

Phil Norrey  
Chief Executive

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To: The Chairman and Members of  
the Cabinet

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 4 July 2017  
Please ask for : Rob Hooper, 01392 382300

Email: [rob.hooper@devon.gov.uk](mailto:rob.hooper@devon.gov.uk)  
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## **CABINET**

Wednesday, 12th July, 2017

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall 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 14 June 2017 (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

### **FRAMEWORK DECISION**

None

## **KEY DECISIONS**

7 Okehampton New Primary School (Pages 1 - 18)

Joint Report of the Head of Planning, Transportation and Environment and Head of Education and Learning ([PTE17/36](#)) seeking approval to invite expressions of interest to provide a new 210 place primary school (increasing to 420 places) with early years provision to serve the expanding area of Okehampton, attached.

*Electoral Divisions(s): Okehampton Rural*

8 Marland Residential School: Change of Boarding Provision (Pages 19 - 38)

Report of the Head of Planning, Transportation and Environment ([PTE17/37](#)) on a proposal to change residential provision from termly to weekly boarding, attached.

*Electoral Divisions(s): Torrington Rural*

9 Modbury Flood Improvement Scheme (Pages 39 - 44)

Report of the Head of Planning, Transportation and Environment ([PTE17/38](#)) on seeking approval to essential flood improvements required at Modbury to significantly reduce the ongoing risk and to request approval for carrying out the capital works funded by DCC, Defra Flood Defence Grant in Aid and Local Levy, attached.

*Electoral Divisions(s): South Brent & Yealmpton*

10 Brynsworthy Waste Transfer Station, Barnstaple (Pages 45 - 62)

Report of the Acting Chief Officer for Highway Infrastructure and Development ([HCW/17/59](#)) seeking approval to the development of a waste transfer station to serve the North Devon and Torridge areas, attached.

*Electoral Divisions: All in North Devon and Torridge*

## **MATTERS REFERRED**

11 Treasury Management Stewardship Outturn Report (Pages 63 - 68)

Report of the County Treasurer ([CT/17/62](#)) considered and approved by the Corporate, Infrastructure and Regulatory Scrutiny Committee held on 26 June 2017, attached.

*Electoral Divisions(s): All Divisions*

## **STANDING ITEMS**

12 Question(s) from Members of the Public

13 Annual Childcare Sufficiency Report (Pages 69 - 96)

Report of the Head of Education and Learning ([CS/17/24](#)) seeking endorsement of Annual report outlining how the Council is meeting its statutory duty to secure sufficient early years and childcare places and identifying challenges and actions for the coming year in relation to meeting the duty.

*Electoral Divisions(s): All Divisions*

- 14 Reference to Committee: North Devon HATOC - Nadder Lane and South Street, South Molton Speed Restrictions (Pages 97 - 110)

In considering and endorsing the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/46), attached, the North Devon HATOC at its meeting on 29 June 2017 (Minute 8) resolved that '*(d) that in response to representations received and subject to Cabinet approval to a 'Departure from Policy' being agreed, an amendment to the Traffic Order be advertised to provide an extended minimum Transitional 40mph speed limit on Nadder Lane.*

**Recommendation:** that, as recommended by the Acting Chief Officer for Highways, Infrastructure Development and Waste, the HATOC's request be approved.

- 15 Minutes (Pages 111 - 130)

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein:

- (a) SACRE – 7 June 2017, attached;
- (b) Devon Education Forum – 21 June 2017, attached;
- (c) Devon Audit Partnership Committee, 21 June 2017, attached; and
- (d) Devon Authorities Storage Waste Committee – 28 June 2017, attached.

[NB: Minutes of County Council Committees are published on the Council's Website at:

<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>

Minutes of the Devon Education (Schools) Forum are published at:

<http://www.devon.gov.uk/schoolsforum.htm> ]

- 16 Delegated Action/Urgent Matters (Pages 131 - 132)

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.

- 17 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?RPId=133&RD=0&bcr=1> ]

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


None

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.

<b>Membership</b>
Councillors J Hart, S Barker, J Clatworthy, R Croad, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons
<b>Cabinet Member Remits</b>
Councillors Hart (Policy & Corporate), Barker (Economy & Skills), Clatworthy (Resources & Asset Management), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)
<b>Declaration of Interests</b>
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.
<b>Access to Information</b>
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 and can also be accessed via the Modern.Gov app, available from the usual stores.
<b>Webcasting, Recording or Reporting of Meetings and Proceedings</b>
<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: <a href="http://www.devoncc.public-i.tv/core/">http://www.devoncc.public-i.tv/core/</a></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>
<b>Questions to the Cabinet / Public Participation</b>
<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: <a href="http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/">http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/</a></p>
<b>Emergencies</b>
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.
<b>Mobile Phones</b>
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: <a href="mailto:centre@devon.gov.uk">centre@devon.gov.uk</a> or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
 Induction loop system available

## **NOTES FOR VISITORS**

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The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

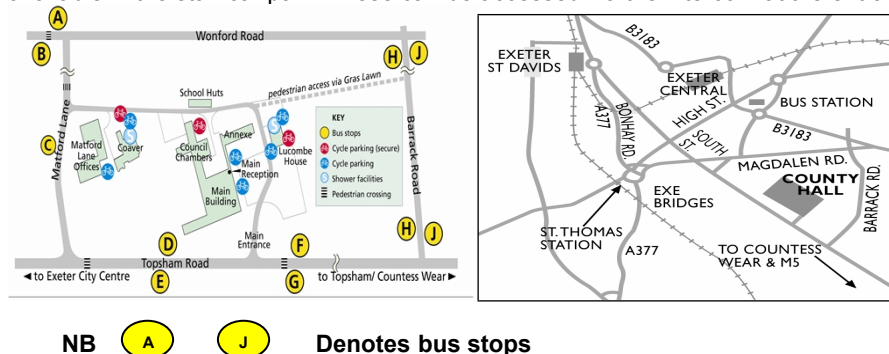
## **Car Sharing**

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## **Car Parking and Security**

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As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



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## **First Aid**

Contact Main Reception (extension 2504) for a trained first aider.



PTE/17/36

Cabinet  
12 July 2017

## **Okehampton New Primary School**

Joint report of the Head of Planning, Transportation and Environment and the Head of Education and Learning

***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 Cabinet

- (a) Notes that Devon County Council previously forward funded Section 106 Contributions using Department for Education (DfE) Basic Need Grant, to purchase a new primary site in Okehampton;**
- (b) Gives approval to complete the full selection process for a new school proposer for a 210 place primary school with early years provision increasing to 420 places to serve the expanding community of Okehampton;**
- (c) Approves the principle of forward funding the new primary school for Okehampton, the submission of a full planning application, and the scheme proceeding to tender stage;**
- (d) Endorses that all future housing development in Okehampton needs to make a fair and proportional contribution to support the delivery of the new school site and buildings.**

### **1. Summary**

This report follows the decision made by the Cabinet Member for Children's Services and Schools on 5 June 2017 to complete the selection process for a new proposer for a new 210 primary school with early years provision (2-11 years) from September 2018 in Okehampton with possible expansion to 420 places.

The report provides additional information on timings and funding and seeks endorsement to retrospectively seek contributions from future housing development which will enable the proposal to move through to final approval. Cabinet is also requested to provide confirmation the project should proceed to planning application and tender stage due to the tight timescales.

### **2. Background/Introduction**

The current West Devon Local Plan and emerging Plymouth & South West Devon Local Plan confirm the need for a new primary in the east of Okehampton to mitigate the impact of development. The principle of a new school in Okehampton has been previously supported by Cabinet through approval of the Education Infrastructure Plan 2016-2033 (Min\*86, Cabinet, 12 October 2016). Devon has already forward funded expected Section 106 contributions using the DfE Basic Need Grant for the purchase of a school site. Therefore to

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support this requirement we have requested assurances from West Devon Borough Council that contributions would be sought from future developments to in part repay this investment.

The existing town primary school is full in some year groups, nearing capacity in others and known future reception numbers are all in excess of capacity in the town. There is therefore a need to bring forward the new school to support current numbers and the growth in demand for new homes.

The new school is planned to be a 210 place school with early years but capable of being expanded to 420 to future proof primary provision in the town should it continue to grow.

The Education Act 2011 changed the arrangements for establishing new schools and introduced Section 6A (the free school presumption) to the Education and Inspections Act 2006. The presumption arrangements require local authorities to seek proposals to establish a free school where they have identified the need for a new school. The Local Authority is responsible for providing the site and meeting the associated capital and pre-post opening costs.

Local Authorities may assess proposals against their specification for the new school sponsor and can, if they wish, recommend their preferred proposer to the Regional Schools Commissioner who will make the final decision on behalf of the Secretary of State. Cabinet agreed at its meeting on 11 March 2015 that the Local Authority will continue to offer their assessment of proposals to the Regional Schools Commissioner and the Head of Education and Learning will consult with the Cabinet Member for Children, Schools and Skills on the submission. The final determination on the recommended proposer will therefore be made by Cabinet Member. It should be noted that Local Authorities have to await the Secretary of State's decision before making any public announcements.

### 3. Proposal

The selection of a new school proposer for the new primary school in Okehampton needs to commence without delay in order that provision can be available from September 2018. The primary school in Okehampton is at capacity in some year groups, or nearing capacity in others and the forecast of pupil numbers shows large cohorts over the next few years which cannot be contained in the existing school. The new school requires full planning application permission and following approval will need to be taken to tender stage.

It should be noted that the timeframe will be tight in order to complete the process and include information for parents within the admissions process. An indicative timetable of the process is as follows:

July 2017	Cabinet Approval to Proceed
21 June – 19 July 2017	Expressions of Interest
15 September 2017	Receipt of Applications
October 2017	Assessment of proposals and recommend a preferred sponsor to DfE/RSC Cabinet Member Decision on Preferred Sponsor Report to RSC on sponsors and any recommendation
November 2017	Decision by Regional Schools Commissioner and Secretary of State
January 2018	Proposer to set up Governing Body, recruit staff, etc. for opening September 2018



This proposal also confirms the overarching financial strategy.

## **4. Options/Alternatives**

The procedures for securing new schools are required as part of our statutory responsibilities as commissioner of services.

In terms of meeting the need for school places:

Do nothing – this is likely to result in an increase to the home to school transport costs and children being transported away from their community. It is also likely that housing development could stall due to lack of local education facilities.

Expand Existing Schools – the local primary school is already one of the largest primary schools in the county and nearing/at capacity. The site is constrained and would not support the expected pupil numbers. Expansion of schools in rural areas would again see an increase to home to school transport as highlighted above. The proposal has had to be balanced off against the potential impact on smaller rural schools.

## **5. Consultations/Representations/Technical Data**

The Department for Education's procedures for academy/free school presumption will involve consultation with all those impacted by the proposals and all groups interested in establishing a new school.

The new school is included within Devon's Education Infrastructure Plan 2016-2033 and Schools Organisation, Capital and Admissions Forum, Devon Education Forum and the Local Learning Community have been kept informed.

## **6. Financial Considerations**

Capital - As with the new school site, the new school will need to be forward funded in advance of signed section 106 agreements being triggered and new housing development applications will need to make appropriate contributions which can be retrospectively applied. The project will therefore need to be forward funded from unallocated Basic Need resources approved within the Planning, Transportation and Environment Schools Capital Programme; further details will be presented to Cabinet in the autumn. Should future Section 106/Community Infrastructure Levy (CIL) contributions not be forthcoming then the DfE Basic Need Grant would be required to cover the capital costs which would have an impact on the future capital programme.

Revenue - Revenue funding is included within the Growth Fund to support pre and post opening costs of the new school.

## **7. Environmental Impact Considerations**

The new school will be subject to planning permission under the Town and Country Planning Act 1990. In addition, the Plymouth and South West Devon Local Plan sets out clear economic, social and environmental objectives for the area.

The proposal will ensure there is local provision for local children, providing facilities to the East of the town.

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## 8. 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.

The process for the selection of an appropriate proposer will ensure the Council exercises its Public Sector Equality Duty. In addition, prospective proposers will need to commit to Devon's policies and practices and be required to comply with relevant policies on Admissions, Transport and Special Educational Needs. An impact assessment has been completed and is required to be provided to the Secretary of State to meet her duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

A copy of the Impact Assessment has been circulated to Cabinet Members, and is available on the Council's website at: <https://new.devon.gov.uk/impact/new-schools-procedure-june-2017>.

## 9. Legal Considerations

There are no specific legal considerations in relation to these proposals. Following selection of the successful proposer a funding agreement will be entered into with the Secretary of State. The statutory processes will be followed in line with guidance from the Department for Education.

The new school has the benefit of outline planning but will require full planning permission.

## 10. Risk Management Considerations

This proposal has been assessed and all necessary safeguards included in relation to the Council's position.

Risks related to start-up costs relevant to the funding for schools have been identified and included within future funding commitments.

The timescales for the opening of the school is planned for September 2018 are tight and the proposal requires the final decision on school sponsor from central government. Devon has already and will continue to highlight the need for timely responses from the Regional School Commissioner's Office to meet the necessary timescales.

There will be a risk that once the school is provided, future developments may look to avoid making education contributions or education is not prioritised through the planning process hence the recommendation (d).

## 11. Public Health Impact

The proposals will take into account the requirements and health and wellbeing of its local community. It is proposed the new school will include a space to support the delivery of multi-agency services, in particular to support Children Centre Service delivery.

## 12. Summary/Reason for Recommendation/Conclusion

The growth in population in the Okehampton area and the forecast of future pupil cohorts in the area together with the procedures for establishing new schools under the academy/free school presumption make it necessary to undertake the statutory procedures to seek proposers for this new primary school without delay.

Dave Black  
Head of Planning, Transportation and Environment

Dawn Stabb  
Head of Education and Learning

## Electoral Division: Okehampton Rural

Cabinet Member for Children's Services and Schools: Councillor James McInnes

*Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson*

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

Contact for enquiries: Christine McNeil

Room No. AB2 Lucombe House, County Hall, Topsham Road, Exeter

Tel No: (01392) 38383000

Background Paper	Date	File Reference
1. Impact Assessment	June 2017	<a href="https://new.devon.gov.uk/impact/new-schools-procedure-june-2017">https://new.devon.gov.uk/impact/new-schools-procedure-june-2017</a> .

cmn210617cab Okehampton New Primary School Proposer Selection  
hk 07 290617



# Impact Assessment

Version 2015

<b>Assessment of:</b>	New Schools Procedure  (as prescribed by Section 9 of the Academies Act 2010 and Section 149 of the Equality Act 2010, to assess potential impact of any new school on existing educational provision in the area and on any groups with protected characteristics and report to the Regional Schools Commissioner)
<b>Service:</b>	Planning, Transportation and Environment

<b>Head of Service:</b>	Dave Black
<b>Date of sign off by Head Of Service/version:</b>	6.6.17
<b>Assessment carried out by (incl. job title):</b>	Christine McNeil, School Organisation (Policy) Manager

## Section 1 - Background

<b>Description:</b>	The Education and Inspections Act 2006 and the Education Act 2011 brought in new procedures for establishing new schools requiring a competitive process and as a result Devon County Council established procedures to run school competitions. Local Authorities are required to seek proposals to establish Academy/Free School in
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	the first instance where they identify a need for a new school. They may assess proposals and can indicate a preference but the decision on the new proposer will be made by the Regional Schools Commissioner on behalf of the Secretary of State
Reason for change and options appraisal:	Government changes to the pattern of school provision and changes to Devon County Council's procedures for seeking new proposers

## Section 2 - Key impacts and recommendations

<div>Page 8</div> <div>Social/equality impacts:</div>	<p>There has been significant change to school provision over the past few years with the Local Authority's role changing to that of commissioner. There are new providers entering the system with the introduction of academies, free schools and a new process for new school sponsors. In addition, significant housing development is planned in Devon with two new towns at Cranbrook in East Devon and Sherford in the South Hams together with a number of urban areas seeing a large growth in development and some rural areas seeing a decline in pupil numbers. The Local Authority has responsibility for ensuring that every child has fair access to all schools, promoting a diverse supply of strong schools and the highest standards of teaching, including early years, post 16 and those with special educational needs. It also supports local schools for local children in terms of environmental and economic impact whilst supporting our rural communities. Our Education Infrastructure Plan 2016-2031 identifies our future infrastructure and the need to seek proposers for all new schools through structured procedures which will give parents more choice with the education landscape becoming more diverse. The procedures will include:</p> <ul style="list-style-type: none"> <li>- Establishing the type of provision required in conjunction with the Department for Education</li> <li>- Consulting with all those impacted by the proposals and all groups interested in establishing a new school</li> <li>- Providing sponsors with details of requirements and inviting applications</li> <li>- Assessing proposals, including interviews where appropriate with prospective sponsors and submitting</li> </ul>
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	<p>assessments to the Department for Education.</p> <p>With approximately 80,000 new homes being built in Devon over the next 15-20 years there will be a number of new schools coming forward. We will continue to monitor and review the demographic changes to our population and in relation to emerging Local Plans.</p>
Environmental impacts:	<p>The Education Infrastructure Plan supports the delivery of energy efficiency measures and renewable energy solutions across the education estate and we will continue to encourage and support new and existing schools to look at long term investment in renewable energy schemes to mitigate the impact of increasing energy costs. Expansion of popular and successful schools does have an impact on the distance parents will travel to the chosen school for their children, particularly in a large rural County. DCC will continue to promote sustainable patterns of provision and travel by promoting high quality provision which is within reasonable travelling distance for a child or young person, enabling pupils to be able to walk to school.</p>
Economic impacts:	<p>As the schools estate changes with a diverse range of providers entering the region through new schools, free schools, studio schools etc. there will be opportunities for creating new employment at both primary and secondary level. With up to 80,000 new homes in the region to 2031 there are likely to be over 20 new primary schools with expansion of secondary and additional early years provision. As the urban areas grow there will be distinct challenges faced by rural schools. The Local Authority will continue to work with all schools to ensure that the pattern of provision meets the needs of its communities.</p> <p>For all new schools LAs will be required to meet start up costs and this will have a significant impact on the Dedicated Schools Grant. The position has been debated in SFG and DEF which have agreed that a funding formula will be applied, which will continue to be monitored.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended	<p>Where rural schools are seeing a decline in population, urban schools are seeing a growth in pupil numbers. We will support our policy of local schools for local children in order to reduce travel and environmental impact.</p>

consequences’):	
How will impacts and actions be monitored?	Two competitive processes have been held under the new legislation and during this time practices and procedures have changed but a number of lessons have been learned through the process, including the need to keep communities fully informed, being robust in assessment and ensuring local needs are met whilst recognising that new providers will enhance choice for a changing population. We will continue to monitor our procedures following each new school procedure to ensure best practice. We will continue to monitor how pupil places can be commissioned to meet the needs of a growing community and changes in Government legislation

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

People affected:	All communities in Devon and consultation will involve all DCC Members, The Phase Associations, Special Heads Association, Devon Association of Governors, Schools Organisation Capital and Admissions Committee, Exeter Diocese, Roman Catholic Diocese, communities, District Councils, Parish Councils, MPs, etc.
Diversity profile and needs assessment of affected people:	The procedures will encourage new providers into Devon to support a range of models of provision and promoting diversity and options for pupils and parents.
Other stakeholders:	Local Planning Authorities and housing developers and their role in supporting the future pattern of education provision National Government with a vision of our education provision and support for future investment in Devon schools
Consultation process:	School Organisation statutory procedures for consultation with all stakeholders, parents, pupils, staff and communities.



Research and information used:	Detailed research in planning new schools is required including housing, transport, population estimates and projections, live births and ethnicity with a demographic modelling tool to derive likely household and housing profiles consistent with the population's age-sex composition. NHS data and an assessment of births and location of pre-school children, pupil migration, local pupil forecasts compared to Planned Admission Numbers and net capacities of schools is also essential in the planning and investment of school places.
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## Background Analysis

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

### Section 4a - Social Impacts

#### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.

- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	Describe any actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed.  (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes for the groups listed.  (Consider how to advance equality/reduce inequalities as far as possible).
All residents (in general):	The County has a number of very small schools with fewer than 50 pupils and a high percentage of primary schools are classed as rural schools in the County. The scale of future housing development in these areas is low and rural isolation has been highlighted when a rural school closes and the impact particularly where the school has been the hub for its community. In contrast to this, some urban areas will see high inward migration and changes in population structure where new development is planned. The impact of a new school where there is a growth in population due to development and/or migration will be monitored and evaluated against the impact on all schools within its area.	<p>Securing the sufficiency of school places in our area with good quality school places, acting as champion for all parents and families and supporting participation in education, employment or training</p> <p>New school providers entering the system in the future will bring choice and diversity to the education estate together with employment opportunities as the population continues to change.</p> <p>All schools have a duty of care to promote the education of children and young people with special educational needs and disabilities.</p> <p>The Education Act 2002 requires all schools to promote the spiritual, moral, cultural, mental and physical development of its pupils and to challenge opinions or behaviours that are contrary to these values</p>
Age (from young to old):		
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:		
Culture/ethnicity: nationality, skin colour, religion and belief:		
Sex, gender and gender identity (including Transgender &		

pregnancy/maternity):		Within our role of championing all our children, Devon County Council is committed to improving the life-chances of all Devon's children, young people and especially the most vulnerable.
Sexual orientation:		
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.		
Human rights considerations:		

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## 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”.
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	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:		The Waste Education Strategy for Devon Schools supports the education of children in the long term strategy to achieving a more sustainable future with increasing emphasis on waste minimisation, resource management and greater awareness of the issues surrounding consumerism, and is a priority for Devon Authorities.
Conserve and enhance biodiversity (the variety of living species):		New schools will be required to promote energy efficiency measures and renewable energy solutions to reduce the carbon footprint.
Safeguard the distinctive characteristics, features and special qualities of Devon’s		New schools and changes to school buildings will take account of the impact that will affect the landscape to

landscape:		ensure that any adverse effects are mitigated.
Conserve and enhance the quality and character of our built environment and public spaces:		No discernible impact
Conserve and enhance Devon's cultural and historic heritage:		No discernible impact
Minimise greenhouse gas emissions:		Will be in line with the Energy Strategy used for the Authority's corporate buildings.
Minimise pollution (including air, land, water, light and noise):		Devon supports the principle of local schools for local children for community and environmental reasons. Sustainable travel and transport modes will be promoted
Contribute to reducing water consumption:		In accordance with The Waste Education Strategy for Devon Schools
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		No discernible impact

Other (please state below):		
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## 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:		80,000+ new homes are proposed in Devon to 2033, which will create opportunities for new employment within existing schools, new free schools proposed together with increased education and training for work qualifications for 14-19 year olds and a framework for apprenticeships
Impact on employment levels:		As above
Impact on local business:		The increase in the number of new schools that will provide good quality provision, the need for high quality early years provision for the most vulnerable two year olds and sufficient provision that opens all year round for working families with 3 and 4 year olds, a proposed boost

		in apprenticeships together with the Government's plan to deliver educational excellence everywhere will provide opportunities for businesses to meet the needs of a growing and changing population in Devon.
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## Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	Devon has a high proportion of primary schools classified as rural schools together with a lack of development and affordable housing in some areas. We will continue to work closely with our partners/communities to champion the interests of parents and pupils and ensure high standards and sustainable patterns of education provision are maintained.
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## 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?	The Local Authority has a statutory duty to secure sufficient educational provision in its area, to act as champions for all parents and families and support the most vulnerable children and will continue to work in partnership to ensure that all pupils are able to attend a good or outstanding school.
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PTE/17/37

Cabinet  
12 July 2017

## **Marland Residential School: Change of Boarding Provision**

Report of the Head of Planning, Transportation and Environment

***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 is given to implement the proposal to convert from Termly (7 Day/Night boarding) to Weekly (5 Day/4 Night boarding) residential provision at Marland School with effect from September 2017.

### **1. Summary**

The Governing Body of Marland School, Peters Marland, Torrington, (Foundation Special School) propose changing boarding provision in order to target resources to continue to raise educational standards and align with changes in parental/carer demand for weekly placements. The Governing Body has consulted on the change in the residential school from termly to weekly boarding for pupils with Social, Emotional and/or Mental Health issues with effect from September 2017 and seek approval to implement this change.

### **2. Background/Introduction**

Marland School was inspected in November 2016 and is a Good School. With strong leadership and governance teaching is effective and lesson plans capture the interest of pupils leading to a good level of engagement and learning. The School provides 40 residential places for boys aged 11-16. The main focus of the School is to provide high quality teaching and learning on an academic, vocational and life skills basis and continue to raise educational standards with the residential aspect of the school enhancing stability and continuity for the working school week (Monday to Friday).

There has been a significant change in recent years from both new admission students and parents/carers in demand for weekly places. This is supported in the Ofsted Report of November 2016 where students expressed the preference to go home more often. Nationally there is a shift away from the more historic termly residential provision model with more emphasis being placed on the importance of a balance between a weekly residential model and access to family and local community at weekends.

The change in provision is in line with Devon's Local Offer and the Education Infrastructure Plan to ensure value for money, the most effective use of resources and future pattern of service delivery.

### **3. Proposal**

The proposal is to make the change in boarding provision from termly to weekly and to implement with effect from September 2017.

There has been an increase in demand for Special Education provision in recent years with children's needs becoming more complex and a requirement to offer more flexible provision which meets local needs. This is due to demographic change, high inward migration and significant house building. The Governing Body has considered the future of Marland School in relation to this, the change in demand for termly residential places, the challenges

# Agenda Item 8

of future funding and the need to provide high quality teaching, learning and pathways to further education and employment. Currently most of the residential students spend alternate weekends at home during term time. Boarding on alternate weekends provides a 'value added' element to the service provided by the School but is not an essential aspect of the overall educational provision. The implications of the proposal on individual families has been assessed and considered by the Governing Body. In addition it has been confirmed that the proposed changes are unlikely to have any significant impact on Children's Social Care services.

Escalating costs in the region of £230k+ per year against a reduction in funding income together with the change in the requirements for new admissions has necessitated the Governing Body to carefully consider the future of the School. As a result of the change in boarding provision there will necessarily be a need for a reduction in staffing.

## **4. Consultations/Representations/Technical Data**

The Governing Body consulted on the proposal from 18 April to 16 May 2017. There were 17 responses to the consultation: 13 in support, 2 had mixed views with concerns and 2 objected to the proposal.

The mixed views related to behaviour management during out of class activities in the evenings and weekends which benefitted the pupils but it is considered that this is embedded throughout the 24 hour curriculum and is not dependent on 7 day residential but a mix of the whole time at Marland and will continue with the 5 day/4 night provision.

Staff are obviously anxious but are fully understanding and supportive of the current financial position that the School find themselves in due to national policies.

The 2 objections relate to maintaining the provision for younger pupils and concerns related to transport. The School has confirmed that it will continue to meet the pupil's needs on the new shorter week basis and that transport will be provided as part of the ongoing placement package and that it is not the responsibility of parents to provide this.

Following consultation, in accordance with statutory requirements, a Brief Notice and Full Proposal were published on 24 May 2017 with a formal four week representation period. No responses were received.

## **5. Financial Considerations**

As part of the Medium Term Capital Programme, which was agreed by the Full County Council on 18 February 2017, £4.5m has been agreed for a new 28 place residential block and refurbishment of existing accommodation on the first floor of the main school building. This will ensure that the refurbished weekly boarding provision meets the requirements of the pupils and addresses accommodation concerns raised by Ofsted and Health and Safety.

The changes in boarding provision will be absorbed within the current school budget reserves and no further capital will be required.

With regard to transport, based on current students the additional school transport cost is expected to be in the region of £55k per annum. The Transport Coordination Service will be tendering new routes once the change has been confirmed and will also be working with the schools looking at other options in how the transport will be provided.

## **6. Environmental Impact Considerations**

The Parish Council responded to the consultation and is supportive but is concerned that the proposal would result in an increase in traffic volume. It is likely that there will be an

increase in traffic movement but it will be limited to a 2 hour window on Monday mornings and Friday afternoons. The Parish Council have asked that consideration to be given to a passing place between Broomhill Farm and Beacon Hill. This would be classed as a local scheme request and regrettably at the present time there is no funding available to undertake this work.

## **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 has been prepared, a copy of which has been circulated to Cabinet Members and is available at <https://new.devon.gov.uk/impact/published/>

## **8. Legal Considerations**

There are no specific legal considerations.

## **9. Risk Management Considerations**

This proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

A whole system approach in assessing the proposal including the impact on Social Care has been undertaken. No further risks have been identified.

## **10. Public Health Impact**

The proposals will take into account the requirements and health and wellbeing of its local community.

## **11. Discussion**

Marland School is highly unusual in that it is a LA Maintained termly residential special school for students with Social, Emotional and or Mental Health (SEMH) issues. There are very few similar maintained termly residential SEMH schools nationally. The vast majority of LAs only provide maintained Day provision with a small number offering weekly residential. The Governors of Marland School consider that the priority must be maintained on provision of high quality teaching, learning and pathways to further education and employment. The residential aspect is provided to enhance stability and continuity for the working week and this will continue by providing Monday to Thursday night Ofsted accredited high quality

# Agenda Item 8

residential provision. The increasing national pressure on funding means that resources need to continue to be targeted at the educational outcomes of the students alongside the wider enrichment programmes of the school but this needs to be on a realistically sustainable basis. Escalating costs against a reduction in funding income has required the Governing Body to carefully consider the future of the School. The changes proposed will allow the school to continue to sustain and further improve the quality across both the teaching and pastoral residential side without one negatively impacting on the other as well as the benefits of regular weekly access to family and community at weekends.

## 12. Options/Alternatives

Marland School has experienced a significant change in recent years from both new admission students and parent/carers who express preference for a weekly placement rather than the current termly default offer. The primary aim for all student referrals is educational. Children's needs are becoming more complex and as development continues throughout Devon the pressure for these places will increase and the change in provision will ensure that demand is met within this School.

## 13. Reason for Recommendation/Conclusion

The Governing Body consider that these changes will provide future sustainability, meet demand for this specialist provision and meet their's and the LA's statutory duties to provide places and for pupils to be able to attend their local school.

Dave Black  
Head of Planning, Transportation and Environment

## Electoral Divisions: Torrington Rural

Cabinet Member for Children's Services and Schools, Councillor James McInnes

*Chief Officer for Communities, Public Health, Environment and Prosperity, Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Christine McNeil, School Organisation Policy Manager

Room No. AB2, Lucombe House, County Hall

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Marland Residential School: Proposal to Change Boarding Provision Impact Assessment	30 June 2017	<a href="https://new.devon.gov.uk/impact/published/">https://new.devon.gov.uk/impact/published/</a>
2. The Education Infrastructure Plan 2016-2033 (revised) including strategic place planning and school organisation	October 2016	<a href="https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning">https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning</a>

cmn2201617cab Marland Residential School Change of Boarding Provision  
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# Impact Assessment

Version 2015

<b>Assessment of:</b>	<b>Marland Residential School: Proposal to Change Boarding Provision</b>
<b>Service:</b>	Planning, Transportation and Environment

<b>Head of Service:</b>	Dave Black
<b>Date of sign off by Head Of Service/version:</b>	30/06/2017
<b>Assessment carried out by (incl. job title):</b>	Christine McNeil, Shona Meek - School Organisation Team

## Section 1 - Background

<b>Description:</b>	<p>Marland School is one of 10 special schools in the Devon wide SENTient Foundation Trust. The Residential School at Peters Marland, near to Great Torrington, currently offers 40 termly residential places for boys aged 11-16. Marland School was inspected in November 2016 and is a Good School. With strong leadership and governance teaching is very effective and lesson plans capture the interest of pupils leading to a good level of engagement and learning.</p>
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The proposal is to reduce residential provision from termly 7 day/night boarding to weekly 5 day/4 night boarding provision with effect from the Autumn term 2017.

In planning and commissioning Special Educational Needs and Disability (SEND) provision, the proposal is in line with Devon's Local Offer to ensure that children and young people with SEND should have the expectation to be part of their local community. Our multi-agency approach has a strong focus on improving outcomes for children and young people with SEND as well as involving them and their families in developing provision. The proposal is also in line with the policies and procedures contained within the Education Infrastructure Plan 2016-2033 (revised) and the statutory responsibilities related to the strategic planning of pupil places and school organisation procedures.

Reason for change and options appraisal:

The school has experienced a significant change in recent years from both new admission students and parent/carers who express preference for a weekly placement rather than the current termly offer. This is aligned with a general national shift away from the more historic termly residential provision model with more emphasis being placed on the importance of a balance between a weekly residential model which provides all the benefits associated with boarding as well as the benefits of regular weekly access to family and local community at the weekends. Marland School is highly unusual in that it is a LA Maintained termly residential special school for students with Social, Emotional and or Mental Health (SEMH) issues. There are very few similar maintained termly residential SEMH schools nationally. The vast majority of LAs only provide maintained day provision with a small number offering weekly residential. The Ofsted report of November 2016 identifies that students had expressed a preference to go home more often.

The implications of the proposal were considered on a family by family basis including assessment by colleagues within Social Care. If the proposal is approved, Marland School will continue to fully support families and young people during the transition and transport will be provided to and from school and home on a weekly basis, as part of the ongoing placement package at Marland School and it will not be the responsibility of parents to provide.

The changes proposed will allow the school to continue to sustain and further improve the quality across both the teaching and pastoral residential element as well as the benefits of regular weekly access to family and community at weekends.

## Section 2 - Key impacts and recommendations

<p>Social/equality impacts:</p>	<p>There has been an increase in demand for Special Education provision in recent years with children's needs becoming more complex and a requirement to offer more flexible provision which meets local needs. This is due to demographic change, high inward migration and significant house building. The Governing Body has considered the future of Marland School in relation to this, the change in demand for termly residential places, the challenges of future funding and the need to provide high quality teaching, learning and pathways to further education and employment. Currently most of the residential students spend alternate weekends at home during term time. Boarding on alternate weekends provides a 'value added' element to the service provided by the school but is not an essential aspect of the overall educational provision. Students will continue to benefit from the remaining 'value added' social and emotional elements provided by the proposed retained boarding element of Monday night through to Thursday night in addition to the continuation of the Monday – Friday school day taught curriculum.</p> <p>The proposal is in line with the policies set out in the Education Infrastructure Plan in supporting sustainable, high quality provision that maximises accessibility, meets local needs and recognises the needs generated by planned development in specific localities, tackles inequalities for vulnerable pupils but also recognises the needs of a changing population, employment and growth opportunities.</p> <p>We will ensure through our statutory processes that the views of parents, pupils, communities and stakeholders are considered and dealt with in order that informed decisions can be made without delay and are reported to Cabinet.</p>
<p>Environmental impacts:</p>	<p>The Education Infrastructure Plan supports positive impacts including minimising our reliance on school transport and the need for unnecessary journeys and ensuring that pupils are able to attend their local school.</p> <p>It is likely that there will be an increase in traffic movements due to the proposed change but this will be limited to a two hour window on Monday mornings and Friday afternoons.</p>



<p>Economic impacts:</p>	<p>Devon County Council has provided funding and work has commenced on provision of a new residential block and refurbishment of existing buildings. This will ensure that the refurbished weekly boarding provision meets the requirements of the pupils.</p> <p>The changes in boarding provision will be absorbed within the current school budget reserves and no further capital will be required.</p>
<p>Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):</p>	<p>With regard to school transport, based on current students the additional school transport cost is expected to be in the region of £55k per annum. The Transport Coordination Service will be tendering new routes once the change has been confirmed and will also be working with the schools looking at other options in how the transport will be provided.</p> <p>Escalating costs in the region of £230k+ per year against a reduction in funding income together with the change in the requirements for new admissions has necessitated the Governing Body to carefully consider the future of the School. As a result of the change in boarding provision there will necessarily be a need for a reduction in staffing.</p>
<p>How will impacts and actions be monitored?</p>	<p>The increasing national pressure on funding means that resources need to continue to be targeted at the educational outcomes of the students alongside the wider enrichment programmes of the school but this needs to be on a realistically sustainable basis.</p> <p>Marland School is highly unusual in that it is a LA Maintained termly residential special school for students with Social, Emotional and or Mental Health (SEMH) issues. There are very few similar maintained termly residential SEMH schools nationally. The vast majority of LAs only provide maintained day provision with a small number offering weekly residential, so it is difficult to monitor against other similar schools.</p> <p>The Principal and Governing Body will continue to work collaboratively to drive and monitor improvement</p>



Other stakeholders:	Other interested stakeholders include the Department for Education, teaching and non-teaching Trade Union representatives representing staff affected, Social Care, Parish Council, District and County Councillors.
Consultation process:	<p>In accord with the DfE School Organisation statutory requirements, the Governing Body consulted on the proposal from 18 April to 16 May 2017.</p> <p>All interested stakeholders were consulted with including parents, carers, staff, governors, trade union representatives, DfE School Organisation Unit, MP, County Councillors, District Councillors, all Schools, Parish Council. There were 17 responses to the consultation: 13 in support, 2 had mixed views with concerns and 2 objected to the proposal.</p> <p>A number of the parents who wrote in support expressed the view that it would actually have a positive impact on their family life. The mixed views related to behaviour management during out of class activities in the evenings and weekends which benefitted the pupils but it is considered that this is embedded throughout the 24 hour curriculum and is not dependent on 7 day residential but a mix of the whole time at Marland and will continue with the 5 day/4 night provision.</p> <p>Staff are obviously anxious but are fully understanding and supportive of the current financial position that the School find themselves in due to national policies.</p> <p>Following consultation, in accordance with statutory requirements, a Brief Notice and Full Proposal were published and widely circulated to all stakeholders on 24 May 2017 with a formal representation period. No responses were received.</p>

Research and information used:

The Governing Body of Marland School has carefully considered the impact of this proposal prior to publishing the consultation. There has been a significant change in recent years from both new admission students and parents/carers in demand for weekly places. This is supported in the Ofsted Report of November 2016 where students expressed the preference to go home more often. Nationally there is a shift away from the more historic termly residential provision model with more emphasis being placed on the importance of a balance between a weekly residential model and access to family and local community at weekends.

# Background Analysis

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

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').

- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair

Page 32 Necessary

Reasonable, and

Those affected have been adequately consulted.

Characteristics	Describe any actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed.  (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes for the groups listed.  (Consider how to advance equality/reduce inequalities as far as possible).
All residents (in general):	The planning of places for pupils with special educational needs is particularly challenging as information related to previous cohorts varies greatly in terms of numbers, needs or geographical area. But the overall trend is increasing numbers	<p>Securing the sufficiency of SEND school places in our area with good quality school places, acting as champion for all parents and families and supporting participation in education, employment or training</p> <p>The change in provision is in line with Devon's Local Offer and the Education Infrastructure Plan to ensure value for money, the most effective use of resources and future pattern of service delivery</p>
Age (from young to old):	The School provides 40 residential places for boys aged 11-16.	<p>Neutral in terms of numbers.</p> <p>Increased sustainability ensures long term provision.</p>
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Marland School is a LA Maintained residential special school for students with Social, Emotional and or Mental Health (SEMH) issues.	The changes proposed will allow the school to continue to sustain and further improve the quality across both the teaching and pastoral residential side without one negatively impacting on the other as well as the benefits of regular weekly access to family and community at weekends.

