

CABINET

14 July 2021

Present:-

Councillors R Croad, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), A Saywell and P Twiss

Councillor Davis attended remotely due to the need to self-isolate (but did not vote).

Members attending in accordance with Standing Orders 8 and 25

Attended remotely

Councillors A Connett, A Dewhirst, J Hodgson and C Whitton

Attended in person

Councillors R Hannaford and M Wrigley

* 12

Minutes

RESOLVED that the minutes of the meeting held on 9 June 2021 be signed as a correct record.

* 13

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 14

Announcements

There was no announcement by the Chair at this meeting.

* 15

Petitions

There was no petition received from a Member of the Public or the Council.

* 16

Question(s) from Members of the Council

In accordance with the Cabinet Procedure Rules, the relevant Cabinet Member responded to two questions from Members of the Council on the following issues;

- parking issues outside schools, the ability to deal with minor moving traffic offences by motorists and powers to Enforcement Officers; and

- vehicle activated speed signs in Exminster, speed readings and reasons for delay.

[NB: A copy of the questions and answers are available on webpage for meeting – see Notes below]

* **17** **Revenue and Capital Budget Outturn for 20/21**

(Councillors Connett, Dewhirst and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/20/48) containing the outturn position for 2020/2021, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members had received regular budget monitoring reports throughout 2020/21 in which budget pressures and risks had been identified. The most significant of these related to front line services ability to respond to demands faced during the Pandemic whilst maintaining business as usual services to the people of Devon.

In summary, and as set out in the Report, the final outturn had been better than anticipated, therefore it had been possible to make an additional £4.8 millions contribution to the Budget Management Reserve, a £1 million contribution to the Bellwin Scheme Related Emergency Reserve, £1.5 million had been transferred to the Climate Change Emergency Reserve as well as the usual contribution to the Business Rates Risk Reserve of the Business Rates Pooling gain of just over £2.3 millions.

When Council had approved the 2021/22 budget in February 2021, it had been agreed to use £5.3 millions (£3 millions in 2021/22 and a further £2.3 millions in 2022/23) from the Business Rates Risk Management Reserve for Economic Recovery. This was now shown in a new Regeneration and Recovery Reserve.

The Dedicated Schools Grant Special Educational Needs and Disabilities (SEND) Service continued to be under significant pressure. As reported in year, a Statutory Instrument had been issued that stated all DSG deficits carried over from 2019/20 into 2020/21, and any subsequent deficit positions for the term of the override, should be moved to an unusable reserve through a statutory accounting adjustment until April 2023. The SEND element of the Dedicated Schools Grant year-end position was a shortfall of £29.2 millions. When combined with £19.8 millions deficit brought forward from 2019/20 the cumulative deficit was just under £49 millions which was now being held on the Dedicated Schools Grant Adjustment Account. This was reported in full in paragraph 5.2 of the Report.

The Cabinet noted that the financial year had now ended and the overall authority position, excluding the SEND deficit and after transfers to and from Reserves, was a small underspending of £35,000. Detailed explanations of the final financial position for each service area were given in section 2 of the Report, however the headline figures were outlined below;

- Adult Care and Health Services showed an overall net underspend of £602,000 after carry forward requests;
- Children's Services, excluding the Dedicated Schools Grant was an overspend of £1.8 millions;
- Communities, Public Health, Environment and Prosperity showed an overall underspend of just over £1.8 millions;
- Corporate Services showed an overall underspend of £401,000 after taking into account grants and contributions carry forward, and any other carry forward requests; and
- Highways and Traffic Management service had achieved a break-even position, after carry-forwards. Additional expenditure totalling £2.5 millions had been incurred from ash dieback tree felling and general safety works, although offset by savings resulting from the relatively mild winter period and street lighting energy and maintenance savings.

