

NORTH DEVON COUNCIL

Minutes of a meeting of Policy Development Committee held at Barum Room - Brynsworthy on Thursday, 16th November, 2023 at 6.30 pm

PRESENT: Members:

Councillor L. Spear (Chair).

Councillors Bishop, Bulled, Bushell, Clayton, D Knight, Jones, Patrinos, Turton and Wilson.

Officers:

Director of Resources and Deputy Chief Executive, Head of Governance, Head of Programme Management and Performance and Finance Manager.

Also Present virtually:

A member of the public and press representative.

14. APOLOGIES

Apologies for absence were received from Councillors Hunt and Worden.

15. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 14TH SEPTEMBER 2023 (ATTACHED).

RESOLVED, that the minutes of the meeting held on 14th September 2023 (circulated previously) be approved as a correct record and signed by the Chair.

A question was raised by a Member regarding the invitation to the Local MP to attend the meeting and her reasons for not attending. The Member was advised that the MP was unable to attend as she was in Parliament.

Councillor D. Knight abstained from voting as he wasn't present at the meeting.

16. DECLARATIONS OF INTEREST.

There were no declarations of interest announced.

17. DENTISTRY SERVICES IN NORTH DEVON.

The Committee considered the report of the Devon County Council Health and Adult Services Committee held on 21st September 2023 together with a minute extract of the meeting.

The Vice Chair advised that the aim of the meeting was to invite a panel of experts to discuss the ongoing problems for the residents of North Devon in securing NHS dental care and that invitations had been sent to representatives that they wished to discuss their concerns with and that of the four invitations sent out, one was declined and the other three were not acknowledged.

He added that there were local residents together with representatives from Save our Hospitals who were keen to attend to meet with the experts. However, without a panel to ask questions of this had not been possible.

Following some research, he raised the following points:

- At the present time, every child in the UK is entitled to free NHS dentistry. However, there were not enough dentists to treat them.
- People entitled to benefits together with pregnant women and recent mothers also had the right to the unobtainable service.
- These rights were guaranteed until you try to exercise them.
- The number of active NHS dentists in UK at its lowest in a decade despite a growing population.
- According to figures released by the British Dental Association (BDA) in early 2023 23,577 dentists carried out NHS work in 2022/23 financial year, which was down by more than 1100 on the pre-pandemic level and lowest level since 2012/13.
- Overall 80% of practices in the UK no longer take on child NHS patients and about 90% were refusing new adult patients.
- The latest figures from the NHS Devon indicated that 6287 people were currently on NHS waiting lists in North Devon and Torridge, 1183 of which are children.
- Corresponding figures for Devon are 98,378 and 20,096.
- Obtained a link to the NHS Devon website, listed all NHS dental practices. Was unable to find one practice that would take a new NHS dentist.
- The current situation was that fewer than 4 in 10 adults in Devon visited a NHS dentist in a year, and only half Devon's children.
- There were fewer dentists with long, and growing, waiting lists for those few practices still accepting NHS patients.
- When a dentist provides treatment to patients on the NHS they lose money, because state funding does not cover their costs.
- The situation would continue to get worse because funding for NHS dental services had been cut in real terms by 4% year. Dental inflation driven by the rising costs of laboratory bills, energy, wages together with materials, was about 11% a year.
- The payment system imposed by the government meant that dentists received the same payment from the NHS for a patient who required 10 fillings as for a patient who required one.
- Treating a patient earns three Units of Dental Activity (UDA) points, regardless of the length and expense of the procedure.
- Every practice had to meet an annual UDA target. So there was no incentive to practise preventive dentistry, and every incentive to exclude the patients with the greatest needs.

- The NHS allocated dental funding to areas, like Devon, on the assumption that about one in six people won't need any care and about one in three were treated privately.
- There was funding provision for half the population, and the money per person wasn't enough to pay for their treatment.

