

NOTICES OF MOTION

Report of the Director of Legal and Democratic Services

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Director is included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Istanbul Convention to Prevent and Combat Violence against Women and Girls and Article 59 - Councillor Atkinson**

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

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

The Government's National Statement of Expectations on Domestic Violence sets out what local areas like Devon need to put in place to ensure their response to Violence against Women and Girls (VAWG) issues is as collaborative, robust and effective as it can be so that all victims and survivors can get the help they need. The Home Office expects to see local strategies and services that, amongst other things, put the victim at the centre of service delivery.

This Council believes:

- The Devon County Council and UK Government not being obliged to provide VAWG support and protection to migrant women effectively reinforces the two-tier system of support for victims, as some remain discriminated against because of their migration status.
- The Government must immediately remove the reservation to this article and provide equal protection for every woman in need, irrespective of migration status.

- All women, regardless of where they come from, deserve protection against violence.
- That DCC resolves to make available to migrant women in Devon services and support that it provides for other women.

## **Briefing Note / Position Statement from the Head of Communities**

The Council recognises the issue of people with no recourse to public funds (NRPF) being unable to access support and services when attempting to flee domestic abuse is one that is widely understood and directly linked with rights and protections for migrants.

Victims of domestic abuse with NRPF - mostly women and girls - are repeatedly victimised and adversely disadvantaged compared to victims with settled status, as their and their spouses' status impacts on even the very basic ability to 'seek support', with additional barriers to access being experienced by this group because of their and their spouse's immigration status.

### ***The Council's understanding of the impact of the reservation to Article 59 is thus:***

It was hoped that by the British Government signing up to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, commonly known as the Istanbul Convention, the rights of migrant victims would be better protected. However, the reservation to Article 59, which is meant to be temporary pending review, means that **migrant victims of domestic abuse whose status is dependent on their spouse's, have no children and are not eligible to the EU settlement scheme**, continue to be unprotected. This is only a subset of a larger group of victims that have no recourse to public funds and face similar difficulties.

The reservation per se does not seem to necessarily exacerbate the already difficult situation that this group of victims faces in terms of access to support, but it is recognised as a failure to protect and lack of resolution for existing issues, nonetheless.

When referring to 'support for victims' we are not only talking about access to specialist support services or safe accommodation but, about the conditions required for victims to be able to consider fleeing in the first place such as access to social security, health, housing, education and legal support as well as the lack of threat to their safety and protections of their rights such as the right to a family life.

According to a very recent Domestic Abuse Commissioner office report and analysis by the LSE and the Oxford Migration Observatory, about 32,000 survivors with NRPF are likely to report the abuse to an authority each year. Of these, about 7,700 might require refuge or other accommodation.

There are existing dedicated Home Office mechanisms that allow access to funds, and therefore support (DDVC and DVILR), but these have significant limitations both in the length of time and eligibility.

The Domestic abuse Commissioner has very recently recommended that the Home Office adopt a proposed model, which extends support to all migrant victims and enable them to access the DDVC and DVILR for a longer period of time (6 months) , as a solution to the issues faced by victims and survivors with no recourse. ([Safety-before-status](#))

### **Devon picture:**

By nature, this can be a hidden population and within the region's rurality this is further exacerbated. The Council is liaising with local providers of domestic abuse support and safe accommodation as well as organisations supporting migrant families, such as those in bridging hotels and part of resettlement schemes, to explore this further, understand how the issue presents itself in Devon, including the levels of presentations, impact and associated risk.

*The Council understands that Ukrainian refugees and Hong Kong migrants are unaffected as they do not generally fall into the immigration status that results in NRPF.*

### ***The impact of having NRPF (for people affected by Article 59 and beyond) in Devon:***

The Council is confident that the major impact is not in terms of people receiving Domestic abuse support as they will not be turned away from local support services based on their immigration status.

The Council understands that access of support can become more challenging in terms of the provision of safe accommodation (typically refuge) which is partly reliant on access to social security benefits such as Universal Credit and housing benefit and where move on activity is directly linked with the provision of housing. This, however, is mitigated locally by providers applying flexibility and solution focused approaches to minimise impact.

It is undeniable that the most significant problem lies in the fact victims without recourse do not have access to essential support and services beyond domestic abuse specialist services, such as permanent housing, social security, legal support, education, employment and health. These system barriers, unfortunately, fall significantly outside of the authority and responsibility of DCC as a single organisation.

### **Sources:**

Please refer to this document for further information and sources [Istanbul Convention briefing 2022.12.08.docx](#)

[Safety-before-status-The-Solutions.pdf \(domesticabusecommissioner.uk\)](#)

## **(b) Stop Short-changing Devon - Save our Services - Councillor Brazil**

'While the Conservative Leader of Devon County Council reports that the authority's **'financial situation has never been so bleak as it is now'**, the Government has slashed the surcharge paid by UK banks from 8% to just 3% and lifted the threshold before the levy is even paid from £25million to £100million.

