

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 6 September 2016
Please ask for : Rob Hooper, 01392 382300

Email: rob.hooper@devon.gov.uk
:

CABINET

Wednesday, 14th September, 2016

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite, County Hall, Exeter to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 13 July 2016 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

4 Chairman's Announcements

5 Petitions

6 Question(s) from Members of the Council

Call-in of Cabinet Decision: Post 16 Education Policy Transport 2017/18

In accordance with the Scrutiny Procedure Rules, the requisite number of Scrutiny Committee Members invoked the call-in procedure in relation to the decision of the Cabinet (Minute 51, 13 July 2016) approving the Post 16 Education Travel Policy for 2017/18 on the grounds that *'The Cabinet has failed to consider the potential impact of this decision on discouraging young people from rural areas and/or families on low incomes from continuing in education'* and that *'the decision failed to consider the ability of colleges to make funding available for Post 16 student transport to 'plug the gap' created by the council decision, the proposed is vague and unclear what the benchmark is for students or their families to evidence there is no suitable transport for college and as the policy states it will not provide transport even where, for example, where inconvenience is caused to the family, it fails to consider the potential economic and social impacts of each applicants own circumstances and is, therefore, unreasonable'*.

The People's Scrutiny Committee considered the 'call-in' at its meeting on 5 September 2016 (Minute *12) and endorsed the Cabinet's decision; urging Cabinet to continue lobbying Government for funding to reflect the sparsity of areas like Devon (in addition to the representations already proposed under Minute 51(b) to be made on *'the financial impact upon Councils, parents and students of the Government not having increased funding for post 16 education travel consistent with the increase in the school leaving age..'* The Scrutiny Committee therefore being satisfied with the Cabinet's original decision it was consequently implemented with immediate effect.

[The Report previously considered by the Cabinet is available on the Council's website at: <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>]

Electoral Divisions(s): All Divisions

Call in of Cabinet Member Decision: Closure of Compass House Crèche (Pages 1 - 22)

In accordance with the Scrutiny Procedure Rules, the requisite number of Members of the Council (Cllrs Hannan, Westlake, Hannaford, Hill and Owen) invoked the call-in procedure in relation to the decision of the Cabinet Member for Adult Social Care and Health Services (Decision Notice and accompanying documentation attached) on the proposed closure of Compass House Crèche on the grounds that the decision *'fails to take sufficient account of the fact that women suffering from post-natal depression are routinely in need of on-site care for their children, as is available at Chestnut Children's Centre where Depression and Anxiety Service sessions are run alongside childcare provision. The existence of this arrangement other than at Compass House is actually denied in the Impact Assessment'*.

The People's Scrutiny Committee considered the 'call-in' at its meeting on 5 September 2016 (Minute *13) and resolved that *'the Cabinet be recommended to retain the Crèche for the present and that the Devon Partnership Trust be asked (i) to look at the possibility of it providing those therapy and counselling services (currently provided at Compass House) in premises elsewhere in the City of Exeter which had an Ofsted Registered Crèche and (ii) report back [to Cabinet] within a period of 3 months'*.

The Cabinet is required to reconsider the matter in the light of the Scrutiny Committee's views and may either amend or adopt the original decision, which shall be implemented with immediate effect.

Electoral Divisions(s): Priory & St Leonards

FRAMEWORK DECISION

None

KEY DECISIONS

- 9 Cross-Boundary Strategy and Plan Making - Greater Exeter, Plymouth & South West Devon and Northern Devon (Pages 23 - 30)

Report of the Head of Planning, Transportation & Environment ([PTE/16/42](#)) on the County Council's involvement in the development of cross-boundary strategy and planning incorporating proposed governance arrangements, attached.

Electoral Divisions(s): All Divisions

- 10 Transport Capital Programme 2016/2017 (Pages 31 - 44)

Report of the Head of Planning, Transportation & Environment ([PTE/16/43](#)) on the revised transport capital programme for 2016/17, excluding maintenance, attached.

Electoral Divisions(s): All Divisions

- 11 Extension of Exe Estuary Walking and Cycling Route: Dawlish Warren to Dawlish (Pages 45 - 52)

Report of the Head of Planning, Transportation & Environment ([PTE/16/44](#)) seeking approval to two schemes to complete the Exe Estuary walking and cycling route from Exeter via Dawlish Warren to Dawlish Town Centre, attached.

Electoral Divisions(s): Dawlish

- 12 Budget Monitoring 2016/17 (Pages 53 - 54)

Report of the County Treasurer ([CT/16/72](#)) on the position at Month 4, attached.

Electoral Divisions(s): All Divisions

OTHER MATTERS

None

MATTERS REFERRED

- 13 Notices of Motion (Pages 55 - 58)

Report of the County Solicitor ([CS/16/27](#)) on the Notices of Motion referred to the Cabinet by the County Council on 28 July 2016, incorporating relevant briefing notes to facilitate the Cabinet's discussion of the matters raised, attached

- 14 People's Scrutiny Committee: Small Schools Task Group (Pages 59 - 78)

The People's Scrutiny Committee at its meeting on 5 September 2016 (Minute *16) considered the Report of the Task Group ([CS/16/31](#)) examining the issues faced by small schools and outlining proposals to help them meet the challenges facing them in the future, which were commended to Cabinet.

Recommendation: that the Task Group's proposals be endorsed and the Head of Education & Learning take all appropriate action, working with partner organisations, to give effect thereto, reflecting also the recent changes to the Government's Education White Paper *Education Excellence Everywhere*.

Electoral Divisions(s): All Divisions

STANDING ITEMS

- 15 Question(s) from Members of the Public

- 16 Minutes (Pages 79 - 80)

(a) Devon Authorities Strategic Waste Joint Committee – 29 June 2016.

[NB: Minutes of County Council Committees are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>]

- 17 Delegated Action/Urgent Matters (Pages 81 - 82)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A summary of such decisions taken since the last meeting is attached.

- 18 Forward Plan

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at:
<http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0&bcr=1>]

KEY DECISIONS

- 19 Provision of the Youth Service for Devon (Minute 401/14 October 2016) (Pages 83 - 86)

Report of the Strategic Director, Place ([SPL/16/2](#)) on the procurement process for awarding a contract for the future delivery of the Youth Service, attached.

Electoral Divisions(s): All Divisions

- 20 Highways Term Maintenance Contract 2017/27 (Minute *340/13 May 2015) (Pages 87 - 96)

Report of the Head of Highways, Capital Development & Waste ([HCW/16/67](#)) on the procurement process for awarding a new Highways Term Maintenance Contract, for services currently provided by South West Highways, attached.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

21 Exclusion of the Press and Public

Recommendation: that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of current providers or tenderers for the provision or supply of council goods or services, and of the County Council and partner organisations and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

22 Youth Service for Devon: Award of Contract

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Strategic Director, Place ([SPL/16/3](#)) on tenders/bids received for the future delivery of the Youth Service, circulated separately GOLD paper.

23 Highways Term Maintenance Contract 2017/27: Award of Contract

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Head of Highways, Capital Development & Waste ([HCW/16/18](#)) on tenders received for the Highways Term Maintenance Contract, circulated separately GOLD paper.


MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at http://www.devon.gov.uk/cma.htm

Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership
Councillors J Hart (Chairman), B Parsons, S Barker, R Croad, A Davis, A Leadbetter, J McInnes, J Clatworthy and S Hughes
Cabinet Member Remits
Councillors Hart (Policy & Corporate), Barker (Adult Social Care & Health Services), Clatworthy (Resources & Asset Management), Croad (Community & Environmental Services), Davis (Improving Health & Wellbeing), S Hughes (Highway Management & Flood Prevention), Leadbetter (Economy, Growth and Cabinet Liaison for Exeter), McInnes (Children, Schools & Skills) and Parsons (Performance & Engagement)
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website.
Webcasting, Recording or Reporting of Meetings and Proceedings
<p>The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/</p> <p>In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p> <p>Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.</p>
Questions to the Cabinet / Public Participation
<p>A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.</p> <p>Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/</p>
Emergencies
In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.
Mobile Phones
Please switch off all mobile phones before entering the Committee Room or Council Chamber
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
 Induction loop system available

RECORD OF DECISION TAKEN BY CABINET MEMBER

This form must be completed by or on behalf of the relevant Cabinet Member immediately after any decision has been made and sent to the Chief Executive for publication in accordance with the Council's Constitution.

Summary of Matter or Issue Requiring Decision	Future of Compass House Crèche, Exeter
Decision Taken (i.e. approved/not approved together with any caveats)	Closure of the Compass House Crèche, Exeter
Summary of Reason(s) for Decision Taken (alternatively, attach copy of any report or other document setting out reasons)	<p>Key reasons for the decision are:-</p> <ul style="list-style-type: none"> • Alternative child care is available locally and additional mitigation in exceptional cases has been considered and will be available. • It is unlikely that the crèche will be able to operate and sustain the service at a cost equivalent or less than the stated alternatives. • There is no clinical reason for an on-site crèche according to senior mental health professionals
Summary of Alternatives or Options considered and rejected (alternatively, attach copy of any report or other document setting out alternatives/options)	See attached report
Details of any personal interest or conflict of interest and dispensation granted to the Cabinet Member(s) involved in or consulted upon this decision	None
Contact for enquiries/further information	

Notice of this Decision will be published on the Council's website in the Cabinet Agenda (<http://www.devon.gov.uk/dcc/committee/mingifs.html>) and any supporting documentation considered by the individual taking this decision and relevant to the matter shall also be made available for inspection by the public

Signature of Cabinet Member		Date: 19th August 2016
-----------------------------	--	------------------------

**Consultation on the Future of:
Compass House Crèche Service,
Magdalen Street, Exeter**

June 2016

CONTENTS

	Page
1. Purpose of the document	3
2. Rationale for Ceasing to Provide Services at Compass House	3
3. The Proposal	4
4. Consultation Timescales	5
5. Consultation/Comment Form	6

1. Purpose of the Document and Consultation

1.1 This document explains the rationale for the proposal to cease to provide a crèche facility within Compass House, Exeter for people using mental health services, this primarily being the Depression and Anxiety service.

2. Rationale for Ceasing to Provide the Crèche at Compass House

2.1 Current Service provision at the Crèche:

Compass House Crèche operates for children aged 8 months to 4 years and older siblings during the holidays. It is specifically available for parents and carers attending Adult mental health counselling services, depression and anxiety clinics etc. Its opening hours are 10am - 12noon Tuesday and Wednesday and Thursday 10am – 1pm. The total cost of the crèche in a full year is £22,700 (budget is £19,000) and there are 3 members of staff (but not full time)

Parents pay £1.50 per session they attend.

In April 2016 the Crèche was de-registered from Ofsted Early Years register.

Devon County Council took over the management of Compass House Crèche from 1st April 2016 from Devon Partnership Trust (DPT). The agreement with DPT was that the Crèche would continue to operate but would de-register from Ofsted as children would only be accessing the crèche for the time that the parents are on site having counselling/therapy sessions. This meant that no child could be in the crèche for more than two hours and parents were not permitted to go off site and leave the children in the crèche. This change in the way of working has resulted in a significant reduction in the number of children attending the crèche. Attendance for the 8 weeks commencing 4 April 2016 is detailed below:-

	Week	Tuesday		Wednesday			Thursday			Week Total
	Commencing	10am	11am	10am	11am	12noon	10am	11am	12noon	
1.	05/04/2016	2					2			4 school holiday
2.	11/04/2016	1	2	3	3		1	1		11 assessment week
3.	18/04/2016	1		2			2			5
4.	25/04/2016	1	1				1		2	5
5.	02/05/2016		1	1	1		2			5 plus 4 no shows
6.	09/05/2016	1					2			3
7.	16/05/2016	3	1				2			6
8.	23/05/2016	4	2	1			1			8

2.2 The reduction in attendance means that the current model is no longer a viable option due to various factors.

- Good practice is that there should always be two members of staff on duty. This is not cost effective as very low numbers are attending. Only 4 sessions in the period described in the table above had more than 2 children in attendance.
- Appointments with the DAS (Depression and Anxiety Service) do not always run for consecutive weeks.
- Children sometimes fail to attend without notice.
- Staff hours exceed demand leading to high unit costs. For instance in April 2016 the cost per child hour was £81.91 based on costs incurred and attendance numbers.
- The Crèche is only available for limited specific days, where as mental health services operated by DPT are open all week. Therefore parents can only access if their appointment time corresponds with crèche opening times.

3. The Proposals

3.1 To formally cease the provision of a DCC Crèche at Compass House, Exeter.

3.2 Devon County Council is proposing a new way for parents to access childcare to support them whilst accessing mental health support. The proposal is that parents who have not been able to make informal arrangements for childcare while they access the services at Compass House identify and arrange their own registered childcare, whether in a group setting such as a nursery , pre-school provision or home based care e.g. Childminders. The benefits of this approach for parents is:-

- That childcare would not be limited to hours that the crèche is available, increasing flexibility for parents.
- Parents can use providers in their local area. Due to short hours this will mean that the childcare will only be funded as required rather than having a staffed provision that is available sometimes with no children present.
- Parents, who have eligible 3 and 4 year old children, can use part of the 15 hours funded entitlement therefore incurring no additional cost.
- It is cost effective and would be needs led.
- All year round childcare options are available for all ages.

3.3 Children's Centre and DISC (Family Information Service) can support parents to access registered childcare as required.

3.4 DCC carried out some initial research in May into the childminders available in the area and, within a mile radius of Compass House Crèche, there were 15 registered providers and 11 of those were anticipating having vacancies in the Autumn Term (September 2016). Within a 5 mile radius there were 68 childminders (including the original 15). This will be subject to change.

4. Consultation Timescales

Wednesday 22nd June 2016	Launch of consultation process
Wednesday 13th July 2016	End of Consultation

Consultation Feedback

It is important that you express any views you may have about this proposal. These will all be considered alongside our statutory responsibility under the Public Section Equality Duty before coming to any final decision. An Equality Impact Assessment is attached and also available at <https://new.devon.gov.uk/impact/published/>

4.1 You may respond

(1) In writing using the attached schedule to

Compass House Crèche Consultation
The Annexe
County Hall
Exeter, EX2 4QD

(2) By email to:

Crecheconsultationsecure-mailbox@devon.gov.uk

Consultation on the Future of (Compass House Crèche)

Date

QUESTION/COMMENT FORM

Name: (optional)

Contact: (optional)

Question/Comments you may wish to consider.

(1) Do you have any comments on the proposal for future arrangements to support individuals with children attending mental health services operated by DPT?

(2) Is there anything else you think the council should consider before making a decision?

(3) Any other comments/views?

Your feedback will be considered as part of the consultation process before coming to a final decision.

Please return this form to: -

Compass House Crèche Consultation
The Annexe
County Hall
Exeter, EX2 4QD

(2) By email to:-

Crecheconsultationsecure-mailbox@devon.gov.uk

CONSULTATION RESPONSE TO INFORM DECISION MAKING

1. Content

A consultation on the future of the Compass House Crèche service was launched on 22 June 2016 and ran until 13 July 2016. The consultation was available on the DCC 'Have your say' webpages and paper copies available at the site itself.

- 25 responses received on-line
- 15 written responses received
- 2 emails received on Friday 12 August 2016

An Equalities Impact Assessment was also available as part of the consultation.

2. Key feedback messages from consultation

The overall balance of responses was against the proposal to close the crèche service, but many respondents (but not all) also recognised that the current services was under-used and represented poor value for money. A number offered alternative suggestions for consideration. There were three broad themes from the consultation presented below:-

(a) Concern over impact on vulnerable people without access to on-site childcare

- 1.1 Many respondents felt that without the crèche some who needed support would not attend the sessions they needed including:-

Consultation Feedback	Response
Parents with small children would rather leave them in a crèche on site	There is no clinical reason for an on-site facility. In <u>exceptional</u> circumstances special arrangements could be arranged (see mitigation below)
Not having to worry to arrange childcare	Support is available from the Early Years service
This may act as a barrier to therapy	There is no clinical reason for an on-site facility. In <u>exceptional</u> circumstances special arrangements could be arranged (see mitigation below).

1.2 Considerations

- 1.2.1 The balance of opinion was clearly in favour of retaining an on-site service from respondents.

1.2.2 Senior Clinicians at Devon Partnership Trust (DPT) advise that there is no clinical reason or need for an on-site facility.

1.3 Mitigation

1.3.1. DCC will establish links between the Depression and Anxiety Service (DAS) at Compass House and DCC (operated and contracted) childrens centres. To mitigate for exceptional and unforeseen circumstances and where there is an assessment agreed by a mental health service practitioner that an individual can only be supported with an on-site child care arrangement then the DAS service may arrange directly to support that individual at a different site (with childcare available on site). This will only be in exceptional circumstances as defined by a clinician in the DAS.

(b) Improve attendance levels and income to make the crèche financially sustainable

2.1 There were numerous comments around this theme such as:-

Consultation Feedback	Response
Increase charges	To be comparable with local childminding rates the crèche might charge £6 per hour. This would require 9.7 children per hour to attend. This is considered unlikely.
Offer the crèche to a wider group	This is a possibility but cannot be considered in isolation from any charge given this is likely to impact on demand. This would probably require reregistration with OFSTED to allow parents to leave the site. There is the potential to impact on other providers of childcare in the area detrimentally
Re-register with OFSTED	See above ... this cannot be considered in isolation from other factors
Publicise the service	This is also a possibility to attract a wider group (see above)
Seek alternative funding	This is unlikely to come from other statutory agencies given the pressure on health, care and other statutory budgets and the alternatives available for parents. Funding from non-statutory sources would need to be secured and a case made to potential sources of finance.

2.2 Considerations

- 2.2.1 The cost per child hour stated in the consultation was £81.91, with parents contributing £1.50 per session attended.
- 2.2.2 The estimated cost of childminding is expected to be around £6 per hour locally.
- 2.2.3 Based on no increase in income from increased charges there would need to be an average 37.7 children per planned session for the crèche to be financially self-sufficient.
- 2.2.4 Assuming charges were also increased to £6 per hour (then this would require an average of 9.7 children to attend to make the crèche financially self sufficient.
- 2.2.5 It is also possible to have some combination of increased attendance (as per 2.2.3) and increased charges (as per 2.2.4)

2.3 Mitigation

- 2.3.1 DCC can signpost to other child care support and has negotiated an exceptional arrangement to mitigate against an unforeseen case.
- 2.3.2 There is no clinical reason to have an on-site crèche

(c) Revisit the Impact Assessment

- 3.1 A number of comments were made around inaccuracies in the content or not addressing the likely disproportionate impact on some groups such as women, single parents or those on low incomes.
- 3.2. The Impact Assessment has been redrafted to reflect these issues and concerns and will be considered by the decision maker as part of their responsibilities under the Public Sector Equality Duty in coming to any decision.

Tim Golby
Head of Social Care Commissioning

Impact Assessment

Version 2016

Assessment of:	Compass House Creche closure proposal
Service:	Devon County Council Adult Social Care

Head of Service:	Tim Golby, Head of Social Care Commissioning
Date of sign off by Head Of Service/version:	Updated version following consultation: 20/7/16 Original impact assessment carried out by Devon Partnership Trust: 10/7/15 Impact assessment first carried out by DCC: 18/6/16
Assessment carried out by (incl. job title):	Paul Giblin, Involvement Manager

Section 1 - Background

Description:	<p>The crèche is part of the service offered at Compass House in Exeter for people using mental health services, primarily the Depression and Anxiety service. This service was managed by Devon Partnership NHS Trust until April 2016 when it was taken over by Devon County Council.</p> <p>Compass House Crèche operates for children aged 0 months to 9 years and older siblings during the holidays. It is specifically available for parents and carers attending Adult mental health counselling services, depression and anxiety clinics etc. Its opening hours are 10am -12noon on Tuesday and from 10 am to 1pm on Wednesday and Thursday. The total cost of the crèche in a full year is £22,700 (budget is £19,000) and there are 3 members of staff employed which means that, taking into account the rate paid by parents of £1.50 per</p>
--------------	--

	<p>session they attend, the financial viability of the service is highly questionable, especially in the current climate.</p> <p>In April 2016 the Crèche was de-registered from Ofsted Early Years register as children would only be accessing the crèche for the time that the parents are on site having counselling/therapy sessions. This meant that no child could be in the crèche for more than two hours and parents were not permitted to go off site and leave the children in the crèche.</p>
Reason for change and options appraisal:	<p>Provision of the crèche is being reviewed. This is because use of the crèche has fallen to an extremely low level. During the 8 weeks since 4 April, the number of children placed in the crèche was:</p> <p>Week 1 – 4, week 2 – 11, week 3 – 5, week 4 – 5, week 5 – 5 (with 4 no-shows that week), week 6 – 3, week 7 – 6 and week 8 – 8.</p> <p>As well as being an inflexible model of provision, the total cost of the crèche in a full year is £20,300 and there are 3 members of staff employed which means that, taking into account the rate paid by parents of £1.50 per session they attend, the financial viability of the service is highly questionable, especially in the current climate.</p> <p>That level of use means the current model of crèche provision is no longer viable, because:</p> <ul style="list-style-type: none"> • Good practice requires two members of staff in attendance at all times, which is simply not cost effective for such very low numbers of children. • Appointments with the Depression and Anxiety Service do not always run for consecutive weeks. • Attendance is even lower than expected because children sometimes fail to attend without giving notice. • Staff hours exceed the demand for places. • The crèche is only available for limited specific days, while the mental health services are open all week, yet parents can only access the crèche if their appointment time corresponds with crèche opening times. <p>Devon County Council is therefore proposing to review the crèche provision with a view to closing this service, and proposes a new way for parents who use mental health services to access childcare while receiving mental</p>

health support.