The Report also explained a number of other issues related to the Outturn such as the apprenticeship levy, integrated care agreement, the better care fund, capital financing charges, interest received, council tax support partnership, COVID funding and grants, the Devon business rates pool as well as a number of additional grants for the independent living fund, retained duties, local services support grant, schools improvement, and other small grant variations.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the County Treasurers Report and/or referred to above having been considered:

it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the draft outturn for 2020/21 showing an underspend of £35,000 against the approved revenue budget (after carry forwards and contributions to balances, reserves and provisions) be noted;

(b) that the 2020/21 revenue outturn be approved, including transactions on earmarked reserves and provisions, spending against budget, treatment of over and under spending and the implications for balances, as set out in the tables and the narrative of the Report;

(c) that the 2020/21 capital outturn be approved including spending against budget and proposed carry forwards, in accordance with the tables;

(d) that the use of capital finance as set out in the Determination of Capital Finance section 11 of the Report also be approved;

(e) that a total of £14.257 millions be set aside from revenue resources as Minimum Revenue Provision (provision for credit liabilities to repay debt);

(f) that the Prudential Indicators as set out in section 10 of the Report be noted;

(g) that the total monies owing to the Council as at 31st March 2021 also be noted; and

(h) that the Cabinet place on record their gratitude to the County Treasurer and her team for their exceptional management of the Council's finances during a very difficult year.

* 18 **A3121 Safer Roads Fund – Kitterford Cross Roundabout Improvement - Scheme for Approval**

(Councillors Connett and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/21/22), which sought approval to construct a roundabout junction on the A3121 at Kitterford Cross, the Report having been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The roundabout scheme was being proposed to improve road safety on the A3121 corridor as part of the Safer Roads Fund (SRF) Project (a £175m Government fund from 2016 targeted at improving road safety on the most dangerous A-Roads across the country). A list of 50 high risk A-road corridors based on their road safety performance over the five year period 2012-2016 had been produced which included both the A3123 and the A3121 corridors in Devon.

The Report outlined the road accident statistics between 2012 and 2016 on the A3121 which had recorded 31 injury collisions of which six had resulted in a Killed or Serious category Injury (KSI) to road users. On the A3121 there had been two identified collision cluster sites, one at Kitterford Cross and one at the A379 junction to the west of Modbury (subject to a separate roundabout improvement scheme). The cluster site at Kitterford Cross recorded seven injury collisions between 2012-2016 and a further 4 injury collisions between 2017-2020. The Report further explained the current layout of the Kitterford

Cross junction, visibility issues caused by road layout, topography and hedgebanks.

Grant funding bids had been submitted to the Department for Transport in 2017 and the Council had been subsequently awarded £1.9 million funding from the SRF fund for the A3121 and £2.2 million for the A3123.

The proposed scheme was shown on Plan 17356-04KIT/18 in Appendix 1 of the Report and the proposed four arm roundabout was offset to the northeast of the existing crossroads junction. Land agreements, ecological and archaeological surveys were currently being progressed towards completion and subject to concluding these elements of the design process and subject to final scheme approval, it was anticipated that a scheme could commence construction in early Autumn 2021.

An Impact Assessment was attached for the attention of Members at the meeting and could also be found on the website at -

https://devoncc.sharepoint.com/:b:/s/PublicDocs/Highways/EV1M_-ynZedHmoJaRsTXDuEBaV-K2aZkreyyP-wyEWLiw.

This had to be completed as part of the grant application bid and no adverse impacts had been identified. Road safety improvements were expected to be of general benefit across the road user demographic and the proposed scheme would offer a positive social impact by decreasing the risk of injury, and injury severity, arising from road travel.

The Cabinet noted that the project was in line with Devon's Road Safety Vision that every route should be available to everyone, free from risk or fear of harm. The scheme would help to improve the A3121's safety record at Kitterford Cross where a number of people had been and continued to be injured.

The Cabinet Member for Highway Management commented that the Cabinet Report in September 2019 had included a lower cost scheme, however local consultation and engagement identified a strong desire for the Council to consider a higher cost roundabout junction. This request had been supported and now the scheme would offer a significant improvement to the safety of road users in the area. The delivery of the new roundabout at Kitterford Cross would be the final major milestone in completing the Safer Roads Fund project.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be given to the proposed roundabout junction, as shown on Plan 17356-04KIT /18 in Appendix 1, for construction at an estimated cost of £1.411 million; and

(b) that delegated authority be given to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Highway Management and the Local Member, to make minor amendments to the scheme details.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **19** **Dawlish Link - Elm Grove Road to A379 Exeter Road**

(Councillors Connett, Hannaford and Wrigley attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Connett declared a personal interest in this matter by virtue of being Leader of Teignbridge District Council).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/21/23) which sought approval to progress a planning application for the provision of a new link road between Elm Grove Road and the A379 Exeter Road. The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The proposal for a link road would support bus services, cycle lanes and footpaths. The scheme and associated development of approximately 860 dwellings was allocated in the Teignbridge Local Plan for Dawlish located North West of Secmaton Lane (DA2) and the desired outcome was to ensure viability of the allocated housing development through the delivery of necessary transport infrastructure.