Culture/ethnicity: nationality, skin colour, religion and belief:	Neutral	The Education Act 2002 requires all schools to promote the spiritual, moral, cultural, mental and physical development of its pupils and to challenge opinions or behaviours that are contrary to these values.
Sex, gender and gender identity (including Transgender & pregnancy/maternity):	The provision is for male students only.	Neutral
Sexual orientation:	Neutral	Neutral
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	The implications of the proposal on individual families has been assessed and considered by the Governing Body. In addition it has been confirmed that the proposed changes are unlikely to have any significant impact on Children's Social Care services.	Within our role of championing all our children, Devon County Council is committed to improving the life-chances of all Devon's children, young people and especially the most vulnerable. Changes in provision for pupils with special educational needs will be in accordance with Devon's SEND local offer covering education, health and social care services and consultation undertaken on the impact of any proposed changes on those affected.
Human rights considerations:	Neutral	Neutral



	<p><b>Describe any actual or potential negative consequences.</b></p> <p><b>(Consider how to mitigate against these).</b></p>	<p><b>Describe any actual or potential neutral or positive outcomes.</b></p> <p><b>(Consider how to improve as far as possible).</b></p>
Reduce waste, and send less waste to landfill:	Neutral	The Waste Education Strategy for Devon Schools supports the education of children in the long term strategy to achieving a more sustainable future with increasing emphasis on waste minimisation, resource management and greater awareness of the issues surrounding consumerism, and is a priority for Devon Authorities.
Conserve and enhance biodiversity (the variety of living species):	Neutral	Neutral
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	-Neutral	Neutral
Conserve and enhance the quality and character of our built environment and public spaces:	Neutral	No discernible impact

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Conserve and enhance Devon's cultural and historic heritage:	Neutral	No discernible impact
Minimise greenhouse gas emissions:	There will be some additional transport requirements	It is likely that there will be an increase in traffic movements due to the proposed change but this will be limited to a two hour window on Monday mornings and Friday afternoons.
Minimise pollution (including air, land, water, light and noise):	Neutral	Devon supports the principle of local schools for local children for community and environmental reasons. Sustainable travel and transport modes will be promoted including a School Travel Plan.
Contribute to reducing water consumption:	Neutral	In accordance with The Waste Education Strategy for Devon Schools
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	Neutral	No discernible impact
Other (please state below):		

#### 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".

#### Section 4c - Economic impacts

Page 57	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
	Impact on knowledge and skills:	Positive – it will ensure the longevity of provision at the school
	Impact on employment levels:	The School provides high quality teaching and learning on an academic, vocational and life skills basis and continue to raise educational standards with the residential aspect of the school enhancing stability and continuity for the working school week (Monday to Friday). Staff are anxious but understand the situation and are supportive.
	Impact on local business:	Neutral

## Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	The combined impacts are seen to be positive with improved and sustainable provision for pupils.
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## 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?	The Local Authority has a statutory duty to secure sufficient educational provision in its area, to act as champions for all parents and families and support the most vulnerable children and will continue to work in partnership to ensure that all pupils are able to attend a good or outstanding school.
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PTE/17/38

Cabinet  
12 July 2017

## **Modbury Flood Improvement Scheme**

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 Cabinet:

- (a) approves the Modbury Flood Improvement scheme at an estimated cost of £1,132,088;**
- (b) increases the Planning, Transportation and Environment (PTE) 2017/18 capital programme by £427,784 and 2018/19 by £500,000, funded £150,000 from the DCC revenue budget for flood prevention works, £100,000 from the PTE revenue flood risk management budget, £150,000 from external contributions and, subject to approval, £527,784 from external grants;**
- (c) gives authority to acquire title and/or rights over the necessary land as required in order to deliver the scheme.**

### **1. Summary and Purpose of Report**

The town of Modbury has experienced repeat flooding over recent years with the worst occurring in July 2012. Many of these properties have suffered further internal flooding on numerous occasions, prior to and since this significant event.

This report highlights this past history of flooding in Modbury and the ongoing high risk of future flood events. It also details the proposed scheme options that aim to significantly reduce this ongoing risk of flooding and recommends that Devon County Council (DCC) supports the delivery of these essential flood improvements through its capital programme, as set out in the recommendations above.

### **2. Background**

The severe rainfall experienced in July 2012 caused internal flooding to at least 27 properties, with some flooded to a depth of more than 900mm. The affected properties included a number of businesses and the local health centre. The flooding also rendered the main through-roads, including the A379, impassable. Later that year 6 properties were flooded in November and a further 7 in December, many of which were repeat flooding of properties for the second or third time within the 5 month period. Since 2012 there have been a number of smaller events that have also caused flooding to some of the same properties; one, in particular, having flooded on over 20 separate occasions.

Detailed investigations and hydraulic modelling have been carried out to understand the risk of flooding within the town. This has indicated that up to 82 properties (50 residential and 32 commercial) are at risk from the 1 in 100 year event, (the benchmark for assessing flood risk). Based on the criteria set out in the Devon Local Flood Risk Management Strategy, Modbury is considered to be one of our highest priorities for flood improvements. On that basis, scheme proposals have been developed to afford properties with flood improvements, where possible, up to this benchmark standard of protection.

# Agenda Item 9

## 3. Scheme Proposals

DCC is proposing a number of improvements at various locations upstream of the town to reduce runoff, attenuate flows and restrict the residual flows through the built up area. The main elements of the scheme are:

- Constructing three earthworks bunds to create flood storage within existing green areas of Modbury. These will capture and restrict flows to the town by temporarily storing excess water. The water will then be released slowly once the water levels drop.
- Excavating a series of cut-off ditches around field boundaries to reduce flows and direct flows to where they will be managed by the earthworks bund.
- In addition modifications will be made to upstream watercourses, improvements to gullies and drainage and minor surface re-profiling to direct water away from properties.

Attached are two plans which illustrate these proposed flood improvement works.

## 4. Consultations/Representations/Technical Data

Throughout the investigation and design process there has been a close working relationship between DCC's Flood Risk Management team, the DCC Engineering Design Group, South Hams District Council, Modbury Parish Council, South West Water and relevant landowners. Regular updates have been provided to the Parish Council and residents of Modbury and a full 2-day public consultation/exhibition was provided in November 2016.

A full planning application was submitted for determination through the DCC Development Management Committee. This planning process included in-depth consultation with key disciplines and other bodies to ensure matters relating to ecology, landscape, water quality and biodiversity have been appropriately mitigated. Planning permission was approved on the 8<sup>th</sup> of June 2017.

## 5. Financial Considerations

A business case promoting the scheme to the Environment Agency will be submitted, imminently, to request funding support from Defra's Flood Defence Grant in Aid and Local Levy (collected from Lead Local Flood Authorities in Devon, Cornwall and the Isles of Scilly). The remaining funding will be provided by contributions sought from South West Water, and South Hams District Council, as well as by DCC's own dedicated flood risk budgets. This will be in addition to the significant investment made by DCC, to date, through the required investigation and scheme design / preparation work.

The full breakdown of funding sources for the scheme is shown below. Relevant revenue allocations will be capitalised and monitored through DCC's capital programme.

The proposed implementation of the scheme and allocation of funding through DCC's capital programme is subject to formal confirmation of the external grants and contributions.

<b>Funding Source</b>	<b>Prior to 2017/18</b>	<b>2017/18</b>	<b>2018/19</b>
Prior costs incurred by DCC	£204,304		
DCC PT&E Flood Risk Management revenue budget		£100,000	
Flood Defence Grant in Aid		£127,784	£300,000
Local Levy		£50,000	£50,000
DCC revenue budget for Flood Prevention Works		£100,000	£50,000
South Hams District Council		£50,000	
Other contributions – South West Water			£100,000
<b>Total</b>	<b>£204,304</b>	<b>£427,784</b>	<b>£500,000</b>

## 6. Sustainability, Equality and Public Health Considerations

All of the flood improvements mentioned in this report will be developed in accordance with the Equality and Environmental Assessments produced in support of the Devon Local Flood Risk Management Strategy. All elements of the scheme have been assessed at the appropriate stage using the corporate, integrated assessment tool, with relevant equality and environmental impacts identified and acted on as necessary.

The works outlined in this report are all designed to improve the protection afforded to the community and individual properties currently at particular risk of flooding and, thereby, support health and wellbeing. More than just protecting the properties alone, it should be noted that flood water has the potential for transporting contaminants, such as sewage; so, reducing flood risk has clear health benefits.

An environmental appraisal of the proposals indicates that, with appropriate mitigation, there will be limited impact upon landscape, historic and ecological interests. The scheme will also look to maximise any ecological opportunities. These issues implications were taken into account, in line with relevant policy considerations, through the planning process.

## 7. Legal Considerations

All works will be carried out in accordance with the powers and duties assigned to DCC under the Flood and Water Management Act 2010, the Land Drainage Act 1991 and any other relevant legislation. The lawful implications and consequences of the proposals and relevant actions have been considered through the planning process and will be addressed, as necessary, through the implementation of the scheme. This may involve a legal easement or purchase of land to enable construction and future maintenance of key elements within the proposed scheme.

## 8. Risk Management Considerations

The risks associated with flooding are set out in the Devon Local Risk Management Strategy and addressed through DCC, Local Resilience Forum and local community emergency plans. In addition, the corporate risk register identifies the risks linked to the implementation of DCC's role as Lead Local Flood Authority. The proposed works are designed to reduce these risks and align with these strategies and plans.

The current standard of protection to some properties is estimated to be as low as from the 1 in 1 year event and this scheme aims to improve the standard up to the 1 in 75 year, as a minimum, and, for many properties, up to the 1 in 100 year scenario.

# Agenda Item 9

## 9. Discussion

The delivery of these important flood improvements will provide a significantly greater standard of protection and reduce the frequent risk of flooding to over 80 properties in the town of Modbury, including many community assets, small independent businesses and the local health centre. The business case to be submitted to the Environment Agency justifies the intended level of investment in the proposed scheme in accordance with national objectives. It also has a high priority when considered against the criteria set out in the Devon Flood Risk Management Strategy.

## 10. Options/Alternatives

A number of other options that could improve the flood resilience of the town were considered, including natural flood risk management, large flood relief culverts and watercourse diversions. These were considered against a range of factors such as environmental impact, flood risk benefit, social impact, health and safety implications and economic affordability.

The assessment has indicated that the preferred option, and hence the proposed scheme, is deemed to provide the most advantageous and cost beneficial scheme that will give immediate benefit upon completion of the works. This will be fully scrutinised by the Environment Agency's National Project Assurance Service, as part of the business case approval process for Defra funding.

## 11. Reason for Recommendation/Conclusion

The severity of flooding experienced in Modbury in 2012 and the extent of ongoing threat to a large number of residential properties and businesses has placed the town high on the priority list for investment in flood risk management. It is, therefore, recommended that the proposed scheme is approved for delivery through the DCC capital programme to secure these essential flood improvements and, thereby, reduce the risk of flooding to the close community of Modbury.

Dave Black  
Head of Planning, Transportation and Environment

## Electoral Divisions: Salcombe

Cabinet Member for Community, Public Health, Transportation and Environmental Services:  
Councillor Roger Croad

*Chief Officer for Communities, Public Health, Environment and Prosperity: Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Martin Hutchings

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

Tel No: (01392) 383000

Background Paper

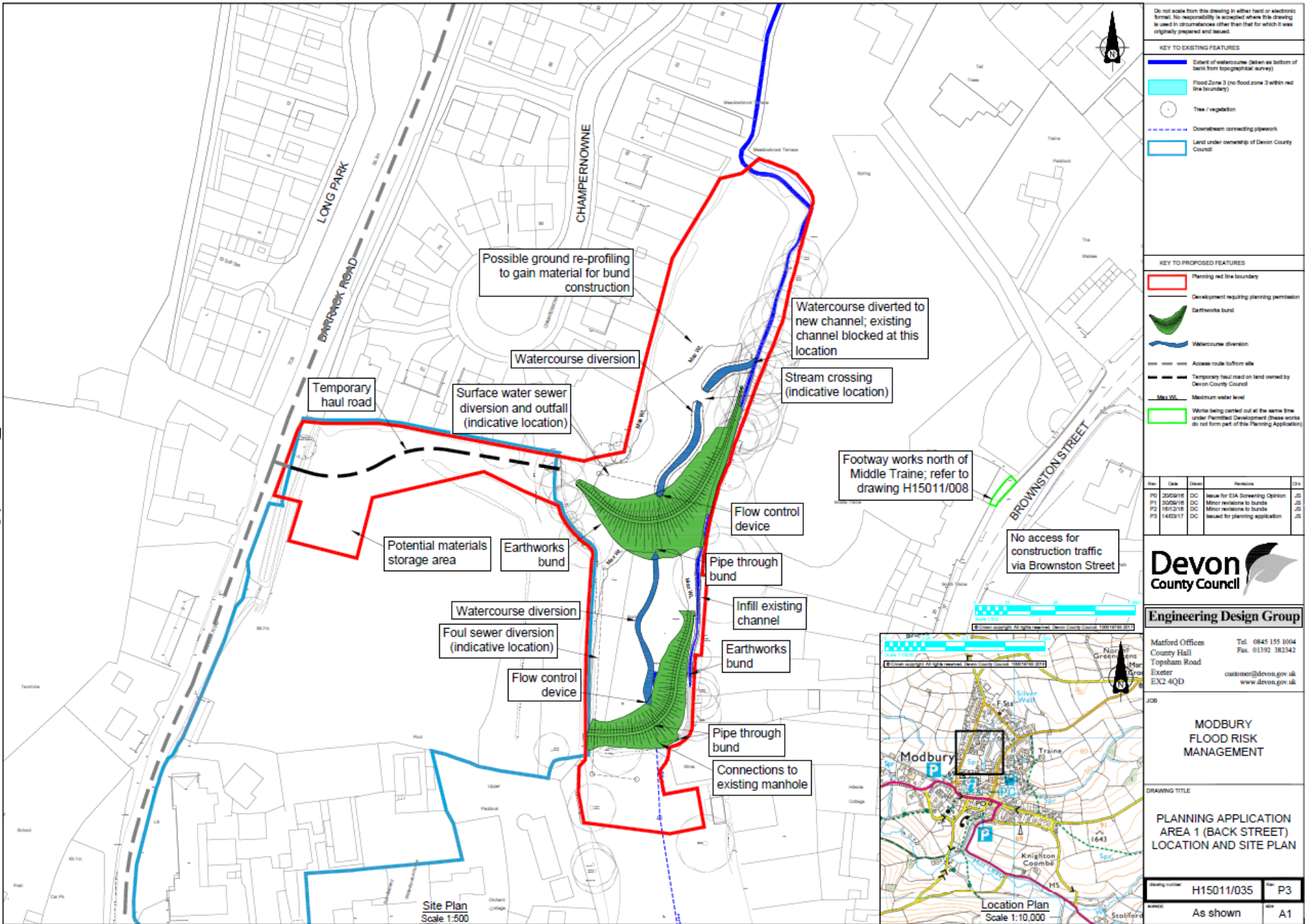
Date

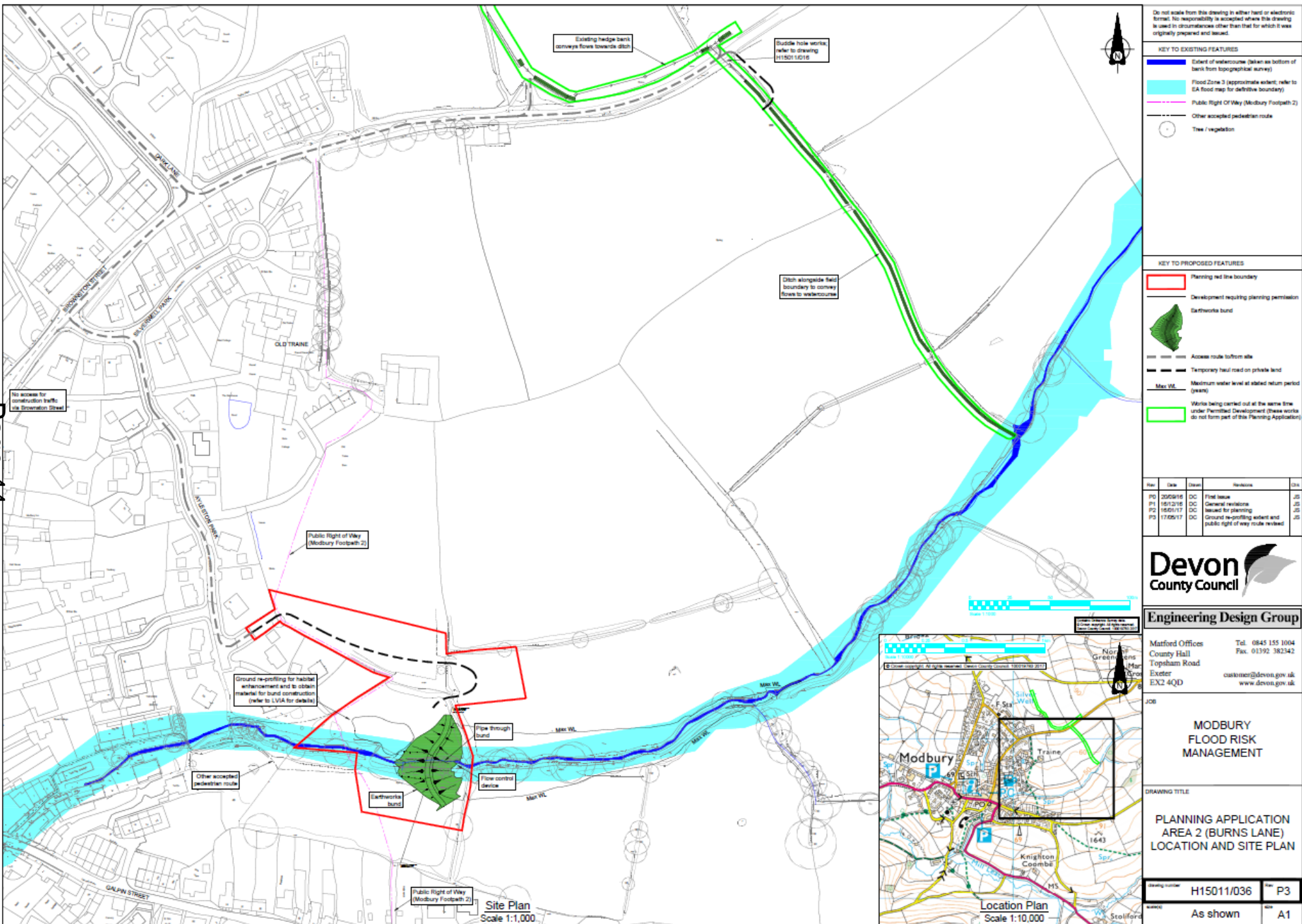
File Reference

Nil

mh230617cab Modbury Flood Improvement Scheme  
hk 02 290617







HIW/17/59

Cabinet  
12 July 2017

## **Brynsworthy Waste Transfer Station, Barnstaple – Approval to develop a waste transfer station to serve the North Devon and Torridge areas**

Report of the Acting Chief Officer for Highways, Infrastructure Development & 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.***

### **Recommendation:**

- (a) that approval is given to develop a waste transfer station at Brynsworthy, Barnstaple to serve the North Devon and Torridge areas;**
- (b) that approval is given, subject to finance review of the procurement exercise results, to increase the project approval of £4 million to a total of £4.4 million including site acquisition, planning and construction, funded by capital receipts;**
- (c) that Cabinet agrees that the acting Chief Officer for Highways Infrastructure Development and Waste, in consultation with the County Treasurer and the Cabinet Member for Infrastructure Development and Waste and the Cabinet Member for Resources and Asset Management, be given delegated powers to agree a financial contribution of up to £4million towards the capital cost of the facility;**
- (d) that the County Solicitor be authorised to execute all necessary legal agreements required to be entered into by the Council in respect of the development of a waste transfer station at Brynsworthy, Barnstaple.**

### **1. Summary**

Approval is sought to the development of a residual waste transfer station at Brynsworthy, Barnstaple as part of the procurement exercise to deliver a new residual waste service in the North Devon & Torridge area from February 2019.

### **2. Background/Introduction**

The County Council as Waste Disposal Authority has a statutory duty to dispose of waste collected by the District Councils.

The disposal of residual waste (waste that is not recycled or composted) in the North Devon and Torridge District Council areas is currently undertaken at Deepmoor landfill site, Torrington. This is under contract with Viridor, subcontracted to Devon Waste Management (DWM) who own the Deepmoor site.

Notice to terminate the contract by Viridor/DWM was given earlier this year. Procurement regulations state that the service needs to be retendered, hence a new service provider will need to be in place from 11<sup>th</sup> February 2019 and a procurement process has been initiated.

The County Council is seeking to move waste away from landfill with over 100,000 tonnes per annum now being used to generate energy through the Energy from waste (Efw) plants at Exeter and Plymouth. In 2014 a procurement exercise was undertaken in the North Devon and Torridge area to try to find a non-landfill solution including the potential to

# Agenda Item 10

develop a small scale Efw plant in the area. Only 2 bids were received both of which relied on a commercial operator to bulk up the waste and transport to an Efw plant for processing. These did not reflect current market rates at the time and the procurement did not progress further. However this time a new solution will need to be found as the current contract has been terminated.

Feedback from the failed procurement process suggested that the County Council needed to find a site for a waste transfer station which it could offer to the market in order to create a competitive market. Numerous sites were reviewed but eventually the site at Brynsworthy was found, heads of terms secured with the landowner and in April 2017 planning permission obtained. The Brynsworthy site is adjacent to the waste site identified in the adopted Devon Waste Local Plan for an Efw plant and is close to the main population centres of Barnstaple and Bideford as well as the principal road network. It is also adjacent to the North Devon waste vehicle depot. A site location plan is given in Appendix 1.

