

NOTICES OF MOTION

Report of the County Solicitor

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notice 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 Notice of Motion submitted to the County Council by the Councillor 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 Chief Officer and / or Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Supporting Devon Residents into Homes Of Their Own (Councillor Connett)**

Devon County Council calls on the Government to:

1. End the tax dodge loop-hole of second home owners switching from Council Tax to Business Rates and then claiming 'small business' exemption, so they pay nothing at all.
2. To re-extend the notice period given to tenants to 6 months
3. Maintain the Local Housing Allowances at Covid-levels (plus cost-of-living increases) to support families into homes

and that the County Council will:

1. Work with Devon's District, City and Borough councils to establish a 'housing taskforce' working across the county to tackle the flight to Air BnB and holiday rentals
2. Support the provision of urgently needed rented housing on County owned land

**Council welcomes the research undertaken by property agents Colliers and published in August 2021, which confirms:**

Local authorities are losing out on millions of pounds of council tax income because the Government's business rates system is still giving many holiday home and second home owners the opportunity to avoid paying the tax, provided they make their properties available to rent. This situation has been made even worse by the pandemic.

Colliers estimates the total loss to local authorities from business rates relief for holiday lets in England and Wales alone is currently around **£110 million a year** - a significant sum that could certainly help bridge the gap in local authority finances, now suffering because of the pandemic.

Property owners who make their properties available to rent as holiday lets for 140 days of the year can claim they are a small business and as such can elect to pay business rates instead of council tax.

However, as small businesses they can claim for relief on 100% of the business rates payable if their properties have a rateable value of less than £12,000. Those properties with a rateable value between £12,000 and £15,000 are also entitled to a relief on a sliding scale in line with the Government's business rates relief policy.

Colliers has analysed the rating lists for the South West of England (Cornwall, Devon, Somerset and Dorset) where 9,600 new properties, claiming 100% business rates relief have entered the list in the last four years- an 82 % increase since the start of the 2017 Ratings List.

According to Colliers' estimates this flip from the council tax to the business rates list is costing the local councils an extra £16 million a year in council tax income. The South West now has 21,312 properties in the rating list that are eligible for 100% business rates relief and Colliers has estimated that if these properties at least paid council tax the local councils would benefit by £35.5 million a year!

**Council also notes that the Office for National Statistics has reported:**

The number of households living in the private rented sector in the UK increased from 2.8 million in 2007 to 4.5 million in 2017, an increase of 1.7 million (63%).

Over this period, the number of owner occupier households remained broadly consistent at 17.7 million households.

However, households owned outright increased from 7.9 million to 9.4 million while households buying with a mortgage fell from 9.8 million to 8.3 million.

The number of social rented households decreased by 200,000 households to 4.5 million.

Younger households are more likely to rent privately, with those in the 25 to 34 years age group representing the largest group.

Households in the 45 to 54 years age group saw the biggest percentage increase from 11% in 2007 to 16% in 2017, an estimated increase of 384,000 households.

### **Council welcomed the protection for tenants but is concerned about a rise in evictions**

Due to Government action during the Covid pandemic, thousands of private sector tenants were protected from homelessness by the national ban on evictions.

However, that protective shield was removed on 31 May this year and, in addition, the notice period that a landlord must give a tenant was cut from six to four months

Citizens Advice said there's been a **17 per cent increase in people with issues about being evicted from their private rented accommodation**, comparing the first four months of this year with the same period a year ago.

It said there's also been a **36 per cent increase in the number of people seeking help with all types of problems in the rental sector**.

### **Private rented homes are like Hens teeth...**

In Devon, we are seeing a dramatic shift in the availability of private rented homes.

In North Devon, the Reach Plc news organisation, reported on 8 August that there are 2000 residents looking for social housing on Devon HomeChoice but only 20 residential properties available for rent via Rightmove. In Teignbridge, there are 1000 applicants on the Devon HomeChoice register, a search of Rightmove on 9 August showed 5 rental properties available in Newton Abbot, 7 in Dawlish, 1 in Teignmouth, 1 in Ide, 1 in Bovey Tracey, 2 in Chudleigh and 1 each in Ashburton and Buckfastleigh with none in Exminster. In East Devon, there were 22 rental properties displayed on Rightmove. Anecdotal evidence from other districts suggests this pattern of high demand and very low supply is repeated across Devon.

And this is an extract from an online search on 09 August 2021 for Air BnB properties for let in Devon

[500+ Devon Holiday Cottages | House and Apartment ... - Airbnb](https://www.airbnb.co.uk)  
<https://www.airbnb.co.uk> › United Kingdom › England

Find the perfect self-catered holiday cottage for your trip to **Devon**. **Houses** with a kitchen and **apartments** with free parking await you on **Airbnb**.