He gave an example given to him by a practicing dentist in North Devon:

"I agreed to see the early 20s age son of one of my NHS registered families. He hadn't been for a few years but I agreed to see him on the NHS because his parents have been patients for years and he was my patient as a child. He needs something like 2 teeth out and many fillings to get him dentally fit. His treatment will take 3 or 4 hours of surgery time plus filling materials etc. Had I seen him on a private basis, his treatment would have brought around £1,500 into the practice to cover wages/materials/overheads. The NHS will pay the practice £150 for the same treatment! It will actually be costing the business and me personally money to do the treatment for him. Whilst it's nice to do a nice thing for people occasionally, you can't keep a business afloat like that!"

- If a practice were to expand their NHS provision they could only do so if there was space within the local budget. There rarely was since no new money was being added to the pot, instead the pot has been shrinking. For some years many of the available NHS contracts were hoovered up by corporate groups who offered to do the contracts for a smaller amount of money than an individually owned practice could.
- This was also a large part of the reason that there was no orthodontist in North Devon. A large group were successful in obtaining the contract from the existing established local practice by offering to deliver the service at a more cost effective rate.
- They had achieved such cost savings by not employing a full time orthodontist at the practice and opting to utilise the skills of therapists undertaking the day to day work and employing a "supervising" orthodontist to travel down to North Devon from a location outside of the North Devon area.
- The arrangement subsequently broke down when the orthodontist decided that he no longer wished to undertake the commute and the company had been unsuccessful in recruiting a replacement.
- The situation had been further compounded owing to the low value of the contract in that it wasn't cost effective to employ an orthodontist to a full time position and move to the area.
- There were two orthodontists that lived in North Devon. However, neither were prepared to work for the larger company as they had held the original contract within North Devon for a number of years. The impact of this meant that as it currently stood there was no provision to adjust and monitor the braces of children within the North Devon area.
- In a post on X, formerly Twitter, the British Dental Association (BDA) said: "Oral cancer claims more lives than car accidents. But NHS dentistry was still waiting on a promised recovery plan."
- More than 3,000 people in England died from mouth cancer in 2021, compared with 2,075 in 2011, according to figures by Oral Health Foundation

(ORF) first reported by the BBC, representing an increase of 46%. The ORF, Toothless in England (TIE), a group that campaigns for free dentistry, and the BDA said the rise was a direct result of cuts to NHS dentistry.

- There were instances of some of the Ukrainian refugees currently living in the North Devon area who would return to their home country for dental treatment because they cannot find it in North Devon. So, they would rather fly into a war zone to seek treatment than wait for dental care in the sixth largest economy in the world.
- The quality of the dental care provided had also dropped. The number of complaints received by the health services ombudsman had increased by 66% in five years.
- From 1,193 in 2017/18 to 1,982 in 2022/23. Over the same period the proportion of complaints upheld by the ombudsman had increased from 42% to 78%. The figure of 78% was “significantly more” than for any other area of NHS care, such as GPs, hospitals and mental health care where the overall average was 60%.

The Committee discussed and raised the following points:

- Acknowledged the depressing situation that northern Devon was currently facing.
- Raised concerns about the process that was followed to procure the orthodontist contract and questioned whether due diligence was taken in awarding the contract to the larger company who had failed to deliver on their promise.
- Requested a more detailed response related to how the orthodontic contract was procured and whether or not the lack of an orthodontic provision in the North Devon area was being addressed.
- Expressed their disappointment that no one had attended the Committee to meet with the Members and listen to their concerns.
- Also noted their disappointment that the MP had not attended the Committee.
- Were advised that the MP had written a number of letters to the Department of Health over the last 12 months. However, there was uncertainty as to whether or not this was publicly available. The Member agreed to speak with the MP’s agent to ascertain if the letters were within the public domain.

The Director of Resources and Deputy Chief Executive advised that with regards to the procurement of new NHS dental contracts for Units of Dental Activities (UDAs) a report considered by Devon County Council in September 2023 outlined those procurements within phase one that had been awarded. However, there were 4,500 UDAs in the EX39 (Bideford area) and 3,000 UDAs in the EX32 (Barnstaple area) that contracts had not been awarded following phase one of the procurement exercise. He was unaware if any further progress had been made on those procurements and the Committee should look for an update on this procurement position.