### **3. Proposal**

A procurement exercise to deliver a new residual waste disposal service for the North Devon and Torridge areas has been initiated with the OJEU Notice published at the end of June 2017. The contract is for a 10 year term and is seeking a non-landfill solution for those wastes that can be recovered. This is in line with both national waste policy but also the Devon Resource & Waste Management Strategy & adopted Devon Waste Local Plan. There is also a proposal within the emerging EU Circular Economy Package that only 10% of residual waste may be landfilled from 2020. Whilst it is unclear whether the UK will need to abide by this target it is likely that it will.

The procurement package is for the design, build, finance and operation of the Brynsworthy waste transfer station (BTS) to receive waste collected by the District Councils and contractors operating the County Council Household Waste Recycling Centres, to then bulk up and haul the waste to an Efw plant for recovery if suitable, or dispose via landfill if not.

It is proposed that the BTS will revert back to the ownership of the County Council at a specified point within the contract term. This will ensure that the County Council will have a strategic waste asset within the area which will continue to ensure that there is a competitive market for future tenders. There was some thought given to enabling the market to provide alternative waste transfer sites but pre-market engagement suggested that scope for doing this would be limited and would not keep the competitive market open for future tenders. In addition over £100,000 had already been invested in developing the Brynsworthy site through the planning process and there was concern that scope for finding another site when the service was retendered in future years would be somewhat limited as the Brynsworthy site may no longer be available.

### **4. Consultations/Representations/Technical Data**

Consultations were undertaken as part of the planning process, including a public exhibition in October 2016 which was attended by local councillors, stakeholders and residents. Development Management Committee considered the matter on 5 April 2017 (Minute \*50 refers).

The proposal is supported by North Devon Council but Torridge District Council have raised some concerns. These seem to be around their potential increase in costs as a result of having to travel to Brynsworthy but this site is closer than Deepmoor landfill to Bideford, Northam etc. Torridge have yet to decide where to develop their proposed new vehicle depot and maintenance costs will be significantly reduced as a result of no longer tipping off



on a landfill site. There have been some discussions with the Council at Member level to try to alleviate their concerns, and these are ongoing.

## **5. Financial Considerations**

There is likely to be an overall increase in the cost of providing a new waste service within the Northern Devon area. This is predominantly due to the need to bulk up and haul waste away from the area to an EfW plant. The cost of landfilling the waste at Deepmoor has been competitive in comparison to other landfill contracts within Devon. The increase required is likely to range from £400k to £1.1m per annum depending on how the BTS is funded.

Design and construction of the BTS is estimated to be around £4 million. The County Council could fund the development of the facility entirely through the revenue gate fee paid to the appointed contractor for providing the overall service. However given the current financial situation it is considered that this would not be the most cost effective way for the Council to develop the facility, as this could add approximately £1.1million cost per annum to the revenue budget. The impact on the revenue budget can be mitigated by funding the design and constructions costs, either wholly or partially, from capital receipts, rather than through the contractor's commercial borrowing. It has been calculated that a capital contribution of £4M, to fund the total anticipated design and construction costs, would reduce the annual impact on revenue to around £400k. A lower level of capital contribution would result in a higher overall revenue impact, on a sliding scale between £400k and £1.1M. It is therefore recommended that the County Council make a capital contribution of up to £4million to help reduce the pressure on the revenue budget. The County Council has capital receipts which could fund this level of investment.

On completion of the procurement exercise, the Finance Service and Corporate Capital Group will review the financial position to establish the most cost effective method of financing the project within the funding available and in consideration of the revenue budget impact.

It is recommended that the level of investment is decided by the acting Chief Officer for Highways Infrastructure Development and Waste in consultation with the County Treasurer and the Cabinet Member for Infrastructure Development and Waste and the Cabinet Member for Resources and Asset Management.

## **6. Environmental Impact Considerations**

Diverting waste away from landfill has a beneficial impact on the environment & climate change as well as moving waste up the waste hierarchy. However it will mean that waste will be transported out of the Northern Devon area for recovery.

## **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

# Agenda Item 10

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.

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

There are no equality issues as a result of this proposal.

## **8. Legal Considerations**

The procurement exercise will be undertaken in line with the Public Contracts Regulations 2015 and County Council standard terms of engagement. Legal support has been obtained from external advisers with regard to preparing the contract documentation.

## **9. Risk Management Considerations**

The key risk will be the procurement timescale and the need to have a new service provider in place by 11 February 2019 such that there is no interruption to the waste disposal service in the area.

## **10. Public Health Impact**

There is no impact on public health.

## **11. Options/Alternatives**

A waste disposal service needs to be in place when the current contract ends and hence doing nothing is not an option. Developing an EfW plant in the area is currently not viable due to the cost and insufficient waste for a small scale facility using proven technology.

It is unclear what remaining void capacity the Deepmoor landfill site has and the next closest landfill site is near Bridgwater, both of which are in commercial ownership. Consequently there is a clear case for bulking up the waste at a waste transfer station & hauling it to a EfW facility. This is in line with both national and Devon waste policy in diverting waste away from landfill.

It is proposed that the BTS site is developed as part of the procurement process and reverts back to County Council ownership, with the Council making a capital contribution million to reduce the impact on the revenue budget. An alternative would be to enable the market to provide a transfer station within the North Devon / Torridge area but this was found to be unaffordable in the previous failed procurement process and would not provide a competitive market for future retendering of the service.

## **12. Reason for Recommendation/Conclusion**

A new waste disposal service is required in the North Devon and Torridge area from February 2019. In order to create a competitive market for the procurement process and secure a long term strategic waste asset in the area it is recommended that the BTS is developed as part of the procurement process and the County Council makes a capital

contribution towards its cost. This will help to relieve the pressure on the waste revenue budget.

Meg Booth  
Acting Chief Officer for Highways, Infrastructure Development and Waste

## **Electoral Divisions: All in North Devon and Torridge**

Cabinet Member for Infrastructure Development and Waste: Councillor Andrea Davis

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

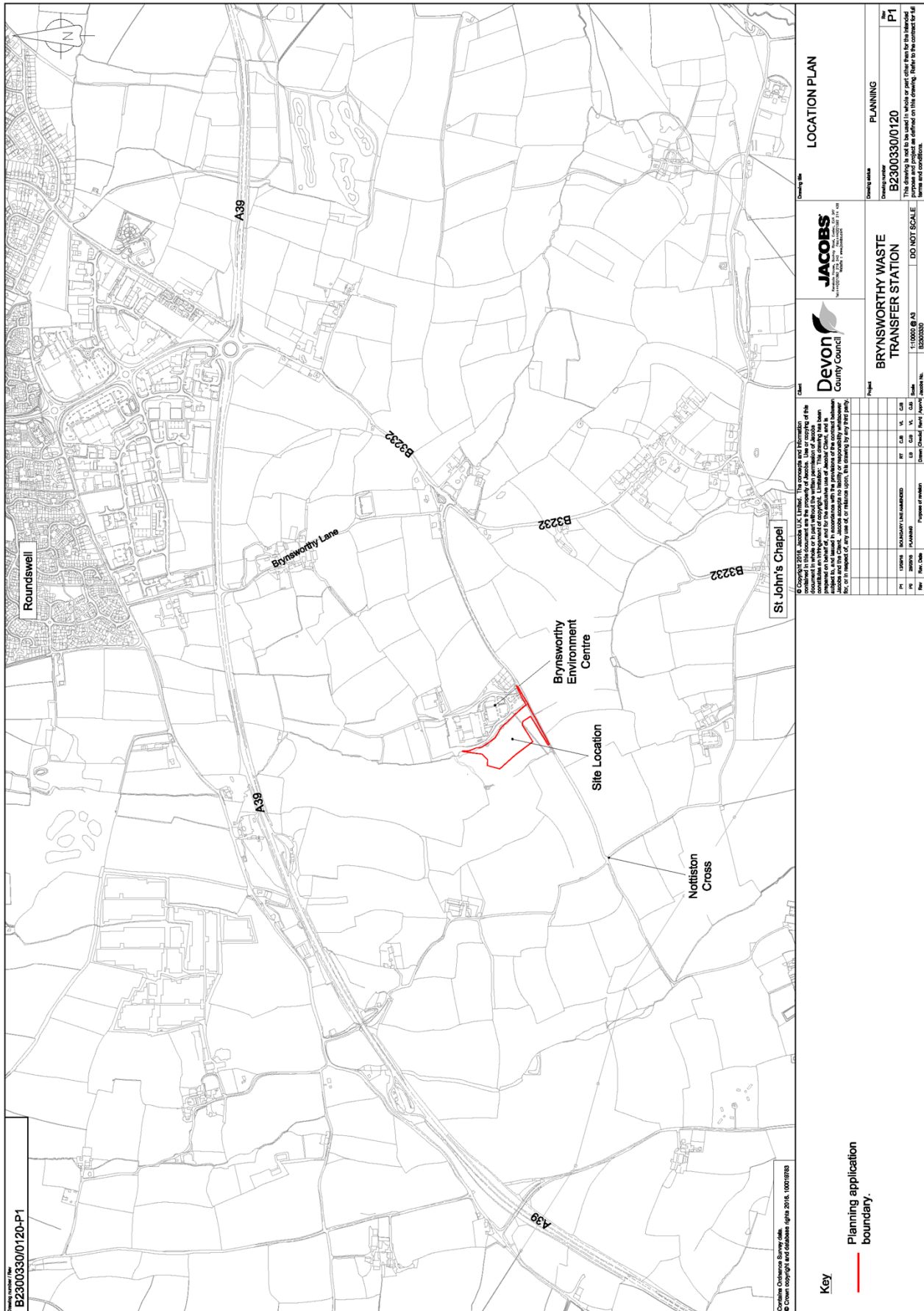
Contact for enquiries: Wendy Barratt

Room No. Matford Offices, County Hall, Exeter. EX2 4QD

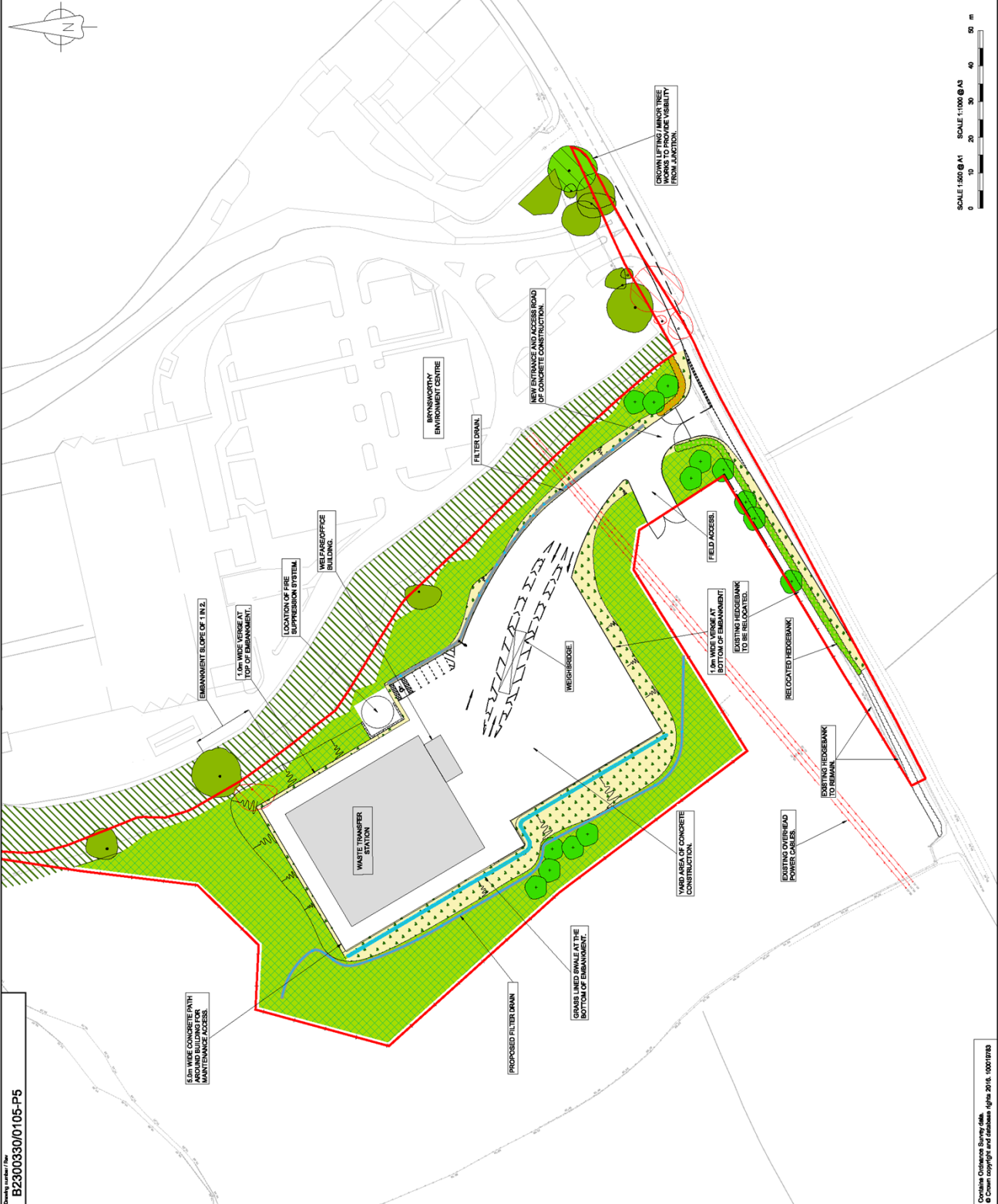
Tel No: 01392) 383000

Background Paper	Date	File Reference
1. Impact Assessment	June 2017	<a href="https://new.devon.gov.uk/impact/published/">https://new.devon.gov.uk/impact/published/</a>

wb230617cab Bynsworthy Waste Transfer Station  
hk 03 030717





Drawing number / Rev  
B2300330/0105-P5

DE VERGE AT  
MBANKMONT.

LOCATION OF FIRE  
SUPPRESSION SYSTEM.WELFARE/OFFICE  
BUILDINGBRYNSWORTH  
ENVIRONMENT CENTRE

**FILTER DRAIN.**

NEW ENTRANCE AND ACCESS R

PROPOSED FILTER DRAIN

YARD AREA OF CONCRETE

1.0m WIDE VERGE AT  
BOTTOM OF EMBANKMENT

1.0m WIDE VERGE AT  
BOTTOM OF EMBANKMENT

RELOCATED HEDGEBANK

\_\_\_\_\_

**CROWN LIFTING / MINOR TREE WORKS TO PROVIDE VISIBILITY FROM SIGHT TRIANGLE**

[illegible]

**JACOBS**  
Remacle House, Bonhey Road, Exeter, EX4 3JY  
+44(0)1392 219 340 Fax +44(0)1392 214 430

**BRYNSWORTH  
WASTE TRANSFER STATION**

## PROPOSED SITE LAYOUT

Ordering status		<b>PLANNING</b>	
Scale	1:500 @ A1	DO NOT SCALE	
Jobber No.	B2300330		
Ordering number	<b>B2300330/0105</b>	Rev	<b>P5</b>

Contains Ordnance Survey data.  
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# Impact Assessment

Version 2016

<b>Assessment of:</b>	<b>Development of a new waste transfer station at Brynsworthy, Barnstaple</b>
<b>Service:</b>	<b>Waste Management</b>

<b>Head of Service:</b>	Meg Booth
<b>Date of sign off by Head Of Service/version:</b>	30/6/17
<b>Assessment carried out by (incl. job title):</b>	Wendy Barratt, County Waste Manager

## Section 1 - Background

<b>Description:</b>	Residual waste in North Devon and Torridge is currently disposed at a landfill site near Torrington. However a new service needs to be in place by February 2019 which will divert waste away from landfill and into energy recovery. It is proposed to design and construct a new waste transfer station at Brynsworthy, Barnstaple where waste collected by North Devon and Torridge District Councils and the County Council's own contractors will be bulked up and hauled to an Energy from waste plant.
<b>Reason for change/review and options appraisal:</b>	New development

## Section 2 - Key impacts and recommendations

Social/equality impacts:	None
Environmental impacts:	Positive – diversion of waste away from landfill to recovery to create energy
Economic impacts:	None
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	Torridge District Council are concerned about their potential increase in costs to travel to the transfer station whereas they currently tip off at the landfill site within their District. The transfer station is located at Brynsworthy near Barnstaple adjacent to the North Devon Council depot . Travelling will be significantly reduced for North Devon vehicles
How will impacts and actions be monitored?	N/A

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

People affected:	Residents close to the development/ Torridge & North Devon Council
Diversity profile and needs assessment of affected people:	N/A
Other stakeholders:	Statutory consultees
Consultation process:	Planning process
Research and information used:	



# Background Analysis

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

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Page 5

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

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Characteristics	In what way are you eliminating or reducing the potential for direct or indirect discrimination, harassment or disadvantage?  Are there any reasonable and proportionate, unavoidable negative consequences?	In what way are you advancing equality (meeting needs, encouraging participation, making adjustments for disabled people, 'closing gaps').  In what way are you fostering good relations between groups (tackling prejudice and promoting understanding), if relevant?
All residents (include generic equality provisions):	N/A	N/A
Age:	N/A	N/A

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	N/A	N/A
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	N/A	N/A
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	N/A	N/A
Sexual orientation and marriage/civil partnership:	N/A	N/A
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion'	N/A	N/A



and rural isolation.		
Human rights considerations:	N/A	

## 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.
Page 59	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".

	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
Reduce waste, and send less waste to landfill:		
Conserve and enhance biodiversity (the variety of		

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

## 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	N/A
Impact on employment levels:	N/A	N/A
Impact on local business:	N/A	N/A

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## Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	N/A
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## 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
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## TREASURY MANAGEMENT STEWARDSHIP ANNUAL REPORT 2016/17

### Report of the County Treasurer

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

**Recommendation: that the Committee notes the report and considers whether it wishes to make any further comments to Cabinet.**

#### 1. Introduction

- 1.1. The County Council has adopted the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Services. A revised Code of Practice was published by CIPFA in November 2011 and a revised Policy Statement and Treasury Management Practices (TMPs) were agreed by Council in February 2016. The Treasury Management and Investment Strategy for 2016/17 was agreed by Council in February 2016 and forms part of the published budget book.
- 1.2. The purpose of this report is to show the outturn position, review performance and inform members of any key matters arising from the Council's Treasury and Debt Management activities during the 2016/17 financial year. The report also includes an update on the 2017/18 Strategy. This report, together with any comments offered by this committee, will be considered by Cabinet on 12<sup>th</sup> July.

#### 2. Minimum Revenue Provision

- 2.1. Each year the Council has a statutory obligation to charge to the revenue account an annual amount of Minimum Revenue Provision (MRP), which is a charge to make provision for the repayment of the authority's external debt and internal borrowing. The charge is based on the historic borrowing required to fund the Council's capital programme.
- 2.2. The current policy, following a review in 2015/16 is to charge MRP in equal instalments over the life of the asset benefiting from the capital spend. The final outturn for MRP for 2016/17 is £20.3m.

#### 3. Treasury Management Outturn Position 2016/17 - Borrowing

- 3.1. The overall aims of the borrowing strategy are to achieve:
  - Borrowing at the lowest rates possible in the most appropriate periods;
  - The minimum borrowing costs and expenses;
  - A reduction in the average interest rate of the debt portfolio.
- 3.2. The Medium Term Financial Strategy assumption was that no new long-term borrowing would be required, although this would be kept under review. This has been made possible

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by the current capital financing regime, whereby the Government now provides capital grants rather than supported borrowing, and prudent management of the capital programme.

- 3.3. Active treasury management and the maintenance of levels of liquidity aim to avoid the need for short term borrowing. Cash positions are monitored daily and modelled over a monthly horizon to ensure that anticipated liquidity levels are forecast accurately.
- 3.4. However, the identification of temporary shortfalls in available cash meant that short-term borrowing was required for brief periods at the end of June and October. Three short-term loans totalling £10m were undertaken from other local authorities, each for a period of less than 30 days and at an average rate of 0.31%. The total amounts borrowed were not required for the full term of each loan and we were able to invest the surplus funds at a higher rate resulting in a small net gain to the authority. No further short-term borrowing was required during 2016/17.
- 3.5. In accordance with the Medium Term Financial Strategy, no long term borrowing was undertaken during this financial year. Instead all borrowing required to fund capital expenditure was met from internal cash balances. This position will be kept under review, but the expectation remains that no new external borrowing will be required during the three year period.
- 3.6. No opportunities arose during the 2016/17 financial year to repay outstanding debt without incurring substantial premium penalties, which would negate any benefit of repaying the debt. The Public Works Loan Board (PWLB) sets premature repayment rates, and where the interest rate payable on a current loan is higher than the repayment rate, the PWLB policy imposes premium penalties for early repayment. With current low rates of interest these penalties would be of a significant cost. Therefore it will only make financial sense to repay debt early if the PWLB changes its current policy, or if interest rates rise and cancel out the repayment premiums.
- 3.7. At 31st March 2017 the level of long term debt stood at £507.85m as detailed in the table below.