In order to address viability issues in the allocation, Teignbridge District Council had secured £4.9m of funding from the Government's Housing Infrastructure Fund - Marginal Viability Fund towards delivery of the new link road including a bridge over the Shutterton Brook (see Figure 1 of the Report).

The Report highlighted there had been a refusal of planning permission for 201 dwellings in Area 3 (shown in Figure 2 of the Report) and the landowner of Area 3 had written to advise they no longer wished to proceed with the

development or infrastructure on their land. Area 3 was required for the bridge and link road, therefore it was proposed to progress the planning application of the Link Road and bridge and work with Teignbridge District Council to acquire all the land corridor required to build the road and bridge.

Both Councils would undertake land negotiations with all the landowners, including Area 3, with the aim of securing a land agreement or the purchase of the land required to deliver the infrastructure works. If negotiations failed, it was proposed that a Compulsory Purchase Order (CPO) be considered.

The Report highlighted the environmental impact of the proposal in that the link road and bridge infrastructure would reduce the traffic impact on local residential roads including Elm Grove Road. The link road would also help reduce emissions by providing better opportunities for active travel, public transport and possibly some marginal reduction in some car journey lengths.

In progressing the scheme, an Impact Assessment had been prepared which has been circulated separately to the Cabinet and was also available alongside this Report on the Council's website at: [Dawlish DA2 Infrastructure Delivery - Impact Assessment \(devon.gov.uk\)](http://www.devon.gov.uk/infrastructure-delivery-impact-assessment).

The new link road would be designed to provide a convenient and safe alternative for all motorised and non-motorised travel facilities, as well as supporting bus travel. There were some detailed environmental issues to be investigated, particularly with regard the bridge over the Shutterton Brook which would be addressed and mitigated as part of the planning application. The delivery of the link road would reduce carbon emission from motorised traffic and would aim to have positive net gain in bio-diversity.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor McInnes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be granted for a scheme in Dawlish connecting Elm Grove Road and the A379 Exeter Road, including provision for cycle lanes and footpaths, as identified in the Local Plan, to proceed towards securing planning consent;

(b) that subject to planning consent, approval be given, if necessary, for DCC to acquire land through negotiation and/or Compulsory Purchase Order powers;

(c) that delegated authority be given to the Head of Planning, Transportation and Environment, in consultation with the County Treasurer, to enter into any necessary funding agreements to undertake the planning and land acquisition; and

(d) that delegated authority be given to the Head of Planning, Transportation and Environment, in consultation with the Local Member and Cabinet Member for Climate Change, Environment and Transport to make minor amendments to the scheme design.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

* **20** **Community Renewal Fund - Taking Forward Delivery in Devon**

(Councillors Connett, Dewhirst, Hannaford, Hodgson and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Economy, Enterprise and Skills (EES/21/2), which sought approval to act as Lead Authority for any funding awarded through the scheme and to put in place relevant cash flow and staffing and capacity to deliver any successful award. The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report set out the details of the Community Renewal Fund programme within the UK, and the Council's role in developing and submitting a bid to the fund on behalf of Devon partners.

The bid submitted consisted of 16 individual projects seeking £12.25m of revenue funding. It supported the priorities set out in the Team Devon Economic Recovery Prospectus and the Council's wider objectives of supporting better outcomes for vulnerable individuals and communities. The bid complemented the capital programme of projects submitted under the Levelling Up Fund.

The Community Renewal Fund was considered a pilot programme by Government (£220m national revenue programme) to test how to design and manage future national funding by taking a local approach to local challenges. It would also help inform the UK Shared Prosperity Fund, which replaced EU Structural Funds and was proposed to be introduced in the next financial year. The Fund was focused around four core investment themes, skills and training development, employment support, business support and funding for communities and places.

The Cabinet noted that the submission had been developed in an inclusive and transparent way, inviting proposals from a range of organisations across the County, and in consultation with Team Devon partners in District Councils.

Initially 39 bids worth over £26m had been received by the Council. Detailed appraisals of these had been undertaken and at the end of this process 22 of the original 39 met the broad criteria for submission to Government. A full assessment process then took place, the outcome of which was a submission of 16 projects worth £12.25m by the 18 June deadline.