RESOLVED, that Standing Orders be suspended to allow a Member of the public to virtually address the meeting.

The Member of the public addressed the Committee and encouraged Members to lobby government to change the NHS contracts to support dentists and encourage them back into the NHS and address the major funding impact upon healthcare services.

RESOLVED, that Standing Orders be reinstated to allow the remaining business to be transacted.

RESOLVED:

- a) That the Committee write to the MP and congratulate her on her position in the Private Members Ballot and request that she consider using dentistry as the main thrust of her private members bill;
- b) That the Committee offers its full support to the MP and request that she provide an update to the members on the steps that she had taken to address the lack of NHS dentistry provision for the North Devon area so far;
- c) That a request be made to the NHS to provide an update on the planned procurement of new contracts for the Units of Dental Activity (UDAs) in the Northern Devon area as EX39 and EX32 postcodes were originally planned in phase one procurement; and
- d) That a Notice of Motion be raised at Full Council on 17th January 2024 to request the support of both the Leader and Full Council in requesting that the MP take on dentistry as part of her Private Members Bill.

18. PERFORMANCE AND FINANCIAL MANAGEMENT Q2 2023-24.

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Performance and Financial Management for Quarter 2 of 2023/24 together with Minute Extract of Strategy and Resources on 6th November 2023 (circulated previously).

The Finance Manager highlighted the following:

- The revenue budget for 2023/24 was approved at Council on 22nd February 2023 at £14,766,450.
- As at 30th September 2023, the latest forecast net budget was £14,698,450, which produced a budget surplus of £68,000, which was an improvement of £51,000 on quarter one. Details of the Variations of the Revenue Budget could be seen at Appendix A of the report
- The original budget for 2023/24 included a forecast to achieve £250,000 worth of salary vacancy savings. The current position forecasts that the Council would achieve £142,000 based on known vacancies to date, but it was anticipated that the budget of £250,000 would be achieved by the end of the financial year.

- The national pay award had been agreed by the Unions and the additional costs of this would be funded with the sum of £436,000 from the Budget Management Reserve.
- The Collection Fund reserve balance was, approximately £1.3 million. This earmarked reserve was created to deal with the timing impacts of the Collection Fund (Business Rates), which ensured the revenue budget was not unduly affected in the year the taxes were collected. This reserve included a £912,000 balance that would be utilised in 2023/24 and 2024/25 to mitigate timing differences of business rate reliefs awarded in 2022/23, this left a reserve balance of just over £427,000 protection against future volatility.
- The Valuation Office Agency had notified the Council that the Rateable Value of the Museum of Barnstaple and North Devon was to be reduced to £1, backdated to 2019.
- As at the 30th September 2023 total external borrowing was £3m. The timing of any future borrowing was dependent on how the authority managed its treasury activity.
- Due to slippages in the Capital programme and using the cash flow balances for internal borrowing had reduced borrowing costs on the expenditure budget and the Council was currently forecasting a £164,000 underspend on the interest payable.
- There is also no anticipated use of the Treasury Management reserve during 2023/24 and so the full reserve balance of £275,000 could be carried forwards to help protect and mitigate against higher borrowing costs in the future financial years.
- Due to on-going higher interest rates the Council was also reporting a £250,000 net increase in interest receivable.
- The costs of Temporary Accommodation had increased, the average cost per night have increased from £60 to £70 per night. The volume of cases presenting as homeless was also increasing but this was partly mitigated by the on-going programme of purchasing Temporary Accommodation properties. The increase in costs of £194,000 had been offset by additional homelessness grant.
- Appendix B of the report – “Movement in Reserves and Balances” detailed the movements to and from earmarked reserves.
- Appendix C of the report – “Strategic Contingency Reserve” detailed in full movements and commitments of the Strategic Contingency Reserve movements.
- The Capital programme could be seen at Appendix D of the report.
- The current 2023/24 Capital Programme stood at just under £23 million. An overall variation of just over £5.4 million was being proposed. This variation consisted of two additional capital bids, reductions in projects costs, changes in scheme funding and just over £5.2 million project slippage to future years.
- Full details of these movements were detailed at section 4.4.3 of the report.
- These changes take the revised Capital programme for 2023/24 to 2025/26 to just under £35 million.
- The Capital programme was funded by Capital Receipts/Borrowing of £13.3 million, External Grants and Contributions of £18.7 million and Reserves of £2.9 million.
- The actual spend as at the end of that quarter 2 was just over £5.3 million.