The Guardian of February 2020 reported....

**Out-of-control' dominance of rentals in some communities depriving locals of homes, critics say**

- **The Devon village changed by Airbnb**

In England, the area with the highest rate of Airbnb lets was [Woolacombe](#), Georgeham and Croyde, in Devon, with 23 listings for every 100 properties.

<https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one-airbnb-for-every-four-homes>

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

The two Notices of Motion highlight the unprecedented shortage of affordable housing and the multiple pressures on the availability of private sector housing in Devon. The housing market is not currently making affordable homes available to everyone who lives in Devon who needs one. The traditional reliance on building more homes to satisfy the demand and reduce prices is no longer working. Other markets, such as the short term let holiday market, are influencing the supply of housing which is depriving some people of the opportunity to purchase, or even rent, a home in some parts of the county.

Tackling these complex and difficult problems will require action by Government, Devon's local authorities, house builders, landlords, housing associations and many others.

Devon's District Councils have key roles in housing including planning and development, social housing, housing management, housing advice and homelessness, empty properties, development of affordable housing, regulation of the private rented sector, aids and adaptations. South Hams District Council recently declared a housing crisis and many of the actions that it has already agreed to take could be relevant to Devon as a whole.

The proposed Devon County Council [key priorities](#) for 2021-2025 include:

- "Working with Team Devon to tackle homelessness and improve the availability of affordable housing in Devon."
- "Doing whatever we can to make it easier for key workers and people on low incomes to find affordable homes."

## **(b) Devon's Housing Crisis (Councillor Hannaford)**

Council notes with concern that Devon is in the grips of a serious housing crisis. Second home sales are soaring, private landlords are switching to holiday letting in huge numbers, significantly fewer homes are available to buy or rent, and both renters and buyers are being priced out of the county in an unprecedented way.

The post pandemic far South West property boom has especially compounded decades of systemic under investment in social and affordable housing, that has prevented local councils, housing associations, alms houses and charities from investing in more much needed homes for local people and families.

We know that across Devon we have thousands on the Devon Home Choice waiting lists, with thousands more not eligible to apply, and thousands more in often poor quality private rental stock. Home ownership is now only a distant dream for so many.

People who've lived here for generations are being pushed further away by property prices that they simply cannot afford.

Furthermore, we also risk our communities becoming unsustainable, we have a county wide recruitment and retention problem across all sectors, including at Devon County Council.

Council therefore resolves to;

- Set up a high level action group to look at using Devon County Council resources to provide some key worker accommodation for our own staff such as adult and children's social workers.
- That Devon County Council use its convening powers to host and coordinate a county wide Devon Housing Forum with all key partners to develop a range of effective local and grassroots solutions to help solve Devon's housing crisis, including key workers such as nurses, care workers, teachers, hospitality and retail sector and those serving in the blue light services.
- Work with all our local Members of Parliament to ensure that new Secretary of State for Housing and Local Government fully understands the collective housing challenges that we urgently face in Devon, and to secure the necessary powers and resources through the Devon Devolution Deal to make significant and lasting progress to provide people in Devon with somewhere affordable, safe and secure to call home.

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

Please see earlier briefing note

## **(c) School Uniform Costs (Councillor Hannaford)**

Thousands of parents across Devon were again forced to pay over the odds for [school uniforms](#) this academic year.

The Government failed to issue legally binding guidance obliging schools to ensure that their specified clothing is reasonably priced in time for the start of the new term.

Under a new law passed by Parliament in April, schools will be required follow statutory guidance on uniform costs, forcing them to keep prices down.

It was widely understood that this guidance would be in place in time for the start of the 2021/2022 academic year

In addition to encouraging schools to consider making second-hand uniforms available, the guidance will also instruct them to look into allowing parents to kit out their children in cheaper high-street alternatives and to also demonstrate that they obtained the best value for money possible from their suppliers.

Parents with children in state schools spend on average **£315 per year for each primary school child** and **£337 per year on uniform for each secondary school child**, according to [research from The Children's Society](#).

This is more than three times what parents think is a reasonable cost for primary (£85) and secondary (£105) uniform.

The new law, introduced as a Private Members' Bill by Labour MP Mike Amesbury, that had widespread cross party support, could save hard-pressed parents [hundreds of pounds](#) over the course of their children's academic careers.

Council therefore resolves to formally write to all Members of Parliament in the Devon County Council area, clearly raising all the ongoing issues and concerns around the rising cost of school uniforms, to urge them to actively support the implementation of these changes at the earliest opportunity.

