeals Committee	-	4 December 2023 and 5 February 2024
Appointments, Remuneration and Chief Office Conduct Committee	-	15 January 2024
Procedures Committee	-	1 February 2024

- including approval of Minute 50 - relating to the recommendations of the Report of the Independent Members Allowances Remuneration Panel for 2024/2025 (the revised scheme to take effect from May 2024).
- including approval of Minute 51 and an update to the Council's Policy on Disclosure and Barring Service (DBS) Checks for Elected Members, to enhance DBS check Members of the Council's Cabinet.
- including approval of Minute 52 relating to revised guidance and operating procedures for Delegated Member Decisions, subject to amendment to 5 working days at paragraph 11.6 of the revised guidance.
- including approval of Minute 53 relating to revised operating procedures for Member Questions at Council meetings.
- including approval of Minute 54 relating to revised operating procedures for Cabinet Member Reports at Council Meetings.
(In accordance with Standing Order 32.4, Councillor Connett asked that his vote against the motion be recorded).
- including approval of Minute 55 relating to the new arrangements for Health Scrutiny and the required legislative changes.

Children's Scrutiny	-	18 January 2024
Health & Adult Care Scrutiny	-	24 January 2024
Corporate Infrastructure & Regulatory Services Scrutiny	-	25 January 2024

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

262 Gaza Crisis (Minute 244 - 7 December 2023)

Pursuant to County Council Minute 244 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

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.

and having had regard to the advice of the Cabinet set out in Minute 458(a) 10 January 2024:

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

- (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.

Councillor Hodgson suggested that inclusion of the word 'urgent' be incorporated into recommendation (a) as follows.

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

The Leader agreed to this inclusion and the revised 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.

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

Pursuant to County Council Minute 245 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Adams that:

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.

and having had regard to the advice of the Cabinet set out in Minute 458(b) of 10 January 2024:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet’s advice be accepted and that the 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.

Councillor Connett suggested that the text include reference to consulting with the federation of small business for their views on the matter as below.

that the 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. **To also consult the federation of small businesses (FSB) for their views on the matter.** This will inform any further information and recommendations to the Cabinet Member for Finance for further consideration.

The revised 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.

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

Pursuant to County Council Minute 246 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Bailey that:

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.

and having had regard to the advice of the Cabinet set out in Minute 458(c) of 10 January 2024:

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

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.

265 **Hospiscare Funding (Minute 247 - 7 December 2023)**

Pursuant to County Council Minute 247 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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.

and having had regard to the advice of the Cabinet set out in Minute 458(d) of 10 January 2024:

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

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.

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

Pursuant to County Council Minute 248 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

“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”

and having had regard to the advice of the Cabinet set out in Minute 458(e) of 10 January 2024:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet’s advice be accepted, and that the recommendation of the Council agreed at minute 262 earlier in the meeting, also be incorporated into recommendation (a):

- (a) support the Government in its efforts to find **an urgent** 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.

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.

267 **Austerity and Cuts to Local Government Funding (Minute 249 - 7 December 2023)**

Pursuant to County Council Minute 249 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Atkinson that:

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

and having had regard to the advice of the Cabinet set out in Minute 458(f) of 10 January 2024:

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

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.

268 **Devon Residents Deserve Clean Rivers and Beaches (Minute 250 - 7 December 2023)**

(Councillor Hart declared a Disclosable Pecuniary Interest in this matter by virtue of being in dispute with South West Water and withdrew from the meeting during its consideration).

Pursuant to County Council Minute 250 of 7 December 2023 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Leaver that:

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.

and having had regard to the advice of the Cabinet set out in Minute 458(g) of 10 January 2024:

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

(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.

The amendment in the name of Councillor McInnes was then put to the vote and declared **CARRIED**.

Councillor Leaver then **MOVED** and Councillor Wrigley **SECONDED** that the motion be amended as follows, with new text in red and removed text shown via strikethrough.

(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) **The Council condemns repeated sewage outfalls across the county and urges Key Stakeholders** ~~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. **This includes encouraging all Devon's MPs to work in a positive way to address the issue of pollution in rivers and beaches.**

(c) **The Council resolves to write a joint letter from DCC Group Leaders to Devon MPs and South West Water to prioritise action to improve the situation over the increases in payments of dividends to shareholders and Directors' salaries.**

The amendment in the name of Councillor Leaver was then put to the vote and declared **LOST**.

The Motion in the name of Cllr McInnes was then put to the vote and declared **CARRIED**.

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

(Councillors Hart and Twiss declared a Disclosable Pecuniary Interest in this matter by virtue of being in the holiday business and withdrew from the meeting during its consideration).

(Councillor Gilbert declared a Disclosable Pecuniary Interest in this matter and withdrew from the meeting during its consideration)

Councillor Biederman **MOVED** and Councillor Hodgson **SECONDED**

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

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

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

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

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

Devon County Council will

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

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

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 be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.15 pm and finished at 6.13 pm