If they cannot make their own informal childcare arrangements for sessions at Compass House then parents will be helped to identify and arrange their own registered childcare provision, i.e. using a nursery or pre-school organisation or a registered childminder.

This will mean that available childcare arrangements are not limited to the hours in which the crèche is open, giving parents more flexibility in the choice of childcare they can have when attending support sessions. If they wish, they will also be able to choose childcare options close to their home rather than bringing children with them to Compass House.

If they still want to have childcare which is close to Compass House then there are about 15 registered childcare providers within a mile of Compass House and 53 registered childcare providers within a five mile radius. (this fluctuates but numbers true as of May 2016) Devon's Family Information Service (formerly DISC) can help parents find appropriate childcare.

Section 2 - Key impacts and recommendations

Social/equality impacts:	There will be a negative impact for a small number of people, for which mitigation will be explored as part of the consultation process with the people who use the service.
Environmental impacts:	N/A
Economic impacts:	Micro impact: tiny staff group affected.
Other impacts (partner agencies, services, DCC policies, possible 'unintended	The mental health service provided by Devon Partnership Trust will have to consider how to support people referred to them who have childcare needs in a way which includes helping those people source appropriate childcare from independent providers, as happens elsewhere.

consequences’):	
How will impacts and actions be monitored?	The mental health service will monitor the impact of changing the childcare arrangements for people who use the depression, anxiety and other relevant services to check whether this means fewer adults are able to attend their support sessions.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	People with mental health issues, particularly depression and anxiety, who are parents of young children, and who have been referred to the service.
Diversity profile and needs assessment of affected people:	In the 8 week period from 4 April 2016, there were only 47 attendances at sessions.
Other stakeholders:	Devon NHS Partnership Trust (DPT) as the depression and anxiety service provider, Devon County Council’s Children’s Services Early Years management as childcare professionals.
Consultation process:	<p>Engagement with people using the service, staff consultation, and ongoing liaison between DCC and DPT over service provision.</p> <p>Devon Partnership Trust first started considering the impact of closing Compass House over a year ago, in July 2015, and the mental health service has had that time to prepare for ways of supporting parents in sourcing alternative provision. DCC’s formal consultation period lasted from 22 June to 13 July 2016, during which time 40 responses were received. Any impacts identified during that consultation process have been added to this updated impact assessment, so relevant mitigation can be considered.</p>
Research and information used:	Figures on use of the service and cost of provision, audit of alternative sources of childcare provision in the area surrounding Compass House, and liaison with local experts in childcare provision. Consultation responses received from crèche staff and service users.

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 4a - Social Impacts

Page 17

Characteristics	Describe any needs and actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed. (Consider how to mitigate against these). <u>Overall mitigation:</u> Devon Partnership Trust (DPT) first conducted an impact assessment on this proposal on 10 July so the relevant mental health professionals have had over a year in which to plan how to offer replacement childcare support to affected service users. There is no other crèche or childcare supported offered anywhere else in DPT across the county, users of the Exeter facility will be supported as individuals to make the same arrangements that have to be made in other parts of Devon using independent childcare provision.	Describe any needs and actual or potential neutral or positive outcomes for the groups listed. (Consider how to advance equality/reduce inequalities as far as possible).
All residents (include generic equality)	This service is only available to people with young children who have been referred to Compass House	

provisions):	by the services as part of formal mental health provision.	
Age:	There is no formal age limit but this service is only available to users of mental health services with children aged from 0-8 years, although other children can be accommodated if they are siblings of the service users' younger child.	
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Users of the crèche service must be adults who are receiving support from Devon Partnership Trust for mental health conditions, primarily depression and anxiety. For the few parents who have made use of the service the closure of the crèche will be perceived as a negative impact because they will have to make alternative childcare arrangements of their own. The staff at Compass House can support children in the following categories of disability and special needs: Epipen trained, speech & language impediments, challenging behaviour, emotional impairment, development delay, autism, and asthma. Individual assessment of need must therefore ensure such conditions can be supported when sourcing alternative childcare.	These parents will be supported to make their own childcare arrangements to cover their mental health support sessions. The mental health staff responsible for supporting the adults using the creche will be given the information they need to help their clients source alternative childcare provision.
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:		There will be neutral impact in terms of culture and ethnicity as parents will be supported to find local registered childcare provision will be as sensitive to their cultural or ethnic needs as the Compass Creche.
Sex, gender and gender	A small number of young women affected by post-	The mitigation which will neutralise that negative impact

identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	natal depression will be the prime group affected by the removal of this service, for whom it will have a negative impact. This will be mitigated by supporting them to make alternative individual childcare arrangements.	will be to support those service users to find alternative appropriate childcare arrangements sensitive to their needs.
Sexual orientation and marriage/civil partnership:		There will be a neutral impact as support will be made available to source alternative childcare which is sensitive to individuals.
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	The purpose of the Compass crèche is to enable people with mental health issues who have pre-school age children and sources of childcare to be able to access childcare while attending Compass House for support. Mental health issues affect all socio-economic groups, but those on lower incomes will be the most badly affected by the closure of the crèche. The mental health service will work with affected parents to help them secure alternative childcare provision whilst attending Compass House. Single parents will be disproportionately affected because they will not have a formal partner who can be asked to help with childcare.	
Human rights considerations:		There will be a neutral impact as the right to family life will be considered when supporting people to find alternative childcare.

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:	N/A	
Conserve and enhance biodiversity (the variety of living species):	N/A	
Safeguard the distinctive characteristics, features and special qualities of Devon's	N/A	

Page 21

landscape:		
Conserve and enhance the quality and character of our built environment and public spaces:	N/A	
Conserve and enhance Devon's cultural and historic heritage:	N/A	
Minimise greenhouse gas emissions:	N/A	
Minimise pollution (including air, land, water, light and noise):	N/A	
Contribute to reducing water consumption:	N/A	
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	N/A	
Other (please state below):	N/A	

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	N/A	
Impact on employment levels:	3 creche worker redundancies.	DCC may not have relevant redeployment opportunities, but the wider childcare sector will have job opportunities for experienced childcare staff.
Impact on local business:	Micro.	There may be a small increase in trade for local independent childcare providers.

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	N/A
---	-----

Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	N/A
---	-----

PTE/16/42

Cabinet
14 September 2016

Cross-boundary strategy and plan making – Greater Exeter, Plymouth and South West Devon and Northern Devon

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: It is recommended that:

- (a) the evolution of the local planning process and the involvement of County Council Officers in the development of cross-boundary planning policy in Devon be endorsed and noted; and**
- (b) the Cabinet also endorse Member representation for the emerging Member governance structures for joint cross-boundary planning policy in each of the following three key urban, economic areas, as follows:**
 - a. Greater Exeter;**
 - b. Plymouth, South Hams and West Devon; and**
 - c. Northern Devon.**

1. Summary

The way in which planning strategy and planning policy are developed is evolving. New ways of working now require more collaboration over planning matters which cross Local Authority administrative boundaries. The County Council is involved in a series of cross-boundary planning policy projects and there is a need to ensure that the implications of this work are considered.

The purpose of the report is to draw attention to the role of the County Council in cross-boundary planning policy development and seek approval for appropriate Member representation in emerging governance structures for this cross-boundary planning activity.

2. Background

The way in which planning strategy and planning policy are developed is evolving. The current, formal system of local policy planning was established in 2004. At this point, the County level Structure Plans were replaced by Regional Spatial Strategies. These were themselves revoked in 2013. Since 2013 there has been a significant gap between Local Plans and national policy which has not been subsequently filled. However, Government acknowledges this issue and has considered how Local Plans could more consistently cover larger, functional geographies.

In March 2016, the Government-appointed 'Local Plans Expert Group' published its report. This group made recommendations on how Local Plans should be prepared more robustly and efficiently as set out in Appendix A. As a result, the relationships between the Local Authorities in Devon are developing to facilitate the preparation of policy to follow functional geographies as opposed to administrative boundaries. These emerging relationships will also help the planning system to work efficiently to boost significantly the supply of housing and growth required. The County Council is well-placed to engage with this emerging way of working and improve the way in which our statutory functions are integrated into local

planning policy. This provides a significant opportunity for the County Council and will require involvement from Members and Officers.

3. Proposal

A series of new cross-boundary planning strategy and policy arrangements are emerging in Devon on the basis of geographies which reflect housing markets, travel to work areas and economic geographies. These *functional* areas cut across Local Planning Authority administrative boundaries and therefore require the Authorities to work in partnership when developing strategy and policy.

The three urban, economic functional geographies, shown in Appendix B are:

- Greater Exeter: East Devon, Exeter, Mid Devon and Teignbridge;
- Plymouth area: Plymouth, South Hams and West Devon; and
- Northern Devon: North Devon and Torridge.

In order to reflect these functional geographies, joint Plans are currently being prepared for each of these areas. These Plans will be statutory planning documents setting out long term planning policy.

Devon County Council has an important strategic role to play in the development of these Plans and has been invited to engage with the various plan-making processes. The nature of this involvement varies, however it can be summarised as:

- Greater Exeter:
County Council as a partner involved in wide-ranging evidence gathering and Plan writing. The County Council to be the budget holder for commissioning Plan evidence;
- Plymouth and South West Devon:
County Council as a key stakeholder involved in collaborative discussions and the development of evidence for statutory responsibilities;
- Northern Devon:
County Council as a key stakeholder involved in collaborative discussions and the development of evidence for statutory responsibilities. Potential partner in a possible, emerging governance structure for long term strategy and policy development.

The roles set out here are an evolution of the current relationship which the County Council has with the plan-making process; the Authority acts as a statutory consultee, principally as Highway Authority and Education Authority while it also covers a range of other areas such as libraries, public health, social services, minerals, waste, transport coordination and liaison on wider health care matters.

The emerging more collaborative role offers the County Council greater influence over the planning process, helping to ensure that policy specifically reflects corporate priorities. Furthermore, for the Greater Exeter work, the Local Planning Authorities and the County Council are coordinating a combined budget. This will help to make cost savings on the commissioning of Plan evidence for each of the Authorities including the County Council.

In order to realise the opportunities provided by these new working arrangements, Officers will need to engage more directly in the emerging plan-making process than has been the case previously. Officers will be involved across the full suite of work-streams required to support the development of a Plan, potentially as part of a virtual Officer team. This means Officers may be involved in topics beyond those for which the County Council has a statutory duty.

In addition to Officer involvement, new governance structures will be established to steer the development of strategy, policy-making and infrastructure delivery. Given this is a strategic,

Cabinet function, there should be Cabinet Member representation on groups established - to safeguard the interests of the County Council. There will be variations in the governance structures for the three cross-boundary planning areas and the structures are at different stages of their establishment.

In order to ensure that the County Council can secure effective, ongoing involvement in planning matters relating to these areas, Cabinet is asked to endorse, now, the proposed Member representation for the emerging Member governance structures, as set out below, with any future changes being made under delegated powers in the usual way.

- Greater Exeter: Councillor Hart;
- Plymouth area: Councillor Leadbetter; and
- Northern Devon: Councillor Parsons.

4. Consultation, Communication and Engagement

The involvement of the County Council in cross boundary strategy development and plan-making has been discussed informally with relevant Cabinet Members and senior management. In terms of the Greater Exeter work which is progressing the most quickly, the County Council was invited to work on an emerging Greater Exeter Strategic Plan by the Local Planning Authorities. Internal discussions have also taken place with a number of officers who are likely to be involved in this work. Actual plan content will be subject to a series of public consultations as it develops.

5. Financial Considerations

There are no direct financial implications for the Council as a result of the recommendations in this paper beyond the costs associated with Member and Officer time being invested in the new joint working arrangements.

In terms of the work for the Greater Exeter area, there will be a need for all Authorities in the area to contribute to a joint fund to enable data collection, evidence gathering, and plan preparation. The County Council's contribution to this fund will be provided through a refocusing of existing budgets and therefore the joint working will be cost neutral.

More generally, the principle of joint planning will help the Local Authorities to make cost savings on Plan evidence as it avoids the need for each Authority to commission individual studies.

6. Environmental Considerations

An Impact Assessment has been completed to accompany this report. This has identified that the way in which the County Council engages directly in the joint plan making process is unlikely to have any significant, direct impacts on the environment. Actual plan content will be subject to significant environmental consideration and assessment through the requirements of Strategic Environmental Assessment/Sustainability Appraisal.

7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing the proposals identified in this report, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://new.devon.gov.uk/impact/development-of-a-cross-boundary-strategy-and-plan/>, which Members will need to consider for the purposes of this item.

This identifies that there are unlikely to be any direct equality impacts related to the way in which the County Council is involved in cross-boundary strategy and plan-making. Involvement of the County Council in this work does however provide an opportunity to influence strategy development in terms of the County Council priority relating to reducing health inequalities as articulated in the County Council Strategic Plan (Better Together: Devon 2014-2020).

8. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report.

9. Risk Management Considerations

Working jointly on cross-boundary joint planning matters provides opportunities for the County Council in terms of working more efficiently, ensuring statutory responsibilities are embedded more directly into plan-making and developing staff.

The main risk relating to cross-boundary working would be if joint planning proved to be ineffective because agreement by the respective Authorities could not be reached over plan strategy and policy. This could in theory delay plan-making. This is a minimal risk to the County Council as it is not a Local Planning Authority. If agreement over plan strategy content and policy is not reached, this could potentially have some financial implications in terms of the joint budget, however County Council financial input to joint planning will be cost neutral so risks are minimal.

The work on cross-boundary planning policy will be monitored to identify any further risks which may emerge. These will then be managed effectively through discussions with Local Authority partners.

10. Public Health Impact

County Council involvement in cross-boundary strategy and plan-making will allow more direct integration of public health considerations in the development of planning policy. As such, the impact on public health is likely to be positive.

11. Options

Preparing planning strategy and policy is not a direct responsibility of the County Council. As such, the standard approach is for this to be undertaken by the Local Planning Authorities. In this context, the County Council would generally provide input to plan development as a key stakeholder and statutory consultee. This arrangement could continue; it has worked well because Members and Officers have developed effective working relationships with colleagues at the Local Planning Authorities. However, more specific partnership working in which County Council Members and Officers are directly

Agenda Item 9

involved in the cross-boundary plan-making process develops these relationships further and provides opportunities for the County Council as well as the planning process itself. As such, further County Council direct, involvement, as considered in this report, is the appropriate way to move forward.

12. Reason for Recommendation/Conclusion

The way in which strategy development and plan making takes place is evolving to reflect functional geographies, the need for greater efficiency in the way Local Authorities work and government policy. This means that cross-boundary partnership working is becoming crucial. Increasing the direct involvement of County Council Members and Officers in this work across Devon will reflect the changing landscape of policy development whilst also ensure that County Council priorities are better embedded in strategy development and plan-making.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter –
Councillor Andrew Leadbetter

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: George Marshall

Room: AB2, Lucombe House, County Hall, Topsham Road, Exeter, Devon, EX2 4QD

Tel No: (01392) 382676

Background Paper	Date	File Ref
1. Local plans Expert Group: Report to Government	March 2016	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-governement.pdf
2. Better Together: Devon 2014-2020		https://new.devon.gov.uk/bettertogether/
3. Impact Assessment	July 2016	https://new.devon.gov.uk/impact/development-of-a-cross-boundary-strategy-and-plan/

gm040816cab Cross boundary strategy and plan making
hk 06 010916

Extract from Local plans Expert Group: Report to Government - March 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-government.pdf

5. Working across boundaries to meet needs

5.1. This Section of our report considers how plan making can be made more efficient and effective where meeting needs may require cross boundary cooperation. There are two principal elements to this:

- The Duty to Cooperate; and
- The scope for joint spatial planning.

Joint Local Planning

5.14. Our attention was drawn to positive examples of good joint planning, details of which are set out in our Discussion Paper on Joint Planning. Helpfully, there appears to be an increasing recognition of the benefits of joint working in many parts of the country.

5.16. It is not our intention to recommend that the Government imposes a new layer of strategic planning. However, we do believe that there is more that can be done to encourage the preparation of joint plans and that to do so would be working with the grain of sentiment in both the public and the private sectors, as well as the principles set out in paragraph 179 of the NPPF. Respondents agreed and were outspoken about the need to achieve joint strategic planning across Housing Market Areas. For example, we were advised by respondents to our Call for Evidence:

- Achieving a means of reaching agreement across housing market areas would be the “single most important step” the LPEG review could achieve;
- “everything works better when local authorities come together with common evidence and common timeframes”;
- Without strategic cross-boundary planning, the plan making process is “destined to fail”;
- There must be a new system for agreeing the distribution of housing, because the current system is “frankly a mess”.

5.17. Apart from the call to simplify and standardise SHMAs, the need for a system to agree housing distribution was the most common feature of the responses to the Call for Evidence. In fact, the extent of agreement was such that we have listed those parties who advocated the need for joint planning in a footnote.

5.18. Joint working will have advantages everywhere but the areas where it is most necessary are the areas where authorities have demonstrated an inability to work together. Such areas are classically city regions where the constrained administrative boundaries of the principal urban area mean that it cannot meet its housing needs but the surrounding districts have a social, political and economic geography which makes joint working more difficult. There are many examples of where joint planning around large towns and cities

would be particularly useful – and as a principle, joint planning would assist across every Housing Market Area. Joint planning would also be particularly productive, for instance, across the boundaries of major conurbations, into their hinterland.

5.21. We recommend that the Government makes clear that, where authorities in a HMA have failed to reach sufficient agreement on meeting and distributing housing needs by March 2017, the Government will be prepared to use powers to direct the preparation of a Joint Local Plan for the HMA (or a suitable geography such as transport corridors) within a prescribed timetable. This may require legislative change and guidance would also be necessary in the NPPG to guide the governance arrangements for such plans.

