

Devon Travel Academy

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) Devon County Council permits a re-assignment of the Devon Travel Academy (DTA) lease in favour of Devon and Somerset Fire and Rescue Service (DSFRS) under terms which will protect DCC from on-going liabilities for the premises and associated assets;**
- (b) DCC transfers all assets and business of DTA, as a going concern, to DSFRS under terms that help ensure their future business profile includes a capability for supporting DCC in its statutory responsibilities for road safety.**

1. Summary

This report seeks approval to divest the Devon Travel Academy (DTA) in order to help achieve identified revenue budget savings across the Planning, Transportation and Environment (PT&E) group. The proposal seeks to facilitate the future of the Devon Travel Academy under the ownership of the Devon and Somerset Fire and Rescue Service, and in particular help to protect those core elements of DTA's service that contribute to improving the standards of those motorists who present risks to themselves and others. Under this proposal DCC will become a client of DTA, commissioning services as required in support of its statutory responsibilities for road safety and, specifically, its responsibilities for providing education and training.¹

2. Background/Introduction

Devon Travel Academy (formerly Devon Drivers' Centre) has been providing driver training services since 1991 and helps DCC, through the Road Safety Team, fulfil its statutory obligations for road safety training and education. DTA has been a nationally acknowledged element of the DCC Road Safety function during that time, enabling a very specific approach to road casualty reduction which targets resources at the source of danger (the motorist) rather than the victim. The emphasis on driver training and development in the Department for Transport's (DfT) Strategic Framework for Road Safety² recognises the value of this approach - and Devon's own record of road casualty reduction demonstrates that this is a successful model.

Services are provided on a client-pays basis, though DTA has never achieved full cost recovery. This reflects the requirement that DTA, whilst operating on a semi-commercial footing, is also required to act in support of our strategic road safety interests which may not be compatible with generating surplus.

Devon and Somerset Fire and Rescue Service (DSFRS) is a key road safety partner and, whilst it does not share the same statutory responsibilities for road safety as the highway

¹ <http://www.legislation.gov.uk/ukpga/1988/52/section/39>

² <https://www.gov.uk/government/publications/strategic-framework-for-road-safety>

authority, it has nevertheless interpreted its injury prevention role as requiring a strong commitment to road casualty reduction. Additionally, DSFRS has a long-standing ambition to develop a commercial training capability but has yet to make that a reality.

This proposal is being made in the following context: (a) PT&E's need to make further staff and revenue savings; (b) DSFRS's ambition to develop its cost-recovered services and invest in injury prevention; (c) a clear evidence base that Devon's road safety issues are behavioural in nature³ and road safety interventions are required that address this long term issue and (d) although driver training for provisional license holders is well catered for, specialist pre- and post-test training is scant, untargeted, of greatly varying quality and is difficult and costly to procure or regulate.

DTA currently operates with two officers comprising 1.5 FTEs, with additional administrative support from temporary staff. It is expected to cost approximately £55,000 net to operate this current financial year.

3. The Proposal

DTA is an established and recognised driver training operation and DSFRS have a stated ambition to develop driver training both as a commercial proposition, in support of its community safety and protection work and to service its own blue-light driver training needs.

The proposal is to re-assign the lease (which currently has 26 years remaining) and transfer all material and business assets to DSFRS in a way that will enable them to continue delivering service with limited interruption. The transfer will include a TUPE process for the 1.5 FTEs currently providing DTAs management and administration.

An objective of this asset transfer is that DSFRS will maintain a core service that reflects the current and future principal strategic road safety interests of DCC. Currently this includes services for younger and older drivers; at-work drivers and motorcyclists.⁴ This will enable Devon's Road Safety Team to become a client of a future Devon Travel Academy, adopting a flexible approach to service commissioning as dictated by the road casualty evidence base. In addition the DTA is used by the Council during the Devon County Show, the negotiations on the lease will endeavour to maintain as much of this facility as possible.

The proposal further includes changes to the lease and a deed of assignment that will indemnify DCC against residual liabilities under the leases following assignment.

