

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

Devon County Council joins with the thousands of Devon residents and is beyond shocked and appalled by the effective ban on wild camping on Dartmoor arising from a recent court decision.

This Council supports Dartmoor National Park in its rightful and spirited defence of wild camping, a right enjoyed by generations of local people and visitors.

Council condemns the loss of this right and calls on Government to enact urgent legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor.

Council asks the Leader and Chief Exec to write in the strongest terms to Members of Parliament for Devon, the relevant Secretaries of State and the Prime Minister urging them to act to restore the right to wild camp on Dartmoor.

### **Briefing Note / Position Statement from the Director for Climate Change, Environment and Transport**

As widely covered by the press and media and set out in this Notice of Motion (and the one at (c) in the briefing paper), the High Court declared on 13 January 2023 that Section 10(1) of the Dartmoor Commons Act 1985 does not confer on the public any right to pitch tents or otherwise make camp overnight on the Dartmoor Commons. This ruling has prompted public concern and protest about the potential loss of a long-standing tradition of wild (or backpack) camping on Dartmoor and the resulting benefit, in terms of physical and mental wellbeing, for those who engage in this activity. At its

meeting on 27 January, Dartmoor National Park Authority (DNPA) agreed to seek permission to appeal this High Court judgement.

Elsewhere in the country wild camping is not permitted without prior permission from the landowner although, in some instances, such activity is tolerated.

Notwithstanding this decision, the Authority has also reached an agreement with The Dartmoor Commons Owners' Association to discuss how backpack camping on some parts of the Dartmoor Commons can continue. The detail has yet to be developed but, in essence, landowners would enter into a legal agreement with DNPA which would grant permission to allow the public to backpack camp on specified land. For these areas a member of the public wishing to backpack camp would not have to seek the approval of the landowner as it would already have been granted via the agreement. The location of these areas is shown on an interactive map on the DNPA website. People backpack camping will not be charged under this system. The new agreements will involve a payment to landowners by DNPA, but the amount has not yet been discussed in detail. These costs have not been budgeted for by the Authority, which is asking Defra if it will provide funding to support this process.

This legal case has brought into focus some of the issues which can arise from unregulated activities undertaken on the Dartmoor Common, such as discarded waste and increased threat of vegetation fires. For this reason, DNPA promotes compliance with a 'Backpack Camping Code' to protect Dartmoor's fragile moorland environment. It also emphasises that camping in family sized tents, as a large group, in camper vans and motor homes must be within designated campsites and that overnight sleeping in vehicles at the roadside or in car parks is not permitted under National Park byelaws.

Defra is understood to be liaising with all National Park Authorities at present in relation to this issue of wild camping. There have also been some calls for action by central government, as noted by the Notices of Motion.

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

Citizens advice says across the UK 3.2 million people on prepay meters were left with cold and dark homes last year as they ran out of credit. Also 600,000 people were switched from credit meters to prepay in 2022, compared with 380,000 in 2021. With more freezing weather forecast we welcome British Gas announcement that it will halt the use of warrants to install prepayment meters.

This Council

1. calls on Government to urgently review how energy vulnerability can be reduced including considering extra financial support for struggling households; and
2. calls on energy suppliers to agree a three-month moratorium on the installations of gas or electricity prepayment meters including freeze on the use of court warrants to gain entry to homes to fit prepay meters, or automatic switching of smart meters onto prepayment ones.

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

The energy regulator, Ofgem, has launched an urgent investigation into British Gas after it emerged that agents working on its behalf ignored customers' vulnerabilities. Ofgem stated that "It is unacceptable for any supplier to impose forced installations on vulnerable customers struggling to pay their bills before all other options have been exhausted and without carrying out thorough checks to ensure it is safe and practicable to do so. We have launched a major market-wide review investigating the rapid growth in prepayment meter installations and potential breaches of licences driving it. We are clear that suppliers must work hard to look after their customers at this time, especially those who are vulnerable. The energy crisis is no excuse for unacceptable behaviour towards any customer, particularly those in vulnerable circumstances."

The Government continues to review energy vulnerability and support. In its Autumn Statement, the Government committed to further Household Support Funds (HSF no4 & no.5). Funding from HSF1-3 has been deployed to assist households struggling financially to obtain food, energy and other essentials; locally and of particular relevance will be the Energy Relief Scheme operated through Citizens Advice Devon as well as the Minor Rapid Energy Improvement Scheme pilot via Sustainable Warmth.

To date, each HSF scheme has covered a six month period, with the DWP related HSF guidance being reviewed prior to each new fund being released. Throughout the period, certain cohorts of households have been targeted over that time, e.g. households with children. Households of pensionable age. Our approach with regards the current HSF (no.3) scheme can be seen here – [Benefits, money and debt | Cost of living | Devon County Council](#)

In addition, household support and food/fuel insecurity were discussed recently at Scrutiny (30/01/23); the session focused on household support, community resilience building and the latest DCC funded research on food and fuel insecurity (conducted initially in 2021 and repeated 2022). The data from the research will continue to inform local partnerships, their understanding, learning and response.