Yet again, while local government faces huge challenges to support the most vulnerable in our community and maintaining services, it is not increasing support to Councils that is at the forefront of the Conservatives in Government, but helping their banker mates.

The Cost of Chaos budget from short-lived Prime Minister Liz Truss which sparked the mortgage interest rate rise has also helped boost Bank earnings with NatWest, Santander, HSBC and Barclays, among others, reporting their earnings boosted in the last quarter as mortgage rates surged.

And while energy companies, fat on the profits of record increases in the price of gas and electricity, were slapped with a windfall tax, the Conservative Chancellor decided not to do the same for banks.

Devon County Council believes the budget delivered by Chancellor Jeremy Hunt was a very poor deal for the people of Devon and has done nothing to address the real terms cut of 72% in core funding for Devon in the 11 years to 2021/22. Cuts now being considered by the county council are a direct result of the Government's failure to support this authority and the Leader is instructed to write again to the Chancellor and Prime Minister setting out the devastating impacts for Devon and to call, once more, for fair funding for Devon'.

### **Briefing Note / Position Statement from the Director of Finance and Public Value**

The Government published a policy paper 'Amendments to the surcharge on banking companies' on 27<sup>th</sup> October 2021 which accompanied the 2021 Autumn Budget. This set out a change to the surcharge rate that banking companies must pay on Corporation Tax from 8 percent to 3 percent, to take effect from 1<sup>st</sup> April 2023. The annual profit threshold after which the surcharge would become payable also increased from £25 million to £100 million.

These amendments were subsequently confirmed in the 2022 Autumn Statement of 17<sup>th</sup> November. The 2021 Autumn Budget also set out that the headline rate of corporation tax would increase from 19 percent to 25 percent from April 2023. This increase in corporation tax was cancelled in the government's 'mini budget' of September 2022 but subsequently reinstated by the Chancellor of the Exchequer Rt Hon Jeremy Hunt on 17<sup>th</sup> October 2022.

Therefore, the net effect for banking organisations that are liable for the surcharge under the new, higher threshold of £100 million, will be a change from 27 percent (19% corporation tax plus 8% surcharge) to 28 percent (25% corporation tax plus 3% surcharge), a net increase of 1 percent.

With regard to local government finance, the Chancellor set out additional support to local authorities to fund social care in the Autumn Statement of 17<sup>th</sup> November 2022. This included:

- Postponement of adult social care reforms for 2 years, with the identified funding still to be made available to local government to fund social care pressures. The national level of funding was indicated as £1.3bn for 2023/24 and £1.9bn for 2024/25.
- Funding to improve hospital discharges – this was announced in two forms:
  - a) £600 million nationally via the Better Care Fund. This is split with half allocated to local government and half to the NHS;
  - b) £400 million nationally, allocated directly to local government.

The Autumn Statement also announced that Councils would be offered additional 'flexibility' in setting council tax for 2023/24 by setting the referendum limit at 2.99% and the ability to increase the adult social care precept by 2% - and therefore raise council tax by up to 4.99% overall without a referendum being required.

On 19<sup>th</sup> December 2022, the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, released a written ministerial statement to Parliament on the provisional local government finance settlement for 2023/24 financial year.

This statement was preceded by a policy statement which set out the national position on local government finance, which stated that the Review of Relative Needs and Resources (generally referred to as the 'Fair Funding Review') and a reset of Business Rates growth will not be implemented in the next two years.

It is therefore to be expected that funding distribution will largely remain as it is now, for the remainder of this Parliament. The possible exception to this would be if Government introduce a new funding stream related to the forthcoming Extended Producer Responsibility for packaging ('pERP') scheme.

The 2023/24 local government finance settlement provides allocations per local authority of most of the funding that central government provides to councils. It is a single year settlement again, as was the settlement for 2022/23, although Government has outlined funding levels for 2024/25. The settlement is in line with the Spending Review 2021 and updated for the announcements made in the Autumn Statement.