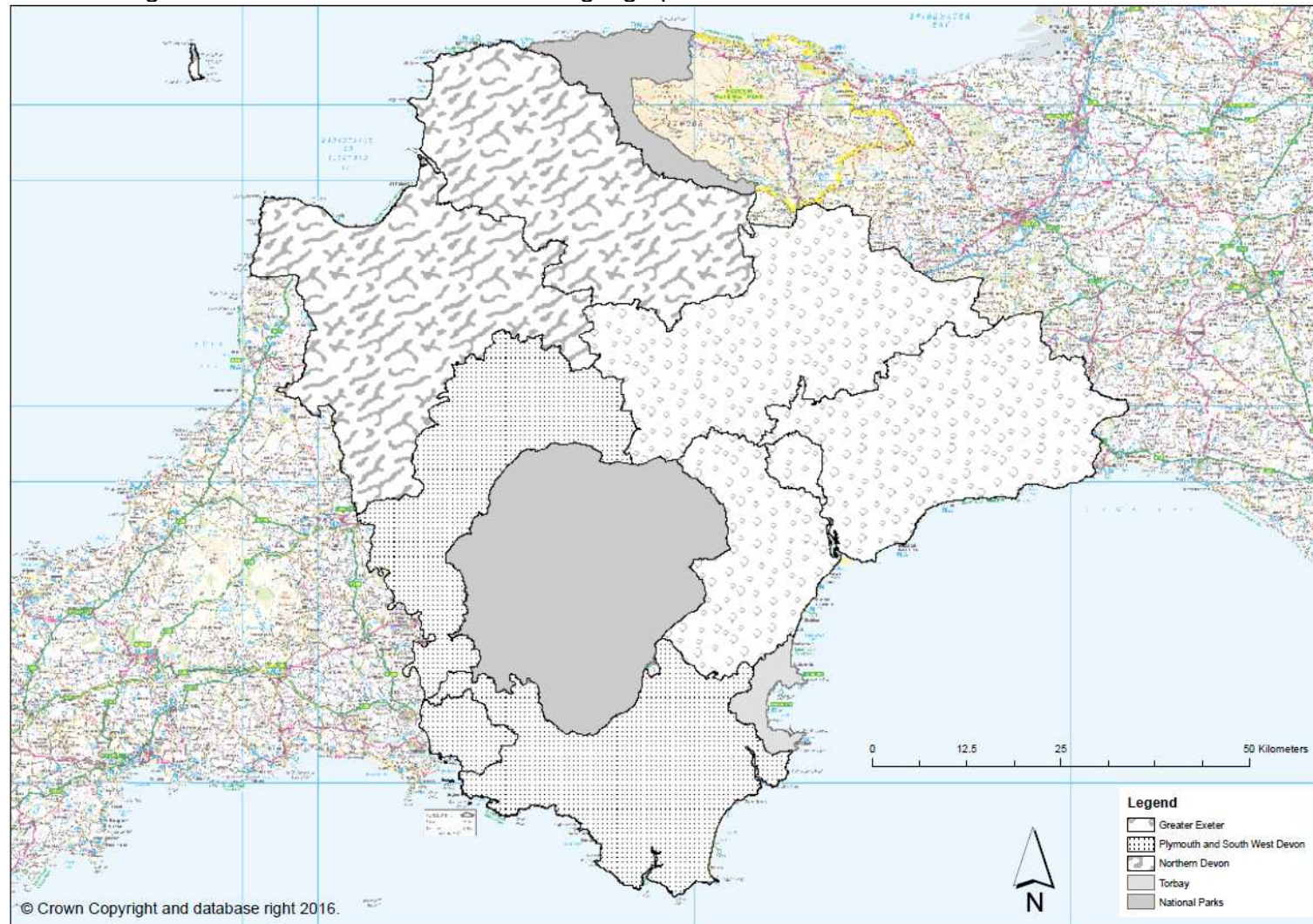
5.22. Arguably, the same outcome could be achieved by the Government directing that plans should be written for joint authorities. However, we consider that as far as possible, local plans should be prepared by their local authorities and that joint plans will be more effective in coordinating the meeting of needs than individual plans, separately examined.

5.23. This measure would give authorities 5 years from the publication of the NPPF to agree how they intend to work together to meet housing and other needs. Making clear this position now should stimulate joint working and plan making so that direct intervention should be necessary only in limited circumstances. Even in those circumstances, the necessary Local Plans would be prepared by the authorities themselves (unless the Government has found it necessary to take over and arrange for the writing of the local plan in accordance with provisions which have already been announced). This, therefore, is not top-down planning, simply a reinforcement of the need for bottom up, coordinated local planning to be properly undertaken in accordance with national policy.

5.24. A Joint Local Plan prepared in these circumstances need only contain policies for those high level issues which have not been agreed locally – such as the scale and distribution of housing and employment needs, critical infrastructure and broad locations for large scale development, leaving individual local plans to proceed (more rapidly) with genuinely local issues.

5.25. In combination with our recommendations for a strengthened Duty to Cooperate, these measures would transform the country's ability to plan for the full range of housing and other needs and break the logjam which currently exists where even the most willing and positive minded authorities cannot achieve the sustainable outcomes that depend on joint working with their neighbours. All of the measures recommended retain control over plan making with the local authority but they would greatly assist in ensuring that the necessary local plan making can and will take place.

Plan showing the three urban economic functional geographies in Devon



PTE/16/43

Cabinet
14 September 2016

Transport Capital Programme 2016/17

Report of Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

- (a) approval is given to enhance the Place 2016/17 capital programme by £0.837 million with £0.718 million from developer and £0.119 million external contributions;
- (b) of the enhancements above, £0.275 million is forward funded to enable schemes to proceed in advance of the funding being received;
- (c) revised budgets are allocated to the Local Transport Plan (LTP) schemes set out in Appendix I;
- (b) that amendments to the Integrated Block allocations are delegated to the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Highway Management and Flood Prevention or Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter.

1. Summary

This report seeks approval to a revised transport capital programme for 2016/17 (excluding maintenance).

2. Background

Cabinet previously approved a two year programme in September 2015 for capital transport schemes in 2015/16 and 2016/17. Since then various factors have required an update to the 2016/17 programme reflecting changes in some scheme costs, funding sources and timing.

Funding pressures remain tight with the Local Transport Plan Integrated Block settlement from Government at an annual level of around £3.6m compared to over £6m a few years ago and over £10m in 2009/10. Other local contributions such as Section 106 (S106) or Community Infrastructure Levy (CIL) are also under significant pressure. External funding sources continue to support a major part of the capital programme.

3. Proposal

The focus of the 2016/17 programme remains substantially unchanged from that in the September 2015 report, supporting economic growth alongside Local Plans. A significant proportion of the programme is helping to deliver major schemes, many of which are either under construction or are in advanced design stages. DCC's funding in these cases is used for design work, land purchase and the remainder of the local contribution where this is required to meet external funding commitments. This is particularly the case for the current Growth Deal¹ and Coastal Communities Fund awards which make up a substantial proportion of the capital programme in 2016/17. The County Council plays an important part

in negotiating other local contributions including CIL and S106. Appendix I details the revised 2016/17 programmes.

Walking and Cycling

The prioritisation of the old A380 through Kingkerswell for use by pedestrians and cyclists, the completion of the Exe Estuary route into Dawlish town centre, and the A39 pedestrian and cycle bridge to the proposed new employment area at Roundswell (Barnstaple) along with a further section of the Wray Valley Trail between Moretonhampstead and Lustleigh are the four main schemes planned for completion or substantial starts in this financial year. The Kingskerswell and Dawlish scheme allocations reflect the revised scheme costs following detailed design and consultation.

These are supported by the first phase of the Sidford – Sidbury cycle route, a further section of the Stop Line Way, further stages of the Pegasus Way, NCN2 Western Road Ivybridge and a continued programme of cycle parking and associated facility improvements at employer, school and other key locations across the county. There is an allocation as match funding for external funding sources to support the further expansion of the electric bike network within Exeter, connecting rail stations to employment sites including County Hall and Great Moor House.

Land purchase and scheme design continue to be an important part of the programme, ensuring that there is a continual pipeline of schemes available to bid for external funding opportunities as they arise. These include:

- Exeter Strategic Cycle Routes
- Exmouth North to Exe Estuary Link
- Wray Valley Trail (Moretonhampstead to Lustleigh)
- Tarka Trail (Meeth to Hatherleigh)
- Newton Abbot East – West and Central Cycle Routes
- Larkbear Pedestrian / Cycle Bridge (Barnstaple)
- Exe Estuary Powderham to Turf Lock
- Teign Estuary
- Ruby Way
- Torrington to Tarka Trail
- Drakes Trail to Princetown (Yelverton to Dousland).

Funding bids have currently been submitted for:

- Exeter and Rural Strategic Cycle Routes (Growth Deal via Local Enterprise Partnership [LEP])
- Newton Abbot East – West Cycle Route as part of Houghton Barton package (Growth Deal via LEP)
- Teign Estuary Dawlish to Teignmouth (Coastal Communities Fund).

The County Council has also been successful in securing £500,000 of revenue funding in 2016/17 from the Department for Transport (DfT) through the Sustainable Transport Transition Year funding. This will support a range of activities with schools, employers and communities in a number of locations to get the most out of investment in capital infrastructure.

Rail

The development of the Devon Metro strategy follows on from the opening of Cranbrook and Newcourt stations with works on Marsh Barton station. The start of works on the latter has been delayed by technical approvals from Network Rail and is now expected to be in early 2017. The programme also includes final signalling works to complete the Newcourt station scheme.

Design, land acquisition and preparation work continues on Cranbrook second station feasibility, St David's station forecourt masterplan (funded by Great Western Railway), Bere Alston – Tavistock, Newton Abbot station bridge extension, and Pinhoe station car park. Mid-Devon District Council and Cullompton Town Council are funding initial investigation work into a new station at Cullompton. The option for a second station at Okehampton is being investigated but is dependent on a regular weekday rail service being included in one of the new franchises.

A funding bid has been submitted to the DfT for the next stage of design work for rail infrastructure to double the frequency of services between Exeter and Honiton including the second station at Cranbrook. This is part of a wider project to also improve the punctuality and journey times of Exeter – Waterloo services and the diversionary capability for Paddington – Exeter – Plymouth services when there is disruption between Castle Cary and Exeter.

Roads

Several major schemes are on site in 2016/17 including:

- A39 Hospital Junction, Barnstaple
- A361 Portmore Roundabout, Barnstaple
- Bridge Road, Exeter (completion 17/18)
- Tithebarn Lane Phase 2, Exeter
- A379 Newcourt Junction, Exeter
- A38 Deep Lane Junction Phase 1, Sherford.

Design, land acquisition and preparation work either continues or is anticipated to start on a number of other schemes including:

- A382 – A383 Houghton Barton Link, Newton Abbot
- A380 – A381 Wolborough Link, Newton Abbot
- A382 Widening, Newton Abbot (construction work on southern section due to start in 2017/18)
- Dinan Way Extension, Exmouth
- Axminster Relief Road
- A30 Honiton to Devonshire Inn
- A361 North Devon Link Road (design funded by DfT Large Local Majors programme with full bid to be submitted spring 2017 – not all funding shown in Appendix I as mainly DfT revenue funded in 2016/17)
- A38 Deep Lane Phase 2
- Tiverton EUE access (construction could start 2017/18 if sufficient Growth Deal funds are available).

4. Consultations/Representations

The programme approved by Cabinet in September 2015 reflected the consultations through the 2011-2026 Local Transport Plan and subsequent work with partners. The programme in this report similarly reflects updates from delivery and funding partners including the LEP and district councils alongside progress on Local Plan infrastructure requirements.

5. Financial Considerations

The package of schemes for 2016/17 in this report totals £29.777 million. This includes significant S106 contributions from developers and other external sources. The majority of these contributions have already been incorporated into the capital programme but it is recommended that it is further enhanced with the following as set out in Appendix I:

2016/17 Funding Source	£,000
External and developer contributions	837

The development of schemes is increasingly reliant on using external funding for design and land purchase as well as construction. Whilst included in legal agreements, the actual receipt of funds may be some time in the future. It is therefore recommended that expected external funds are forward funded where it is necessary, to enable successful funding packages. The use of forward funding will assist the earliest delivery of schemes in advance of the receipt of external contributions. The risk of delays or not receiving these receipts will be monitored to ensure there is no impact upon the delivery of the Medium Term Capital Programme in future years and contingency plans are in place.

6. Environmental Impact Considerations

An Environmental Impact Assessment was carried out for the overall strategy contained in the Devon and Torbay Local Transport plan 2011-2026. The environmental impacts of individual schemes are detailed in Cabinet or Highways and Traffic Orders Committee (HATOC) reports where relevant.

7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

An Impact Assessment was completed for the Transport Capital Programme in 2014. Detailed individual Impact Assessments are carried out on larger schemes where required and included with Cabinet and HATOC reports.

8. Legal Considerations

There are no specific legal considerations. Where relevant these are considered in reports on individual schemes.

9. Risk Management Considerations

This programme has been assessed and all necessary safeguards or actions have been taken to safeguard the Council's position. The overall programme includes a degree of over programming to allow for slippage. Contingency allowances are built into scheme cost estimates and bid proposals to minimise the risk of scheme costs increasing over the available budget. These are increased for complex projects. Contingency levels are constantly being reviewed in the light of experience gained locally and nationally.

10. Public Health Impact

The considerable investment in walking, cycling and public transport identified within the programme will continue to support sustainable travel and an increase in the levels of physical activity. This is particularly focussed on encouraging regular trips such as journeys to school and work.

Many of the schemes in the programme contribute to Air Quality Management Plans developed in partnership with district councils.

Specific public health impacts associated with individual schemes are considered in relevant HATOC and Cabinet reports.

The County Council is also submitting a bid of around £1.5m to the DfT to the revenue element of the Access Fund for the promotion of sustainable transport. This will cover the three year period between 2017/18 and 2019/20 and build on the successful awards from the Local Sustainable Transport Fund and Sustainable Transport Transition Year funding up to and including 2016/17. The bid will include working with partners on the Healthy New Town project at Cranbrook.

11. Options/Alternatives

The 2016/17 programme has been designed taking into account committed schemes, the availability of funding sources, the 2011-2026 Devon and Torbay Local Transport Plan and the Cycling and Multi-use Trail Network Strategy. Detailed timings of schemes are linked to the cost, availability of match funding and deliverability as well as the growth strategies in Local Plans.

12. Reason for Recommendation/Conclusion

The programme in this report takes advantage of match funding from external sources wherever possible to make effective use of the limited direct funding available to the County Council. It meets the Council's priorities in the Strategic Plan 2014-2020 by focussing on economic growth and physical health and supporting a prosperous healthy and safe community.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter: Councillor Andrew Leadbetter

Cabinet Member for Highway Management and Flood Prevention: Councillor Stuart Hughes

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: James Anstee

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
------------------	------	----------------

Nil

jja010916cab Transport Capital Programme 201617
hk 06 020916

Revised Local Transport Plan Programmes 2016/17

Countywide Foundation Programme	2016/17
Schemes	£,000
Countywide Bus Real Time Information	220
Devon Metro Station Programme - Newton Abbot bridge access - Jacobs	10
Devon Metro - Exmouth Public Transport Interchange	40
Devon Metro Station Programme - Pinhoe Rail Station Car Park	10
Minor scheme costs and commitments	10
Totals	290

Exeter Targeted Capital Investment & Foundation Programmes	2016/17
Schemes	£,000
Alphington Road (Ide) Park and Ride - Jacobs	22
Chudleigh Road, Alphington Realignment	20
H/W Man - HGV Routing - Exeter Lorry Ban	18
St David's Forecourt Enhancement - Jacobs	9
Newcourt Railway Crossing	5
Exeter Strategic Cycle Network E3 & E4	100
Co-Cars: Exeter Traffic Regulation Order 2016	5
Topsham Road (South) CW Toucan Crossing upgrade	15
Exeter cycle parking	10
Devon Metro - Electric Bikes, East of Exeter Area	60

Marsh Barton Grace Road South Cycle Link	9
Zebra Crossing New North Road Clock Tower	60
Minor scheme costs and commitments	22
Totals	355

Market and Coastal Town and Rural Devon Foundation Programme	2016/17
Schemes	£,000
Strategic Cycle Network - Tarka Trail - Willingcott to Knowle	40
Meeth Quarry to River Torridge (new route) - Tarka Trail	170
Dart Cycle Network	65
Strategic Cycle Network - Tavistock to Tamar Trails	20
Local Walking & Cycling - Sidbury to Sidford - footpath/cycle route	150
Pegasus Way, Beaworthy - Phase 2	50
Barnstaple Long Bridge / Seven Brethren improvements	135
Town Centre Improvements - Queen Street, Newton Abbot - Street Scene	15
Dart Cyc Net - Newton Abbot To Bovey Walking and Cycling Route (including Accommodation Lane)	60
Local Schemes - NCN2 Missing Link Western Road, Ivybridge	30
Strategic Cycle Network - NCN28 Newton Abbot to Torbay Border	25
Local Walking & Cycling - Cycle Parking In Market and Coastal Towns	100
Bus Waiting Infrastructure Improvements	50
Kingskerswell Village Traffic Calming, Pedestrian and Cycle Scheme	587

Agenda Item 10

Northern Exmouth to Exe Estuary Walking and Cycling Link	10
Newton Abbot Bus Station improved car park access (Sherborne Road)	15
Newton Abbot Central Cycle Route	20
Churchill Way Northam Controlled Pedestrian Crossing	64
Minor scheme costs and commitments	60
Totals	1,666

Market and Coastal Town and Rural Devon Targeted Capital Investment Programme	2016/17
Schemes	£,000
Dinan Way Extension - design and cost reappraisal	250
Bere Alston to Tavistock Railway	341
A382 - A383 Link Road design	126
Larkbear - Seven Brethren pedestrian and cycle bridge	58
Anchorwood/Strand Town Centre pedestrianisation and cycle bridge (Taw Bridge)	26
Cullompton Eastern Relief Road detailed design	17
Marsh Lane, Crediton - widening	42
Dart Cyc Net - A38 Crossing at Heathfield (foot/cycle bridge)	20
Urban Extension Infrastructure Design	100
Minor scheme costs and commitments	16
Totals	996

Major Schemes	2016/17
----------------------	----------------

Schemes	£,000
Kingskerswell Bypass (South Devon Link Road - SDLR) - EDG	302
Barnstaple Western Bypass	94
Tithebarn Link Road Phase 2 Blackhorse Lane Link - Northern section	1,997
Tithebarn Link Road Phase 2 Blackhorse Lane Link - Southern section	350
Bridge Road Lower Cost Scheme - City Wide Highway Improvements	6,346
A379 Newcourt Junction (Sandy Park Junction)	2,290
A39/A361 Corridor - A39 Heywood Road junction	110
A39/A361 Corridor - Portmore Roundabout - EDG	1,290
Tiverton EUE Access Routes	530
Tiverton EUE Blundells Road Ph 1- Heathcote Way to Tidcombe Lane	1,000
A382 Widening Forches Cross to Jetty Marsh Stage 2 (southern phase 1)	690
A30 Honiton to Devonshire Inn	888
Roundswell A39 Pedestrian and Cycle Bridge	890
A361 North Devon Link Road	50
A382 Widening Trago Roundabout to Forches Cross (northern phase 2)	613
Deep Lane Junction - Phase 2 (southern side)	335
Deep Lane Junction - Phase 1 (northern side)	1,874
Crediton Link Road	51
Minor scheme costs and commitments	83
Totals	19,783

Other Schemes & Externally Funded	2016/17
Schemes	£,000
Crannaford Level Crossing	200
Exe Estuary Trail	115
Wray Valley Trail - Ph 2 - Steward Wood/Willford Bridge to Lustleigh	975
The Stop Line Way	170
Teign Estuary	50
Devon Metro Station Programme - Newcourt (Jacobs)	160
Devon Metro Station Programme - Marsh Barton Project Management/Other Costs	2,400
A39 - Westaway Plain Junction Improvements (hospital junction/A39 North Road roundabout scheme)	1,077
Dawlish Town Centre Link Phases 1-3 & Heritage Trail	1,246
Dawlish Warren - Exeter Road Cycle Improvements	120
Dart Cyc Net - Ogwell to Newton Abbot Town Centre and NCN	10
Newton Abbot East/West Cycle Route Phases 2-3	65
(New) Newcourt Way, Exeter - bus shelters	26
(New) Heath Way / The Lamb, Totnes - zebra crossing	30
Minor scheme costs and commitments	43
Totals	6,687

Programme Summary	2016/17
Category	£,000
Countywide Foundation	290

Exeter Targeted Capital Investment & Foundation	355
Market and Coastal Town and Rural Devon Foundation	1,666
Market and Coastal Town and Rural Devon Targeted Capital Investment	996
Major Schemes	19,783
Other Schemes and Externally Funded	6,687
Totals	29,777

Funded by	2016/17
Category	£,000
Integrated Block	4,400
S106	11,515
Grant	10,838
External Contributions	373
DCC Resources (Unsupported Borrowing/Supported Borrowing and capital receipts)	2,651
Totals	29,777

Enhancements to the Capital Programme	2016/17
Developer and External Contributions	£,000
Devon Metro - Exmouth Public Transport Interchange	38
St David's Forecourt Enhancement - Jacobs	9
Zebra Crossing New North Road Clock Tower	60
Barnstaple Long Bridge / Seven Brethren improvements	72
Dart Cyc Net - Newton Abbot To Bovey Walking and Cycling Route (including Accommodation Lane)	30

A379 Corridor Exminster Village Improvements - traffic management/pedestrian improvements	7
Kingskerswell Village Traffic Calming, Pedestrian and Cycle Scheme	20
Churchill Way Northam Controlled Pedestrian Crossing	40**
Marsh Lane, Crediton - widening	42**
Drumbridges and Battle Road Junction	31
Wray Valley Trail - Ph 2 - Steward Wood/Willford Bridge to Lustleigh	30
Dawlish Town Centre Link Phases 1-3 & Heritage Trail	231
TRO and associated works - Old County Ground development (Chieften Way), Exeter	4
(New) Heath Way / The Lamb, Totnes - zebra crossing	30
Crannaford Level Crossing	163**
Tiverton EUE Access Routes	30**
Totals	837

** Forward funded

Enhancements to the Capital programme	2016/17
Funded By	£,000
Developer Contributions	718
External Contributions	119
Totals	837

PTE/16/44

Cabinet
14 September 2016

Extension of Exe Estuary Walking and Cycling Route through Dawlish Warren and to Dawlish Town Centre

Report of the Head of Planning Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations:

- (a) that the scheme designs shown in Appendix I as drawing numbers B15014_12 and 13, be approved for construction at an estimated cost of £760,000;**
- (b) that the Head of Planning, Transportation and the Environment, in consultation with the Cabinet Member for Highway Management and Flood Prevention and the Local County Council Member, be given delegated authority to make minor amendments to the scheme design.**

1. Summary

This report seeks approval for two proposed schemes in Dawlish Warren and Dawlish town centre to complete the Exe Estuary walking and cycling route from Exeter through Dawlish Warren to Dawlish town centre.