The Food Insecurity research: [Support for families as food poverty rises - News \(devon.gov.uk\)](#)

The Scrutiny Committee session (containing headline data from research) - [Food Insecurity and Response to Household Support.pdf \(devon.gov.uk\)](#)

In addition, running parallel to the Household Support Fund schemes, the Government announced this week (w/b 06/02/23):

...that over eight million families in the UK will continue to receive direct financial support from the government. The first of five cost-of-living payments, worth £301, will be paid into bank accounts this spring. Over 6.5 million people on disability benefits will also receive a £150 payment this summer.

DWP has also released a full breakdown showing recipients of cost-of-living and disability payments by council and parliamentary constituency.

Announcement: [Over 8 million families in the UK to receive new Cost of Living Payment this Spring - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/over-8-million-families-in-the-uk-to-receive-new-cost-of-living-payment-this-spring)

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

Councils like DCC use the high needs funding block of the DSG to fund statutory Special Education Needs provision as required by law. Since its introduction the government has repeatedly refused to fund this adequately. This has meant that to meet its statutory duty DCC has spent £127m from reserves to fund this. The Government has allowed Councils like DCC to keep ever increasing deficits on spending for children with special educational needs and disabilities off their balance sheets and has approved an extension of this for a further three years. The Government's local government finance policy statement published in December says that the statutory override for the Dedicated Schools Grant (DSG) will be extended for the next three years, from 2023-24 to 2025-26.

This money has already been spent on SEND services by DCC to the tune of £127m by the end of this financial year. Across the UK the total deficit by all councils is expected to be £2.3bn which the government is refusing to fund. This deficit in Devon will only increase and can only be met out of our reserves or borrowing. Our reserves have already been run down to breaking point and the deficit has arisen as a result of the government's withdrawal of £135 m of Revenue Support Grant and inadequate funding in the DSG.

The statutory override means that any DSG deficits are not included in DCC Council's main revenue budgets. It also means that £127m is now unavailable to invest to save in much needed capital projects to benefit Devon residents.

The Government has said it may consent to a capitalisation of some or all of this deficit. This means that DCC would have to take out long-term borrowing at current interest rates of up to £127m so that the borrowed money could be available for capital spending on projects in Devon. It is contrary to local government law for us to do this without consent and it is also contrary to good economic planning to borrow money (other than in the short term by way of an overdraft) to be spent to pay off deficits for revenue spending or to fund revenue services. People in Devon would in effect be asked through their council tax to fund the paying off of this revenue debt run up by the government's refusal to fund SEND services. This loan would be repaid over say 25 years. This means our residents their children or grandchildren will be paying through council tax to pay off the capital and interest on the loan for services that they obtained no benefit from as they have already been provided before the loan was taken out.

This Council

1. Calls on the government to pay DCC £127m, for this SEND deficit in 2023 so that this money can be used to invest in Devon.
2. Believes it is wrong for government to expect local authorities like Devon to borrow money on capital markets to fund past and present services.

### **Briefing Note / Position Statement from the Directors of Finance and Public Value and Children's and Young Peoples Futures**

The County Council has put forward sensible, pragmatic proposals to the DfE for meeting the accumulated deficit in the Government's Dedicated Schools Grant for Devon arising from the overspend in the High Needs Block. The County Council believes these proposals properly recognise that the authority and Government have a shared responsibility to address the deficit as a matter of urgency. From discussions with the DfE, the County Council believes this is accepted by the Department as a workable solution and therefore looks forward to a finalised agreement being reached at pace. Securing financially sustainable special needs provision in Devon is essential to ensuring children rightly have the support they need now and in the future, and provides parents with confidence and reassurance. To that end, the County Council is driving forward with a comprehensive plan of action which includes increasing maintained and academy special school capacity in Devon with Government support, reducing dependency on costly independent sector placements, working collaboratively with the NHS to provide better therapeutic support to children and working with Devon schools to ensure children are better supported in mainstream schools.

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

In January, the right to backpack camp on certain common land in Dartmoor National Park without permission from the landowner was lost after a wealthy landowner took the park authority to court. It was the last place in England and Wales where there was a right to backpack camp. Under an agreement reached, the National Park Authority will now have to pay landowners an unknown fee for permission to camp on land that private landowners are willing to put forward.

This Council believes that

- Dartmoor National Park provides many opportunities for all of Devon's residents to responsibly enjoy and protect our great open spaces
- The ancient right to sleep under the stars on Dartmoor should be protected for future generations

This Council resolves to

- Criticise the decision made to restrict the right to backpack camp on Dartmoor National Park
- Robustly defend the right to backpack responsibly on appropriate land by expressing support for Dartmoor National Park's appeal
- Write to the government to urge them to adopt Labour's pledge to enshrine the right to roam in law

**Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

Please see briefing note in response to (a)

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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**

Contact for Enquiries: K Strahan

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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