

NOTICES OF MOTION – BRIEFING NOTES

Report of the Director of Legal and Democratic Services

Recommendation

that consideration be given to any recommendations to be made to the 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.

Introduction

The Notices of Motion submitted to the County Council by the Councillors shown below has 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 the Notice of Motion.

(a) Gaza Crisis - Councillor Dewhirst

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.

Briefing Note / Position Statement from the Director of Legal and Democratic Services and Head of Communities

Devon's people and communities have a history of working together to address human suffering.

The continued conflict and the loss of lives in Gaza will be deeply distressing to many people across the county. People's thoughts and deepest sympathies will be with all those caught up in the violence.

There is never any justification for the killing, injuring and abduction of civilians and children who must be protected at all times, and international humanitarian law establishes rules which cannot be ignored.

The Council encourages and supports good relations between Devon's people and communities at this time of international tension. The Council denounces hate crime in the strongest terms and will continue to work with the police and local communities to maintain community cohesion.

(b) Box Shifting – Councillor Adams

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.

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

Business rates are charged on most non-domestic properties, for example, shops, offices, pubs, warehouses, factories, holiday rental homes or guest houses.

Business Rates are calculated using a Rateable Value determined by the Valuation Office Agency (VOA), which is based on the open market rental value of the property. This Rateable Value is then adjusted (usually to less than the rateable value) by a multiplier set annually by central government and may also be reduced if the ratepayer is eligible for business rates relief (discount). Administration of Business rates is the responsibility of local ‘billing authorities’, which in the case of Devon this is the and city, borough and district councils within the County. This includes calculating and issuing the bills including any reductions for eligible reliefs.

Some businesses in England are eligible for a reduction in their business rates bill. This is called ‘business rates relief’. One of the reliefs available to ratepayers is “empty property relief”.

If you get empty property relief, you do not have to pay business rates on your empty property for 3 months (this may be extended to 6 months for certain types of property). The relief starts from when the property becomes empty. After this time, most businesses must pay full business rates. To start a new rate-free period, the property must be occupied continuously for six weeks before becoming empty again.

Ratepayers are responsible for notifying the local authority of any change in circumstances to ensure they are paying the right amount.

The Government would need to pass changes to regulations for the entitlement to empty property relief to be amended.

(c) Local Government and Social Care Ombudsman (LGSCO) findings on Special Educational Needs and Role of Scrutiny - Councillor Bailey

This Council notes that there has been a concerningly 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.

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

All of Devon's Scrutiny Committees receive a customer feedback report from the Customer Relations Team comprising complaints, representations, and Local Government and Social Care Ombudsman (LGSCO) findings and recommendations as part of their annual work programming masterclass in the Spring. This supports Members to understand the areas that are receiving high volumes or atypical customer feedback. When considered alongside risk and ongoing performance data the resultant trend analysis supports evidence-based work programme development for the forthcoming municipal year. On this basis each Committee evaluates the most important areas where Scrutiny can add value and determines how best to approach any investigation. These reports are not discussed in public, as the information is solely to support good Scrutiny work programming and is not part of undertaking the critical-friend function of Scrutiny, this comes later.

In recent years there have been a number of occasions where specific LGSCO findings have been specifically considered by Scrutiny:

- Cross-Council Customer Feedback and LGSCO findings have been reported to the CIRS Scrutiny Committee previously, the Committee last received a report at its 15th September 2022 meeting on [Customer Feedback in Q1 2022/23](#) covering key messages, trend data, complaint themes as well as a summary of the LGSCO findings and recommendations.
- When the LGSCO has made a recommendation that findings are reported to Members, the Council has taken the position that these 'Public Interest Reports' are reported to Scrutiny such as to [Health Scrutiny on 15th September 2021](#), and to [Children's Scrutiny on 15th March 2022](#), where Members considered the report and learning from the findings.

- In collecting data for Task Groups and Spotlight Reviews, Members have also taken the opportunity to review customer feedback data and LGSCO complaints too. For example, in the SEND Task Group where members held an evidence session with the Customer Relations Manager.
- The Scrutiny Team also subscribes to the weekly e-mail bulletins for the LGSCO and are alerted when cases about the Council have been published, in the usual way of supporting each Committee to carry out effective Scrutiny, the appropriate Committee is likely to be kept informed about pertinent cases. Members are also able to sign up for these bulletins and have been encouraged to do so.

Scrutiny, as enshrined in legislation, must be led by independent Scrutiny Councillors and be demonstrably member-led. Each Scrutiny Work Programme can only be agreed by the Committee itself.

(d) Hospiscare Funding - Councillor Atkinson

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.

Briefing Note / Position Statement from the Director of Adult Social Care

Integrated Care Boards have a legal responsibility to commission health services that meet their population needs, including palliative care services. NHS Devon currently has grant arrangements in place which offer financial support to the four adult hospices operating inpatient beds within the NHS Devon footprint. These

arrangements are historic having been established and evolved over many years, pre-dating the creation of the ICB. Work is currently taking place to review these arrangements and a paper to the Health and Adult Care Scrutiny Committee in January will provide an update on the progress to date and broader details about the breadth of EoLC pathways and arrangements.