2. Introduction

The Exe Estuary trail has recently been extended following the opening of the key sections between Turf Lock and Powderham, Hazelwood Drive in Dawlish Warren, and most recently Exeter Road in Dawlish. The Exeter Road improvements were part of a scheme approved by Cabinet in November 2015 including a further section at Lanherne that is currently nearing completion.

There are some existing off-road sections between Dawlish Warren and Dawlish, but there is no safe and attractive cycle link into the town centre itself. This means that Dawlish is potentially losing out on the economic benefits created by the Exe Estuary route and the many thousands of people who use the route each year. The schemes in this report complete the route between Dawlish Warren and Piermont Place in Dawlish town centre, forming part of the successful CCF (Coastal Communities Fund) bid awarded in January 2015.

The planned improvements make an important contribution to making Dawlish town centre more attractive and accessible for both local people and visitors to the town centre. They will help to encourage more local people to walk or cycle to the town centre and rail station instead of using the car. This will help to reduce the traffic impact of the significant growth in housing in the Elm Grove Road / Secmaton Lane area of Dawlish (see plan in Appendix I), linking to the existing route along Elm Grove Road and planned extensions through the Local Plan allocation.

Longer term plans to extend the route through Dawlish and on to Teignmouth will provide further opportunities to cycle from other parts of the town to the Community College, helping

to reduce the traffic impact of peak time trips as well as long term health benefits. This will link up with long term plans to complete the Teign Estuary walking and cycling route to Newton Abbot

Other elements of the CCF funded package include contributions towards a cycle hire facility including electric bikes at Dawlish Warren, additional cycle parking facilities in Dawlish town centre and a heritage interpretation trail that encourages visitors to explore the town centre including the museum once they've arrived. A CCF revenue funded element of the project includes working with local businesses to make the most of the opportunities opened up by the route, supporting local events and publicity.

3. Proposal

All the works in this report are proposed to be carried out between September 2016 and January 2017. They have been programmed to deliver the schemes outside of the main tourist season to minimise disruption whilst also meeting the timescale conditions of the CCF grant.

Dawlish Warren (drawing number B15014_12)

Within Dawlish Warren the scheme involves the creation of advisory cycle lanes on Dawlish Warren Road, a new mini roundabout at the junction of Dawlish Warren Road, Mount Pleasant Road and Beach Road and an area of shared footway cycleway in Beach Road.

This is achieved by removing the central splitter islands on Dawlish Warren Road, retaining the speed tables, removing the central hatching and marking new cycle lanes either side of the carriageway. A new speed table will be installed in Beach Road and an additional road hump on Mount Pleasant Road.

The scheme creates a continuous cycle route to standards suitable for family users and fills a missing gap in the existing off-road sections, one of which was recently extended to Hazelwood Drive using CCF funding. The scheme also improves the currently difficult and poorly signed manoeuvres for cyclists at the junction of Beach Road and Dawlish Warren Road in both directions.

Dawlish Town Centre

This final phase of the route in Dawlish town centre is aimed at improving the experience for both pedestrians and cyclists with the primary objective of easier access to town centre shops, thereby supporting local businesses. An extension to the current works adjacent to Exeter Road will bring the route to the steps leading to Richmond Place. The existing steps will be taken out and replaced with wider ones and a lower gradient. A wide wheel ramp will be installed to one side of the steps to enable cyclists to push bikes alongside the steps.

The existing pavement in Station Road, between the station and Piermont Place will be widened on the west side and along the northern side of Piermont Place in front of the cafés and amusement arcade, enabling pedestrians to have better connectivity between shops and refreshment facilities in the Strand and sea front. The additional space for the pavement in Piermont Place will be achieved by removing the underused pavement opposite side of the road to the cafés.

Cyclists and pedestrians will also be guided along a widened section of Station Road, from the junction of Station Road and Piermont Place in front of the rail viaduct, to a new Tiger crossing into Tuck's Plot. The footpath on the Tucks Plot side of the water will be widened to 4m to improve access for cyclists and pedestrians.

4. Consultations

The CCF bid was compiled in conjunction with Dawlish Town Council, Teignbridge District Council and Sustrans. Representatives from all three organisations along with Devon County Council and the Town Centre Manager form the project board for the CCF, reporting back directly to their organisations on scheme details and progress. The Sustrans officer employed as part of the project has worked closely with local businesses and other parts of the community to keep them informed about the scheme and feedback issues and concerns to the Project Board.

Local businesses in Piermont Place have been consulted extensively on the proposed changes to the loading and bus parking bays and have not indicated any significant concerns.

A presentation to Dawlish Town Council was made on the 6 July 2016 which received a positive response. The council is contributing £10,000 towards the project.

5. Financial Considerations

The total estimated cost of the scheme is £760,000, which will be funded as follows:

Section 106	£138,732
Coastal Communities Fund	£541,839
Community Infrastructure Levy	£50,000
Dawlish Town Council	£10,000
Local Transport Plan	£19,429

6. Environmental Impact Considerations

The scheme will be built predominantly within the existing highways boundary; therefore will have minimal environmental impacts.

A section of the scheme running through Lanherne will enlarge the current footprint of the highway at the steps leading into Richmond Place, remove part of an existing wall and some existing trees. A planning application has been submitted to Teignbridge District Council for the works, as shown in Appendix I on drawing no B15014_12.

7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing this particular scheme, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://new.devon.gov.uk/impact/exe-estuary-cycle-and-walking-route-extension-dawlish/>, which Members will need to consider for the purposes of this item.

This concluded that while there are a number of challenges to delivering access for all on such a steeply graded route and local environment, the net impact was a substantial improvement and widening of access to larger groups of people. Where the route was not suitable for a user, an alternative signed option would be provided and the availability of bus services parallel to the route highlighted.

8. Legal Considerations

The lawful implications and consequences of the proposals have been considered and taken into account in the preparation of this report.

Revised traffic orders have been advertised but the consultation period will not have been completed before Cabinet considers this report. Any significant objections will be considered by Teignbridge HATOC at its meeting in November 2016.

9. Risk Management Considerations

Standard engineering risk allowances have been built into the cost estimates to allow for unforeseen cost risks.

10. Public Health Impact

The scheme is likely to have a positive public health impact by encouraging increased levels of walking and cycling with associated health benefits. The scheme is not just aimed at bringing visitors into the town centre. It forms part of an expanding network which is planned to connect up new and existing residential areas in the town with key facilities including the rail station, town centre, primary schools and the Community College as well as enabling town residents to access the Exe Estuary Trail without needing a car. It will therefore help to improve the health of a wide range of people within the town.

The route also runs through the Dawlish Air Quality Management Area and will support the action plan to address the air quality issues which affect people's health.

11. Options/Alternatives

The possible options of a completely on-road cycle lane were considered, but the recommended scheme is considered to be the best solution for the age groups and experience of cyclists likely to be using the facility.

The option of a ramp from Lanherne down to the rail station car park was considered at a very early stage. This was however rejected on the basis that Network Rail are unlikely to agree to the significant loss of station car parking spaces and the scheme costs would be unaffordable. The anticipated design would also not offer significant benefits over and above the proposed scheme and therefore would not be value for money.

12. Reason for Recommendations

The proposed measures will improve safety for cyclists and pedestrians using this route and will encourage more local journeys to be made by sustainable means.

The scheme will also support the local economy by encouraging more visitor trips to Dawlish town centre.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Dawlish

Cabinet Member for Highway Management and Flood Prevention: Councillor Stuart Hughes

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Ian James

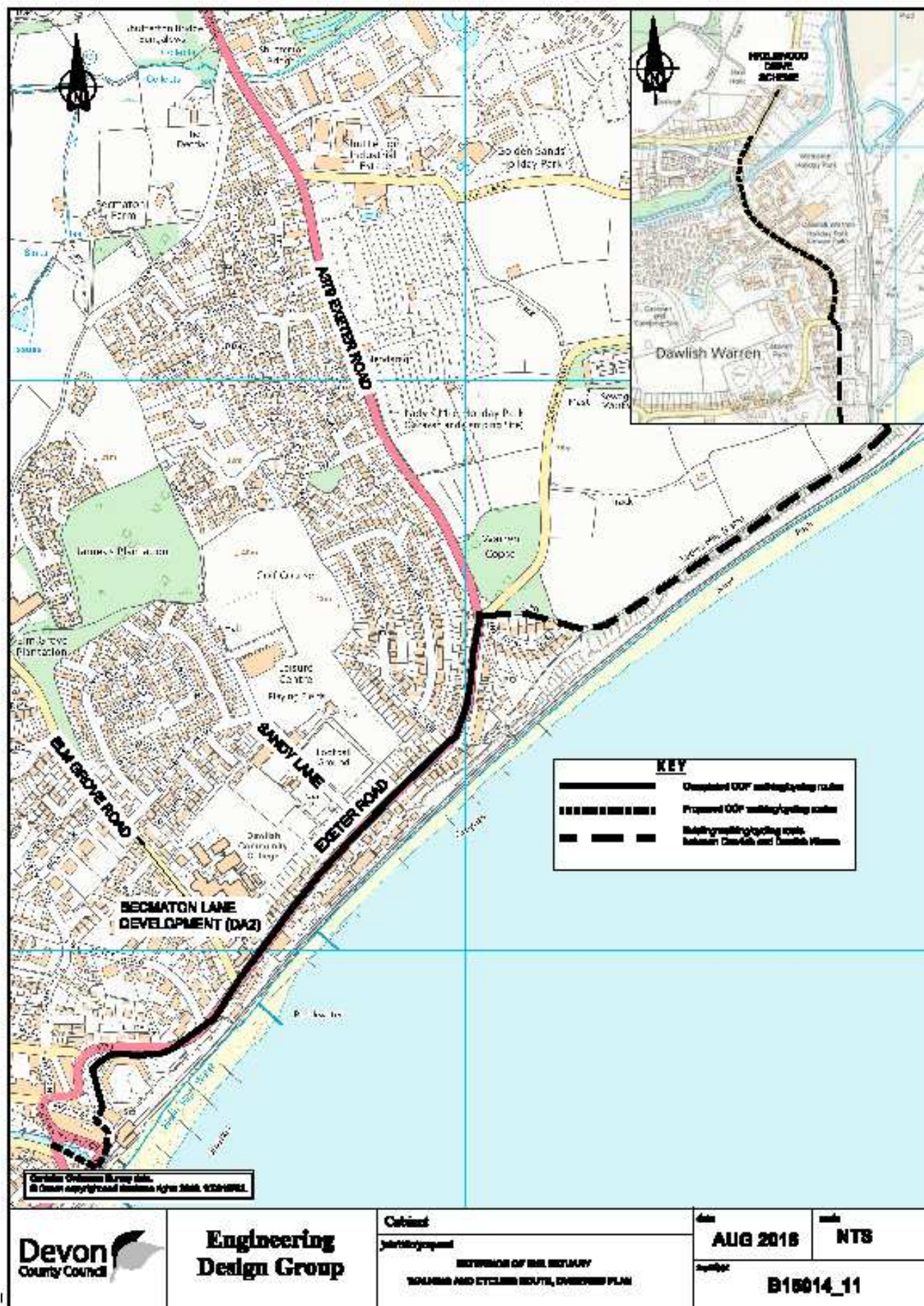
Room: Matford Offices, County Hall, Topsham Road, Exeter, Devon, EX2 4QD

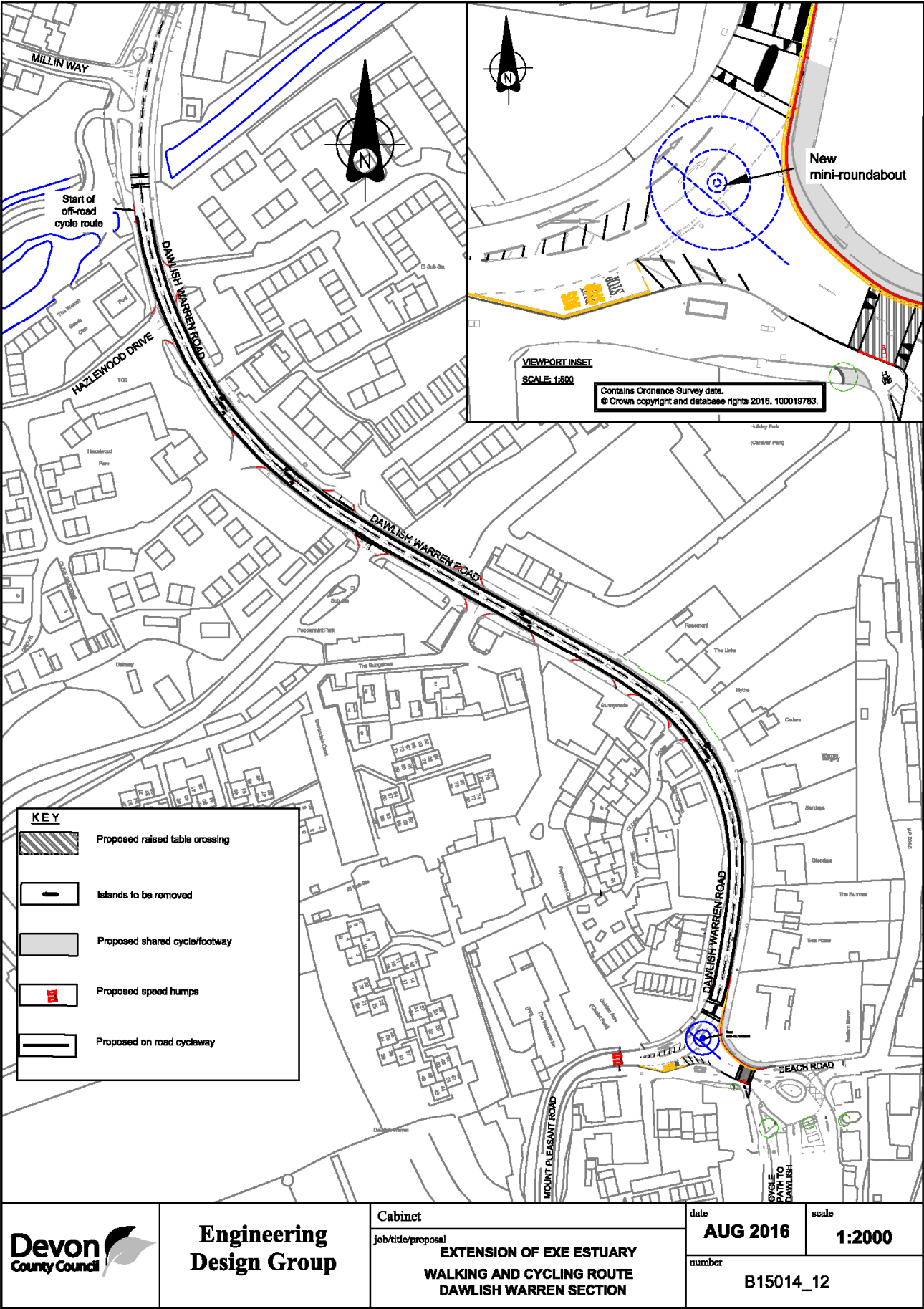
Tel No: (01392) 383000

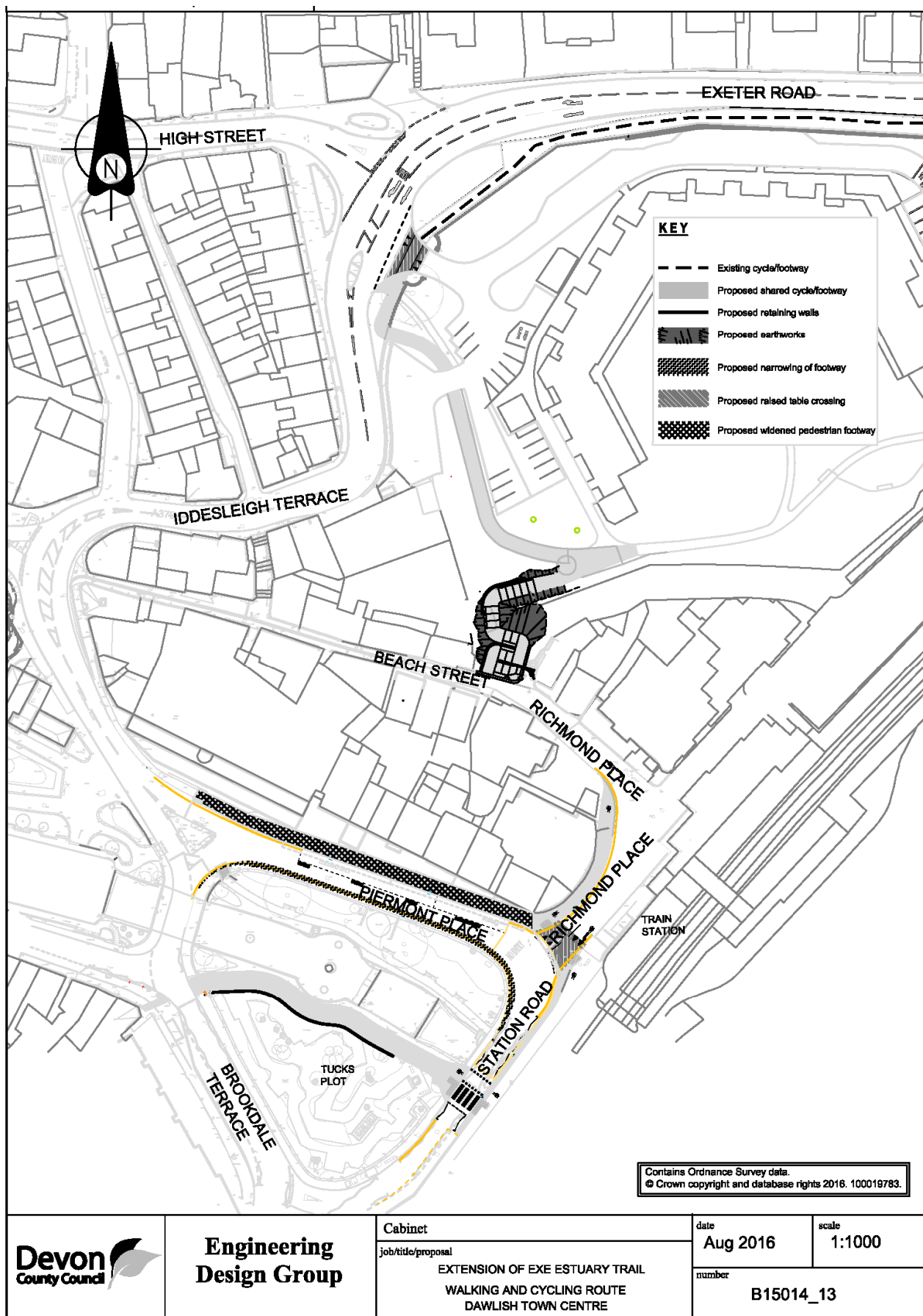
Background Paper	Date	File Ref
Impact Assessment	August 2016	https://new.devon.gov.uk/impact/exe-estuary-cycle-and-walking-route-extension-dawlish/

ij220816cab Extension of Exe Estuary Walking and Cycling Route through Dawlish Warren and to Dawlish Town Centre
hk 04 300816

Appendix I To PTE/16/44







BUDGET MONITORING 2016/17 Report of the County Treasurer

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

(i) That the position based on Month 4 be noted.