## Analysis of Long Term Debt

	Actual 31.03.16 £'m	Interest Rate %	Current 31.03.17 £'m	Interest Rate %
<b>Fixed Rate Debt</b>				
PWLB	436.35	4.99	436.35	4.99
Money Market	71.50	5.83	71.50	5.83
<b>Variable Debt</b>				
PWLB	0.00		0.00	
Money Market	0.00		0.00	
<b>Total External Borrowing</b>	<b>507.85</b>	<b>5.11</b>	<b>507.85</b>	<b>5.11</b>

- 3.8. The long term debt figure presented in the Statement of Accounts for 2016/17 is £511.318m (£3.47m greater than the figure stated above). This difference is due to an accounting standard adjustment which requires us to record the value of our long term debt at its Net Present Value in the Statement of Accounts. The LOBOs (Lender Option Borrower Option) have stepped interest rates and are revalued annually based on the effective interest rate for the duration of the loan. This revaluation has the effect of smoothing the stepping of the interest over the life of the loans.

## 4. Treasury Management Outturn Position 2016/17 - Investments

4.1. The overall aim of the Council's investment strategy is to:

- Limit the risk to the loss of capital;
- Ensure that funds are always available to meet cash flow requirements;
- Maximise investment returns, consistent with the first two aims;
- Review new investment instruments as they come to the Local Authority market, and to assess whether they could be a useful part of our investment process.

4.2. Following the outcome of the EU referendum in June, the Bank of England was concerned about the impact of the result on the wider economy. They therefore decided to reduce the base rate from 0.5% to 0.25%. As a result of this and other global concerns that have impacted on banks, the rates that are now available have fallen further from the already low rates available in the market. The rates on offer during 2016/17 and going forward into 2017/18 continue to be low and the returns on the County Council's cash investments are forecast to remain at the current low levels for the foreseeable future; however, the Treasury Management Strategy will continue to ensure a prudent and secure approach.

4.3. However, the Council has benefitted from higher rates achieved on four one year loans made in the months before the referendum. The use of money market funds, provided for in the 2016/17 strategy has also assisted in providing slightly higher rates for liquid cash than traditional bank call accounts. Money market funds can include both Constant Net Asset Value (CNAV) funds and Variable Net Asset Value (VNAV) funds, but must be AAA rated.

4.4. As a result, the average interest rate earned on investments, excluding the CCLA property fund, for the year was 0.66%, against a full year budget target return of 0.65%. The CCLA property fund has yielded an average rate of 4.57% for the same period against a full year budget target of 4.5%. The combined total return from all investments was 0.98%.

4.5. Revenue lending during 2016/17, including the use of term deposits, call accounts and property funds, earned interest of £1.315m against a full year budget of £1.215m. The interest figure quoted is the return from the Council's Treasury Management activity and is different from the figure presented in the Outturn Report and the Statement of Accounts which also includes interest generated from a number of other sources.

4.6. All lending has been carried out in accordance with the Council's Treasury Management Strategy and with institutions on the list of approved counterparties.

4.7. The following table shows the County Council's fixed and variable rate investments as at the start and close of the financial year:

### Schedule of Investments

		Actual 31.03.16 £'m	Interest Rate %	Current 31.03.17 £'m	Interest Rate %
Maturing in:					
<b>Bank and Building Society Deposits</b>					
<b>Fixed Rates</b>					
Term Deposits	< 365 days	45.00	0.84	66.50	0.66
	365 days & >	0.00		0.00	
Callable Deposits					
<b>Variable Rate</b>					
Notice Accounts		50.00	0.70	30.00	0.75
Call Accounts		23.80	0.41	0.00	
Money Market Funds (MMFs)				20.74	0.29
<b>Property Fund</b>		10.00	4.67	10.00	4.45
<b>All Investments</b>		<b>128.80</b>	<b>1.00</b>	<b>127.24</b>	<b>0.92</b>

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- 4.8. The figure as at 31<sup>st</sup> March 2017 includes approximately £14.3m related to the Growing Places Fund (GPF). This figure was approximately £14.6m as at 31<sup>st</sup> March 2016. Devon County Council is the local accountable body for the GPF, which was established by the Department for Communities and Local Government to enable the development of local funds to address infrastructure constraints, promoting economic growth and the delivery of jobs and houses. The Council is working in partnership with the Local Economic Partnership, and interest achieved on the GPF funds, based on the average rate achieved by the Council's investments, will accrue to the GPF and not to the County Council.

## 5. Prudential Indicators

- 5.1. Linked to its Treasury Management Strategy, the County Council is required to monitor its overall level of debt in line with the CIPFA Code of Practice. Part of the code requires consideration of a set of Prudential Indicators in order to allow the Council to form a judgement about the affordable, prudent and sustainable level of debt.
- 5.2. The purpose of the indicators is to demonstrate that:
- Capital expenditure plans are affordable;
  - All external borrowing and other long term liabilities are within prudent and sustainable levels;
  - Treasury management decisions are taken in accordance with professional good practice.
- 5.3. Three Prudential Indicators control the overall level of borrowing. They are:
- **The authorised limit** - this represents the limit beyond which any additional borrowing is prohibited until the limit is revised by the County Council. Revision may occur during the year if there are substantial and unforeseen changes in circumstances, for example, a significant delay in achieving forecast capital receipts. In normal circumstances this limit will not require revision until the estimate for the following year is revised as part of the budget setting process.
  - **The operational boundary** – this indicator is based on the probable external debt and other long term liabilities during the year. Variations in cash flow may lead to occasional, short term breaches of the Operational Boundary that are acceptable.
  - **The upper limit for net debt** - the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the Capital Financing Requirement.
- 5.4. During the Budget process, the following Borrowing Limits were set for 2016/17:
- Maximum borrowing during the period (Authorised Limit) £838.9m.
  - Expected maximum borrowing during the year (Operational Limit) £813.9m.
  - Underlying Borrowing Requirement to Gross Debt - £113.8m under borrowing.
  - Maximum amount of fixed interest exposure (as a percentage of total) 100%.
  - Maximum amount of variable interest exposure (as a percentage of total) 30%.
- 5.5. Members are asked to note that during 2016/17 the Council remained within its set Borrowing Limits and complied with the interest rate exposure limits.



## 6. 2017/18 Update

- 6.1. The Medium Term Financial Strategy assumes that, over the three year period, no new long-term borrowing will be required. This is still envisaged to be the case, although this will be kept under review.
- 6.2. The PWLB policy of imposing premium penalties for the early repayment of long term debt means there is little potential to repay further debt during the current financial year.
- 6.3. Forecasting future interest rates is difficult as the factors affecting interest rate movements are outside of the Council's control. Whilst short term rates are generally linked to the Bank of England's Base Rate, long term rates are determined by other factors, e.g. the market in Gilts. The County Council retains an external advisor, Capita, who forecast future rates several years forward. Similar information is received from a number of other sources.
- 6.4. There remains a high degree of uncertainty around the impact of the UK Brexit decision, the impact on the value of Sterling, and the potential inflation threat building in the UK economy. Interest rate expectations have been similarly affected, first pushing lower in anticipation of a near-term rate cut, to one where there is no expectation of any change in either direction for some while to come. This volatility could remain in situ for some time to come, certainly until there is greater clarity surrounding the consequences for the economy of the deal that can be negotiated around a withdrawal from the EU.
- 6.5. Markets had priced in no change in the UK Bank Rate until the close of 2019. However, in light of rising inflation and a more hawkish tone to commentary from the Bank of England Monetary Policy Committee, some commentators are now expecting a rate change by the close of 2018. As Brexit negotiations and price pressures unfold, such volatility in expectations will persist. However, the general consensus among market commentators is still that any future interest rate rises will be slow and gradual. Capita's current forecast is for the Bank of England to hold the current rate 0.25% to the end of 2019.
- 6.6. In consequence of the current market environment, the Council set a prudent target interest rate for 2017/18 for lending to banks and building societies of 0.40% p.a. with a target rate for the investment in the CCLA Property Fund of 4.5%. The Council will continue to invest its cash in a mixture of term deposits and more liquid call accounts and money market funds, and the target rates are considered to be achievable. The Treasury Management Strategy will continue to ensure a prudent and secure approach.
- 6.7. Consideration has been given to making a further investment in the CCLA Property Fund. While the income yield from the Fund continues to be stable at between 4% and 5% per year, the uncertainty of Brexit has meant that the outlook for commercial property prices is less certain, and there is a risk that the potential loss of capital would offset the benefit of the higher yields over the next five year period. It is not therefore proposed to increase the investment at this time, but this will be kept under review.
- 6.8. The Council currently has four money market fund managers on its counterparty list. Each of these providers offers a range of funds from CNAV (Constant Net Asset Value) funds which offer daily liquidity to VNAV (Variable Net Asset Value) enhanced cash funds which provide a slightly better rate and liquidity generally based on less than a week's notice. We will continue to make use of enhanced cash funds where possible to access the better rates, whilst ensuring the safety of the Council's cash. Money market funds must be AAA rated to comply with the Council's treasury management strategy.

## 7. Summary

- 7.1. No long term borrowing was undertaken during 2016/17. Three short-term loans totalling £10m were undertaken from other local authorities, each for a 30 day period at an average rate of 0.31%. It is not envisaged that any new long term borrowing will be required over the next three year period but this will be reviewed annually.

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- 7.2. No opportunities arose during the 2016/17 financial year to repay outstanding debt without incurring substantial premium penalties, which would negate the benefit of repaying the debt.
- 7.3. Investment income of £1.315m was achieved in 2016/17 against a full year budget of £1.215m. This represented a return of 0.98%, including the Property Fund investment. Successful prudent management of the Council's short term cash reserves has delivered a surplus of £0.1m for the 2016/17 financial year.

Mary Davis

Electoral Divisions: All

Local Government Act 1972

List of Background Papers - Nil

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## **CHILDCARE SUFFICIENCY REPORT** **Report of the Head of Education and Learning**

*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:** That the Cabinet welcome and endorse the Annual Childcare Sufficiency Report and arrangements be made for the report (and supporting reports) to be published on the Council's website.

### **1. Background**

It is a statutory duty to secure sufficient early years and childcare places.

- 1.1 Sufficiency is met through a variety of providers that includes all types of schools, pre-schools, day nurseries, holiday clubs, breakfast clubs, after school clubs, childminders, etc. These provisions are within the private, voluntary, independent and maintained sectors.
- 1.2 Early years places are for 0-5 year olds. Some 2 year olds and all 3 and 4 year olds are funded through the Dedicated Schools Grant to access 570 hours of education a year (equivalent of 15 hours per week term time).
- 1.3 From September 2017, 3 and 4 year olds from working families will be eligible to an additional 570 hours of childcare per year. This is a total of 1140 hours of early education and childcare per year.
- 1.4 Childcare places are for 0-14 year olds (or up to 18 years old for disabled children). This provision is paid for by parents.
- 1.5 The local authority should take into account what is "reasonably practicable" when assessing what sufficient childcare means.
- 1.6 [\*The Early Education and Childcare: Statutory Guidance for Local Authorities\*](#) dated September 2014 and the new document for September 2017, sets out that the local authority should report annually to elected Council Members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents.
- 1.7 The report must contain information about the supply and demand of childcare for all children aged 0-5 and out of school and holiday care for school aged children including children with a disability or special education needs. The report considers the affordability, accessibility and quality of provision and how any gaps in childcare provision will be addressed.
- 1.8 This is the fifth Childcare Sufficiency Assessment Annual report; last year's report was approved by cabinet in October 2016 and can be found here: <https://new.devon.gov.uk/eycs/providers/childcare-sufficiency/childcare-sufficiency-assessment>

### **2. The Childcare Sufficiency Annual Reports**

- 2.1 There is one report and an executive summary.
- 2.2 The Childcare Sufficiency Annual Report 2016/17 (Appendix 1), which is brought before Cabinet for endorsement, encapsulates key findings from data relating to 2016/17 and actions for the Early Years and Childcare Service for 2017/18.

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## 3. Key Findings

- 3.1 The data analysis indicates that overall there is sufficient early years and childcare provision within Devon. Although the rural/urban spread of different types of provision varies. Some [Childcare Sufficiency Hot Spots](#) have been identified.
- 3.2 The level of early years provision has slightly increased again this year. The number of early years places has increased this year despite the number of providers decreasing.
- 3.3 The number of providers who are approved to offer the 2 year old funding has continued to increase this year by 57 and now stands at 605.
- 3.4 The percentage 2 year olds taking up a funded place has continued to increase this year by 7% to 90.9%.
- 3.5 There continues to be a high percentage of 3 and 4 year olds taking up the early years education funding (98.5%). Approximately a quarter of funded places for 3 and 4 year olds are in school provision.
- 3.6 The take-up of the Early Years Funding by those two-year-olds in local authority care has increased from 53.3% to 69.2% and has increased from 97.0% to 100.0% for three- and four-year-olds in care.
- 3.7 The percentage of providers graded as Good or Outstanding by Ofsted remains higher than the South West and National average (Devon 98.2%, National 92.7%, South West 95.1%).
- 3.8 The percentage of providers approved to offer early years education funding graded as Good or Outstanding by Ofsted has increased by 7.1% to 97.9%.
- 3.9 A higher proportion of children in Devon (72.2%) achieved a Good Level of Development than the national average (69.3%) and other statistical local authority neighbours (measured by the Foundation Stage Profile).
- 3.10 The Early Years and Childcare Service now work closely with the School Place Planning Team to ensure that the need for more early years places is included with Section 106 requests in response to housing developments.
- 3.11 HM Government have created a new '[Childcare Choices](#)' website which parents can access to find out what financial support is available to them. Parents set up an online account to check their eligibility for Tax Free Childcare, Tax Credits and the extended (30 hours) entitlement. The Early Years and Childcare Service ask providers to direct parents to the governments online [Childcare Service](#). Monthly updates are provided to the Local Authority by the Department for Education, setting out how many parents have been found eligible for the extended entitlement.
- 3.12 This is a time of great change for providers and for the local authority as new systems and processes are being rolled out. At this point in time it is very difficult to say how many providers will be offering the extended entitlement. In the Annual Survey in January 2017, 75% said they would and indications from our wider team suggest that this number has significantly increased.
- 3.13 In terms of sufficiency, it will not be clear for some time how providers will offer the extended entitlement and whether there will be limited choices or flexibility for families in the times, days and weeks that they need to use provision to fit with work patterns. Parents who work part time, but meet the criteria, may choose not to take up the full 1140 hours.
- 3.14 All providers have been encouraged and supported to register with HMRC so they can accept tax free childcare payments, making childcare more affordable for families.
- 3.15 100% of Devon County Councils administrative area is within a five-mile radius of day care provision and 100% is within a five-mile radius of funded provision

- 3.16 The Early Years and Childcare Service has a new online [weekly digest](#) for providers helping to keep them up to date with the latest news and information, especially on the extended entitlement. This links with the [Facebook page](#) which is one of the best performing social media platforms in the council.

## 4. Actions arising from the report

- Continue to analyse data to assess sufficiency and conduct Childcare Sufficiency Hot Spot meetings to discuss the supply and demand of childcare
- Carry out the Annual Survey of Providers in January 2018
- Improve forecasting of predicted take-up of Early Years funding to identify areas of need
- Promote the take-up of the extended entitlement to 1140 hours of funded childcare for eligible three- and four-year-olds from September 2017
- Monitor the impact of the extended entitlement on the number of places for two-year-olds.
- Encourage more providers to open for longer hours and more weeks per year
- Encourage providers to work in partnership with other providers to ensure parents can access their full entitlement
- Explore how school sites and building can be used outside of term times
- Encourage childminders to operate on non-domestic premises and to employ assistants
- Increase the take-up of the Early Years Pupil Premium
- Work with schools on the 'right to request' and capture information on school run childcare that is not registered.
- Promote the new Disability Access Fund

## 5. Options/Alternatives

No other options were considered.

## 6. Financial Considerations

There are no additional cost implications to the report actions which will be implemented by the Early Years and Childcare Service.

## 7. Legal Considerations

There no specific legal considerations in relation to the annual report, key findings or actions arising from the report.

## 8. Environmental Impact Conditions

There are no specific environmental related issues arising from the report, key findings and proposed actions for the coming year.

## 9. Equality Considerations

The actions arising from the Childcare Sufficiency Report contribute to the promotion of equality of opportunity. The Sufficiency Assessment Report considers accessibility and affordability of childcare for all families and includes consideration of disabled children, families on low incomes and parents working irregular hours. Early years and childcare provision is registered and inspected by Ofsted and they are required to comply with all legislation relating to anti-discrimination, safeguarding, employment and health and safety. The inspection will assess the extent to which the provider complies with all legal duties including those set out in the Equality Act 2010 and will pay particular attention to the educational outcomes for specific groups of children which includes all children with protected characteristics. (Equality Act 2010) The actions identified for the coming year are a continuation of the ongoing work of the Early Years and Childcare service in promoting equality of opportunity for all families through provision of accessible, affordable, childcare.

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## 10. Risk Management Considerations

No risks have been identified.

## 11. Public Health Impact

The report identifies that there are sufficient early years and childcare services for families. This should have a positive impact on public health as families can be supported through early years and childcare providers who enable parents to go to work or training and can signpost to other support if required.

## 12. Reasons for recommendation

Data analysis for the Childcare Sufficiency Report indicates that the local authority met the early years and childcare sufficiency duty in Devon in 2016/17.

To continue to ensure the duty is met in 2017/18 the main areas of focus will be:

- Ensuring sufficient places for 2 year olds and marketing and promotion of this entitlement.
- Ensuring sufficient places for the increase of the Early Years Entitlement to 1140 hours a year for 3 and 4 year olds of working families from September 2017.
- Raising the quality of the funded places that are available – specifically those judged as Requires Improvement and Inadequate by Ofsted.
- Meeting the need for early years and childcare places where there are new housing developments.
- Ensure inclusive early years and childcare provision for children with disabilities and special education needs.

Dawn Stabb  
Head of Education and Learning

Electoral Divisions: All  
Cabinet Member for Children's Services and Schools: Councillor James McInnes  
Chief Officer Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

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Childcare Sufficiency Assessment Annual Report 2016/17

Childcare Sufficiency Assessment Summary 2016/17



2016/17

# Childcare Sufficiency Assessment Annual Report



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# INTRODUCTION

This report sets out to demonstrate how Devon County Council is meeting its duty to secure sufficient childcare. Information on what childcare sufficiency means in Devon is explained in the [Childcare Sufficiency in Devon factsheet](#). This includes:

- What is childcare?
- The Early Years and Childcare Service
- The Childcare Sufficiency Duty
  - Duty to secure sufficient childcare
  - What Devon County Council considers to be ‘sufficient childcare’?
  - Duty to assess childcare

Report produced by Gemma Cockerham, Early Years and Childcare Data Analyst,  
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# PART A: A PICTURE OF DEVON

## A PICTURE OF DEVON – PUTTING CHILDCARE INTO CONTEXT

### Population

Over the last year the population of 0 to 16-year-olds has increased by 2.4% and now stands at 137039. South Devon saw a slight decrease in the population (-0.2%) whereas all other districts saw an increase. The largest increase in population of 0 to 16-year-olds was seen in Torridge (+4.4%), followed by Exeter (+4.2%) and East Devon (+4.0%).

However, the population of under-five-year-olds across Devon has slightly decreased by 0.8% over the last 12 months to autumn 2016 and is predicted to continue to decrease.

The population of two-, three- and four-year-olds eligible for the Early Years Funding has also decreased by 2.4% and is predicted to continue to decrease over the next 12 months.

### Housing Developments

There are several areas in Devon where new housing developments will significantly increase the population and therefore the demand in childcare.

The Early Years and Childcare Service work closely with the School Place Planning Team to ensure requirements for early years provision is considered in responses to [District Council Local Plans](#) and [Section 106 requests](#).