- The release of funds for the Capital Programme was detailed at section 4.4.8 of the report.
- The Treasury Management and Debt Management figures were detailed at sections 4.5 and 4.6 respectively.
- Appendix E of the report detailed the Corporate Plan Delivery highlights along with Key results and Performance indicators.

In response to a question regarding the abolition of a charge for domestic waste, the Lead Member for Waste and Recycling advised that the potential abolition of charges related to DIY waste and rubble at recycling centres, which were under the remit of Devon County Council and therefore not a district function.

In response to questions, the Director of Resources and Deputy Chief Executive advised:

- The costs that were incurred by the district council to clear and remove fly tipping, were recoverable by the Council through means of successful prosecution if the perpetrators were identified.
- With regards to the timeframe for repairs to the wall at the Ilfracombe Museum, he confirmed that the repairs had been slipped to 2024/25 in the capital programme. However, the stability of the wall was not considered a health and safety issue and had been cordoned off. The works had only recently been approved within the capital budget and an update would be provided from the team via email to the Councillor.
- An error was noted in relation to the percentage figures for the total number of properties registered as second homes in quarters one and two of 2023/24, these figures should be presented as follows:
 - Q1 = 1,806 (4.04%)
 - Q2 – 1,820 (4.06%)

In response to questions, the Head of Programme Management and Performance advised:

- That the error in the percentage figures related to the total number of properties registered as second homes in quarters one and two of 2023/24 would be amended on the Pentana performance system.
- There were six new Performance Indicators (PIs) for Waste and Recycling, which were at the consultation stage.
- The tender submission for the procurement of a new baler for the processing hall had closed on the previous Friday and the tenders were currently being evaluated at the present time by officers within the Waste and Recycling team.
- A report was due to be considered by Full Council in the New Year, which would detail the wider costs involved in purchasing the baler together with the fire suppression system for the processing hall, which would be delivered as part of a contract rather than a separate procurement exercise.

RESOLVED, that the decisions and recommendations of the Strategy and Resources Committee be endorsed.

19. MID YEAR TREASURY MANAGEMENT REPORT 2023/24

The Committee considered a report by the Head of Governance (circulated previously) regarding the Mid-Year Treasury Management 2023/24.

The Head of Governance highlighted the following:

- The Treasury Management Strategy Statement for 2023/24 was approved at Council on 22nd February 2023.
- The underlying Treasury Management Strategy Statement approved previously required revision in light of economic and operational movements during the year. The proposed changes could be seen in section 4.1 of the report.
- The Council's forecast Capital Financing Requirement, underlying need to borrow for capital purposes, for 2023/24 was circa £30 million.
- At present the Council projected external borrowing of £9 million with £3 million long term liabilities (finance leases) and £18 million from internal borrowing of cash flow funds.
- In the current economic climate internal borrowing remained the most prudent and cost effective approach by the Council.
- The forecast Capital Financing Requirement had decreased by about £3.4 million from the original budget. This was due to re-profiling of the Capital Programme with expenditure being slipped to future financial years for the projects such as Future High Streets project.
- The external Public Works Loan Board (PWLB) borrowing remained at £3 million with the current forecasted figure of £6 million additional borrowing during 23/24. The exact amount would depend on any further capital spend slippages and the cash flow balances towards the end of the financial year end.
- Section 4.5 of the report shows the borrowing strategy in more detail.
- The use of cash flow balances for internal borrowing had reduced the borrowing costs on the interest payable budget forecast at £164,000.
- A total in excess of £400,000 interest return on the portfolio held by the Council was being forecast.