1. Introduction

1.1 This budget monitoring report covers the first four months of the financial year.

2. Revenue Expenditure People Services

2.1 The current forecast is a potential overspending of £7.3 millions for People Services.

2.2 The most significant area of overspend relates to Adult Social Care, which indicates an overspend of £5.3 millions. In terms of Older People, and those with Physical and Learning Disabilities, increased volumes of those eligible for care is above the levels budgeted and the budget pressures are further exacerbated by residential and nursing care unit costs being above budgeted values. Management action within the Service is being progressed and will continue through the next eight months, to seek to limit the overspend at outturn.

2.3 Education and Learning forecast a net overspend of £721,000 due to increased school transport costs, arising both from higher numbers of children being identified as having Special Educational Needs, and higher individual costs for personalised transport arrangements.

2.4 Childrens Social Work and Child Protection indicates an overspend of £1.3 millions at the year-end. Although social work staff costs are forecast to underspend by £500,000, Looked After Children service is indicating an overspend of £1.8 millions. The budget contained provision for 687 children in care but since March, the average has been 700, with the highest number in the period at 716.

2.5 Since the start of the financial year, monthly meetings have been held with portfolio holders for Adults, Children and Resources, to review forward financial forecasts and consider management action to minimise identified financial pressures.

3. Revenue Expenditure Place Services

3.1 Place Services currently indicates an overspend at outturn of £572,000.

3.2 Highways and Traffic Management is forecasting an overspend of £102,000 as a result of increased spend on equipment and materials related to the Highways Community resilience "self-help" project. As always, the major risk area for this budget is the impact of winter weather conditions.

3.3 Planning, Transportation and Environment also indicate an overspend of £251,000 arising from a variety of issues including the delayed Devon Travel Academy transfer and costs related to the

Waste Minerals Plan public examination and Greater Exeter Local Plan. Management review is being undertaken to identify areas of underspend in other Service segments, to minimise the effect of the cost pressure at year-end.

- 3.4 Economy and Enterprise indicate an overspend of £100,000 arising from costs pressures related to broadband implementation whilst Services to Communities report an overspend of £130,000 as a result of the Library contract being agreed with additional costs in the first year of operation.
- 3.5 Capital Development and Waste Management forecast a balanced outturn and an underspend of £11,000 is anticipated in respect of contributions to a small number of partnership budgets.

4. Revenue Expenditure Corporate Services and other items

- 4.1 A balanced outturn is forecast for Corporate Services. Within each of the Services, Business Strategy and Support, County Solicitor, Human Resources, Public Health and Treasurer's, cost pressures have been identified, however Heads of Services expect that spending will be brought in line with budget provision at the year-end.

5. Net Position

- 5.1 The forecast for the revenue outturn across the Authority is a projected overspending of £7.9 millions. This could be reduced to £900,000 if the New Burdens Resilience budget is utilised.

6. Capital Expenditure

- 6.1 The approved capital planning level for the Council is £159.2 million. Current spending is estimated at £144.7 million, producing slippage of £14.5 million. Major areas of slippage have been identified in terms of South Devon Link Road, A39 Roundswell Pedestrian and Cycle Bridge, Marland School and Marsh Barton Railway station.

7. Debt Over 3 Months Old

- 7.1 Corporate debt at the end of the period stood at £2.4million, being 1.4% of the annual value of invoices raised. This compares favourably against the target for such debt at 1.9%. It is anticipated that year-end debt will remain below the annual target. The high value debtors continues to be monitored and it is expected that debt levels at the year-end will be lower than the current value.

8. Conclusion

- 8.1 Month 4 forecasts provide a guide to the financial position of the Authority. At this stage, the revenue budget is under significant strain. Management action is being undertaken across services to deliver substantial savings but further, immediate work is necessary to secure the Council's finances. At this stage, few corporate financial solutions are available to balance large value overspends and it is imperative that People and Place Services continue to identify and deliver large scale savings through to year end. Unless such savings become visible within the immediate future, actions will be put in place to reduce spending.

Mary Davis, County Treasurer

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Mary Davis

Tel No: (01392) 383310 Room 199

Background Paper Date File Ref Nil

Cabinet Member: Councillor John Clatworthy

Date Published : 2nd September 2016

CS/16/27
Cabinet
14 September 2016

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.

~~~~~

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 Head of Service is also included where appropriate or available, to facilitate the Cabinet's discussion of each Notice of Motion.

### (a) **State Pension Arrangements for Women (Councillor Connett)**

*"The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.*

*Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.*

*Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.*

*The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."*

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

Detailed information about the relevant timetable for and impact of legislated increases in State Pension age to be phased in are shown at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/310231/spa-timetable.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310231/spa-timetable.pdf).

A State Pension age calculator is provided on the Gov.uk website which also shows people when they will reach their State Pension age, under current legislation, based on their gender and date of birth.

The Pensions Act 2014 provides for a regular review of the State Pension age, at least once every five years. Any review will be based around the idea that people should be able to spend a certain proportion of their adult life drawing a State Pension. The first review must be completed by May 2017. As well as life expectancy, it will take into account a range of factors relevant to setting the pension age. After the review has reported, the Government may then choose to bring forward changes to the State Pension age. Any proposals to do so would, like now, have to go through Parliament before becoming law. Government is not planning to revise the existing timetables for the equalisation of State Pension age to 65 or the rise in the State Pension age to 66 or 67. However the timetable for the increase in the State Pension age from 67 to 68 could change as a result of a future review. Before any future changes could become law Parliament would need to approve the plans.

This is of course a national issue and therefore the responsibility of Government. Councils are not in a position to directly influence the impact of the Pension Changes nor are they able to take any direct action to ameliorate any difficulties that may be experienced by individuals, although it is entirely possible that there will be some individuals who will, in due course, seek additional support from local Councils' under local community welfare support schemes, benefits or council tax relief as a result of reduced incomes.

A number of Councils locally have expressed support for this campaign, particularly, in relation to the apparent lack of notice or understanding of the change and when they would become effective, calling upon Government to reconsider proposed arrangements so as to avoid undue hardship for individuals as a result of changes which they did not have sufficient time to plan for or secure alternative pension arrangements.

**(b) Term Time Leave and Fines for Parents (Councillor Greenslade)**

*"County Council expresses concern at the incidences of fines being levied on parents who take their children out of school during term time. Accordingly County Council requests the People's Scrutiny Committee to consider current guidelines used to decide whether a fine is appropriate. In the meanwhile no new fines should be levied until this review is completed!"*

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

Legislation for school attendance is contained in the Education Act 1996 supplemented by Education (Pupil Registration) (England) Regulations 1996; s446 of the Act states that only the Local Authority may institute proceedings for an offence under s444.

In 2013 the Regulations were amended. Previously, the Regulations allowed for schools to authorise up to 10 days for the purpose of an annual family holiday. However, national concern over the number of days lost for holidays resulted in the Regulations being amended and these now provide that requests for absence can only be authorised in exceptional circumstances by the headteacher of the child's school.

The position in Devon in 2012/13, before the change to legislation, was that 0.73% of all school sessions were lost to Holidays (0.61% to authorised and 0.12% to unauthorised holidays). Those absences equated to 107,427 days or 564.4 school years. In 2014/15 (most recent SFR data), 0.31% of all sessions were lost to holidays (0.13% to authorised holidays and 0.18% to unauthorised holidays); being 45,884 school days or 241.5 school years.

By way of further background, Members should be aware that:

- if a child had a two week term time holiday every year whilst of compulsory school age, in addition to the average number of days absent due to illness and medical appointments, that child would miss a year of compulsory schooling;
- at primary school, pupils who miss just 14 days of schooling between the age of 7 and 11 are 25% less likely to achieve level 5;

- it is difficult for teachers to teach a large class when children are absent for one or two weeks as a result of a term time holiday; as well as teaching the new material, the teacher has to ensure that the children who were absent have caught up on the missed work;
- there are 14 weeks of the year where schools are closed, giving ample opportunity for family holidays;
- “Quality family time” does not have to involve an expensive holiday abroad – this campaign is more about the parents desires rather than a child’s education; under the current legislation, headteachers still have the power to authorise requests for absence in term time – there is no blanket ban on term time holidays; and
- not prosecuting term-time holidays renders the Regulations entirely ineffective and leaves schools powerless to prevent such holidays being taken by parents: Headteachers may feel that they are not being supported by the LA if we refuse to prosecute for poor attendance.

While the current legislation does not define “regular” attendance the recent High Court decision has failed to provide further clarity on this issue. The case concerned a father, who having taken his daughter on an unauthorised holiday was prosecuted by Isle of Wight Council for failing to ensure that his daughter attended regularly during the period 13th April – 21st April (the period when the holiday was taken). In the Magistrates’ Court, the father argued that, despite the 14 unauthorised absences during the above period, his daughter had attended school regularly and at the time the case was heard, her attendance was 92.3% overall for the academic year which is below the nationally expected attendance rate of 94%. The Isle of Wight Council applied to appeal the decision to the High Court, *inter alia*, to seek clarity on what constituted regular attendance.

The High Court ruled that it was appropriate to take into account the wider context of the absence and upheld the Magistrates decision. The High Court did not rule on what constituted regular attendance and further, were not asked to comment on whether the Magistrates were right to conclude that 92.3% attendance was “regular”. The High Court ruling did however state that the fact of a term-time holiday alone did not automatically mean that attendance was not “regular” within the meaning of the Act.

The current position is that the Isle of Wight Council has applied to appeal to the Supreme Court. The Department for Education has applied to join as an interested party and leave to appeal has now been granted. Notification of the date of the appeal is awaited. The Government have also made it clear that they will be amending the law to eliminate any ambiguity in current legislation.

To conclude, the Council’s position is that until the law is clarified - either by the Supreme Court or by way of revised legislation - Officers will review each case on its merits and consider the child’s attendance record overall. The Council will continue to prosecute where there is significant absence whether or not term time holidays are taken. However, further the Council will issue parents with a “Service Warning” letter when they have taken an unauthorised term-time holiday and attendance is otherwise good, as an alternative to prosecution. This is in line with the way in which Trading Standards deal with offences which are not serious enough to prosecute, but such warnings will be recorded and taken into consideration in response to further absence by the same individual. By doing this it is possible to keep a record of parents who are regularly taking unauthorised holidays during term-time and would give better grounds for prosecution should it become necessary. This may also alleviate the position of schools feeling that they are not being supported by the County Council .

## **(c) Planning Advice from Council Officers (Councillor Greenslade)**

*“County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to “facilitate development”.*

## **Briefing Note/Position Statement from the Head of Planning, Transportation & Environment**

When considering this matter, it is important to note the role of the County Council in terms of planning. The County Council is Highway Authority, Education Authority and County Planning Authority for Minerals and Waste. The County Council is not a Local Planning Authority, nor, since the revocation of the Structure Plan in 2013, a Strategic Planning Authority. As such, when providing input to Local Planning Authorities in relation to planning applications, the County Council does so as a consultee for its statutory functions. It is the role of the *Local Planning Authority* to take account of the evidence submitted with the application, the Development Plan and the consultation responses (which are often theme specific) and make a balanced decision on the application.

The National Planning Policy Framework (NPPF) of 2012 identified an evolution in the decision making process relating to planning applications, underlining the important role which planning has in facilitating development. At Paragraph 14, the NPPF specifically sets out the presumption in favour of sustainable development when an application is in accordance with the Development Plan. Furthermore, paragraph 17 sets out the need to *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'*.

Paragraph 19 develops the ethos of the NPPF further when it states that *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.

In summary therefore, in the context of County Council planning-related functions and national planning policy, it is appropriate for the Council to provide planning application consultation responses which aim to facilitate development identified in the Local Plan (i.e. deemed by an independent Inspector as appropriate) and potentially other sustainable development sites. In doing so, the Authority will continue to give full weight to the individual and cumulative impact of proposed development.

~~~~~

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

Contact for Enquiries: R Hooper

Tel No: 01392 382300 Room: G31

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

People's Scrutiny Committee

Small Schools Task Group

Final Report

5 September
2016

Contents

	Preface	3
1.0	Introduction	4
2.0	Recommendations	5
3.0	Overview	6
4.0	Summary	7
5.0	Key Issues	8
	<ul style="list-style-type: none"> • School Partnerships • School Closures • School Place Planning • School Finance • School Governors • Headteachers • Teacher Recruitment & Retention • Community Role of Rural Schools • School Performance • Regional Schools Commissioner • Academisation • Exeter Diocese • Babcock • Small Secondary Schools 	
Appendix 1	School Closures Case Studies	15
Appendix 2	Contributors / Representations to the Review	19
Appendix 3	Bibliography	20

This report can be downloaded from:

http://www.devon.gov.uk/index/democracymunities/decision_making/cma/index_scs.htm

Preface

The Labour Government of 2000 introduced the concept of academy schools to address and drive up the standards of failing Local Education Authority (LEA) schools where pupil attainment at five A* to C GCSE grades was only 35%, against a national average of 51%. Devon saw one school convert to academy status under this regime. Since then successive governments have expanded the opportunity for all schools to convert to academy status, not just those failing Ofsted inspections. In Devon 63 primaries out of 311 and 16 secondary of 37 have converted to academy status by the Department for Education (DfE), reporting directly to the Regional Schools Commissioner (RSC).

The Government believes primary schools should be about 420 pupils and those with 210 are considered small based on an urban model, the County Council has 131 rural schools with fewer than 150 pupils. Alongside the reshaping of the LEA's role, there have been major changes in the way schools are funded. The funds now follow the pupil rather than the previous pooling arrangement managed between school and the LEA. In Devon this means the County Council can no longer provide top up funds for small schools, which has further challenged the financial viability of small schools.

Governors are the body with ultimate responsibility for the future of their school. It is vital they hold the headteacher to account to ensure all pupils are safe, receive good quality education and every child makes progress and reach their potential. In particular, all Key Stage 2 pupils are secondary school ready including pupils in receipt of the pupil premium.

Local communities also need to consider how to keep their school viable and open with a continuous annual supply of children. It is essential headteachers and governors in rural schools are able to achieve Ofsted 'Good' ratings and an attractive offering to persuade potential parents to select their school as first choice.

The County Council's role has changed and will continue to evolve to encourage and facilitate schools to work together across Devon to deliver improved standards for all pupils, share experiences and drive professional development for teachers. Devon is well placed to do this with a strong background in developing partnerships and collaboration which has been recognised nationally.

I don't want rural children being bused to large regional schools, but this report highlights an inevitability that governors will reluctantly elect to close their village school unless they prepare a rolling five year strategic plan to keep their school viable and open.

I would like to thank all those who took part in the preparation of this report for their time and commitment.

Sara Randall Johnson
Chairman, Small Schools Task Group
People's Scrutiny Committee

Introduction

The Task Group — Councillors Sara Randall Johnson (Chair), Christine Channon, Andrew Eastman, Richard Hosking, Mrs Christina Mabin (Church of England) — would like to place on record its gratitude to the witnesses who contributed to the review. In submitting its recommendations, the Group has sought to ensure that its findings are supported with evidence and information to substantiate its proposals.

At Cabinet on 9 March 2016 the People's Scrutiny Committee be asked to examine the issues faced by small schools with the intention of designing a 'toolkit' to help small schools meet the challenges facing them in the future. On 21 March 2016 People's Scrutiny resolved to undertake this review on small schools. The terms of reference for the review were:

1. To review the root causes of recent primary school closures.
2. To consider what information needs to be provided to small schools to assess and strategically plan for their future and what ongoing support, if any, can be provided.
3. To review the process followed before a closure report goes to Cabinet and the information that needs to be provided to Cabinet to ensure all relevant information is taken into consideration before making its decision.
4. To report back to the People's Scrutiny Committee on the findings of the Task Group.

Time and resources necessitate that this report provides a snapshot approach to highlight significant issues relating to small schools in Devon.

Recommendations

Recommendation 1

That the County Council:

- (i) provides a clear set of recommendations for small schools below 150 as to their way forward, which includes consideration for an executive head model through partnership;
- (ii) further strengthens its relationships with all schools including academies;
- (iii) continues lobbying government for fairer funding for Devon's pupils.

Recommendation 2

That best practice in small schools in Devon is shared and celebrated.

Recommendation 3

That support from Babcock is strengthened to ensure:

- (i) the message is conveyed that small schools in Devon do not stand alone but are in formal partnership arrangements;
- (ii) governing bodies recruit skilful governors to fill vacancies;
- (iii) governor training policies and approach are strengthened.

Overview

Devon has a total of 369 schools. A significant proportion of Devon schools are rated 'Good' or 'Outstanding' by Ofsted and educational performance overall remains above the national average. The schools vary significantly in size, from primary schools with fewer than 20 pupils to one of the largest secondary schools in the country. Schools also vary in governance with at the time of writing, approximately 70% of schools maintained by the Local Authority.

At a national level, schools with 210 pupils or less are considered small. However Devon has 32 very small schools (fewer than 50 pupils) and 221 with a rural school designation serving our extensive rural areas. The smallest school in Devon has 15 students on roll as at summer 2016.

The County Council supports the principle of local schools for local children for community and environmental reasons. There are good partnerships among many schools who work together in Local Learning Communities. There are a total of 41 federations, totalling 106 schools within a federation, 4 in management partnerships and 81 schools in multi-academy trusts and co-operative trusts.

There was only one school closure in Devon between 1982-2007, however since then there have been 8 school closures and consultations on the future of Musbury Primary School and Burrington Primary School. A change in the funding formula by Government resulted in the County Council not being able to underwrite school funds to 52 places. New guidance was drawn up in 2010 to ensure that schools were aware of the strict considerations that are undertaken in proceeding to consult on the future of a school, and following the 2005 Task Group on the Organisation of Schools in Rural Areas.

A lump sum of £65,000 is given to each primary school and £147,000 to every secondary. Schools also receive an element per pupil with the Age Weighted Pupil Unit which is £2964 for KS1 & KS2, £4021 for KS3 and £4647 for KS4. There is also a tapered amount up to £60,000 in terms of sparsity based on where the child lives rather than the location of the school up to a maximum cohort of 60 for primary schools. In secondary schools there is a lump sum amount of £100,000 for those schools with less than 600. In a federation each school is treated independently in terms of its finances. Schools also receive extra funding for SEN/pupil premium children. Schools of a similar size may therefore have very different funding streams. School funding formula is no longer about protecting institutions, but is centred around the type of child a school has and where they come from.

It takes at least £250,000 to £300,000 to maintain a small two class primary school. Anything less than this squeezes the potential to invest in development of the quality of teaching and thereby learning.

Summary

Both the County Council and small schools face huge challenges in this unprecedented time in terms of structural and financial change. It is not just about protecting rural schools viability, but also ensuring small schools can achieve good educational outcomes. Some small schools are in a very difficult financial position; yet it is always about achieving the best educational outcomes for all children and young people in their care. Otherwise, should schools be allowed to 'wither on the vine'?

For schools to offer good, sustainable education outcomes, it is crucial that they collaborate to give themselves sufficient resilience and provide pupils with the depth of learning opportunity, to mitigate risk of falling demographics, parental popularity, changes to budget, leadership and issues relating to staff recruitment and retention. It is about building communities of learners, not just learners in individual schools.