### Other information

Other information to help put childcare requirements into context includes:

- [Devon Facts and Figures website](#) - this brings together a range of statistics, gleaned from a number of sources, about the people of Devon, their social, employment, and economic circumstances, and the commercial and natural environment in which they live.
- [Devonomics website](#) – more information on Devon's Economy.

All relevant data is used to inform decision making in relation to the sufficiency of early years and childcare provision in Devon.

### To note:

- The Early Years and Childcare Service now receive population data from health on a termly basis. This helps with planning provision.
- The Early Years and Childcare Service now work closely with the School Place Planning Team to include requirements for early years provision on Section 106 requests relating to new housing developments.
- The Early Years and Childcare Service now have a weekly 'Digest' to keep providers up to date with the latest news and information. [Subscribe here](#)
- The [Working in Childcare campaign](#) has been launched to encourage more people to work in early years.
- There has been an increase in delayed entry requests to schools over the last 12 months, resulting in more children staying in early years provision.

# PART B: SUFFICIENCY OF EARLY YEARS AND CHILDCARE PROVISION

## EARLY YEARS AND CHILDCARE PROVIDERS

Types and descriptions of early years and childcare providers in Devon can be found on the [Types of Early Years and Childcare Providers factsheet](#)

Table 1: Number of childcare providers by type of care as at 31 March 2017

Type of Childcare	2015/16		2016/17	
	No. of Providers	No. of Places	No. of Providers	No. of Places
Day Nursery	128	10204.5	128	10667
Pre-school playgroup	249	5289.5	240	5444.5
Nursery unit of independent schools	15	516	15	584.5
Academy nursery class	17	504	22	720.5
Maintained nursery class	47	1651.5	50	1748
Out of school club	164	6069	176	6642
Weekend Club	5	37.5	5	40
Holiday Scheme	87	4405	82	5028
Childminder	632	3968.5*	562	3580.5*
Home Childcarer	142	-	131	-
<b>All Provision</b>	<b>1486</b>	<b>32375.5</b>	<b>1411</b>	<b>34455</b>

Source: DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service

\*Total number of places for under-5 -year-olds

### To note:

- There has been an increase in academy nursery classes with more school converting to academies.
- There has been an increase in maintained nursery classes with schools lowering the age range of the school creating over 100 additional places.
- The number of childminders continues to decrease in line with the national trend.
- Voluntary sector pre-schools continue to close, but are often replaced by provision that is run by schools. This is particularly seen in rural areas. Despite having fewer pre-schools there are almost 200 more places available.
- The number of holiday providers continues to decrease although the number of places has increased. 142 group based day care providers are open all year round and 445 childminders report operating during school holidays.

## SUPPLY OF CHILDCARE

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The supply of childcare in Devon is measured in Full Time Equivalent Places (FTEs). More information on how FTEs are defined and calculated can be found on the [Calculating the Supply of Childcare – FTE places factsheet](#)

### Annual Survey of Providers 2017

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The Early Years and Childcare Service conducts an Annual Survey of Providers in which all early years and childcare providers are asked the total number of children they can take at any one time. There are also questions relating to the childcare workforce, admission of two-year-olds, provision for the Early Years Funding and the extension to the entitlement, charges, care for atypical and irregular hours. For more information please see the [Annual Survey of Providers webpage](#), which includes the analysis of this year's [Annual Survey of Providers 2017](#).

### Level of childcare provision

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This year there has been a slight increase in the level of early years provision for under-five-year-olds. This is due to a decrease in the population of under-five-year-olds and an increase in the supply of group-based childcare.

The level of provision for before school, after school and holiday care has remained relatively stable but a decrease has been seen in the level of weekend provision.

## DEMAND FOR CHILDCARE

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Information on childcare in Devon is available from the communications team through the [Education and Families website](#) and through the [online Community Service Directory, Pinpoint](#).

If you are a parent who is unable to find suitable childcare, it is important that you tell Devon County Council so that we can help you find childcare if it is available and it will help inform our sufficiency planning. To do this, please contact the [childcare brokerage service](#) by phoning 01392 385522 or email [pinpoint@devon.gov.uk](mailto:pinpoint@devon.gov.uk) or complete our [online parent feedback form](#).

### Parent Feedback Forms

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20 online parent feedback forms have been submitted in 2016/17 relating to 31 children.

The majority of these were from parents in East Devon (7) mainly looking for childcare for under-five-year-olds, Teignbridge (4) mainly looking for childcare for primary school aged children or South Hams (3) looking for childcare for both under-five-year-olds and primary school aged children.

18 of the enquiries detailed the main reason for looking for childcare was to enable them to work.

13 parents requested to be contacted to further discuss their issues with finding childcare.

### Childcare Brokerage

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In 2016/17 there were 6 instances where the childcare brokerage service were unable to find suitable childcare for parents. These were:

- After school provision in Totnes
- Out of school provision in St Leonards (2 parents)
- Out of school provision in Silverton
- Weekday childcare in Ilfracombe
- Day care provision in Budleigh Salterton to access the early years education funding.

These have been followed up by the Early Years and Childcare Service. It must be noted that there has to be a large enough demand for childcare to make it a viable business proposition for providers.

### Estimate Use

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The estimated use of childcare for under-five-year-olds is calculated using data captured by the [Department for Education's Childcare and Early Years Survey of Parents 2014-15](#) and economic data from the [Annual Population Survey](#). For more information please see [Calculating Demand for Early Years and Childcare Factsheet](#).

The Early Years and Childcare Service analyse this data on the supply and estimated demand of childcare to establish areas where there may be a lack of provision. These are discussed with the locality teams and [childcare sufficiency hot spot areas](#) are identified.

## QUALITY OF EARLY YEARS AND CHILDCARE PROVISION

### Ofsted outcomes

For an explanation on the role of Ofsted, the inspection framework and a description of the Ofsted judgements please see the [Ofsted Inspections and Outcomes factsheet](#).

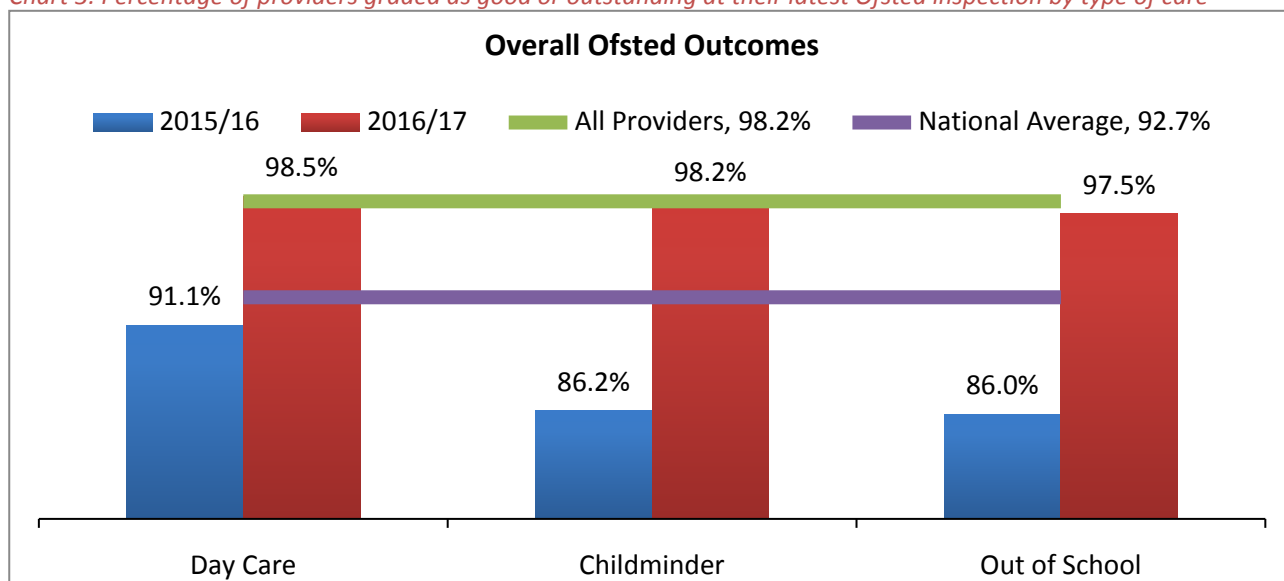
Provision run by schools is not included due to changes in the way the Early Years Foundation Stage is inspected and reported on. This equates to approximately 15.8% of day care providers and 12.9% of places.



#### Good news

- The percentage of providers in Devon graded as good or outstanding by Ofsted at their most recent Ofsted inspection has increased from 87.7%<sup>1</sup> as at March 2016 to 98.2%<sup>2</sup> as at March 2017. This remains higher than the national (92.7%) and South West (95.1%) average<sup>3</sup>.

Chart 3: Percentage of providers graded as good or outstanding at their latest Ofsted inspection by type of care



Source: DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service

<sup>1</sup> DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service, Percentage of active providers graded as good or outstanding at their latest Ofsted inspection between 1 September 2008 and 31 March 2016 – percentage of all those inspected with children in attendance (does not include those providers graded as met or not met).

<sup>2</sup> DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service, Percentage of active providers graded as good or outstanding at their latest Ofsted inspection between 1 September 2008 and 31 March 2017 – percentage of all those inspected with children in attendance (does not include those providers graded as met or not met).

<sup>3</sup> OFSTED (2017), Ofsted Official statistics: Early years and childcare registered providers inspections and outcomes, Table 7: Overall effectiveness of active early years registered providers at their most recent inspection as at 31 December 2016, by region and local authority

## Outcomes of inspections in 2016/17

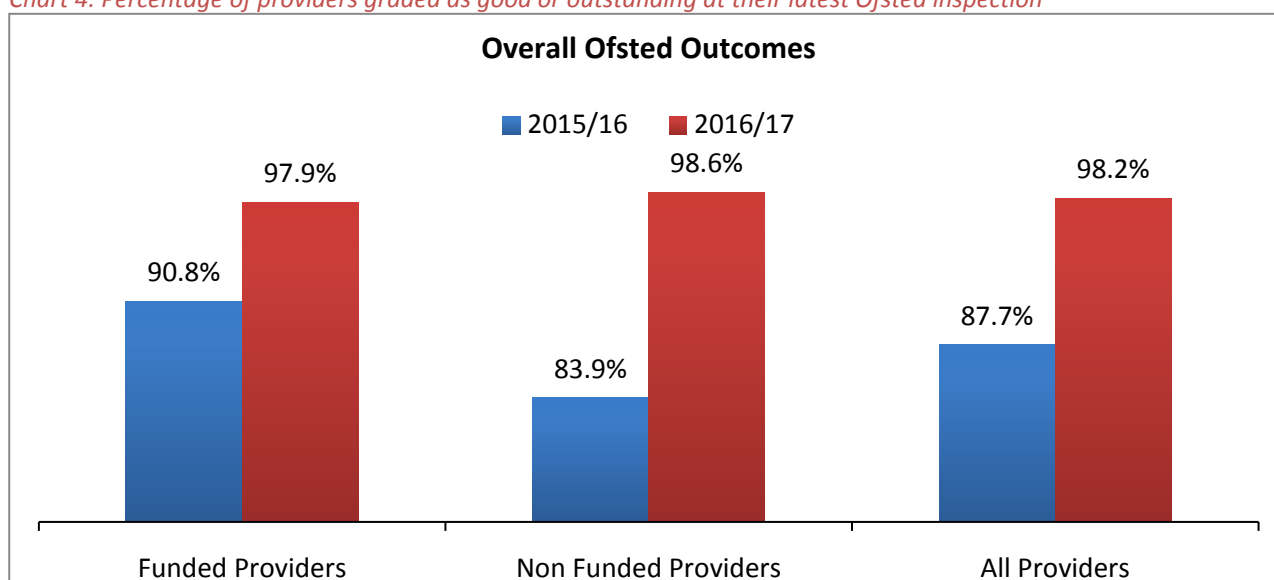
From 1 April 2016 to 31 March 2017, Ofsted inspected 271 early years and childcare providers in Devon where there were children in attendance and the provider was graded.

### Good news

- 94.5% (86) of providers previously graded as inadequate or requires improvement have now been re-inspected and graded as good or outstanding. This is 37.4% of providers inspected in 2016/17.
- 97.8% (136) of providers previously graded as good or outstanding have now been re-inspected and are still graded as good or outstanding. This is 59.1% of providers inspected in 2016/17

## Early Years Inspections

Chart 4: Percentage of providers graded as good or outstanding at their latest Ofsted inspection



Source: DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service

### Good news

- The percentage of funded providers graded as good or outstanding has increased by 7.1% to 97.9% this year.

## Educational Attainment

High quality early years and childcare provision leads to better outcomes for children. This can be monitored through the Early Years Foundations Stage Profile outcomes.

For further statistics and information on the outcomes of the 2016 EYFS profile please see the [EYFS Profile Headlines Factsheet](#).

## EARLY YEARS WORKFORCE

The Workforce Strategy in Devon aims to ensure that early years practitioners have access to appropriate learning and development opportunities. Devon County Council deliver, provide, or signpost practitioners to professional development opportunities including qualifications, short courses, e-learning, structured visits and online advice and guidance.

### April 2016 – March 2017 Overview

Recruitment continues to be a problem for providers at all levels, in particular at level 3. Almost half of providers responding to the [Annual Survey of Providers 2017](#), had difficulty recruiting in the last 12 months, with almost 90% struggling to recruit at level 3. In response to this, the Early Years and Childcare Service have delivered a 16 week marketing campaign aimed at supporting recruitment in the early years sector. The online campaign included a short film, 4 blogs, and paid advertising through Facebook, Google, and Instagram. The adverts were delivered to a large number of people in the target market – 168,425 through Facebook and Instagram, and 60,246 through Google. Overall, the social media campaign attracted over 5,000 visitors to our [Working in early years and childcare](#) pages. In the Annual Survey, 70 providers said they believed that the campaign had made a positive difference.

During the spring term Childcare Works (contracted by the DfE) and Hemsalls delivered 5 'Getting business ready for 30 hours' workshops in Devon. The workshops attracted almost 300 providers in Devon to get them thinking about delivering the extended entitlement in their organisation. A range of providers attended including pre-schools, nurseries, childminders, maintained nurseries, academies, and out of school providers.

### Key areas for April 2017 – March 2018

The new Early Years Foundation Stage was published in April 2017 and included some changes for the workforce. The GCSE requirement for level 3 Early Years Educator qualifications was removed and replaced with level 2 literacy and numeracy qualifications. This should improve recruitment, particularly at level 3. Paediatric First Aid (PFA) or Emergency PFA is now a requirement for new qualified practitioners at level 2 and level 3. The Early Years and Childcare Service have produced [a factsheet outlining these changes](#).

In partnership with Babcock LDP, the Early Years and Childcare Service is developing a suite of e-learning training to provide a range of easily accessible learning and development opportunities. The courses will be raising awareness and providing introductory training in approximately eight key areas.

The Government are making significant changes to apprenticeships in May 2017 to increase the number of apprenticeship starters. Small employers, including early years and childcare providers, can benefit from these changes. The Early Years and Childcare Service have produced a '[Guide to taking on an Apprentice for Early Years and Childcare Providers](#)' to support employers with this change.

Devon County Council is consulting on changes to the Early Years Single Funding formula which could see the current lump sum funding for graduates and teachers being removed. For more information see [the funding consultation on our website](#).



## AFFORDABILITY OF CHILDCARE

### Day care provision

Parents will usually be charged between £4.00 and £4.50<sup>4</sup> per hour for day care provision for an under-five-year-old depending on location, type of day care and age of child. On average, parents pay £4.10 per hour for day care provision which has increased from £4.00 in 2015/16 (an increase of 2.5%).

The most expensive average charge per hour for day care is found at nursery units of independent schools and day nurseries, with the least expensive charge per hour found in pre-schools.

Parents pay on average a higher rate for younger children with parents being charged an average of £4.25 per hour for an under-two-year-old which has increased from £4.00 in 2015/16.

Devon County Council has approved 605 childcare providers to offer funded places for two-year-olds. Outside of this entitlement, parents are charged on average £4.20 per hour for a two-year-old place, which has increased from £4.00 in 2015/16.

Devon County Council also currently fund 703 childcare providers to provide places for three- and four-year-olds as part of the early years funding. Outside this entitlement, parents are charged on average £4.00 per hour for a three- or four-year-old, which has remained the same as 2015/16.

Day care costs in Devon are less than those seen nationally<sup>5</sup>. However the weekly wages are lower in Devon<sup>6</sup> and therefore parents are spending a higher percentage of one parent's weekly wage (18.2%) on day care (25 hours a week) than nationally.

### Out of school provision

Parents will usually be charged between £4.00 and £10.00<sup>7</sup> per session for out of school care depending on length of care, location and type of activity involved. On average, parents pay £4.20 for a before school session increasing from £4.00 in 2015/16, and £10.00 for an after school session which has remained the same as 2015/16.

Out of school care costs in Devon are less than those seen nationally<sup>8</sup>. However the weekly wages are lower in Devon and therefore parents are spending approximately 8.9% of one parent's weekly wages on out of school care (15 hours a week, 5 after school sessions) which is higher than seen nationally.

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<sup>4</sup> Based on responses to the [Annual Survey of Providers 2017](#)

<sup>5</sup> FAMILY AND CHILDCARE TRUST (2016), Childcare Costs Survey 2016, Table 1: Average weekly childcare costs by region and nation, 2016 - <https://www.familyandchildcaretrust.org/childcare-survey-2016-0> [Accessed April 2017]

<sup>6</sup> Based on full-time (mean) gross weekly pay – resident analysis 2016 (Source: ONS Annual Survey of Hours and Earnings)

<sup>7</sup> Based on responses to the [Annual Survey of Providers 2017](#)

<sup>8</sup> FAMILY AND CHILDCARE TRUST (2016), Childcare Costs Survey 2016, Table 1: Average weekly childcare costs by region and nation, 2016 - <https://www.familyandchildcaretrust.org/childcare-survey-2016-0> [Accessed April 2017]

## Holiday care

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Parents usually pay between £20.00 and £36.00<sup>9</sup> per day for group-based holiday care depending on location, the needs of the child and activities involved. On average, parents pay £25.00 per day for group-based holiday care, which has increased from £20.00 in 2015/16.

On average, holiday costs in Devon are more expensive than those seen nationally<sup>10</sup>. This may be due to a large proportion of employment being seasonal, creating a greater market for childcare during holiday times. Also, holiday provision may offer a wider range of activities. These activities are more expensive for the childcare providers to offer and the costs are passed on to families.

## Tax Free Childcare

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[Tax Free Childcare](#) is a new government scheme to help parents with the cost of childcare. Eligible parents can open an online childcare account that they can use to pay for childcare. The government will top-up the money parents pay into the account. For every £8 parents pay in, the government will add an extra £2. Therefore parents with children under 12 can receive up to £2,000 per child, per year, towards their childcare costs (or under 17 and up to £4,000 for disabled children). Providers will only be able to receive Tax-Free Childcare payments from parents if they have [signed up to receive payments from the scheme](#).

41.3% of all providers responding to the Annual Survey of Providers reported that they had registered to be able to receive payments from the Tax Free Childcare scheme helping to make their childcare a more affordable childcare option for parents. This equates to 51.7% of all full time equivalent (FTE) places available for under-five-year-olds are available at providers who have registered.

However providers report that at the time the Annual Survey was undertaken, there were issues with the system and they had difficulty registering for the scheme. Some providers have reported that they have since registered and therefore the percentage of providers who have registered for the scheme is probably a lot higher.

## Help with the costs of childcare

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The HM Government Childcare Service has introduced its new Childcare Choices website:

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<sup>9</sup> Based on responses to the [Annual Survey of Providers 2017](#)

<sup>10</sup> FAMILY AND CHILDCARE TRUST (2016), Holiday Childcare Survey 2016, Table 1: The weekly price of holiday childcare, 2016 - <https://www.familyandchildcaretrust.org/holiday-childcare-survey-2016> [Accessed April 2017]



All the government  
childcare offers in one place

[childcarechoices.gov.uk](http://childcarechoices.gov.uk)



This website brings together all the government childcare offers in one place, helping parents find the right childcare support to suit them. Childcare Choices also introduces two new government schemes which will be rolled out gradually in 2017 – Tax-Free Childcare and 30 hours free childcare.

Parents who experience difficulties in accessing childcare because of the affordability, should contact Devon County Council through the [childcare brokerage service](#) by phoning 01392 385522 or email [pinpoint@devon.gov.uk](mailto:pinpoint@devon.gov.uk) or complete our [online parent feedback form](#).