Furthermore with cuts to universal credit, increasing fuel and heating costs, and rising inflation, we need to support our families now by making school uniforms more affordable in Devon as we cannot wait for government decisions.

Council therefore also resolves to write to all our schools this term to ask them to urgently reconsider their uniform policies , and check that parents and families have the option of buying school clothing that is less expensive. In line with previous Department of Education guidance to local authorities, governors and schools for setting school uniform policy.

## **Briefing Note / Position Statement from the Head of Education and Learning**

It remains the case that schools are not required to have a school uniform, although the Department for Education strongly recommends that they do so.

On 29 April 2021, the Education (Guidance about Costs of School Uniforms) Act 2021 was given Royal Assent. The Act instructs schools to keep prices for school uniform down.

The Act also includes measures on encouraging second-hand uniform, schools' arrangements with suppliers, and ensuring parents have access to clear information about uniform policies.

The Department for Education are expected to release Statutory guidance this Autumn but at the time of writing it has not been released.

Current guidance encourages schools to opt for clothing available at local supermarkets and asks them to generally avoid uniform being supplied by a single outlet.

As the statutory guidance has not yet been published, there are no current consequences for schools who do not follow this steer.

In Devon, we know that costs continue to remain a challenge for parents and carers, particularly in areas of significant deprivation which is not always nationally recognised.

A useful House of Commons briefing paper on the Act can be found here:

<https://researchbriefings.files.parliament.uk/documents/CBP-8414/CBP-8414.pdf>

#### **(d) Bovine Tuberculosis, Badgers and Vaccination (Councillor Bradford)**

The badger cull is an attack on a native mammal without precedent in any country, in modern times.

As such – we shouldn't – and can't - stand by and watch from the sidelines. It is our wildlife, our natural heritage that is being decimated for no good reason at all.

I therefore propose that Council

1. recognises the impact of Bovine Tuberculosis on cattle, wildlife, and the farming community in the County
2. endorses good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculosis;
3. confirms that this Council will not support the culling of badgers on Council land and will seek to amend its new leases accordingly. Any essential variation of such a lease clause will be subject to a formal request in writing and subsequent consent;
4. endorses vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its

impact in Devon and resolves to support badger vaccination programmes, particularly in those areas most at risk of the spread of Bovine Tuberculosis, and to commit in principle to support them financially with Council and other resources.

### **Briefing Note / Position Statement from the Head of Digital Transformation and Business Support**

In 2018, Professor Sir Charles Godfray was commissioned by the Government to conduct an independent review to reflect on progress in the first four years of the government's bovine tuberculosis (bTB) strategy and consider what additional actions might be necessary to ensure other tools and interventions are ready to be deployed in later phases of the Strategy ('the Godfray Review' <https://www.gov.uk/government/publications/astrategy-for-achieving-bovine-tuberculosis-free-status-for-england-2018-review>).

The Government published a response to the Godfray Review (<https://www.gov.uk/government/publications/a-strategy-for-achieving-bovintuberculosis-free-status-for-england-2018-review-government-response>) in March 2020 setting out three top priorities for the next phase of the bTB Strategy:

- accelerating work to develop a deployable cattle vaccine in the next five years
- plans to evolve the wildlife control policy, by beginning to phase out intensive badger culling in the next few years and gradually replacing this with government-supported badger vaccination and surveillance. Culling would remain an option where epidemiological assessment indicates that it is needed;
- improving diagnostic testing to root out bTB more effectively, with deployment of more sensitive tests for surveillance supported by greater use of on-farm restriction of cattle with inconclusive test results.

A consultation was subsequently launched in January 2021, setting out in more detail proposed changes to aspects of bTB policy in keeping with these priorities, in order to begin the transition into the next phase of the bTB Strategy. Proposals were presented on cattle TB testing and wildlife control.

In relation to wildlife control the proposals included not issuing new Badger Disease Control (intensive cull) licences after 1 December 2022 and the revoking of licences issued over a 2 year period (21/22) subject to a progress evaluation by the Chief Medical Officer.

The Government are also considering emerging ideas identified in the Godfray Review (through a call for views) on further changes and improvements to TB testing, incentivising increased uptake of biosecurity measures, supporting responsible cattle movements and rewarding low risk cattle purchasing behaviour (for example buying cattle from bTB low risk areas (east and north east of the country) and carrying out due diligence around the bTB history of the herd/farm/areas where the cattle is being purchased from) .

Whilst the above indicates the Government's current thinking on the likely direction of travel, the strategy (and subsequent policy changes) are still evolving

