

## NOTICES OF MOTION

Report of the County Solicitor

**Recommendation:** that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Chief Officer and / or Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

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

#### ***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.*

### **Briefing Note / Position Statement from the Chief Officer for Highways, Infrastructure Development and Waste**

1. The location of the Deaf Academy on Douglas Avenue, Exmouth has been discussed with the local Members and transport planning officers.

Officers are aware of the concerns raised by the Student Council relating to the speed of traffic on Douglas Avenue raised by the Academy since it relocated from their Exeter site in September 2020. Officers are working with the Academy to look at what could be achieved.

Surveys have been carried out to understand the current traffic volume and speed so that engineers can begin a feasibility study on the options available including the requested zebra crossing. Any proposals will be presented to a future East Devon HATOC committee.

The current understanding is that pupils are dropped off within the grounds of the school meaning that vulnerable road user activity is lower than may be expected at a school site during the normal day. However, it is recognised that residential pupils must also be supported in accessing the wider community out of school hours.

2. Members may be aware the application of 20mph restrictions in Devon is currently under review as we undertake a community wide scheme in Newton Abbot (if supported by the community). This will be used to inform future speed limit policy.

If Members wish the wider principle of 20mph speed limits in the vicinity of schools to be reported on, this could be included as part of the Newton Abbot study.

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

*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.*

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

The 'Council's for Fair tax' group defines Fair Tax as including:

- Leading by example on own tax conduct
- Demanding greater tax transparency from suppliers
- Calling for more meaningful powers to tackle tax avoidance amongst suppliers when buying goods and services.

### **Background**

The County Council sets a high standard in how it administers its own tax affairs. It has a small team whose purpose is to try to ensure that all of the Council's financial transactions and processes comply with tax regulations and to raise awareness across the Council of the standards that must be met. The Council has a clean record in all its dealings with the Government 's tax agencies.

The Council also does its best to ensure that its suppliers operate high standards in carrying out their business activities. The Council's Financial Regulations and procurement approach is in line with statutory requirements, good practice and national policy, and ensures the Council's suppliers meet a range of requirements including:

1. The Council works in line with the requirements of the Public Contracts Regulations 2015 and the approach mandated by the Cabinet Office for supplier qualification. Supplier tax conduct is a criteria within a national approach which the Cabinet Office has determined for supplier qualification. The standard Selection Questionnaire has been developed to simplify the supplier selection process for businesses, in particular smaller firms, across the public sector.
2. Local Authorities are required to obtain permission from the Crown Commercial Service in order to depart from supplier qualification criteria approved by Government. This ensures suppliers have a common standard of accreditation to work with Government, as determined by the Cabinet Office. The County Council works in line with this and is embedded in its procurement approach.
3. Cabinet Office offers an open route to consider changes to its policy approach via its correspondence address:  
[publiccorrespondence@cabinetoffice.gov.uk](mailto:publiccorrespondence@cabinetoffice.gov.uk)
4. The Council publishes on its website any suppliers who have declared they have breached obligations relating to the payment of tax or social security obligations. There have been no recent suppliers in this category.

5. The Council has an IR35 working party which links with the Payroll Compliance Team. Its purpose is to improve employment status and off payroll working (IR35) across the Council and is already in place.
6. Supplier's adherence to applicable taxation legislation is captured within the Council's contractual terms and conditions.

The standards that Devon County Council requires of its suppliers are in line with national standards set out by Government, which consider this area in great depth.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**

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| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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| <b>NIL</b>                     |                    |                              |