For those parents of children with special educational needs or disabilities please see the [Paying for childcare: special educational needs and disabilities factsheet](#).

## LOCATION OF CHILDCARE

### Distribution of childcare

The location of childcare provision is one factor that determines the accessibility of childcare. The childcare option becomes less accessible if parents have to travel more than a reasonable distance to access it. Road and public transport links may also determine the accessibility of childcare. This in turn limits the available childcare options for parents and reduces choice.

*Table 2: Percentage of Devon County Council's administrative area within a five-, three- and two-mile radius of day care provision by type of provider*

Type of provider	Percentage of Devon County Council's administrative area <sup>11</sup> within			
	5 miles <sup>12</sup>	3 miles	2 miles	1 mile
<b>All providers</b>	<b>100%</b>	<b>94%</b>	<b>78%</b>	<b>36%</b>
Day care providers <sup>13</sup>	100%	94%	77%	35%
Out of school providers <sup>14</sup>	99%	86%	63%	28%
<b>All funded providers</b>	<b>100%</b>	<b>92%</b>	<b>72%</b>	<b>33%</b>
Providers approved to offer the early years education funding for eligible two-year-olds	100%	91%	70%	29%
Providers approved to offer the early years education funding for three- and four-year-olds	100%	92%	72%	32%

*Source: DEVON COUNTY COUNCIL (2017), Early Years and Childcare Service*

100% of Devon County Councils administrative area is within a five-mile radius of day care provision and 100% is within a five-mile radius of funded provision.

77% of Devon County Councils administrative area is within a two-mile radius of day care provision and 72% is within a two-mile radius of funded provision which is considered a reasonable walking distance for under 11-year-olds.

Almost all (99%) of Devon County Council's administrative area is within a five-mile radius of out of school provision and 63% is within a two-mile radius.

### Premises

For more information on the types of premises of early years and childcare providers please see the [Early Years and Childcare Provider Premises factsheet](#). This analysis relates to information gathered on the [Annual Survey of Providers in Spring Term 2017](#).

Childcare provision is in convenient locations with 47.3% of day care providers located on school sites and 41.3% of Primary, Nursery and All-through schools have a nursery class or school run early years provision. This is convenient for parents who also have primary-school-aged children, as they can drop off and pick up children at the same time. 21.1% of day care providers are located in community buildings often within a reasonable walking distance of the family home. A further

<sup>11</sup> This analysis only refers to early years and childcare providers in the Devon County Council's local authority area and does not include providers situated in neighbouring local authorities.

<sup>12</sup> Distance is measured as a straight line from the child's home to the childcare provider.

<sup>13</sup> Day care provision in this analysis includes day nurseries, pre-school playgroups, nursery units of independent schools, maintained nursery schools and classes, academy nursery classes and childminders.

<sup>14</sup> Out of school provision in this analysis includes out of school clubs, weekend clubs, holiday clubs and childminders.

29.0% of day care providers are situated in other non-domestic buildings, which are often situated on travel-to-work routes.

There are a further 562 childminders in Devon who provide childcare provision in their own homes. Parents may choose childminders that are close to their home, close to their work or somewhere along their travel-to-work route. Many also provide out of school care and may offer drop-off and pick-up services to local schools.

## SUFFICIENCY OF EARLY YEARS AND CHILDCARE PROVISION

The level of provision for under-five-year-olds has increased this year whereas the level of provision for out of school care has decreased again this year.

As there are a very low number of instances where the service has not been able to match parents to suitable childcare, it is assumed that there is sufficient early years and childcare provision in Devon to meet the needs of most parents.

Nonetheless, the Early Years and Childcare Service recognise that there will be areas where there may be a lack of childcare in the future. This is due to:

- Increased demand for three- and four-year-old places because of the introduction of the extended entitlement for working families from September 2017
- Places for two-year-olds as three- and four-year-olds may fill the capacity
- Planned housing developments – new housing increases the population in an area and therefore increases the demand for childcare.

This will be monitored and reviewed through Childcare Sufficiency Hot Spots meetings.

### Early Years and Childcare Sufficiency Hot Spots

The following data has been assessed by geographical area and discussed with the locality managers:

- Estimate of demand for funded two-, three- and four-year-old places compared to supply of childcare from funded providers to estimate where there might be surplus or shortfall of provision. This has been estimated for Autumn Term 2017, Spring Term 2018 and Summer 2018
- Estimate of additional demand from housing developments with planning permission and an estimate of whether this will cause a shortfall of provision
- Proposed new provision to estimate whether future demand may be met
- Level of provision for under two-year-olds to assess whether there is sufficient provision.
- Percentage of providers who report they will be offering the extended entitlement from September 2017 to help assess whether there will be sufficient provision
- Ofsted outcomes of providers to indicate whether there is a lack of good quality provision in the area which could impact on the provision of two-year-old places
- Average charges per hour to indicate whether this may be a barrier to parents accessing provision
- Location of providers to identify if there are geographical gaps
- Types of providers to identify if there is a choice for parents

This is discussed in a holistic way for areas across Devon and provides a comprehensive approach to planning sufficient provision. 'Hot Spots' are identified and agreed where there is a need for more provision or where further work is required by the Early Years and Childcare Service.

Hot spot areas identified in April 2017 are:

*Table 3: Childcare Sufficiency Hot Spot areas*

Locality	Area	When
Eastern	Axminster	With housing developments

Devon	East of Exeter	Now and further housing developments
	Stoke Canon	With housing developments
	Tedburn St Mary	With housing developments
	Cullompton	Now and further housing developments including the new Garden Village
	Littleham, Exmouth	With housing developments
	Budleigh Salterton	Now
	Tiverton	With housing developments
	Exwick, Exeter	Now
Northern Devon	Goodleigh	Now
	Sticklepath, Barnstaple	With housing developments
	South West Bideford	With housing developments
	Torrington	From Summer 2018 and with the housing developments
Southern Devon	North East Dawlish	With housing developments
	Sherford	Now
	Loddiswell	With housing developments
	Kingsbridge	Now
	Newton Abbot	Now
	Denbury and Ogwell	Now
	Boasley Cross	
	Hatherleigh	With housing developments
	Northlew	
	Okehampton	Now
	North Tawton	
	Kingsteignton	With housing developments
	Harbertonford	Now

*EARLY YEARS AND CHILDCARE SERVICE (2017) – Childcare Sufficiency Hot Spot Meeting*

To address these areas of need, the Early Years and Childcare Service will:

- Encourage existing providers to expand their provision. This could be by offering more hours in a day, opening more days per week or more weeks per year. Providers could also admit more children at any one time if space allows.
- Encourage childminders to employ assistants where applicable.
- Work with schools to invite providers to operate from school premises.
- Encourage partnership working to make a more cohesive childcare offer.

If the need was still not addressed, the Early Years and Childcare Service would stimulate the market to encourage new providers to develop childcare businesses in the area. For more information please see the [Childcare Sufficiency webpages](#).

## PART C: SUFFICIENCY OF EARLY YEARS AND CHILDCARE PROVISION FOR SPECIFIC GROUPS

### CHILDREN AGED TWO, THREE AND FOUR TAKING UP EARLY YEARS FUNDING



#### Good news

- The number of providers approved to offer the early years funding continues to increase.
- The take-up of the Early Years Funding for eligible two-year-olds has increased from 83.9% to 90.9% over the last year but has decreased slightly from 99.8% to 98.5% for three- and four-year-olds, although remains high.
- The take-up of the full entitlement of 570 hours, has increased from 71.2% to 73.8% for eligible two-year-olds and 82.0% to 83.0% for three- and four-year-olds.
- The take-up of the Early Years Funding by those two-year-olds in local authority care has increased from 53.3% to 69.2% and has increased from 97.0% to 100.0% for three- and four-year-olds in care.

Data suggests that overall there is sufficient provision to meet the current need for funded two-, three- and four-year-old places as the take up has increased and remains high. However, Devon County Council recognises that with the introduction of the extended entitlement for eligible three- and four-year-olds from September 2017 that there may be areas where there is a need for more provision.

Sufficiency of provision for funded places for two-, three- and four-year-olds to access the universal and extended entitlement is discussed as part of the [Childcare Sufficiency Hot Spots](#) meetings. Please see the [Early Years Funding webpage](#) for more information on the entitlement.

### CHILDREN FROM FAMILIES IN RECEIPT OF THE CHILDCARE ELEMENT OF THE WORKING TAX CREDIT AND THOSE AFFECTED BY CHANGES UNDER THE WELFARE REFORMS

The percentage of families benefitting from the childcare element of the Working Tax Credit in Devon has increased by 0.4% to 14.9% in 2014-15<sup>15</sup>, with all districts in Devon seeing an increase. This suggests that there is sufficient childcare to meet the needs of these families and Devon County Council ensure that there is sufficient provision to meet the needs of all families including

<sup>15</sup> Child and Working Tax Credits statistics finalised annual awards - geographical analysis - Table 2: Average number of benefiting families and average annual entitlements in each local authority, 2014-15  
<https://www.gov.uk/government/statistics/personal-tax-credits-finalised-award-statistics-geographical-statistics-2014-to-2015>



those in receipt of the childcare element of the Working Tax Credit and those affected by changes under the welfare reforms.

#### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

- All early years and childcare providers are required, through the [Equality Act 2010](#) and the [Children and Families Act 2014](#), to be inclusive.
- The [Disability Access Fund \(DAF\)](#) was introduced on 1 April 2017 for early years providers to support children in receipt of Disability Living Allowance. The funding is intended to aid access to early years places for three- and four-year-olds by supporting providers in making reasonable adjustments to their settings. Providers are entitled to receive a one-off payment of £615 per year.
- When considering Ofsted reports over the last year, there has only been one action set by Ofsted relating to inclusion.
- 950 children have been funded through the [SEN support funding](#) and 507 children have been supported through the [Nursery Plus](#) service.

As all early years and childcare provision is required to be inclusive and the Disability Access Fund is available to aid providers in making reasonable adjustments to their settings, Devon County Council considers there to be sufficient choice to meet the childcare needs of parents of children with additional needs.

If parents prefer for their children to access specialist provision, there are places available at a range of specialist provisions across Devon i.e. in Special Schools, specialist holiday play schemes and Saturday clubs. [To search for these visit Pinpoint – Community Services Directory.](#)

#### CHILDREN REQUIRING HOLIDAY CARE

- With the seasonal nature of employment opportunities in Devon it is important that the Early Years and Childcare Service ensures there is sufficient provision for parents needing to use holiday care in order for them to work.
- The number of places for holiday provision has increased slightly to one full-time equivalent place (30 hours per week) for 18.5% of the population of primary-school-aged children.
- 33.8% of Devon County Council's administrative area is within a three-mile radius of a holiday club, with those in more rural areas having to travel further. Childminders also offer holiday provision and 79.5% of Devon County Council's administrative area is within a three-mile radius of a childminder.
- Anecdotally, Devon County Council knows that a number of parents do not require childcare through the holidays as they juggle childcare and work arrangements. Some parents work term-time only and therefore do not require childcare during the holidays. Other parents use their annual leave entitlement to cover holiday periods to reduce the need for childcare, while other parents will use friends or relatives to care for their children.

As the Early Years and Childcare Service has not received enquiries from parents requiring holiday care for their children where they have been unable to find suitable childcare, it is assumed that there is sufficient provision across Devon to meet this demand.

From September 2017 there is likely to be an increased demand for places for three- and four-year-olds during the school holidays as parents will choose to 'stretch' their entitlement across the year.

#### SCHOOL-AGED CHILDREN

- The number of places for before and after school provision remains similar to last year. Approximately one before school place is available for 11.5% of primary-school-aged children and one after school place is available for 12.1%.
- 85.9% of Devon County Council's administrative area is within a three-mile radius of out of school provision.
- Devon County Council does not always know about non-registered school run before and after school care. As a result there may be more places available.
- Devon County Council assumes that the demand for out of school provision for school-aged-children will be met through the local schools that the children attend, where there is sufficient demand from parents to ensure sustainable provision.
- Parents have the right to request that schools provide childcare and childcare providers can request to use school buildings to operate childcare. It is the responsibility of the school governors or trusts to respond to these requests. This is set out in ['Wraparound and holiday childcare: parent and childcare provider 'rights to request''](#).

#### CARE FOR CHILDREN WITH PARENTS WHO WORK ATYPICAL AND IRREGULAR HOURS

- Devon County Council funds two-, three- and four-year-olds places at weekends and bank holidays.
- Over half (54.2%) of day care providers reported they had been asked to provide childcare before 8.00am and just under a third (29.9%) had been asked to provide childcare after 6.00pm. 17.4% reported that they had been asked to provide childcare at weekends.
- 41.8% of day care providers and childminders responding to the Annual Survey of Providers 2017 reported that they had been asked to provide childcare for irregular hours, with day nurseries and childminders more likely to report this.
- As the Early Years and Childcare Service has not received many enquiries from parents requiring childcare for atypical or irregular hours where they have been unable to find suitable childcare, it is assumed that there is sufficient provision across Devon to meet this need.
- Parents have the right to request schools to establish wrap around childcare if there is enough demand. This may include opening before 8.00am, after 6.00pm and at weekends.

## PART D: THE ROLE OF THE LOCAL AUTHORITY

### NEXT STEPS: PLANNING SUFFICIENCY OF EARLY YEARS AND CHILDCARE PROVISION IN 2016/17

To ensure there is sufficient early years and childcare, Devon County Council will:

- Continue to analyse data to assess sufficiency and conduct Childcare Sufficiency Hot Spot meetings to discuss the supply and demand of childcare
- Carry out the Annual Survey of Providers in January 2018
- Improve forecasting of predicted take-up of Early Years funding to identify areas of need
- Promote the take-up of the extended entitlement to 1140 hours of funded childcare for eligible three- and four-year-olds from September 2017
- Monitor the impact of the extended entitlement on the number of places for two-year-olds.
- Encourage more providers to open for longer hours and more weeks per year
- Encourage providers to work in partnership with other providers to ensure parents can access their full entitlement
- Explore how school sites and building can be used outside of term times
- Encourage childminders to operate on non-domestic premises and to employ assistants
- Increase the take-up of the Early Years Pupil Premium
- Work with schools on the 'right to request' and capture information on school run childcare that is not registered.
- Promote the new Disability Access Fund

Furthermore, Devon County Council will ensure there is sufficient early years and childcare provision to meet the needs of parents, through the [ongoing work of the Early Years and Childcare Service](#).

The challenges in ensuring sufficient early years and childcare provision in Devon in 2016/17 will be:

- Recruitment of sufficient high quality staff
- Planning for and the roll out of the extension of the funded entitlement for eligible three- and four-year-olds of working parents from September 2017 due to the unknown demand for this. Ensuring sufficient provision in rural areas will be a particular challenge.
- Formalising partnerships between providers so parents can access the full entitlement
- Ensuring the roll out of the extended entitlement does not impact on the availability of places for eligible two-year-olds and three- and four-year-olds accessing the universal entitlement.

# 2016/17



## Childcare Sufficiency Assessment Annual Summary 2016/17

### Devon County Council has met the childcare sufficiency duty in 2016/17 by:

- Ensuring there is enough accessible early years and childcare provision across the county by holding Childcare Sufficiency Hot Spots meetings, supported by the locality teams to address gaps in provision
- Ensuring high quality early years and childcare provision for children aged two, three and four taking up free early education
- Ensuring there is sufficient early years and childcare provision for children from families taking up the childcare element of the working tax credit, children with additional needs, school-aged children and children needing holiday care.

### Key changes in 2016/17

- Population data is now received from health on a termly basis
- [Section 106 requests](#) now include requirements for early years provision
- There is now a weekly '[Digest](#)' to keep providers up to date with the latest news and information
- The [Working in Childcare campaign](#) has been launched.
- There has been an increase in delayed entry requests to schools resulting in more children staying in early years provision.

Childcare  
**Choices**

All the government  
childcare offers in one place

[childcarechoices.gov.uk](http://childcarechoices.gov.uk)

HM Government

### Devon County Council's achievements in ensuring sufficient childcare in 2016/17:

- The percentage of providers graded as good or outstanding by Ofsted has increased this year to 98.2%
- The take-up of the Early Years Funding for eligible two-year-olds has continued to increase over the last year from 83.9% to 91.1% and take up of the full entitlement has remained stable at 73.9%
- The take-up of the Early Years Education Funding for three- and four-year-olds has remained high at 98.7% and the take up of the full entitlement has increased by 0.9% to 82.9%
- The take-up by children in care has also increased this year.

### To ensure sufficient early years and childcare provision in 2016/17, Devon County Council will:

- Focus on improving the quality of providers graded as 'inadequate' or 'requires improvement'
- Continue to assess sufficiency data and carry out agreed actions to ensure a comprehensive approach to planning sufficient early years and childcare provision to include ensuring sufficient provision for the roll out of the extended entitlement for working families from September 2017
- Continue to market and promote the free early education for two-, three- and four-year-olds to increase take-up of places and hours.

For further information please see the Early Years and Childcare Service 'Childcare Sufficiency Assessment Annual Report 2016/17'.



HIW/17/46

North Devon Highways and Traffic Orders Committee  
29 June 2017

## **The Devon County Council (Nadder Lane & South Street, South Molton) (30mph Speed Limit & Restricted Road and 40mph Speed Limit Revocation) Order**

Report of the Acting Chief Officer, Highways, Infrastructure Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that:

- (a) the responses to the proposed Traffic Order are noted;
- (b) the Traffic Order as advertised, be made, sealed and implemented in respect of the 30mph Speed Limit Extensions;
- (c) the remaining 40mph Transitional Speed Limit on Nadder Lane be left in place temporarily;
- (d) in response to representations received and subject to a “Departure from Policy” being agreed, an amendment to the Traffic Order is advertised to provide an extended minimum Transitional 40mph speed limit on Nadder Lane.

### **1. Background/Introduction**

The purpose of this report is to consider the submissions received during the South Molton, Nadder Lane & South Street Traffic Regulation Orders and Traffic Calming consultation; in particular the submissions received to the proposed 30mph speed limit extension at Nadder Lane and the revocation of the 40mph speed limit.

### **2. Proposal**

As part of a new residential development scheme at Honeymead Meadow at South Molton, it is proposed to extend the 30mph Speed Limit along Nadder Lane, incorporating the new roundabout into the new Honeymead Meadow development. The proposed extension to the speed limit will include the extent of the new street lighting installed as part of the development.

The location of the new 30mph Speed Limit terminal has been chosen to coincide with the existing Welcome to South Molton Sign. This location has ample verge width available and provides in excess of 150 metres forward visibility to the terminal point.

Extension of the 30mph limit into an existing transitional 40mph speed limit will reduce the 40mph section to 236 metres on a rural section of road with only 1 property access along its length. This is a very short length of road and is well below the 400m minimum length of speed limit recommended by the Department for Transport. It was therefore proposed that the remaining section of 40mph should revert to National Speed Limit.

The proposals can be seen on drawing number ENV5577/1 (A) in Appendix I.

In addition at South Street as part of the new Church of England Primary school development it is proposed to extend the 30mph speed limit past the new access to the school with additional features such as speed cushions and a zebra crossing.

# Agenda Item 14

## **3. Options/Alternatives**

- Consideration has been given to extending the 30mph Speed Limit on Nadder Lane to cover the remaining length of the existing 40mph Speed Limit. Devon County Council minimum criteria for extension of a 30mph limit is 3 frontages over a 100m length of road. As the remaining 236m of 40mph limit has only 1 property access along its length this option is not supported.
- Consideration was also given to an extension of the 40mph limit to meet the 400m minimum recommended. DCC Policy is that 40mph speed limits should only be installed in response to a recognised personal injury collision issue. There have been no reported personal injury collisions within the 40mph limit on Nadder Lane for at least 6 years. There would therefore be no case to justify extending the current 40mph limit into the National Speed Limit so that a minimum transitional limit could be installed

As with all Traffic Orders relying on signing, dimensions have been chosen carefully to allow the required signing to be installed safely in locations where the signs will be clearly visible to approaching drivers.

## **4. Consultations & Representations**

Following approval by the local County Councillor and the Vice Chair of North Devon Highways and Traffic Orders Committee formal consultation on the proposed traffic regulation orders began on 27 April until 19 May 2017. During the consultation period, eight submissions were received in total. One submission relates to the traffic calming on South Street outside of the new primary school and the other submissions relate to the 30mph speed extension and 40mph speed limit revocation at on the B3227, Nadder Lane.

The submissions call for either the 30mph speed limit on Nadder Lane to be extended further out than originally proposed or to retain the 40mph Transitional speed limit.