It is worth noting that in response to lobbying by the County Council with support from Devon Members of Parliament, and in alignment with national campaigning by the Local Government Association and County Councils Network, the Government has reacted positively with policy decisions which benefit Devon, namely:

- the continuation of the Statutory Override for the Dedicated Schools Grant deficit for a further three years.
- the additional funding for social care
- the reinvestment of money in social care from the delayed implementation of finance reforms
- the funding to help rebuild or otherwise improve seven schools in Devon

In addition, the Government has stated that the 2023/24 local government settlement is 9.6% higher than last year. This “Core Spending Power” increase includes the option for upper tier local authorities to raise Council Tax by the fullest extent allowed in the settlement without a referendum (4.99%). In common with local government generally, the County Council still faces significant challenges but that said, the settlement does provide some welcome additional flexibility and therefore the County Council Cabinet will be looking very carefully at what can be done as far as possible to protect services the public rely on, supporting communities and the economy

At the time of writing, the council’s finance officers are examining the detailed guidance and funding tables provided by Government in order to report to Cabinet in January on the specific outcomes of the provisional settlement for Devon County Council, so that the adequacy of funding can be considered at scrutiny committees when reviewing the budget proposals for services.

### **(c) Voter Photo ID - Councillor Wrigley / Bailey**

The Government has recently introduced a requirement for photographic identification before electors are to be permitted to vote.

This is to take effect for all elections from May 2023.

Devon condemns the introduction of the requirement for Voter Photo ID and considers that the introduction of photographic ID for elections is completely unnecessary, as voter fraud is extremely rare, and at the last count, a single prosecution was taken forward on the matter. The move would have the effect of suppressing voter participation in democratic processes.

The requirement for Voter Photo ID will disenfranchise anyone without a UK Driving Licence or Passport in their hands at the time of voting. The range of additional acceptable IDs is limited and skewed towards the elderly.

The Council considers that the new rules would place a considerable burden on Returning Officers, Presiding Officers, and polling staff who would have to adjudicate on identification issues. Staff at polling stations would inevitably have to deal with angry would-be voters turned away from the polling stations. Furthermore, District councils are expected to deliver free IDs with no

funding or guidance yet issued, despite it being less than six months until the elections.

The Association of Electoral Administration considers that the timelines for the new rules under the Elections Act 'are optimistic at best, undeliverable at worst'. Details of how voters without photographic ID can apply for a 'Voter Authority Certificate' has not even been published yet.

The move could suppress the number of residents who should be able to vote, which does not reflect British standards for democracy and respect for voters.

## **Motion**

The Council therefore agrees;

1 To ask the Local Government Association (LGA) and the County Council Network (CCN) to raise the matter with the Secretary of State for Levelling Up, Housing and Communities expressing its great concern about the proposed use of photographic identification for May 2023 elections.

2 In particular the Council stresses its concern about the procedures to be introduced, which will have a disproportionately detrimental impact on younger voters for whom the procedures will be more challenging than for older voters. The Council asks the LGA and the CCN to press the Government to actively seek to encourage young people to participate in elections, **not** to place obstacles in the way of young would-be voters.

3 Asks the LGA and the CCN to press the Secretary of State not to introduce voter photographic identification for the scheduled 2023 elections. The Council also asks the LGA and the CCN to urge the Secretary of State to engage in debate with the LGA and CCN about the need for voter photographic identification, and should it be concluded that it is necessary that a more acceptable system be considered.

4. The Council agrees to send a copy of its message to the LGA and the CCN to its MPs and the Prime Minister.

## **Briefing Note / Position Statement from the Director of Legal and Democratic Services**

In April 2022, the [Elections Act 2022](#) was passed which require voters to show photo ID before being issued a ballot paper in polling stations at UK Parliamentary elections, local council elections and referendums in England and police and crime commissioner elections in England and Wales. This will also apply to a proxy voter.

The Voter Identification Regulations 2022 which were published on 3 November, were approved by the House of Commons on Monday 12th December. The regulations were subsequently approved by the House of Lords on Tuesday 13th December.

The voter ID provisions are due to be in place for local elections in England May 2023. Currently, Voters in Northern Ireland must provide photo ID before receiving a ballot paper. ID requirements were introduced after the 1983 General Election following concerns about fraud. Since 2003 photographic ID has been required. The House of Commons briefing paper states there has been no evidence that ID requirements in Northern Ireland have affected turnout, and since its introduction the allegations of 'personation' have been eliminated.

The types of ID to be allowed are set out in section 5 of the Act, for example passports, photographic driving licences, biometric immigration documents and some concessionary travel passes. A new free voter document, called a Voter Authority Certificate, will be made available for those without any other form of photographic ID. It is expected voters can apply for a card in early 2023.

Concerns have been raised by electoral administrators about the timetable for introduction of voter ID for local election in England in May 2023. They have also raised concerns about recruitment of polling station staff, but Government remains committed to delivering voter ID in time for the May 2023 elections. There are also further risks of people being turned away through incorrect or permissible ID.

Concerns have been raised by opposition parties regarding disenfranchising voters and that the levels of voter fraud were low.

An Electoral Commission report on electoral fraud in 2014 found no evidence of systematic polling station fraud but warned that polling stations remained vulnerable because of the few checks in place to check identity. It recommended introducing voter ID.