The quality of a school is not in its buildings but leadership both from the headteacher and its governors. Some small schools have struggled to recruit quality leaders and teachers, unless in formal partnership arrangements with other schools. The challenge of partnerships is finding the right partners to work together, as well as these partnerships needing to be of a certain size for them to be viable. The County Council has historically taken a proactive stance encouraging schools to federate and needs to continue this work, utilising expertise from successful federations to try to support other schools. It is particularly pertinent following some uncertainty with the *Educational Excellence Everywhere* White Paper, where some schools may feel that they are still able to stand alone and therefore is less of an imperative to see strong partnerships.

There is a risk to the quality of pedagogy with over 250 maintained schools in Devon with the possibility that the schools improvement function may move away from the County Council and into schools. However, the Local Authority retains a statutory responsibility for standards in schools and whilst there are proposals to change this, it is not clear when this will happen and the DfE recognises that schools do not yet have the capacity to improve others. The County Council, having spoken to its maintained schools, will retain a strong school improvement function as many schools wish to stay within the Local Authority. There is however still a significant risk with a change to the funding flow. The County Council will though continue its role of championing children and challenge schools no matter their governance.

Key Issues

School Partnerships

In terms of the sustainability of schools in the next stage of the educational landscape, partnership working is the key. Devon has a strong record on supporting schools to form strong partnerships, in particular through the federation process and has been nationally recognised for its innovative and collaborative approach in this field.

Schools need to continue to form effective partnerships and collaborations to deliver excellent outcomes for the County's very small schools, for them to survive and be sustainable into the future. Pedagogically it makes sense for closer working between schools, as it also does as a business model as a vehicle for efficiencies. Federations offer more opportunities for teaching staff in terms of leadership and so forth which is a huge attraction recruiting and retaining staff. Small schools are no longer educationally or financially viable as stand-alone schools with one headteacher. There are not only financial benefits for schools in partnership working but also in sharing expertise.

Smaller schools in a federation can still benefit from the close family ethos of being a small school but have all the support that the partnership can bring but does need a step change in delivery. The federation is able to bring a breadth of resource, opportunity and education that a standalone small school would not normally be able to access. For pupils in small schools there are often fewer opportunities for extra-curricular activities.

Small schools deficit budgets can be turned around quickly through intervention at the right time, with the right partnership, such as at Brixton and Heathfield through being part of successful federations. It should be an altruistic model where strong federations and MATs can bring poorer performing schools into their partnership to help them to improve and attract pupils and therefore funding. The Task Group spoke to headteachers who would welcome any school that wants to come into their partnership. However the Task Group are aware of schools that have been refused admission to federations as they were considered to add too great a burden to the existing collaboration.

There is a huge amount of logic in schools working in partnerships but there remain some communities that are resistant to this change. There are also a number of smaller schools who do not want to enter a partnership with bigger schools for fear of losing their identity, but actually small rural schools can offer a lot to a partnership. There is an issue with the CEO or Executive Headteacher role in a MAT and who takes that responsibility, as well as a reluctance about losing headships.

In terms of the geographical distance between schools in a federation and MAT, while the RSC does not currently advocate a preferred distance, the further apart the less they are able to benefit from joint working and get the outcomes for children that good partnerships can help to deliver. There also needs to be a certain pupil numbers within a MAT and federation in order to realise economies of scale. Schools within a partnership can jointly commission services or employ staff for example a business manager or speech and language therapist across the partnership which would be an impossibility for many small schools on their own. Some of the smallest school partnerships are also vulnerable and do need to expand, but conversely there is a limit to the number of schools that make a partnership effective.

There is a risk where MAT's and federations pick and choose schools, while the less successful or those with specific governance arrangements may be left on their own. Where a school has had a poor Ofsted, other schools in a federation may have concerns about their joining and this can lead to difficulties. The RSC or the Local Authority have an important role here. The number of schools in a partnership arrangement provides diversity and the pupil numbers give the necessary volume. There should however be a diversity of school providers in an area. Where better outcomes can be achieved for children if a school moves to become a MAT or federation, then this brokering should happen.

School Closures

Schools do not tend to be closed purely on demographics but many smaller schools have 'survived' on parental preference. If a school is causing concern, its viability is examined which will focus on pupil numbers, leadership, budget and Individual School Review. A common factor with all school closures is their falling roll, and the schools tend to be in areas where there are low numbers of local children. There is a size, around 25 pupils or less, where a school have made the decision to close due to financial constraints and not being able to deliver good educational outcomes for the children involved. In Sutcombe 16 pupils left in a short period of time out of 42 (circa 40%). Usually parents choosing to remove their children from a school relates to concerns about the leadership and performance. A lack of parental confidence in a school impacts inevitably on student numbers which impacts on the educational offer, which impacts on parental preference. It is a vicious circle. As highlighted previously, many schools are reliant on parental preference and this can be eroded either by the school itself by non performance or by improved performance by neighbouring schools.

School Place Planning

Predicted population growth is far from straight forward, coupled with new developments being delayed or houses not selling at the expected rate. Decisions on school planning in urban areas will impact on the rural areas and planning of places endeavours to balance the need to provide locally for children versus falling demographics elsewhere. Devon has an over capacity of school places to pupils (approx. 12%), often though not in the areas where they are most needed. In many urban areas, place planning relies on some parental choice to smaller schools. In long term place planning, officers work on the assumption that schools will be 'Good' or 'Outstanding' and that local children will want to go to their local school. The County Council knows the number of children in each catchment area and estimates how many will choose any given school. Parental preference guides the system; with parents having the freedom to choose schools where there is capacity and is the key factor in school population size. In a small school, the sudden move of a family with 3 or 4 children can destabilise numbers, creating budgetary problems and start a downward spiral of loss of pupils.

School Finance

Finance is a major issue for small schools as the wage bill increases and central funding does not and their funds are in the main reliant on pupil numbers. Recent changes with the funding formula reduce the ability of the County Council to protect small rural schools in terms of funding. A 12% reduction in real terms schools' funding is forecast between now and 2020. Schools do not know what their exact budgets are from one year to the next, which makes it extremely difficult in terms of long term financial planning. Federated schools can pool their budgets which allows them to pump prime those schools in need. Devon has been at the forefront of pressing central government to ensure its schools receive fair and sufficient funding, this work must continue as we continue to move towards a new national funding formula.

Case Study: Holsworthy Federation

The Holsworthy Federation started too big with 6 primary schools. It was difficult having 7 schools and 4 headteachers. For a MAT to work the structure as advocated by the RSC of having 1 CEO is the ideal. Lessons have been learnt the hard way, and Holsworthy College is now less able to support other schools. The Holsworthy Federation has started to save some money but it has taken 3 years to restructure to this position. Holsworthy College needs a bigger partner within the Federation in order to move into a MAT.

School Governors

School Governors are one of the largest volunteer forces in the country and have an important part to play in raising school standards. The role of the governing board is absolutely key to the effectiveness of a school and carries significant responsibility for what is a voluntary role, often by people who have full time careers.

The most successful schools have governors and headteachers working together, demonstrating effective leadership and management. Governors are key to driving school performance, and ensuring high quality teaching and leadership. Good governors can recognise where something is wrong, think strategically, and have the skill, strength and supportive challenge to the headteacher to help to remedy the situation. Schools can have a dynamic headteacher but if the governing body is not forward thinking the headteacher can be blocked.

The essential role of a governor is to ensure the best possible outcomes for children and in order to do so how they can receive the best possible education. Governors must not allow a school to fail its children through a lack of leadership. Sadly, there are governors in Devon who may not be clear about their role on governance and leadership. Babcock undertakes governance reviews as part of their school improvement package and work to challenge governing bodies and support them. The main issue that Babcock has in term of governors is about governing bodies performance monitoring the headteacher and holding them to account.

It is vital to build up the governors skills set and the quality of those involved to avoid their being emotional and subjective. Governors need ongoing training to understand the threats and weaknesses as the school system changes. It would appear that there may be issues in the County with some governors' level of engagement. In March 2016 only 40 governors from the whole of Devon attended the Bi-Annual Governors Conference.

Governors also need to have performance data on a school presented independently of the headteacher. In addition, governors should be considering a range of data including from Public Health on births and future pupil numbers, understand their school roll including looking at the migration from rural areas, to understand where pupils are going and why pupils are not attending their local school. Most importantly, governors need to speak to children within a school to understand their experience. This type of information should be shared routinely by the County Council with governing bodies.

Exeter Diocese works alongside the County Council trying to support governors to fulfil their important role. Exeter Diocese appoint foundation governors and have the authority to remove governors if they are not acting appropriately. While the Diocese has these powers to remove school governors, phase associations such as Devon Association of Governors (DAG) do not. The Diocese will endeavour to prevent unsuitable school governors blocking the way of more appropriate candidates and will act on intelligence from Babcock if a governor has been identified as not being as strategic as they might. The door needs to be open to the most skilful prospective governors. Babcock have only once had to go to the Secretary of State to have a governing body removed. There may also be 'CV governors' who may not be undertaking the role with the best intentions and governing bodies must be proactive in removing governors who are not committed to the very best intentions for the children, staff and community.

Headteachers

What makes a difference in schools is the quality of the leadership and the teaching and learning. It is however a challenge attracting quality headteachers to small schools. There are issues nationally in terms of headteacher recruitment and succession planning not being as developed as it might be (33% of headteachers will retire in the next 5 years) and these problems are exacerbated in rural areas with Torridge and North Devon being a particularly challenging area in terms of headteacher recruitment.

There has been an issue with headteachers leaving and governors appointing a replacement before considering the school's long term future. Succession planning and developing a long term vision of the future for the school is a primary role of the governors. When a headteacher leaves their post it is essential that governors think beyond the traditional model, in particular in smaller schools, and explore the options for shared leadership with another or group of schools before appointing a replacement. Arguably, schools need to be planning for the potential loss of their headteacher. Governors need to access appropriate training to support and challenge headteachers which is part of the offer from Babcock. The Church of England will undertake an assessment of a headteacher's capacity for leadership if the governors have concerns.

Teachers may consider the movement into a partnership arrangement could limit their opportunities to secure leadership roles in the future. However, partnerships of schools provide opportunities for teachers and leaders to move around and gain the necessary experience to further their careers which supports not only recruitment but retention as highlighted below. Teaching Schools are supposed to talent spot and nurture future leaders but this appears to be patchy across Devon.

Teacher Recruitment & Retention

Devon has both coastal and rural challenges in the County in terms of leadership and recruitment. Recruiting to small primary schools in isolated areas has become difficult for several reasons. Staff in small schools typically have a lot of responsibility, teach across year groups and have less opportunity for professional development. Often the uncertainty over the viability of the school discourages applications; there may be a dislike of working in isolation, with little opportunity to get out of school, because of pressure on supply budgets. Housing is often prohibitively expensive in these areas and the attraction of urban areas means applicants prefer to take jobs in more populated areas.

It is difficult for small schools to sustain improvement with a high turnover of staff. This can have a serious impact where for instance a member of the school's senior leadership team is lost, it can leave a significant gap, which can be exacerbated by sickness or maternity leave and the school can find itself in a difficult position. In larger schools there are often staff waiting in the wings to fill these vacancies. It also makes continuing professional development (CPD) difficult as the school needs to pay for supply teachers. Schools are not required to promote CPD and in many cases there are limited opportunities in small schools. Schools then have this cycle of low funding, small number of staff and a lack of training. MATs and federations can provide a more robust structure given the vulnerability of small schools in terms of their leadership and staffing. The formal partnership model enables the potential for leadership development, putting them into positions of greater responsibility and supporting them appropriately with CPD. MATs and federations can provide all the opportunities so staff enjoy their role and are not lost to other schools.

Case Study: Great Torrington School

Great Torrington School deploy an innovative model of CPD funded at about 2% of their overall school budget currently. It was not easy to create this culture of CPD, but is vital in term of teachers' professionalism. Great Torrington School link in with local primary schools to allow their children to do sport and drama, while their school staff can undertake CPD. It is not a one way relationship, as Great Torrington School is also able to learn from primary schools. CPD also is provided and encouraged for governors as well as staff. It creates an important positive message for young people to see that learning does not stop.

Community Role of Rural Schools

Schools broad community role should be celebrated, as rural schools have a significant benefit in terms of bringing communities together. Communities need schools but schools need to be viable and sustainable. Data shows that the larger a school is, the more able they are to sustain themselves. Schools in local communities are affected adversely if they are not 'Good' or 'Outstanding'. Devon has a Victorian distribution of small schools based on agricultural employment which has ceased to exist and now too often they are not in an ideal location, being situated outside of the population centre, expensive to maintain and unable to expand. In many rural areas there is a falling school age population. The attractive nature of Devon's landscape pushes house prices up and makes it difficult for young families to afford to live in the villages. In many villages the school is the last community hub with the closure of post offices, pubs etc. It is essential local communities recognise that the importance of providing housing for local young families will help make their village sustainable and that they need to work with the County Council and district authorities to deliver affordable homes. It is not a coincidence that schools which have closed have not seen sustained housing development. Good transport links and access to employment are other key challenges.

School Performance

The County Council is aspirational for all children in Devon including vulnerable groups. *Excellence for All – Devon's Strategy for School Effectiveness* aims to help to get all schools up to 'Good' or 'Outstanding'. 92% of primaries in Devon are currently 'Good' or better which makes the County Council the second highest performing shire authority with the national average 86%.

Governors need to be empowered to triangulate performance data to challenge headteachers effectively. A school's last Ofsted is not necessarily a good measure of their current performance, nor whether they are meeting the statutory requirements around leadership, safeguarding etc. In making decisions on schools future, it is apparent that governors need to understand whether the schools' Ofsted assessment reflects the current position. If there are less than 10 pupils in a year group national outcomes are not reported in league tables. It is often something of a misnomer that it is good educationally where there are such small year groups.

Case Study: Primary Academies Trust

The Primary Academies Trust (PAT) will shortly be joining up with a secondary school. The Trust is a deliberate mix of large and small, church and non-church primary schools. The PAT does not brand the schools within the MAT and draw to the centre in that way. The schools are joined up in terms of good practice, but otherwise the schools maintain their autonomy. Where a school is in special measures then systems of delivery will be put in place. The structure removes duplication of back office support for HR and finance.

There is a huge difference to joining a small school with a handful of teachers, where their training and support to NQTs is likely to be limited. The PAT is able to offer staff all sorts of opportunities. The PAT wishes to employ people who are not just great teachers, but future leaders, who by joining the PAT do not have to move from one school to the next in terms of finding opportunities for career development. Teachers can instead move between schools in the PAT. This creates stability within the structure and allows staff to garner experience in middle/senior leadership as well as subject development.

Things are unlikely to go too far wrong with the robust structure that is in place. Where a school's performance dips, the PAT is able to move quickly to improve the school. This rapid approach to school improvement is one of the strengths of this robust model.

Headteachers, governors and parents alike should question the educational quality provided by having classes of mixed key stages in very small schools. There are also issues about combining the leadership of a school and a teaching role which is often required in smaller schools where budgets are tight. Other challenges include managing absence and staff performance as well as funding and keeping up to date with IT and technology.

The Government has previously highlighted its intention to challenge schools that are deemed to be coasting however the definition has yet to be confirmed. The intention is these schools will in future be issued with warning notices and work will be undertaken with the school in collaboration with the RSC. If the degree of concern is of sufficient seriousness the school could be moved into forced academisation. Before it gets to this point the RSC carefully examines performance data as well as gathering local intelligence about the school. Small schools in particular are vulnerable to their next Ofsted judgement. There is pressure on all schools, but headteacher's jobs are on the line if their data dips and they receive a poor Ofsted. Devon proactively monitors and supports its schools which have resulted in a continued increase in schools being judged 'Good' or 'Outstanding'.

Regional Schools Commissioner

The South West Office of the Regional Schools Commissioner (RSC) was set up in September 2014 covering 16 LAs and is based in Bristol. The work of the RSC includes intervention, performance and oversight; supporting schools to become academies; increasingly the setting up of MATs and the finding of sponsors. The RSC also works with MATs helping schools at threat to try to encourage them to take them on board. The RSC does a lot of work supporting free schools. There are now 18 free schools open in the RSC's South West region. Free schools were previously opening as stand-alone schools but now the model is that they are part of a MAT from the onset. The RSC has an advisory board of headteachers, Diocese representatives etc with great experience in terms of supporting schools setting up federations.

The RSC wants to protect small schools, but has to make sure they provide an outstanding offer, with a broad and balanced curriculum with high standards of teaching. The Government announcement which retracted on the intention to force the academisation of schools also included reference to the dedicated support from DfE experts to help primary schools through the process of conversion and a £10 million fund for small schools to secure expert support and advice.

Academisation

The County Council was reported to be 'swimming against the tide' in terms of its approach to academisation and it should be looking at a consistent message on MATs alongside the Exeter Diocese. Schools reported that since their conversion to an academy they had had little or no contact with the County Council despite excellent exam results, which represents a significant loss, as academisation should not cease schools relationship with the County Council. Devon offers support for academies through their school improvement service and has included all academies in the Excellence for All Programme and hub meetings.

There should be a mixed economy, with the County Council having a positive relationship with both maintained schools and academies. Exeter Diocese continues work with their church schools regardless of academisation, and the County Council should not be dismissing schools expertise because of their academy status. The Cabinet Member for Children, Schools and Skills advised that while not opposed to academisation, he is not in favour of mass academisation. Schools have been proactive in contacting Devon as they wish to remain maintained and did not wish to be forced in academisation and as such Devon will continue to deliver its statutory responsibilities in particular in regards to school improvement.

Schools need to work collaboratively to enable those poorer performing institutions can learn from best practice. A view was presented that the County Council are not utilising the

expertise that is available from successful MATs, and this needs to be reviewed as to how it can most effectively be encouraged. An essential part of the role the LA should be helping schools move into partnerships. The County Council has a wealth of local knowledge and could be an effective local broker alongside the RSC. It should be recognised however that Babcock, the County Council and the Teaching Schools all work together as part of the Devon Schools Alliance to support school improvement.

The [statement on 6 May 2016](#) by Nicky Morgan MP suggested that there would be no decision about small academies without LA and DfE consultation. The Head of Education and Learning has advised schools not to rush into decisions as a result of the *Educational Excellence Everywhere* White Paper but that schools similarly cannot sit back and do nothing as brave decisions do need to be made.

Exeter Diocese

Exeter Diocese covers the whole of Devon, and 131 schools, mostly primaries. Nationally 57% of Church of England schools are based in rural situations of less than 210. 32% of all schools are below 210 and 65% of those schools nationally are Church of England. A close partnership with the Diocese and ruralities is essential in securing provision for communities. The Diocesan Board of Education have been involved in consultation with the DfE and the RCS about schools being put into a MAT and developing a memorandum of understanding. There needs to be agreed collective criteria between the County Council and the Exeter Diocese to help to jointly sustain small schools.

Babcock

Babcock is commissioned by the County Council to deliver school improvement on its behalf. Most, if not all, primary schools in Devon buy into Babcock's support services for school improvement. Babcock undertakes work on effective teaching and training, as well as on leadership. As a way of trying to drive up standards Babcock undertake day long school inspections where they feedback on the same day, and invite all governors to take part. Babcock will provide support to schools wherever needed, particularly in terms of governor services. If gaps in performance are too great Babcock can also go into academies to work with them to raise standards. An issue may be that whilst Babcock or the teaching school may advise a school that it needs to improve, unless the school is seriously underperforming they do not always have the mechanisms to insist the improvement actions take place, but with 92% of Devon schools 'Good' or 'Outstanding' Babcock do have a strong track record of effective work on school improvement with capacity to support commissioned and traded work across the region and beyond.

Small Secondary Schools

Secondary schools in most areas have experienced significant falling demographics. There is very little cushion now within secondary budgets with particular pressures at KS5 and Sixth Forms are being downsized as a consequence. There are a number of secondary schools that are living off contingencies and deficits of £1,000,000 - £2,000,000.

Case Study: United Schools Federation

The 'United Schools Federation' (USF) is formed of five primary schools, St Michael's C of E Nursery and Primary School in Kingsteignton, St. Catherine's C of E Nursery and Primary School in Heathfield, St Mary's C of E Primary School in Brixton, Marlton Primary School, and Ipplepen Primary School. The large leadership team of the USF can address issues in quite a straightforward way when starting to work with a school, where a single headteacher might struggle. Good practice and expertise is shared across the partnership. When working with a new school, it is important that teachers are challenged and that they are encouraged to reflect on their practice.