In response to a question regarding the underspend of capital expenditure by service on page 89 of the report, the Head of Governance advised that the budget for capital spend at the beginning of the financial year for projects such as the future high streets project had been moved into future years.. He added that further slippages to the capital programme would reduce the need to take on additional external borrowing during the year

In response to questions, the Director of Resources and Deputy Chief Executive advised:

- That the allocated capital budget for temporary accommodation had only spent one quarter of its allocated 2023/24 funds. However, there were a number of properties which were due for completion within the next few weeks. Work planned for Green Lanes might slip in the next financial year.
- The land release fund and infrastructure works for Seven Brethren had been agreed and work was currently ongoing at the site to demolish the old leisure centre.
- The material recovery facility project in the processing hall would commence in the New Year with some of the spend coming within the last quarter of the financial year. Only £5.3m of the 2023/24 £17m capital programme had been spent so far with the potential for some of the allocated spend being moved into the 2024/25 budget.
- The proposed Community Hub for Green Lanes would be funded separately through the business transformation reserve.

RESOLVED, that the decisions and recommendations of the Strategy and Resources Committee be endorsed.

20. WORK PROGRAMME 2023/24

The Committee considered the work programme together (circulated previously).

The Committee discussed the work programme and the item due for consideration at the meeting in December 2023.

The Chair invited Councillor Jones to address the Committee regarding the water quality item and the recent discussions that had been held in relation to it.

Councillor Jones provided the following update:

- The Water Quality team were mindful of getting the best outcome possible from the meeting and had therefore decided that they would like to reschedule the meeting to be held in either January or February 2024.
- The meeting would be held at either the Barnstaple Library or at Petroc.
- The team had drawn up a list of experts that they wish to invite to sit on the panel to ensure that the Committee gain a full understanding of the current position regarding water quality within the North Devon area.
- As part of the teams ongoing work, 30 members of the public undertook training in Braunton on Saturday 11th November 2023 to allow them to independently test water quality within an area specifically allocated to them and create a network of people who were able to test water quality once every two weeks.
- This information was then entered into an application, which was linked to the Rivers Trust database and analysis team and allowed them to build up a picture of the water quality within the North Devon area.
- There were longer term aspirations to roll this system out to the coastal waters as well.

He added that he would continue to work closely with the Corporate and Community Services officer in order to deliver the event and that the Committee would be advised of a date in due course.

The Chair thanked Councillor Jones for his update to the Committee.

The Vice Chair explained that to ensure all future panel meetings ran smoothly, he had prepared a crib sheet for the Committee to explain how the process works and that this would be emailed to the members following the meeting.

In response to a question regarding the impact on the capacity existing infrastructure and water quality as more new homes were being built and improvements were not being made to the existing systems. Councillor Jones advised that there were a range of processes being put in place by the Rivers Trust and that following a recent new build estate in Chulmleigh, South West Water had acted and carried out works to update the capacity of the existing system.

The Director of Resources and Deputy Chief Executive raised the issue of there being no other business currently to be considered at the next scheduled meeting on Thursday 14th December 2023 and requested that the Committee consider cancelling the meeting if they were all in agreement.

The Committee discussed a proposal to bring the agriculture item forward to the December meeting. However, there was concern from some of the members of the working group that this would be too premature as there was currently a lack of clarity from the government.

Councillor Bulled agreed to speak with the local MP to provide an update as to the latest government position regarding the proposed agriculture reforms.

RESOLVED:

- a) That the work programme be noted as amended;
- b) That the next scheduled meeting of the Committee on the 14th December 2023 be cancelled owing to the lack of business to be considered;
- c) That an email of the crib sheet prepared by the Vice Chair regarding the process for future panel meetings be circulated to the Committee via email;
and
- d) That a briefing paper in relation to the latest government position regarding the proposed agriculture reforms be presented from the working group to the meeting on Thursday 11th January 2023.

Chair

The meeting ended at 8.07 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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