A detailed outline of the project's portfolio submitted was detailed in Annex 1 of the Report.

If the Devon bid was successful, all or in part, the Council would be asked to act as Lead Authority, and approval was therefore sought for the Council to:

- act as the contracting authority for up to £12.25m across the 16 projects;
- provide in-year available cash flow to facilitate project delivery; and
- utilise the management fee awarded to cover contract management, finance and the legal resources needed.

Details on each of those 'asks' were set out in full in the Report.

The Report also highlighted the alternative options, however, it was recommended to proceed with the current CRF approach and relevant action to limit risk should be fully integrated into the Authority's management and accountable body approach.

The full details of the CRF process and application approach could be found on the website at [UK Community Renewal Fund 2021-2022 - Economy and Enterprise \(devon.gov.uk\)](https://www.devon.gov.uk/uk-community-renewal-fund-2021-2022-economy-and-enterprise)

The Cabinet noted that in bringing forward the Community Renewal Fund, the Council had emphasised the need for successful projects to meet and contribute to the Council's ambitions around improving equity, extending opportunity and ensuring that projects actively address equality concerns. The Council would also be seeking assurances from successful projects that relevant equality and diversity practice was integrated and taken forward.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that Devon County Council act as Lead Authority for the Community Renewal Fund, for up to £12.25m of projects on behalf of the national programme;

(b) that in recognising the Community Renewal Fund payment profile, the Council provide short term cashflow for the Community Renewal Fund should its bid be successful; and

(c) that the management fee secured to resource the delivery of the Lead Authority role be used, to include contract management, financial and legal capacity within the Council.

* **21** **Education and Inclusion Direct Delivery Project: Future Arrangements for the Provision of Traded Services and Resourcing Budget Allocation**

(Councillors Connett, Hannaford and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Saywell declared a Disclosable Pecuniary Interest in this matter by virtue of being on the Board of Babcock and therefore being a conflict of interest withdrew from the meeting during its consideration).

The Cabinet considered the Report of the Head of Education and Learning (CS/21/08) on proposed future arrangements for the provision of traded services and the required resourcing budget allocation. The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In March 2021, the Cabinet had approved recommendations which allowed all the Education and Inclusion Services currently delivered by Babcock LDP to move back into direct delivery by the Council. However, the future of the traded services was not determined at that time.

The Report now supported and sought approval for the in-sourcing of the partly and wholly traded services to the Council as a separate branded, zero budget line, traded offer delivered through the Education and Learning service. The Report also outlined additional project resourcing requirements needed to deliver a smooth transition of all staff, and the core services delivered, from Babcock LDP to the Council on 1 August 2022.

The wholly traded and partly traded services affected were outlined in full in paragraph 2 of the Report.

The Cabinet noted that a fast decision on the future delivery of the traded services was needed to help limit the risk of losing business during the interim period before the transition. It also allowed the finalisation of the structure for the in-housing of all staff and the continuation of uninterrupted statutory duties to schools and also reduce the impact on staff who were facing uncertainty. The transfer of all the traded services would enable it to provide a range of Education and Inclusion services, which provided consistency for both schools and children and young people.

An Impact Assessment has also been prepared for the attention of Members at this meeting and was also available on the web at - <https://www.devon.gov.uk/impact/published/>. This highlighted the goal of the proposal in ensuring the continuity and availability of service support and intervention which could best meet the future needs of children, young people, families, professionals, practitioners and partners in Devon. It also highlighted the potential risks in terms of delay and / or disruption and / or access to services and then detailed how these might be mitigated to protect service users.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that approval be given to all traded services, either partly or wholly traded, to transfer into Devon County Council to be primarily delivered through the Education and Learning service;

(b) that the use of a brand name (potentially LDP) be used to market those traded services; and

(c) that an allocation of up to £500,000 be approved from the Transformation Reserve for the Education and Inclusion Direct Delivery Project, as detailed in Section 2 of the Report, to ensure the smooth transition of resources from Babcock Learning and Development Partnership LLP (Babcock LDP) to Devon County Council on 1 August 2022.

(NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available on the [Impact Assessment Webpages](#)).