The USF were asked to work with a school by the County Council. There issues to overcome including the school being some distance from the rest of the partnership in. The school also had a budget deficit of £100,000. The USF put in a new Head of School and then utilised the experience of the USF senior leadership team. FIPs provided some funding when they could see that there was the potential there to turn this school around, otherwise FIPs do not give money to failing schools. The school had got very isolated and had a poor reputation with parents. The USF set about improving the quality of teaching and learning at the school. The process was helped by the governing body of the school resigning as they would have been a hindrance to the change necessary, as the governors were not making the right decisions for the school. The school had been haemorrhaging pupils and had gone down to 33 pupils at the lowest point. The USF is willing to work with these vulnerable schools, as a development opportunity. All the USF schools were 'Requires Improvement' and now have an 'Outstanding' rating within 2 years.

Councillors

Sara Randall Johnson (Chair)
Christine Channon
Andrew Eastman
Richard Hosking
Mrs Christina Mabin (Church of England)

Copies of this report may be obtained from the Democratic Services & Scrutiny Secretariat at County Hall, Topsham Road, Exeter, Devon, EX2 4QD or by ringing 01392 382232. It will be available also on the County Council's website at:

http://www.devon.gov.uk/index/councildemocracy/decision_making/scrutiny/taskgroups.htm

If you have any questions or wish to talk to anyone about this report then please contact:

Dan Looker
01392 382232 / dan.looker@devon.gov.uk

Appendix 1 - School Closures Case Studies

Sparkwell Primary School (Voluntary Aided) (Ivybridge Local Learning Community)

Closed end of Summer Term 2009. Governing Body took the decision to consult on the future of the school.

- 19 pupils on roll and falling (net capacity 56)
- Unable to attract suitably qualified and experienced staff, including Head
- Unable to retain a full governing body
- Difficulty in providing continuity and consistency in teaching and learning
- Budget shortfall
- Formal warning notice from LA – serious breakdown in governance; limited progress made on Action Plan; performance of pupils unacceptable; budget shortfall; falling school roll.

Considered:

- § Federation – but Schools approached did not have capacity to support
- § Collaboration with Broadclyst Primary School, which was not legally compliant
- § Advertise for substantive head.

Following successful application to the DfE, Sparkwell Free School (co-ed 4-16 for 105 pupils) opened in September 2013. Admissions are undertaken by Plymouth City Council and majority of pupils from that area. Current numbers on roll 51 and the school has moved into a new building.

Schools within Holsworthy Local Learning Community (Broadwoodwidge, West and East Putford, Pyworthy and Sutcombe)

Area Review undertaken: 21 October 2010 – Issues raised – significant fall in pupil numbers and surplus places high and will continue to remain so.

Following closure of Broadwoodwidge Primary School in 2011 and West and East Putford Primary School in 2013 a follow up review was requested, which the Local Learning Community (LLC) declined. A document on the strategic Review of School Places was sent to the LLC in January 2014 raising concerns on the impact of the new funding formula and the loss of the small school funding protection together with falling demographics. The LLC responded that they had discussed the document but no further action despite reminders on follow up meeting. Due to vulnerable budgets at a number of schools within the LLC and concern on falling demographics, a meeting of all the schools was arranged for 5 October 2015 led by Head of Education and Learning.

Broadwoodwidge Primary School

Closed end of Summer Term 2011. Governing Body took the decision to consult on the future of the School.

- 16 pupils on roll and falling – dropped to 9 (net capacity 52)
- Insufficient pupils within the community/future sustainability
- Cost of educating pupils three times higher than Devon average
- Difficulty in providing continuity and consistency in teaching and learning
- Budget shortfall

Considered:

- § Federation – but would not address underlying issue of low pupil numbers
- § Equality considerations
- § Impact on community – no objections or responses received to consultation and few people attended consultation event
- § Impact on transport – four schools within 5 mile radius

West and East Putford Primary School

Closed at the end of Summer Term 2013. DCC and Federation Governing Body (part of Holsworthy Federation) took the decision to consult on the future of the School.

- 8 pupils on roll and falling (net capacity 52)
- Insufficient pupils within the community/future sustainability
- Effect of funding formula and small school funding protection
- Difficulty in providing continuity and consistency in teaching and learning
- Leadership (shared Head leaving)
- Budget shortfall

Considered:

- § Split of KS1 and KS2 with Sutcombe Primary School – not considered viable
- § Equality considerations
- § Impact on community – no objections to consultation and very few people attended consultation event
- § Impact on transport – area split between Bradworthy and Sutcombe – a number of pupils in this area (Milton Damerel) already attending Bradworthy.

Pyworthy Church of England Primary School

Closed at the end of the Summer Term 2015. Federation Governing Body (Holsworthy Federation) took the decision to consult on the future of the School.

- 10 pupils on roll and falling (net capacity 42)
- Ofsted category – (Special Measures) and need for Academy sponsor
- Insufficient pupils within the community/future sustainability
- Difficulty in providing continuity and consistency in teaching and learning
- Budget shortfall/unable to set balance budget

Considered:

- § Approach received from St. Christopher's Academy Trust but related to all schools within Holsworthy Federation and Federation Governing Body not willing to consider this option.
- § Equality considerations - Nearest C of E school – Bridgerule 2.3 miles away
- § Impact on community – loss of school and effect on village but serious concern on impact on teaching and learning with so few pupils. Consultation event well attended.
- § Impact on transport – 7 pupils affected

Sutcombe Primary School

To close at the end of the Summer Term 2016. Governing Body took the decision to consult on the future of the school.

- 21 pupils on roll and falling (net capacity 56)
- Unable to appoint Leadership
- Safeguarding issues with no leadership
- future financial sustainability - budget shortfall/unable to set balanced budget
- Ofsted category with no leadership

Considered:

- § Partnerships – but unable to secure including federation, joining multi-academy trust, federation or academies in neighbouring authority.
- § Equality considerations

- § Impact on community – 37 objections received and consultation event well attended
- § Impact on transport – already a route from Milton Damerel

Chawleigh Primary School (Chulmleigh Local Learning Community)

This was the first school to close in Devon for 25 years and closed in August 2007, following extensive consultation. The proposal was considered by the then School Organisation Committee which gave the School 6 months to produce a viability plan. The position was then further considered by SOC but a unanimous decision could not be reached and the matter referred to the Schools Adjudicator [School Organisation Committees were abolished in May 2007]. The School's Adjudicator approved the proposal following a series of meeting at the School in April 2007. The Governing Body took the decision to consult on the future of the School.

- 23 pupils on roll and falling
- Drop in parental confidence in School (53% of in-area pupils in other schools)
- Departure of Head Teacher
- Pre-school closed due to lack of children
- Financial and educational viability
- £14k per pupil, more than 4 times DCC average
- £70k subsidy, £20k more than additional transport costs

Considered:

- § Viability plan
- § Partnership/federation arrangements
- § Impact on community – objectors produced representations, all of which referred to Schools Adjudicator
- § Impact on transport – At closure 10 pupils affected

Clovelly Primary School (Bideford Local Learning Community)

Closed at the end of the Summer Term 2011. Local Authority and Governing Body took the decision to consult on the future of the School.

- 12 pupils on roll and falling (net capacity 45)
- Surplus places at the School approaching 76%
- Ofsted report - Satisfactory
- Financial and educational viability
- Cost per pupil 3 times Devon average
- £82k subsidy top-up funding
- Effect of funding formula and small school funding protection
- Lack of progress on federation/partnerships

Considered:

- § Federation/partnership but not secured.
- § Impact on community – consultation 4 responses received, two in support of closure and two objections, but not materially significant
- § Impact on transport – 7 pupils affected and transferred to Woolsery (2.5 miles away)

The DfE approved the Free School application from Route 39. The School opened in September 2013 in temporary accommodation at the former Clovelly Primary School and is proposing to move to permanent accommodation shortly, despite a number of delays and objections regarding planning.

Appendix 2 - Contributors / Representations to the Review

Witnesses to the review (in the order that they appeared before the Task Group / members)

Witness	Position	Organisation
Simon Niles	Children's Services Strategic Manager	Devon County Council
Eileen Barnes-Vachell	School Improvement Consultant	Integrated Services, Support Services, Babcock International Group
John Searson	Director of Education, Diocese of Exeter	Devon County Council
Sue Clarke	Head of Education & Learning	Devon County Council
Debbie Clapshaw	Lead Professional – Governor Support Team – Babcock LDP	Devon County Council
Adrian Fox	Senior Accountant (Schools)	Devon County Council
Martin Harding	Head	United Schools Federation
Alison Calvert	Head of Office	Regional Schools Commissioner for the South West
Jamie Stone	Headteacher	Denbury Primary School / Chair of DAPH
David Fitzsimmons	Principal	Holsworthy College / DASH
Dave Black	Head of Planning, Transportation & Environment	Devon County Council
Amanda Blewett	Area Officer	Devon Association of Governors
Tony Calcut	Executive Headteacher	Link Multi Academy Trust
Jennie Stephens	Strategic Director People	Devon County Council
Tracey Amos	Headteacher	Great Torrington School
Gary Chown	Chief Executive Officer	Primary Academies Trust
Councillor James McInnes	Cabinet Member for Children, Schools and Skills	Devon County Council

Appendix 3 - Bibliography

Championing All Our Children – A strategic vision for vulnerable children and young people in Devon

<http://www.devon.gov.uk/championing-all-our-children-2014.pdf>

Cracking the code: how schools can improve social mobility

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360753/Cracking the code Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360753/Cracking_the_code_Final.pdf)

Ofsted on the Pupil premium

<http://www.ofsted.gov.uk/resources/pupil-premium>

Education Endowment Foundation – Toolkit.

<http://educationendowmentfoundation.org.uk/toolkit/>

Education Matters in Care

[http://www.thewhocarestrust.org.uk/data/files/Education Matters in Care September 2012.pdf](http://www.thewhocarestrust.org.uk/data/files/Education_Matters_in_Care_September_2012.pdf)

Improving the attainment of looked after children in primary schools. Guidance for Schools, DCF 2009

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190244/01047-2009.pdf

Leaders' Briefing - Making the right choices for Children in Care

<https://www.rip.org.uk/resources/publications/leaders-briefings/leaders-briefing--making-the-right-choices-for-children-in-care>

Working Together – The Future of Rural Church of England Schools

<https://www.churchofengland.org/media/2088313/future%20of%20rural%20schools%20report.pdf>

DEVON AUTHORITIES STRATEGIC WASTE COMMITTEE

29 JUNE 2016

Present:-

Councillors M King (Chairman) (Torbay), R Cann (North Devon), I Chubb (East Devon), R Croad (Devon County), N Davey (Mid Devon), R Gilbert (South Hams), J Goodey (vice K Lake, Teignbridge), J Morrish (Torridge), R Sampson (West Devon) and D Wood (vice Hannaford, Exeter City)

Also In Attendance

Councillor A Brooks (Torbay)

Apologies:-

Councillors R Hannaford and K Lake (Teignbridge)

* 1 **Election of Chairman and Vice Chairman**

RESOLVED that Councillor King be elected Chairman and Councillor Cann be elected Vice Chairman for the ensuing year.

* 2 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 3 **Constitution, Terms of Reference and Scrutiny Arrangements**

The Committee noted the operating rules and terms of reference for the Devon Authorities Strategic Waste Committee, previously approved by the County Council and the other constituent authorities, and

It was **MOVED** by Councillor King, **SECONDED** by Councillor Croad and

RESOLVED that the following protocol in respect of any scrutiny activities, be adopted:

“The Joint Committee acknowledges that the process for scrutiny of DASWCs activity would be in line with the County Council’s Scrutiny Procedure Rules with any such activity being undertaken on an ad hoc basis by a Task Group established for that purpose which would include one or more representatives of the constituent Councils of DASWC provided also that any constituent Council shall have the right to ask the County Council’s Scrutiny Committee to examine an issue and any findings of any scrutiny activity should be made available to all constituent Councils”.

* 4 **Committee Work Plan**

The Committee considered the report of the Head of Highways, Capital Development and Waste (HCW/16/46) on key areas of work identified from the Terms of Reference, which would form the basis of the Committee’s Work Plan to 2020.

The meeting adjourned at 2.25pm to consider (through a group activity session arranged by constituent councils) the list of proposed priority activities, detailed in Appendix 2 of report HCW/16/46. The meeting re-convened at 2.50pm and respective Council representatives fed back their ranked priorities. Members were requested to consider further these, outside of the

meeting, and confirm the priority subjects, which would help inform the future work programme along with any new ideas on subject areas.

It was **MOVED** by Councillor King, **SECONDED** by Councillor Croad and

RESOLVED that the proposed Work Plan as outlined in report HCW/16/43 be adapted initially to 2017, subject to feedback (to the Principal Waste Manager) from constituent councils of their ranked priority areas of activity.

* **5** **Sharing of Financial Savings through Collaborative Working with District Councils to reduce Treatment and Disposal Costs**

The Committee received the report of the Head of Highways, Capital Development and Waste (HCW/16/46), previously considered by the County Council's Cabinet on 13 April 2016 (Minute 10 refers) on the creation of a sharing savings mechanism between the County Council as Waste Disposal Authority (WDA) and a District Council as a Waste Collection Authority (WCA) whereby a WCA introduced a significant waste collection service change that resulted in net savings to the WDA, these savings would be shared with the WCA.

Members and officers from Mid Devon and Teignbridge Councils, which were party to the proposed agreement, updated the Committee on the good progress being made towards achieving aligned services and associated cost savings.

* **6** **Dates of Future Meetings**

RESOLVED dates of meetings be held on Tuesday, 18 October 2016 and Wednesday, 8 February 2017 at County Hall, Exeter.

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

The Meeting started at 2.00 pm and finished at 3.20 pm

SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING		
Cabinet Remit/Officer	Matter for Decision	Effective Date
Resources & Asset Management	Approval to variations in the 2016/17 Capital Programmes and contract matters	25 July, 1 & 18 August 2016
Highway Management and Flood Prevention	Approval to compulsory acquisition of land between Meeth and Hatherleigh in respect of the Tarka Trail Cycle Route,	26 July 2016
Children, Schools and Skills	Approval to change the age range at North Tawton Community Primary School, following agreed consultations and to no significant objections having been received.	27 July 2016
	Approval to change provision at Oaklands Park School, Dawlish, following agreed consultations and to no significant objections having been received..	3 August 2016
	Approval to vary implementation date for Trinity CE School, Newcourt Exeter agreed consultations and to no significant objections having been received..	3 August 2016
	Approval to enlargement of Ellen Tinkham School, Exeter from 131 to 155 places with effect from Autumn 2016, following agreed consultations and to no significant objections having been received.	10 August 2016
	Approval to increase places at Barley Lane School, Exeter, following agreed consultations and to no significant objections having been received.	22 August 2016
Economy, Growth & Cabinet Liaison for Exeter	Approval to consultations on proposed modifications to the Devon Minerals Plan	28 July 2016
	Approval to increase places at Pathfield School, Barnstaple, following agreed consultations and to no significant objections having been received.	3 August 2016
Community & Environmental Services	Approval to future management arrangements of the Jurassic Coast World Heritage Site and associated three year funding agreement	3 August 2016

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of 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 may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

SPL/16/2

Cabinet
14 September 2016

PROVISION OF THE YOUTH SERVICE FOR DEVON

Report of the Strategic Director: Place

Please note that the following recommendation is subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

That approval be given to the contract award for the Council's Provision of Youth Service in Devon contract (CP1311-16) in accordance with the recommendations set out in the accompanying Part II report.

1. Introduction and Background

- 1.1 In accordance with the Council's decision to divest the youth service to an employee-led public service mutual or other social enterprise, (minute 401 of 14 October 2015 meeting refers) through a competitive procurement exercise, an invitation to tender for contract "CP1311-16 – Provision of Youth Service in Devon" was advertised on 22 June 2016. Organisations were able to bid for the contract provided that:

- their objective is the pursuit of a public service mission linked to the delivery of the service;
- profits are reinvested and/or are distributed on participatory considerations; and
- ownership of the organisation is based on employee ownership/participatory principles or requires the active participation of employees, service users or stakeholders.

The responses to that invitation to tender have been evaluated and the separate report, in Part II of the agenda, makes a recommendation about contract award.

- 1.2 The Council has responsibilities to support young people, especially those who are more vulnerable, to engage positively in their communities and to make successful transitions to adulthood. The Council will retain responsibility for the Youth Service for Devon and commission the new organisation to deliver it on the Council's behalf.
- 1.3 Young people were consulted in 2014 on changes to the Council's youth service and, following the implementation of those changes, in appraising the options for its future. Views were sought from Devon's Youth Parliament, Children in Care Council and participation groups with children in care and care leavers during February and March 2016 about the specification for the Youth Service for Devon which was included in the invitation to tender. The Council held a workshop in February 2016 for representatives from community and voluntary groups on the specification for the Youth Service for Devon. Workshop participants gave their views on how the specification for the service should describe targeted youth work with young people with complex/multiple needs and/or vulnerabilities. Workshop participants also considered open access provision.
- 1.4 Members of the Corporate Services Scrutiny Committee were invited to comment on the draft specification for the Youth Service for Devon and the questions which tenderers were required to answer as part of their bid.

2. Provision of Youth Service in Devon

2.1 The specification of the Youth Service for Devon required by the Council (minute 195 of 11 June 2014 meeting refers) is to provide:

- An open access youth service for young people at each of the eight youth and community centres (Tiverton, Barnstaple, Exeter, Totnes, Okehampton, Newton Abbot, Bideford and Exmouth).
- Targeted youth work for young people as part of the Devon Early Help strategy.
- Advice, guidance and support to voluntary and community groups.
- Alternative provision for secondary school pupils who have:
 - Behavioural problems which disrupt their learning
 - Emotional and social needs, medical or mental health conditions; or
 - Extreme vulnerability due to personal and social issues.(This will be delivered at the Red Rock centre at Dawlish and the eight youth and community centres.)
- Duke of Edinburgh Award Scheme programmes having particular regard to enabling and supporting participation by young people who:
 - Are not in education, employment and training;
 - Have special educational needs;
 - Are at risk of exclusion from mainstream education; or
 - Have characteristics that are protected under the Equality Act 2010.
- Youth provision at Cranbrook until the planned permanent youth facility has been constructed or until 2024 whichever is the earlier.

2.2 The six outcomes which the Youth Service for Devon will achieve for young people are:

Outcome 1: Young people are safe from harm, neglect and exploitation.
Outcome 2: Vulnerable Young People have good life chances.
Outcome 3: Disadvantaged Young People have more opportunities and better outcomes.
Outcome 4: Young people are able to establish good relationships and connections.
Outcome 5: Young people influence the decisions that affect them.
Outcome 6: Young people have good opportunities to participate in their community.

2.3 The supplier will be permitted to use the Council's vehicles (minibuses, people carriers and trailers) in order to provide the service.

3. Financial Considerations

3.1 The contract covers the geographical boundary area of Devon County Council and the contract will be award to a sole supplier. The total value of the contract is £5.25million over its three year term.

4. Sustainability Considerations

- 4.1 Securing a viable, sustainable service for the young people in Devon is one of the Council's key priorities. With decreasing budgets, divesting the service will allow it to trade as an independent organisation. Any surplus generated will be reinvested into its core objectives whilst delivering the obligations of the Council.

5. Impact Assessment

- 5.1 The impacts of divesting the youth service for Devon to an employee-led public service mutual or other social enterprise have been assessed. The assessment, which is available at <https://new.devon.gov.uk/impact/published/>, highlights the potential for the divestment to increase social value. The provider of the youth service for Devon will be well placed to develop new, innovative partnerships and thereby increase the social value it delivers. Opportunities for its staff to engage with community and voluntary organisations will increase levels of volunteering across Devon. The sense of community ownership of the youth service for Devon will be increased. All of these elements will lead to a growth in social capital.

- 5.2 Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Members will need to consider those impacts as reflected in the assessment at <https://new.devon.gov.uk/impact/published/>.

6. Legal Considerations

- 6.1 The requirements of the Public Contracts Regulations 2015 have been complied with in the formation of the contract.