On a local level, this Council does not have election staff. During the Council's quadrennial elections, the District Council's are asked if they would take on the logistics and administration of the County Council election for which reimbursement of costs is made.

The Business Change Team from the Electoral Integrity Programme (Department for Levelling Up, Housing & Communities) recently contacted all Returning Officers and Electoral Registration Officers to complete a checklist about funding and digital connectivity for the Elections Act 2022. This was to gauge Authority's readiness to implement the Elections Act 2022 and follow up as needed.

Given this Council do not run the day-to-day administration of Elections we asked District Colleagues to share any responses, thoughts or concerns.

Some funding allocations have been shared with Local Authorities for 2022/23 and 2023/24, as outlined below, but no later than that, so it is unclear as to what support will be available for the County Elections in 2025.



**New Burdens Funding Allocations 22/23 and 23/24: Voter ID, Accessibility, Training & Contact Centre Costs (England and Wales)**

|                 |  | FY 22/23 | FY 23/24 |
|-----------------|--|----------|----------|
| Local Authority |  |          |          |
| Grand Total     |  | Grant    | Grant    |
|                 |  |          |          |
| East Devon      |  | £27,623  | £52,232  |
| Exeter          |  | £19,348  | £30,494  |
| Mid Devon       |  | £16,239  | £37,820  |
| North Devon     |  | £18,722  | £40,680  |
| Plymouth        |  | £40,801  | £62,508  |
| South Hams      |  | £16,952  | £36,637  |
| Teignbridge     |  | £23,866  | £43,451  |
| Torbay          |  | £22,273  | £34,964  |
| Torrige         |  | £13,115  | £29,610  |
| West Devon      |  | £11,345  | £26,331  |

The County Returning Officer has expressed concerns over the extra costs that the Voter ID will almost certainly bring.

Additional costs are anticipated due to the need for ‘privacy screens’, allowing people in religious headgear or face coverings to have their identity checked away from public view, more detailed polling cards, which will have to change from A5 to A4 size and be posted in envelopes for the first time, producing “voter cards” for the those who may not have suitable ID as well as additional poll clerks on election days across Great Britain.

District Council’s were contacted to assess their readiness and those responses are still being received. However, there does appear from the responses received to date a feeling of not being as prepared as they would like.

Some comments received included the training not being done until February which is after the central system goes live and at this stage it is very difficult to assess at this stage how much additional work it will generate and how problematic it might be to administer.

In Mid-December, ahead of a vote in Parliament on plans to introduce voter ID for the May 2023 elections, Cllr James Jamieson, LGA Chairman, said:

‘.....While we accept that voter ID has now been legislated for, electoral administrators and returning officers should be given the appropriate time, resource, clarity and detailed guidance to implement any changes to the electoral process without risking access to the vote.

We are concerned that there is insufficient time to do this .....and for this reason are calling for the introduction of voter ID requirements to be delayed. We support the Gould Principle whereby electoral law should not be changed within six months of an election that the change would impact’.

The new voter ID requirements would have a number of implications for councils.....we also have concerns over the readiness of new IT systems, being able to properly test these and ensure staff receive training.

In addition, new voter ID requirements will require comprehensive local awareness campaigns, which councils need to be adequately funded for to tailor awareness raising efforts with the needs of their local population.

Therefore, it is sensible for the introduction of voter ID to be delayed until after May’s elections. In the meantime, we want to work with government to ensure elections are a ‘no fail’ service and that councils are given the right amount of time and resource to implement any changes’

The Electoral Commission are launching a new public awareness campaign in January 2023, aimed at raising awareness of the voter ID requirement and urging voters to remember to take their ID with them on 4 May.

The campaign will ensure that people are aware of the option to apply for a Voter Authority Certificate if they don’t have an accepted form of ID.

The campaign creative concept is: ‘Note to self’ which will feature sticky note reminders covering billboards and buses, online on their social feeds and website banners, and in local newspapers.

Below are some examples of how the campaign might look.





Advertising will be a combination of mass media and targeted digital advertising to maximise the reach, including TV, Out-of-Home (billboards), Video on Demand, radio, print, social media and more.

There will also be Partner packs to help Local Authorities amplify the key messages of the campaign, and bespoke partner resources for key groups who are less likely to have eligible forms of ID or who may need additional support, for example disabled people, Gypsy, Roma and Traveller communities, older people, homeless, people registered as anonymous voters and trans and non-binary people.

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This Report has no specific equality, environmental, legal, or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

MARIA PRICE

**[Electoral Divisions: All]**

**Local Government Act 1972: List of Background Papers**

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| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
|--------------------------------|--------------------|------------------------------|
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NIL