22 **Notices of Motion**

(a) Speed Limits - Deaf Academy and Wider Devon (Councillor Dewhirst)

(Councillor Dewhirst attended in accordance with Standing Order 8 and Councillors Connett, Hannaford and Hodgson attended in accordance with 25(2) and spoke to this item).

(Councillor Dewhirst declared a personal interest in the matter by virtue of being a trustee of the Charity which owns the deaf academy).

Background to the Motion

The Deaf Academy has been providing education and support for deaf young people in Devon since 1826. In September 2020, they relocated from Exeter to Exmouth to a new campus at the old Rolle College Site at Douglas Avenue.

The Deaf Academy is an education hub for 50 students, 30 of which stay within the residential provision on campus. Students are incredibly diverse and come from all over the country, with varying needs ranging from mobility, visual and special educational needs alongside their deafness.

Last term the Student Council started a campaign to reduce the speed limit. Other schools in Exmouth have 20 mph speed limits outside their entrances.

Unlike hearing children, deaf children cannot clearly identify cars in the distance or around corners through sound. They rely on sight and trusting the public are driving slowly in the area.

Douglas Avenue currently has a 30mph speed limit with various blind spots and does not have any targeted highway signage, traffic calming measures or crossing points near the Academy.

Consequently, the avenue poses a risk to students, staff and visitors and therefore:

Motion to Council

1. This Council applauds the Deaf Academy Student Council campaign to reduce the speed of traffic in Douglas Avenue. Council calls on our Highway Officers to urgently introduce a 20 mph speed limit in Douglas Avenue and install a zebra crossing outside the school to ensure that these children and young people can cross the road in safety, and,

2. Additionally, this Council calls on Highway Officers to bring a Report to Council before the end of 2021 on implementing 20 mph speed limits in the vicinity of all schools in Devon to ensure that all children and young people can arrive and leave their schools in greater safety.

Members considered the Officer's factual briefing note on the matter (CSO/21/11) which referred to the discussions with local Members and transport planning officers, the concerns raised by the Student Council relating to the speed of traffic on Douglas Avenue, survey results and the feasibility study on the options available and that any proposal would be presented to a future East Devon Highways and Traffic Orders Committee. The briefing paper also referred to the review of the application of 20mph restrictions which would be used to inform future speed limit policy. The Cabinet Member for Highway Management welcomed the request for officers to report by the end of the year on the principle of 20mph speed limits in the vicinity of schools.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors.

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED that the Council

(a) thank the pupils at the Deaf Academy at Douglas Avenue for highlighting their concerns;

(b) agree any future proposals to address the concerns of the Deaf Academy are presented at a future East Devon Highways and Traffic Orders Committee; and

(c) support the proposal to include specific consideration of the application of 20mph limits around schools as part of the study into speed in Newton Abbot.

(b) Councils for Fair Tax Declaration: Standing up for Fair Tax Practices (Councillor Aves)

(Councillor Hannaford (speaking for Councillor Aves) attended in accordance with 25(2) and spoke to this item).

The Council notes:

That local residents are asking Devon County Council to sign up to the Councils for Fair Tax Declaration.

The Fair Tax Mark has developed the Councils for Fair Tax Declaration in collaboration with UK cities, counties and towns who believe they

can, and should stand up for responsible tax conduct. [Councils-for-Fair-Tax-Declaration.pdf \(fairtaxmark.net\)](#)

As recipients of significant public funding councils should take the lead in the promotion of exemplary tax conduct. Polls have found that 63% of the public agree that the government and local councils should consider a company's ethics and how they pay their taxes as well as value for money and quality of service, when undertaking procurement. That three-quarters of people would rather shop or work for a business that can prove it is paying its fair share of tax.

Fair Tax Mark said there was "a pressing need for action", claiming that research it commissioned had discovered that 17.5% of UK public procurement contracts commissioned by local and national government over the period 2014-19 were won by businesses with connections to a tax haven, with a combined value of £37.5 bn.

Billions are missing from our public purse because some companies choose to avoid paying their corporation tax - the same companies who have since benefited from taxpayer support through this crisis or have asked for bailouts.

This means we have less money available for the vital public services we all rely on, and that the smaller, local businesses in our county can't compete because it's not a level playing field.

That other Councils around the UK have already signed up to the Councils for Fair Tax Declaration including Peterborough City, Oxford City, Oldham, Cannock Chase, and the Royal Borough of Greenwich.