Heather Barnes
Strategic Director: Place

Electoral Divisions: All

Cabinet Member for Performance and Engagement: Councillor Barry Parsons

Local Government Act 1972: List of Background Papers

Contact for enquiries: Simon Kitchen

Room No. County Hall, Topsham Road, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
Impact Assessment	10 May 2016	https://new.devon.gov.uk/impact/published

rp250816cab Provision of Youth Service for Devon Part I
hk 02 010916

HCW/16/67

Cabinet
14 September 2016

Highways Term Maintenance Contract 2017 - 2027

Report of the Head of Highways, Capital Development, and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations:

- (a) that approval be given to the contract award for the Council's new Highways Term Maintenance Contract in accordance with the recommendations set out in the accompanying Part II report;
- (b) that collaborative work continues with Plymouth City Council and Somerset Council and the relevant contractor(s).

1. Summary

The current Highways Term Maintenance Contract (TMC) expires at the end of March 2017.

Cabinet decided to procure a new TMC to ensure that Devon County Council can continue to discharge its statutory responsibilities as Local Highway Authority.

The new contract has been designed to capture research on industry best practice, experience and learning over recent years to ensure that the new contract provides value for money and provides a good service to Devon's communities and users of the local highway network.

Care has been taken to strictly follow current procurement regulations in selecting suitable tenderers, compiling the contract documents, negotiating with tenderers and tender evaluation. Independent assurance has been received to confirm that the procurement process is robust.

This report sets out the decisions made relating to continued delivery of the service. It sets out the procurement process leading to the identification of the best overall tender. The report seeks Cabinet approval to the award of the next Highways TMC for the period 1 April 2017 to 31 March 2024, with extension options to 2027.

2. Introduction

The existing Highway TMC, through which the Council commissions routine, reactive, emergency and planned highway maintenance work, expires on 31st March, 2017.

Cabinet decided on 13th May 2015, that the future delivery model should be a TMC. Further, to benefit from collaborative working, that the TMC should be jointly procured with Plymouth City Council (PCC) and Somerset County Council (SCC).

DCC has considered feedback from the regular attendance of Devon Highways officers at HATOC meetings, from individual elected Members, Place Scrutiny Committee, local

councils, individual customers and the networks of highway industry professionals in developing its strategy for the new TMC. This is to ensure that the Contract builds on industry best practice in its technical requirements and in contract performance management. Also, that it enables the adoption of a collaborative culture linking the authority as client, the contractor and Devon's highway users and their representatives.

Joint authority working has been progressed in the development of the new contract. However, to enable the partner authorities to work together whilst avoiding the loss of their autonomy, it was decided that the procurement should be for three separate lots resulting in three separate but aligned contracts, one for the administrative area of each authority, rather than a single combined authority contract. Tenderers were permitted to submit bids for one or more than one lot, resulting in one or more possible multi-lot bids. The multi-lot bids could comprise bids for all three Authorities, or any combination of two of the Authorities. In any event, DCC will have its own specific contract, as will SCC and PCC.

A Cabinet Member Decision was taken in January 2016, regarding the selection of tenderers following the Pre-Qualification Questionnaire (PQQ). Members will recall that the four Contractors who submitted PQQs for the DCC Lot satisfied the qualification criteria and were all invited to participate in the tender process.

In producing the contract documents, use has been made wherever possible of the suite of documents from the Highways Maintenance Efficiency Programme (HMEP), which is a Department for Transport funded and sector led transformation programme.

Place Scrutiny Committee has been heavily involved during the period of the procurement project, with two specific members' briefings. In March, 2016, there was a briefing which included:

- Timescales for the procurement
- Procurement procedure
- Evaluation methodology
- Governance of the overall arrangements.

A supplementary briefing for Place Scrutiny Committee Members was also held on 14th June which focussed on Performance Management arrangements for the new contract. Following an update at Place Scrutiny Committee on the same date, a briefing note was distributed to all County Members updating on progress with the procurement and circulating the two sets of slides which were used for the Place Scrutiny briefings.

3. Contract and evaluation Process

The Authorities chose to follow the procurement procedure referred to as Competitive Procedure with Negotiation. This procurement procedure enables Initial Tenders to be received, at which point each Authority has the option to either award their Contract or continue with the procurement by entering into a process of negotiation intended to improve the content of tenders prior to then inviting submission of Final Tenders and then awarding following the evaluation of the Final Tenders. This process was chosen as it is well suited to meeting the needs of highway authorities in procuring complex, long term maintenance contracts. The process enables optimisation of tenders as ideas and initiatives can to be explored in negotiations involving the client and tenderers, before making changes to the contract documents that will be used for the final bids. The negotiation process has enabled the Council to talk directly to each tenderer, which has proven beneficial in refining the contract.

In accordance with procurement regulations, the contract award criteria were advised to tenderers at the outset of the competitive process and were composed of three parts:

- 40% Price
- 25% Technical Quality
- 35% Additionality

More details of the process and the evaluation methodology are contained at Appendix 1, including what is meant by “Additionality”.

The process was co-designed with partner Authorities and with the partnerships’ external legal advisors, Foot Anstey. Devon Audit Partnership has also been overseeing the evaluation process to add independent assurance.

4. Final Award process

Full details of the outcome of tender evaluation using the pre-defined contract award criteria are contained in the Part II report.

The tender evaluation process that has been followed was published in the tender documents. On completion of the Technical Quality including Additionality and Finance evaluations, the resulting scores were added together to give a total score for each tender submission. As there is both a Quality and Price component (worth 60% and 40% respectively), the recommended tenderer will give the optimum Price / Quality balance. As such the winning tender may not necessarily be the lowest priced submission, when price is viewed in isolation. However, the combination of price and quality ensures that the tender with the best overall score represents best overall value.

In considering multi-lot tenders, which is where tenderers bid for more than one Authority contract, (as this provides the opportunity for increased value through an integrated contract delivery approach), the Authorities agreed that no Authority could be compelled to accept a multi-lot tender if that multi-lot tender would put the Authority in a less favourable position than a higher scoring single-lot tender for that Authority. In other words, this means that for a multi-lot tender to succeed, it must represent better value than all of the corresponding single lot tenders.

SCC decided to exercise its right to award at Initial Tender stage. This meant that SCC did not proceed to the negotiation and Final Tender stage. Therefore, the only multi-lot bids that could be submitted at Final Tender were for the two lots comprising the administrative areas of PCC and DCC.

Multi-lot submission for PCC and DCC can only be awarded if both Authorities independently agree this Award. PCC will make its contract award decision on 13th September, so a verbal update of the PCC decision will be given to Devon Members at the Cabinet meeting on 14th September.

5. Assurance process

Utilising the extensive professional knowledge of the County Council, many different service areas have been involved with the TMC procurement project, as indicated below:-

- Business Strategy and Support
 - ICT
 - Procurement
 - Estates
- Finance

- Highways
- HR
- Legal Services

The documents for the TMC procurement have been co-designed with PCC and SCC so the documents have been subject to a high degree of peer scrutiny and challenge. As previously mentioned, Place Scrutiny Members have also been briefed in detail on the procurement.

Additionally, an external legal advisor, Foot Anstey has been jointly appointed by DCC, SCC and PCC to assist and advise on the contract. Foot Anstey has provided assurance of the procurement process and documents at key project milestones, such as at Invitation to Submit Final Tenders Stage, and now, at Contract Award.

Devon Audit Partnership has been involved in the design of the evaluation process, and has monitored performance during evaluation and moderation. It has also assisted in checking and assuring key documents and has been involved in assuring the final outcome has been reached correctly following the processes published in the tender documentation.

In June, 2016 DCC commissioned separate external legal advisors, Bevan Brittan, to consider DCC's position. They carried out a high level legal audit of procedural compliance with procurement law and checked that DCC's decision making processes are in accordance with relevant legislation and the Council's constitution. They reported that the procurement process and decision-making to date appears robust.

A Project Board comprising Cabinet Members and senior officers from the three Councils has provided executive decision making and oversight on the delivery of the procurement project. For DCC, these representatives are the Cabinet Member for Highway Management and Flood Prevention (Councillor Stuart Hughes), the Chief Executive (Phil Norrey), and the Head of Highways, Capital Development and Waste (David Whitton).

6. Continual evolution including future collaborative working with PCC and SCC

Collaborative work to date has primarily concentrated on the procurement of this contract, which has been done with future alignment possibilities in mind. It is acknowledged that there are likely to be advantages of continuing the collaborative working with SCC and PCC. Collaborative work on the procurement of this contract has generated national interest within the highways sector.

Collaborative working is the core of what HMEP and the industry are seeking to achieve in looking for overall synergies and efficiencies. Collaborative working is one of the factors required to demonstrate that DCC is a high performing Highway Authority, which will enable it to maximise capital funding provided by the Department for Transport, through its Incentive Fund. For DCC, qualifying as a high performing authority secures additional capital funding of £7M per year by 2021.

One of the recommendations in this report is therefore to continue collaborating with SCC and PCC in the evolution of the highway service being commissioned through the contract and also through exploiting wider joint working opportunities. The extent of the collaboration will be based on a business-like approach including an analysis of the benefits that have been derived to date from joint authority collaboration on the TMC procurement. This analysis is yet to be carried out however a post procurement project review will be undertaken.

Collaborative work with the other Authorities in the south-west will also continue through the South West Highways Alliance, and this potentially will include procurement of some framework contracts that will enable the delivery of works not commissioned through the TMC, as well as benchmarking of services and co-design of policies.

7. Financial Considerations

The detailed financial considerations are covered in Part II of this report.

8. Equality Considerations

The Council is subject to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act 2010.

The Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding,

taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing this proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://new.devon.gov.uk/impact/highways-maintenance-contract-2016/>, which Members will need to consider for the purposes of this decision by Cabinet.

Potential equality issues have been addressed through mitigation measures within the contract. As a consequence there are no particular equality issues arising from the impact assessment. Cabinet's decision is about which tenderer is selected to provide the service. The decision on TMC contract award does not alter service levels or policies, which require separate decisions. However if any changes to service level or policy are proposed then a separate Impact Assessment will be produced at the time that decision is considered.

The new contractor will be bound by standard equality clauses in the contract to ensure the Contractor does not discriminate against staff or service users unlawfully.

9. Legal Considerations

The requirement to ensure compliance with the Public Contracts Regulations 2015 and associated legislation and case law has been taken into account in the preparation of this report and the recommendations contained in Part II of the report. Foot Anstey has provided procurement support and assurance throughout this procurement and the procurement process up to June 2016 has been audited for compliance with procurement law and DCC's decision making process by Bevan Brittan.

10. Risk Management Considerations

A contract of this scale with DCC is very attractive. Unsuccessful tenderers will have made a significant investment in the procurement exercise in terms of time and resource and may scrutinise the entire procurement process including compliance with procurement regulations, the published process and other legal requirements. As with any public procurement there is a risk of procurement challenge.

This risk has been mitigated by:

- Appointing specialist external legal advisors to support, advise and provide assurance in relation to the procurement process.
- Appointing a separate legal advisor to audit DCC's compliance with legislation and its Constitution.
- Ensuring that any minor changes to the evaluation process since the first stage of the competitive process, which began in November 2015, have been agreed with all tenderers.
- Ensuring that all those involved in the evaluation and moderation stage have received appropriate training on the evaluation process.
- Engaging Devon Audit Partnership to oversee the development and operation of the evaluation process.
- Adopting sound project Governance, including the Joint Highway Board, and Devon TMC Project Board.

The final stage of contract award decision making must comply with the published procurement process. Further information is provided in the associated Part II Report.

11. Options/Alternatives

Please refer to the Part II report.

12. Reason for Recommendations

The Highways Term Maintenance Contract is a very significant contract for Devon and a decision on contract award is required now to enable it to continue to meet its statutory duty as a Local Highway Authority.

The performance of the contract significantly influences key service outcomes for highway network performance in the immediate and long term.

The form of contract has been derived from HMEP advice and reflects national industry good practice.

The process that has been followed has been independently assured by various parties described in the body of this report and the recommendations provide Devon with the best value outcome.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Divisions: All

Agenda Item 20

Cabinet Member for Highway Management and Flood Prevention: Councillor Stuart Hughes

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: David Whitton

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Members Briefing Paper	June 2016	
2. Impact Assessment	August 2016	https://new.devon.gov.uk/impact/highways-maintenance-contract-2016/

mb030816cab Highways Term Maintenance Contract 2017 – 2027
hk 04 010916

Tender Process

1. Procurement Route choice

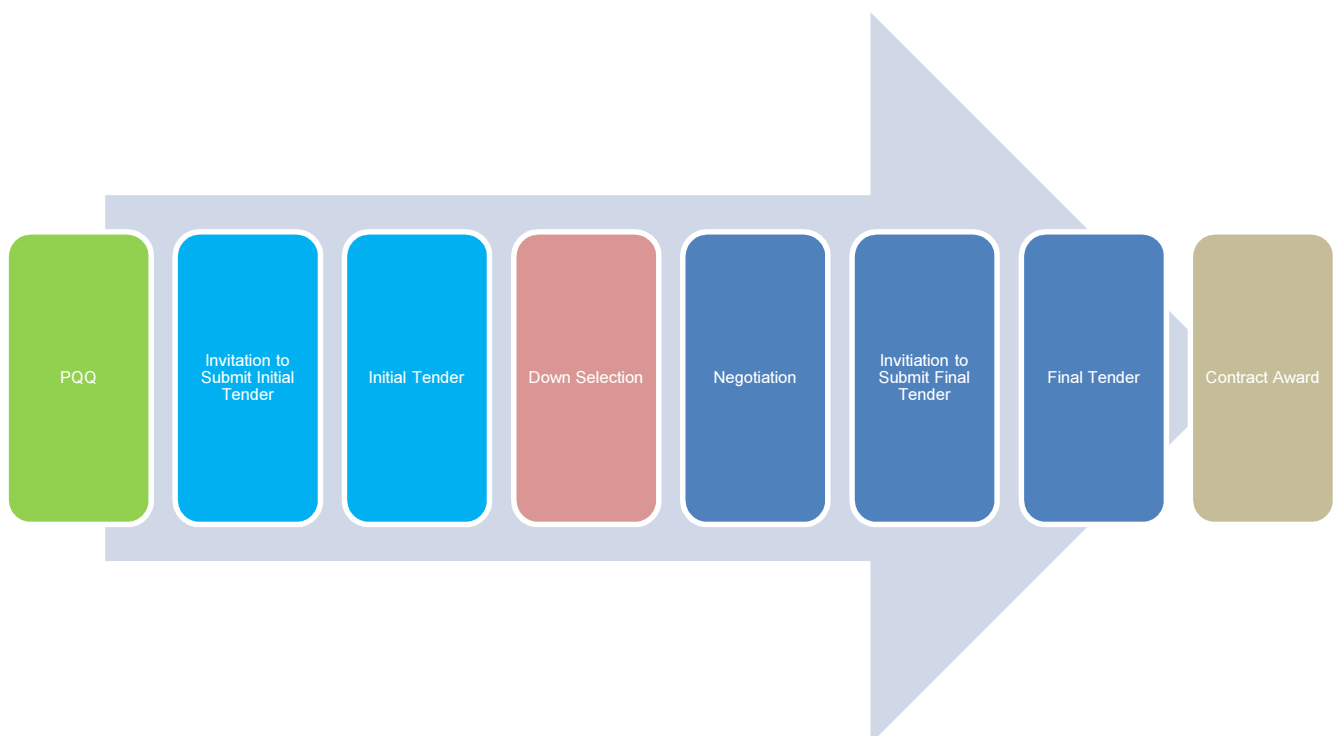
A new procedure was introduced in the 2015 Public Procurement Regulations called Competitive Procedure with Negotiation. A decision was taken that this route should be followed as:-

- 1 we are getting the market to move away from the traditional approach of bidding for one authority/contract to three, so there needs to be some tailoring of their normally readily available solution to do this.
- 2 we are asking the market to bring innovation to the procurement through looking at how they can best support the strategic aims and expected benefits of working within collaboration.
- 3 to bring together the knowledge of the industry to help co-design the contract is beneficial.

The advantage of following this procedure is that it offers all the benefits of a restricted procedure with additional flexibilities if required, including development of the documents through the process. The latter may also remove risk from the proposals as uncertainty can be reduced and suppliers are not put off by the rigidity of alternative processes. Additionally suppliers can be “down-selected” or direct award can be made at Initial tender stage.

2. Procurement Process

This is summarised in the diagram below.



As can be seen above there are 8 main stages to the process, of which the last is Contract Award.

- PQQ was issued on 13th November 2015
- Invitation to Submit Initial Tender was issued on 25th January 2016

- Initial Tenders were received on 11th April 2016
- Down selection took place following evaluation of Initial tenders although no bidders were down selected.
- Negotiation and rewriting of the documents took place between 17th May and 15th July 2016
- Invitation to submit Final Tenders were issued on 18th July 2016
- Final Tenders were submitted on 12th August 2016.

3. Evaluation process – Technical Quality 25%

Part of the evaluation of the tenders was on the basis of the tenderers submissions on 11 technical questions. The questions covered the following subjects

- Overall Service Delivery
- Mobilisation
- Operational Structure
- Sustainable Service
- Structural Maintenance, 2 questions
- Environment & sustainability
- Reactive Maintenance
 - Safety defects
 - Emergencies
 - Winter Service
- Cyclical Maintenance

An evaluation matrix was included in the tender documents so that the tenderers could understand how their responses would be evaluated. This matrix has been used consistently and has not been altered.

The tenderers' responses were evaluated by 7 panels constituting 3 people in each. The staff involved were chosen for their professional and technical knowledge. All staff involved had to undergo training on how to evaluate the responses. All staff involved had to also sign confidentiality agreements. Only DCC staff evaluated the DCC submissions.

Each person had to evaluate their questions independently before the panels were formed and the scores moderated to come up with a consensus, not an average score for every question for each bidder. Some of the moderation sessions were attended by Devon Audit Partnership to ensure the correct process was being followed.

4. Evaluation Process - Additionality 35%

Additionality was defined by the Authorities as

“The ongoing realisation of genuine benefits for the Authorities, beyond competent delivery of the Services (and which, as such, may also be fairly characterised as “value-added” components of the Tenderer’s offering).”

Additionality was measured through 8 Quality Performance Objectives (QPO's), based on three themes.

Cultural Alignment

- Partnership Principles
- Digital by Design
- Community Engagement and Social Value

Efficient Delivery

- Delivering integration and service deliveries
- Demand Management
- Supply Chain Management

Innovation and Agility

- Innovation
- Agility

The tenderers were asked to submit up to 5 Quality Undertakings for each of the 8 QPO's, as well as identifying how the undertakings were to be measured. These undertakings will form part of the contract and are also Key Performance Indicators. The QPOs were evaluated by staff as described above, although using a separate evaluation matrix, which had also been communicated to all tenderers at the start of the process, and has not been altered.

To ensure that there was a golden threading on additionality, part of the technical questions were scored on the basis of the inclusion of additionality into the answers.

5. Evaluation process – Financial 40%

The overall evaluation process awards a larger proportion of the marks to the quality and additionality areas than it does to the financial submissions. In order to minimise the financial risk to DCC a sophisticated financial model was developed and used in the financial evaluation. The model capped the financial risk to DCC to ensure the solution was affordable whilst still seeking to obtain high quality.

The model awards financial scores that adequately separate high and low priced tenders. So, for example for a lowest tender price of £30m a year, the score would be 100 marks (i.e. the top price evaluation percentage score of 40%). A tender that is 20% higher at £36m a year would attract a price evaluation score of about 5 marks (i.e. a price evaluation percentage score of about 2%).

This score separation is more than for a conventional scoring model, but avoids the risk of a high cost outcome, where the gap in the price score could easily be closed by associated high quality and additionality scores.

This price evaluation process was set and communicated to all tenderers at PQQ stage and has not been altered throughout the procurement process.

The price lists that have been submitted by tenderers are based on our best estimate of the volume of quantities going through the contract in the first year. For DCC alone this means over 5000 rates¹ have been submitted by the tenderers for all types of highway maintenance activity. The rates submitted have been checked to ensure that there are no obvious anomalies, that the tenders do not appear abnormally low (i.e. that the contract is not unsustainable), and individual orders have been considered to highlight any further anomalies. The formulas within the Price List have been assured by the Devon Audit Partnership. This work has been carried out in conjunction with PCC to identify any similar issues between the Authorities.

¹ A rate is a price for a particular item of expenditure listed in the price list.