4. Consultations/Representations/Technical Data

Consultations have taken place with the following:

- (1) Those staff directly affected by the asset transfer. Discussions have taken place with staff affected over a significant period in order to ensure that they have been fully appraised, are supportive of the proposition and to enlist their help in providing pertinent commercial and operational data to support the process.
- (2) Devon County Agricultural Association (DCAA). DCAA own the head lease and are consequently a key consultee both for our long term intentions for DTA and for the means by which this is achieved. DCAA have an interest in which organisation takes on the remainder of the lease and the business proposition of the new tenant. DCAA are supportive of DSFRS taking on the lease.

³ http://www.devon.gov.uk/2012_year_end_report.pdf

⁴ <http://www.devon.gov.uk/loadtrimdocument?url=&filename=PTE/14/61.CMR&rn=14/WD369&dg=Public>

- (3) Devon and Somerset Fire and Rescue Service. Consultation has taken place with several strands of DSFRS including community safety; RED ONE (their commercial training wing); asset management and their newly formed charitable wing. DSFRS remain positive about adding DTA to their collision and casualty prevention capability.
- (4) Devon and Cornwall Police (D&CP). D&CP work with DSFRS on asset management and may take an interest in DTA's future. DSFRS have indicated that they would wish to add 'blue light' emergency response training to their portfolio and D&CP may be a beneficiary of that service.
- (5) Procurement and Estates. Early consultation has been undertaken with Procurement to ensure that a direct approach to DSFRS about a re-assignment of the lease and a transfer of the assets is permissible. The agreement to commission services from DSFR was agreed via an Exemption from Tendering request submitted to Procurement and approved by Councillor Clatworthy on 16 September 2014.

5. Financial and Resource Considerations

The majority of DTA's costs are recovered through course fees, including the salary costs for the 1.5 FTEs based there. This financial year the expected deficit is approximately £55,000 net which comes from the Council's road safety revenue budget. The change in status of DTA from a DCC asset to a service provider will mean that some revenue savings will be re-used in service commissioning, allowing a more flexible and focussed approach which will ensure that all spend is directed towards areas of greatest strategic need.

6. Sustainability and 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 has been prepared, a copy of which has been circulated to Cabinet Members, and is available alongside this report on the Council's website at:

http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/index_exc.htm

The risk to people with protected characteristics is minimised as the proposal aims to transfer the existing business to a new public sector service provider (with a shared commitment to its equality duties), rather than act to cut service. Whilst it will be for DSFRS to decide what their future business model will be and which services are commercially viable, DCC working with them to help ensure that they retain services that support those most at risk on Devon's roads. Also, the Community Safety wing of DSFRS has very similar priorities to those of DCC and is likely to remain supportive of providing service to vulnerable groups. DTA has also adopted a model of referring to private sector provision where it

cannot provide cost efficient services itself – for example Motability training for the mobility impaired – and it is likely that DSFRS will also seek to provide a balance between service provision and onward referral.

7. Carbon and Economic Impact Considerations

The proposal is to transfer the business as a going concern which will include courses that encourage eco-driving techniques. The longer-term retention of these types of courses will be a business decision for DSFRS but there is growing interest in the corporate fleet sector for these types of skills and we would anticipate this remaining as a DTA service.

It is intended to use DTA as a working hub for road safety partnership activities, co-locating DSFRS, Police and DCC road safety personnel wherever possible. This arrangement should reduce the number and frequency of journeys for meetings for all partner organisations.

The breadth of services delivered by DTA has contracted in recent years as revenue investment in the Academy has decreased. This has impacted on the amount of work DTA has been able to generate for private sector instructors, impacting on the local economy. With fresh investment and new commercial opportunities at DTA there is likely to be an upturn in service provision which may result in increased commissioning amongst private sector providers.

The net costs of running DTA are broadly commensurate with the expected level of commissioning that DCC road safety will make for services directed at the most at-risk groups. DSFRS will, however, be encouraged to ensure that, over time, their market reach and pricing is such that these groups will be served on a commercial basis thereby reducing the extent to which DCC needs to commission service delivery in the longer-term.

8. Legal Considerations

Principal legal issues surround the re-assignment of the DTA lease ensuring DCC is indemnified against future liabilities; the transfer of assets including the vehicle fleet, learning materials and training brands; and the transfer of staff.

As a highway authority, DCC has a statutory responsibility to investigate the causes of accidents and, based on the outcomes of those investigations, take such actions as are appropriate to reduce them. These actions must include education and training. The evidence arising from our investigations shows clearly that Devon's road casualty problems arise primarily from driver behaviour – and DTA exists to support drivers whose skills, knowledge and behaviours fall short of the standard required to keep them and other road users safe.