The Council believes:

Councillors across the UK work hard to serve their local communities and help direct the delivery of essential public services. The Coronavirus pandemic has exposed major weaknesses in our economy and deep-seated inequalities in our society. To Build Back Better we must tackle tax avoidance and Councils can pioneer the promotion of responsible tax conduct through:

- Leading by example on their own tax conduct
- Demanding greater transparency from suppliers

Having gone through a decade of austerity and reduced council spending caused by government reductions in grants, where funds have not kept up with demands of inflation and extra demands of new legal statutory duties, we're now living through an era of unprecedented public spending due to the pandemic.

As a Council, we have seen first-hand the challenge that a funding squeeze created for crucial frontline services. Local government has a proud history of standing up for responsible public sector conduct, ranging from paying the real Living Wage to promoting Fairtrade.

The Council resolves to:

1. Approve the Councils for Fair Tax Declaration [Councils-for-Fair-Tax-Declaration.pdf \(fairtaxmark.net\)](#)
2. Lead by example and demonstrate good practice in our tax conduct right across our activities
3. Require greater transparency from suppliers
4. Consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement
5. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due
6. Support Fair Tax Week events in Devon and celebrate the tax contribution made by responsible businesses who say what they pay with pride
7. Demonstrate good practice including:
 - ensuring contractors implement IR35 robustly and pay a fair share of employment taxes;
 - not use of offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty,
 - ensuring that there is clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position,
 - undertaking due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates; and
 - supporting calls for urgent reform of EU and UK law to enable councils to revise their procurement policies and better penalise poor tax conduct and reward good tax conduct.

Members considered the Officer's factual briefing note on the matter (CSO/21/11) which referred to the definition of Fair Tax and that the Council set a high standard in how it administered its tax affairs, including a team who ensured that all the Council's financial transactions and processes complied with tax regulations and to raise awareness across the organisation.

The Council also tried to ensure that suppliers also operate high standards in business activities and its Financial Regulations and procurement approach was in line with statutory requirements, good practice and national policy and also ensured its suppliers met a range of requirements including the Public Contracts Regulations 2015, supplier qualification (mandated by the Cabinet

Office), standard selection questionnaire, publication of any suppliers who had breached obligations and the role of the IR35 working party to improve employment status and off payroll working (IR35).

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken and any other relevant factors).

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED

(a) that the County Council is committed to supporting the principles and ethos relating to fair tax. This commitment is enacted through the Council's Financial Regulations and procurement policies. These regulations and policies align with statutory requirements and the Cabinet Office supplier accreditation standards and ensure best practice, adherence to regulations and ensuring those regulations are maintained;

(b) that the Council already applies many of the considerations within this motion, wherever possible in the course of its work. For supplier qualification, the Council is required to apply Cabinet Office procurement policy which sets national standards for tax compliance as part of supplier qualification criteria for public contracts; and

(c) that Council continue to support fair tax principles through the application of its financial regulations and procurement policies, however in order to remain aligned with Cabinet Office national policy for supplier qualification, Council be recommended not to formally sign the Declaration itself.

* 23 **Treasury Management Stewardship Outturn Report**

(Councillors Dewhirst and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the County Treasurer (CT/20/47) outlining the Treasury Management action taken during the last financial year (in line with the CIPFA Code of Practice previously adopted by the Council), the Report having been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee had received a detailed presentation on Treasury Management at their recent Scrutiny Masterclass and supported the prudent approach to borrowing undertaken by the County Council and had endorsed the Report.

The Cabinet noted that the Council had adopted the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury

Management in the Public Services. A revised Code of Practice had been published by CIPFA in December 2017 and a revised Policy Statement and Treasury Management Practices (TMPs) had been agreed by Council in February 2018. These had not been changed for 2020/21.

The Report showed the outturn position, and reviewed performance in order to inform Members of any key matters arising from the Council's Treasury and Debt Management activities during the 2020/21 financial year.

The Report also detailed the minimum revenue position, treasury management outturn position 2020/21 – borrowing and investments, prudential indicators, and a 2021/22 update.

The Cabinet noted that no long term or short-term borrowing had been undertaken and it was not envisaged that any new long-term borrowing would be required over the next three years. There had been no opportunities to repay outstanding debt without incurring substantial premium penalties and investment income of £1.78 million had been achieved against a full year budget of £1.55 million, representing a return of 0.81%.