Local authorities do not have statutory responsibilities for funding, commissioning or providing palliative care. As a county councils we play a role in the development of care plans for individuals approaching the end of life. This involves working with healthcare professionals, the individual, and their family to coordinate a personalised care package that addresses their needs and preferences. We are committed to promoting dignity and choice in end-of-life care. This includes supporting individuals in making decisions about their care preferences, such as where they would like to receive care and the type of care they would like to receive. We work in partnership with the NHS to ensure a coordinated approach to end-of-life care. This collaboration may involve joint assessments and planning to meet the holistic needs of individuals.

As a partner in the ICS, we work with the ICB where relevant and appropriate to support the delivery of its statutory duty. The ICB paper to the Health and Adult Care Scrutiny Committee in January will provide members with details on ICBs future approach to EoLC.

LGA guidance to local authorities on EoLC includes the following recommendations for local authorities. Council may want to recommend the Health and Adult Care Scrutiny Committee accept and act upon them:

- Explore the quality of end of life care in your area through the health and wellbeing board, or similar body, on an annual basis, including how end of life care and support is experienced by different communities in their area.
- 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.
- 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.

(e) Humanitarian Emergency in Gaza' - Councillor Atkinson

“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”.

Briefing Note / Position Statement from the Director of Legal and Democratic Services and Head of Communities

Devon’s people and communities have a history of working together to address human suffering.

The continued conflict and the loss of lives in Gaza will be deeply distressing to many people across the county. People’s thoughts and deepest sympathies will be with all those caught up in the violence.

There is never any justification for the killing, injuring and abduction of civilians and children who must be protected at all times, and international humanitarian law establishes rules which cannot be ignored.

The Council encourages and supports good relations between Devon’s people and communities at this time of international tension. The Council denounces hate crime in the strongest terms and will continue to work with the police and local communities to maintain community cohesion.

(f) Austerity and Cuts to Local Government Funding - Councillor Atkinson

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.

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

On 18th December 2023, the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, released a Written Ministerial Statement to Parliament setting out the provisional local government finance settlement for 2024/25 financial year. The Final Settlement is likely to follow in early February 2024. The settlement sets out how much each local authority can expect to receive in the core Settlement Funding Assessment (general grant and business rates funding) and other grants related to local authority services such as the Social Care Grant.

Detail on the settlement is provided in the 2024/25 Service Target Budgets report on the agenda for Cabinet 10 January 2024. This summarises that the 'Core Spending Power' for Devon County Council is increased by 6.5% in 2024/25. The Council can respond to the Consultation on the Provisional Settlement. A response will be prepared by the Director of Finance and Public Value in consultation with the Leader and Portfolio Holder for Finance and needs to be submitted by 15 January 2024.

The Settlement is for one year only, being the final year of the current Spending Review covering the 3 years up to March 2025. The likely settlement funding amounts in subsequent years is currently unknown.

The Cabinet will need to present a balanced budget for 2024/25 financial year for Council to consider for approval on 15 February 2024.

(g) Devon Residents Deserve Clean Rivers and Beaches - Councillor Leaver

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.

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

Water quality in our rivers, streams and coastal waters is, quite rightly, an issue of major concern. Pollution by sewage is one of several causes and which is in the political and media spotlight at present. However, there other very significant factors, particularly run-off from land (agricultural and urban) which can cause damaging nutrient-enrichment, pollution incidents and, after heavy rainfall, also result in high levels of harmful pathogens.

The significance of such water pollution, specifically that linked to sewage overflows, is recognised by Ofwat, the body responsible for regulating water and sewerage companies, whose web site states:

“The current levels of storm overflow discharges into rivers cannot continue, and the water sector must tackle this. Customers and the public rightly expect water companies to take this role extremely seriously, and there has been widespread, understandable frustration and anger.”

Data on sewage overflows is published by the Environment Agency and based on the annual returns provided by water and sewerage companies. Such discharges and their monitoring are covered by the Environmental Permitting Regulations, with permitted discharges intended to occur only at times of extreme weather to relieve pressure on overloaded sewerage systems. However, since November 2021 English water companies have been under investigation by Ofwat and the Environment Agency in relation to widespread and serious non-compliance with the relevant regulations. As a result, Ofwat is progressing six enforcement cases, including one into South West Water.

These investigations are happening at a time when government has indicated that it is seeking a step change in how water companies tackle this issue, as addressed by its Storm Overflows Discharge Reduction Plan¹, published in updated form in September this year. This plan sets out new targets intended to update our national sewer system and generate a very significant investment and

¹ [Storm overflows discharge reduction plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/storm-overflows-discharge-reduction-plan-2021.pdf)

delivery programme through water companies to protect people and the environment. There are specific targets over three timeframes, these being 2035, 2045 and 2050, to ensure progressive improvement to all storm overflows, giving priority to those discharging near every designated bathing water and into or near 'high priority' sites.

Water companies have been required to invest £7.1 billion between 2020 and 2025 to protect and improve the environment; of this, £3.1 billion relates specifically to storm overflow improvements. The government also introduced a raft of measures through the Environment Act 2021 to address discharges from storm overflows. Relevant action is being undertaken and investment committed by South West Water through its WaterFit programme, the detail of which is available on their web site².

The current debate is whether such action is sufficient to achieve the identified targets and reduce the associated threat to public health and wildlife, with clear differences in political viewpoint on the practicality and affordability of additional or alternative approaches.

MARIA PRICE

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
--------------------------------	--------------------	------------------------------

NIL