However, whilst education and training is a statutory requirement the methodology adopted for it is not - and the proposal is not to close DTA but rather to retain it under a different and more stable business model. Further, DSFRS's road safety priorities are principally derived from DCC's own casualty data analysis – and are therefore shared with DCC. It is therefore unlikely that DCC will be challenged on a decision to transfer its road user training to another organisation – certainly for as long as its services cover those at-risk groups identified in DCC's investigatory process.

9. Risk Management Considerations

In order for DTA to continue to fulfil its intended purpose it must deliver high quality, professionally developed services to key target groups. DCC will continue to provide intelligence, advice, guidance and support to a DSFRS managed DTA through its road safety partnerships, helping to ensure that service quality and focus is not compromised. DSFRS are also a committed, capable and professional organisation with a long term focus on casualty prevention and underpinning their community safety work with commercially viable services.

The Road Safety Team will continue to monitor collision trends & causes and (subject to available resource) commission work from DTA where the commercial market does not make suitable or sufficient provision.

Risks associated with the longer term disposal of the assets and indemnification of DCC against future liabilities will be managed through the process for re-drafting and assigning the leases.

10. Public Health Impacts

DTA has a clear public health remit in helping to reduce the number and severity of road casualties. This should remain undiminished for as long as it retains a focus on the highest risk groups. These groups include older drivers, for whom support is essential to enable independent travel in later years.

Under DCC, DTA has also successfully encouraged cycle groups to use its training circuit. Although this is not a safety critical service DSFRS will be encouraged to accommodate non-motorised road users at DTA and thereby support active and healthy travel and leisure.

DCC Road Safety will continue to monitor collision trends, assess the impact DTA services are having on the numbers and severities of casualties and, resources permitting, commission such services as are necessary to help reduce those casualties.

11. Options/Alternatives

There is no prescriptive statutory obligation to retain this type of education and training facility and, consequently, DTA could be closed. However, our evidence points to a road casualty problem in Devon which DTA has been designed to address. Consequently, DTA is an important part of the suite of measures undertaken by Devon as a local highway authority seeking to reduce road death and injury in line with its statutory responsibilities.

Alternatives to closure are, therefore, (a) retention by DCC or (b) enabling the future of DTA by transferring the asset to another organisation.

The proposal to transfer the asset follows identification of DSFRS as a prospective tenant uniquely placed to help deliver our objectives over the remaining 26 years of the lease. The case for reassigning the lease to DSFRS is as follows:

1. DSFRS share a similar statutory obligation for injury reduction to DCC and are a well established partner in DCC's road safety operations. This includes embedded staff and existing joint-funded projects.
2. DSFRS are keen to take on the lease for its full remaining term – providing the longest possible protection for DCC in divesting its liabilities at DTA.

3. DSFRS long-term ambitions for commercial and not-for-profit activities at DTA are fully in line with what DCC would require from a road user training service and are compliant with the terms of the head lease.
4. DSFRS ambitions include establishing a centre for excellence in blue light training alongside its partners in Devon and Cornwall Police (D&CP) and, potentially, South West Ambulance Trust. This would align DTA with core, non-commercial responsibilities for DSFRS and thereby offer some protection against market variables.
5. The inclusion of D&CP in plans for DTA is very positive as they represent the longest standing and most significant DCC partner for regional road safety operations in the southwest. Their in-house driver training needs are also significant and will further cushion the DSFRS proposal from fluctuations in the commercial market.
6. DSFRS have also indicated that they would wish to use DTA, their charitable wing and their commercial arm to act as the basis of a multi-agency response to driver training and road safety. Again, this is in line with DCC's long-term aspirations; offers a direct response to our road casualty reduction challenges and will build on solid partnership work already undertaken by DCC.

12. Reason for Recommendation/Conclusion

It is recommended that Cabinet approves the reassignment of the lease to DSFRS, and also approves the transfer of all assets at DTA in order to facilitate business continuity under a new tenure.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Highway Management and Flood Prevention: Councillor Stuart Hughes
Cabinet Member for Resources and Asset Management: Councillor John Clatworthy

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Jamie Hulland

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

Tel No: (01392) 383234

Background Paper	Date	File Ref.
------------------	------	-----------

Nil