The matter having been debated and the other relevant factors being considered as set out in the County Treasurers Report:

it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Hart, and

RESOLVED that the Members of the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their consideration and review of the Annual Treasury Management Stewardship Report for 2020/2021 and that the document be further endorsed.

* 24

Public Health Annual Report 2020/2021

(Councillors Connett, Dewhirst, Hannaford, Hodgson and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Director of Public Health presenting the Public Health Annual Report for 2020/21, which was available on the website at <https://www.devonhealthandwellbeing.org.uk/wp-content/uploads/DCC-Public-Health-Annual-Report-2021-Accessible-Version.pdf>. A hard copy of the full Report had been sent to all Members of the Council.

The Cabinet noted that the Director of Public Health had a statutory duty to write an annual report, and the local authority had a statutory duty to publish it in line with section 73B [5] & [6] of the 2006 NHS Act, inserted by section 31 of the 2012 Health and Social Care Act. This enabled the Director of Public Health to make an independent judgement about the state of the health of the local population.

The Annual Public Health Report before the Cabinet was the fourteenth in a series of annual reports on the health of the population of Devon which began in 2007/08, but this was the first Report of the current Director. Each Report covered the general health of the population of Devon; although increasingly the detail about health and wellbeing could be found in the annual Joint Strategic Needs Assessment available at: www.devonhealthandwellbeing.org.uk/jsna.

The current Annual Report looked back over the past twelve months, describing the story of COVID-19, assessing the impact it had had on people's lives, and on local services, workplaces and businesses.

The Report was structured to give a timeline of significant dates and events during the past twelve months and then covered the key impacts of the pandemic on individuals, families and how inequalities had been exacerbated due to the pandemic. It also considered the wider impact on communities and society and reflected on how communities came together to respond and support one another. It then highlighted how the learning from previous events could act as a guide in working together to recover from the pandemic.

The Report contained a number of recommendations to help us live safely with COVID during the years to come, and help Build Back Fairer. The ten recommendations of the Public Health Annual Report were;

1. Public Health Devon, working with colleagues within the Council, the NHS and Public Health England, maintain a comprehensive COVID-19 surveillance system to provide real-time monitoring data to enable swift and decisive actions to any increase in cases or outbreaks.
2. An effective local testing and contact tracing service, run by Public Health Devon, be maintained for as long as required to support the NHS Test and Trace service.
3. The local authority's health protection function be reviewed in the light of the pandemic and the relationship with the new UK Health Security Agency* (replacing Public Health England) be established.
4. Lessons from reviews of the response informs how the Council prepares for and responds to future communicable disease outbreaks and shapes the recovery.
5. Devon County Council continues to work with NHS partners and other stakeholders to promote the uptake of the COVID-19 vaccination programme, with a particular focus on addressing inequalities in uptake.
6. Public Health Devon continues to advocate for and contribute to Devon-wide, as well as place-based, plans for tackling poverty and reducing health inequalities.
7. Public Health Intelligence Team and Smarter Devon, with stakeholders, coordinate the gathering and sharing of intelligence on the wider impacts of the pandemic in Devon and that this be used to inform partners' recovery plans.

8. Public Health Devon continues to advocate for a collaborative, cross-sector asset-based approach to reducing inequalities ensuring that communities' assets, priorities and perspectives are understood by, and inform the support offered by, organisations.
9. Recovery programmes should be based on the evidence of what works to reduce health inequalities.
10. Review how agencies' policies and programmes and the use of impact assessment tools harness the potential for addressing the climate emergency and reducing inequalities.

The matter having been debated, it was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

RESOLVED that the Annual Report of the Director of Public Health 2020-21 be received and the recommendations, as outlined above, be noted.

* **25** **Question(s) from Members of the Public**

There were no questions from a member of the public.

* **26** **Minutes**

Councillor Connett attended in accordance with Standing Order 25(2) and spoke to this item).

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED that the Minutes of the following be endorsed and any recommendations to Cabinet therein be approved:

Farms Estate Committee – 14 June 2021
Devon Education Forum – 16 June 2021
Devon Authorities Strategic Waste Committee – 16 June 2021
Standing Advisory Council on Religious Education - 1 July 2021

* **27** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members and under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [Decisions taken by Officers](#) under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution.

* **28** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the [Forward Plan](#) and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.37 pm