In response to the submissions received it is proposed that a “Departure from Policy” is applied for to enable a Transitional 40mph Speed Limit to be advertised to cover all remaining residential development on Nadder Lane. The proposal can be seen in Appendix III to this report.

A summary of the submissions and the County Council’s responses can be seen in Appendix II.

## **5. Financial Considerations**

The funding for this traffic regulation order is being met from a contribution received by the developer.

## **6. Environmental Impact Considerations**

The objective of the proposals is to reduce speed adjacent to the Honeymead Meadow Housing development on the approach into South Molton and therefore the environmental effects of the scheme are positive.

## **7. Equality Considerations**

There are no equality issues relevant to the proposal.



## 8. Legal Considerations

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

When making a Traffic Regulation Order it is the County Council responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, secures the expeditious, convenient and safe movement of traffic and provision of parking facilities.

## 9. Risk Management Considerations

This proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

## 10. Conclusions for Recommendations

The recommendation is to proceed with the sealing of the order as advertised on drawing number ENV5577/1 (A), subject to a departure from Policy to be agreed with respect to the 40mph Transitional Speed Limit in response to representations received. The proposal reflects the need to stay within DCC policy and national guidance with respect to the length of speed limits and density of development on the road as well as the practical considerations involved installing the required regulatory signing.

Meg Booth  
Acting Chief Officer, Highways, Infrastructure Development and Waste

## Electoral Division: South Molton

Local Government Act 1972: List of Background Papers

Contact for enquiries: Mike Jones

Room No: ABG Lucombe House, County Hall, Exeter

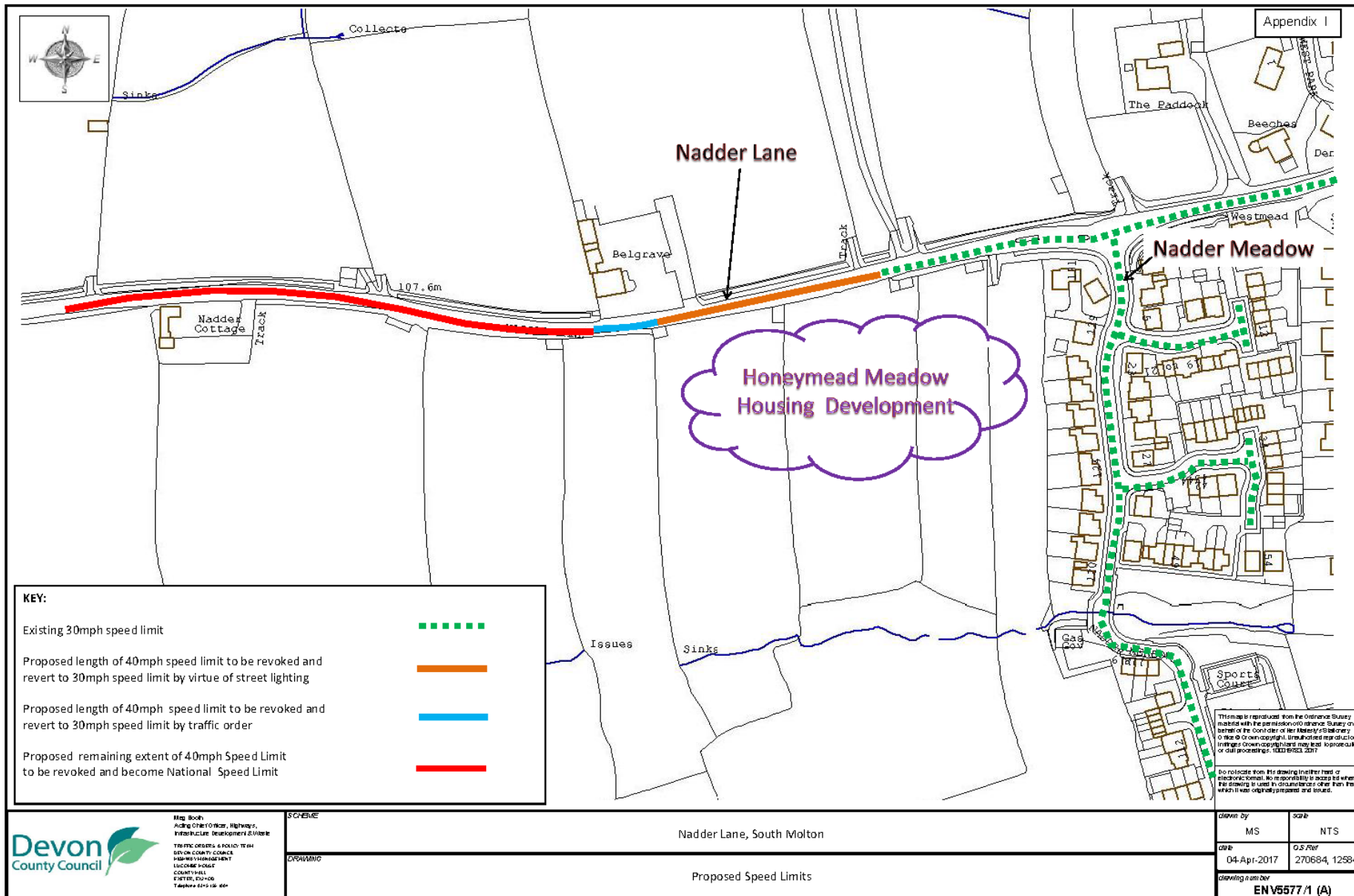
Tel No: 01392 383000

Background Paper	Date	File Ref.
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None		
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sc/cr/nadder lane south street south molton 30mph 40mph  
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Appendix I  
To HIW/17/46





**5577 Devon County Council  
(Nadder Lane & South Street, South Molton Traffic Regulation Orders and Traffic Calming**

**Summary of Submissions**

<b>Comment</b>	<b>Devon County Council Response</b>
<b>First Respondent: South Molton Town Council</b>	
Councillors resolved to agree the 30mph speed restriction on the B3226 South Street but there were concerns expressed that lorries were unable to manoeuvre between the two traffic calming bollards if two lorries were in that area at the same time.	Support for the speed limit extension is welcomed. Good inter-visibility between the 2 traffic calming features should ensure that drivers of larger vehicles wait in turn to negotiate the features.
Regarding the revocation of the 40mph speed limit on the B3227 Nadder Lane this was unanimously rejected by Councillors.	Objection is noted.
i) The original 40mph speed limit was imposed for a reason, this being that there would be a transition between length of roadway subject to the national speed limit and the 30mph limit in the town. The Department of Transport states six benefits for local speed limit which are all relevant to the original 40mph section.	Department for Transport advice is that “the use of such transitional limits should be restricted to sections of road where immediate speed reduction would cause risks or is likely to be less effective.” In this case the excellent forward visibility to the new terminal, the lack of development and rural nature of the road do not support extension of the 40mph Speed Limit.
ii) Due to increased pedestrian activity because of the westward extension of South Molton it would appear logical to slow traffic down and not to increase it.	Introduction of a signed speed limit of a rural section of road with limited development is not guaranteed to have any effect on vehicle speeds. DCC has no speed data for Nadder Lane but will be arranging for counts to be undertaken in the near future.
iii) The 40mph limit is in keeping with the criteria in that Nadder Lane has closely spaced intermittent areas with frontage development. Residents with frontages only wish to keep a reasonable speed limit in front of their properties.	DCC would not consider that 2 frontages in the 750m between Belgrave and Kingsland Cross constitutes closely spaced frontage development.
The Council therefore requests that the 30mph limit be extended to past Nadder Cottage and that a further 40mph limit be introduced to past the junction heading up to Hill Village.	In the light of representations received DCC proposes, subject to HATOC approval to seek a departure from policy to allow extension of the 40mph transitional Speed Limit to the west of the property known as Lynhayes. This will cover all residential properties on Nadder Lane outside of the 30mph Speed Limit.

Comment	Devon County Council Response
<b>Second Respondent: Police - Road Casual Reduction Officer</b>	
<p>Asks that consideration be given to extending the 40mph transitional speed limit to achieve the 400m minimum requirement. Also comments that there is no signing proposed warning of the roundabout and suggests that speed data should be taken to better understand the issues.</p>	<p>Agreed.</p>
<b>Third Respondent: Resident of South Molton</b>	
<p>Believe the published plan reference ENV5577/1 (A) is misleading because it does not show the highway as currently exist nor as they will exist when the proposed development to the north of Nadder Lane takes place. The plans are historic and do not afford a true representation of what is propose, anyone looking at the plan who did not know the layout would not fully appreciate.</p>	<p>No Ordnance Survey Plans are yet available of the new road layout as it is still under construction. The plans show the lengths of road involved and are not intended to be misleading.</p>
<p>There appears to be no good reason for increasing the speed limits on the approach to the town particularly in the context of the significant development taking place and envisaged.</p>	<p>The proposals comply with DCC Policy and National Guidance. National Speed Limit does not indicate that drivers should attempt to achieve a maximum of 60mph rather that they should drive at speeds appropriate to the road conditions.</p>
<p>The statement of reasons whilst it deals with the small section of 40mph speed limit which would result from the extension of the street lit area, does not deal specifically with longer section of 40mph speed limit to be revoked, a distance of 235 metres.</p>	<p>The Notice contains the following paragraph: "However, by extending the 30mph speed limit this will leave a substandard 40mph speed limit which would not meet the current Devon County Council policy on speed limits and therefore it is proposed to revoke the remaining short section of 40mph and return it back to national speed limit."</p>
<p>Clients fully support the proposed changes to implement 30mph speed limit adjacent to the new roundabout but object to the defacto increase in speed limits. What you fail to address is that that the 40mph speed was imposed for a reason. The reason being primarily to afford a transition between length of roadway subject to the national speed limit and the 30mph limit in town.</p>	<p>Department for Transport advice is that "the use of such transitional limits should be restricted to sections of road where immediate speed reduction would cause risks or is likely to be less effective." In this case the excellent forward visibility to the new terminal, the lack of development and rural nature of the road do not support extension of the 40mph Speed Limit.</p>

# Agenda Item 14

Comment	Devon County Council Response
<p>Department of Transport Circular 1/93 states 6 benefits for local speed limits, all of which are applicable to the whole of the original 40mph section:</p> <p>Accident Savings: Belgrave property is residential and also a bed and breakfast business. This use generates additional traffic and the entrance onto the roadway is not ideal. Vehicles have to pull out onto the carriageway to turn to the left and visibility to the right with the sweeping bend down through Nadder Lane is not ideal. Any reduction of the speed of approaching vehicles will be a significant improvement and is likely to result in a meeting the criteria of accident savings.</p> <p>Vehicles turning into the property from the west already have to slow down significantly to complete the manoeuvre, a general slowing down of traffic in the areas would be beneficial for these manoeuvres to be accomplished safely. As an indication, the Post Office refused to deliver mail to property because it considers the roadway adjacent to Belgrave even currently to be unsafe.</p>	<p>DCC does not agree that the 6 benefits referred to are all applicable to this rural section of road but has agreed, subject to HATOC approval, to pursue a departure from policy to enable the transitional 40mph speed limit to be extended to cover all remaining residential development on Nadder Lane.</p>
<p>Reduced Emissions and Improvement to the Environment: There will inevitably be an increase of traffic as a consequence of the development to the north and south of Nadder Lane and slowing down of vehicles in a more structured way will result in a decrease in emissions.</p>	<p>Introduction of a signed speed limit of a rural section of road with limited development is not guaranteed to have any effect on vehicle speeds.</p>
<p>Improvement in Amenities: The westward extension of South Molton would logically suggest that speed of traffic approaching the town should be slowed and not increased. It is inevitable that there will be more pedestrian activity in Nadder Lane and it is likely that the residents of Nadder Lane will also seek to walk or cycle in a westerly direction. No provision is being included in the development for pedestrian improvements along Nadder lane notwithstanding the increase in population and retaining the lower speed limit will represent a considerable improvement in the amenities for the new residents.</p>	<p>The issue of local amenities is outside of the scope of this report. DCC has agreed, subject to HATOC approval to pursue a departure from policy to enable the transitional 40mph speed limit to be extended to cover all remaining residential development on Nadder Lane.</p>

Comment	Devon County Council Response
<p>Reduction in Public Anxiety and Improve Facilities: those people who use Nadder Lane on a regular basis will already consider the traffic flow to be increasing significantly and as previously mentioned the potential hazards to pedestrians and road users are increasing rather than diminishing. Nadder Lane is subject to significant peaks and troughs in usage. The nearby Norbord factory draws many of its employees from South Molton. The effect of the Norbord shift pattern is that there are significant peaks in traffic along Nadder Lane, many of those working at the factory will have worked twelve hour night shifts and even those on the day shifts are often 'keen' to get home at the end of the working day. It is therefore important to encourage these users to approach the residential areas in a much more measured way and the existing speed limits have this effect in practice. Lowering speed limits encourages cyclists to use the roadways.</p>	<p>Introduction of a signed speed limit of a rural section of road with limited development is not guaranteed to have any effect on vehicle speeds.</p>
<p>Dealing with disbenefits, it would appear that none of these are particularly relevant to this stretch of road. There is unlikely to be a significant delay in traffic. There would be little or no additional cost of signing nor engineering measures required by the Highways Authority. Cost of enforcement should not change.</p>	<p>Agreed.</p>
<p>It would seem that that retention of a 40mph speed limit would fit in with Devon County's criteria in that the section of Nadder Lane has closely spaced intermittent areas with frontage development and it is those frontagers who are seeking to keep a reasonable speed limit in front of their homes.</p>	<p>DCC would not consider that 2 frontages in the 750m between Belgrave and Kingsland Cross constitutes closely spaced frontage development.</p>

# Agenda Item 14

Comment	Devon County Council Response
<p>In summary, the proposed changes might appear to follow the policy guidelines but in our view do not actually fit those guidelines. Your guidelines seem to suggest that 30mph should be the norm in communities which may give argument that the existing 40mph along Nadder Lane should be reduced to 30mph. To increase the speed limit to 60mph would appear to be completely contrary to the Policy; variation of the existing speed limit of 30mph over the whole length would be much more appropriate and would seem to sit well with Department of Transport guidance and provide actual improvements for the local inhabitants at minimum cost to the public purse.</p>	<p>Extension of a 30mph limit along a rural road with limited frontage development is not supported by DCC policy or national guidance. Providing Gateways into settlements where the driver can relate directly to the road environment is effective. Installing gateways where there is little or no visible development is usually ineffective and deprives the community of an effective and relevant gateway.</p>
<b>Fourth Respondent: Resident of South Molton</b>	
<p>Currently SW roads have erected a 'sleeping policeman' (humped crossing) outside the new South Molton Middle School the current height of the crossing is 160mm in height and by law this should be 100mm.</p>	<p>Accepted. The developer undertaken remedial works to ensure that the traffic calming features are constructed as advertised.</p>
<p>There are two temporary signs SLOW and HUMP and with the Country clamping down on diesel vehicles accelerating from a sleeping policeman (humped crossing) this crossing should be made more in keeping with level of noise and pollution currently under discussion.</p>	<p>See above.</p>
<p>If is felt necessary to have a children's crossing attendant plus a traffic control then why not a simple crossing (similar to the one a little further along) from this one) which is currently used by the South Molton Community College.</p>	<p>Whilst beyond the scope of this report, the Zebra Crossing formed part of the overall plan for the school and future-proof's any increase in pedestrian footfall from further development in the area.</p>
<p>A number of vehicles have already had damage done to their vehicles (only have to look at the marks on the crossing and on the road) and I do not want to be one of those vehicle owners.</p>	<p>See above.</p>
<b>Fifth Respondent: Resident of South Molton</b>	
<p>Writing to express my concern about the possibility of the instatement of a revised speed limit outlined in proposal CMT/B14013.</p>	<p>Comment noted.</p>



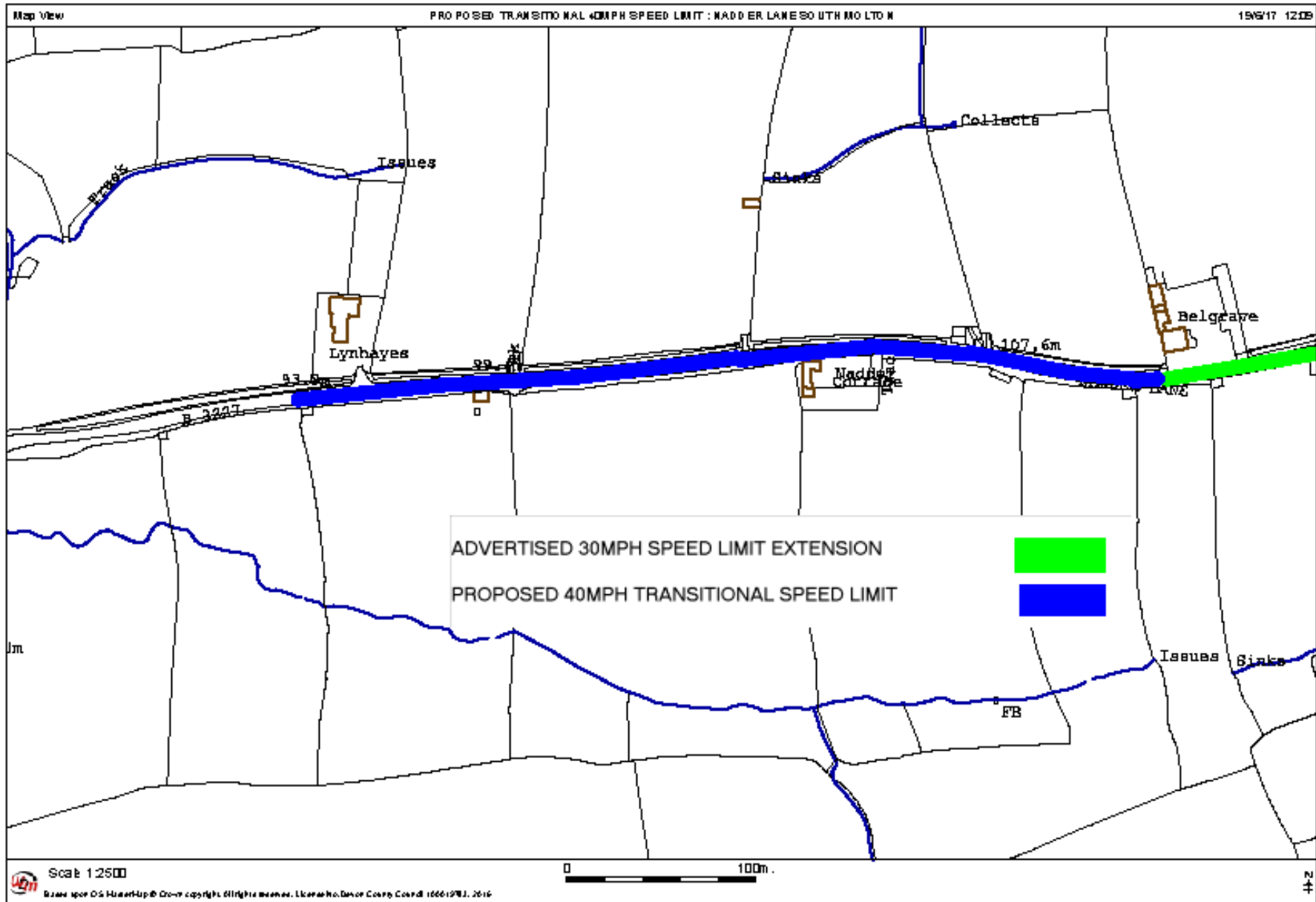
Comment	Devon County Council Response
<p>This would involve the revocation of a 40mph speed limit to a 60mph limit for the section of B227 outside the Honeymead Meadows development to just west of Nadder Cottage going into South Molton. Belgrave B&amp;B would be very much affected with their entrance on this stretch. Although I now live in central South Molton I have stayed in Belgrave from time to time when visiting the area. It is already dangerous enough coming out onto this road but to raise the speed limit would make it doubly so.... an accident waiting to happen in my opinion. Please consider the consequences of any such decision.</p>	<p>See previous responses.</p>
<b>Sixth Respondent: Resident of South Molton</b>	
<p>The plan for the proposed changes along Nadder Lane is exceedingly misleading as it does not show the new road layout (e.g. the roundabout) or the extent of the Honeymead Meadow development.</p>	<p>See Previous Responses.</p>
<p>The planned new pavement along the south of Nadder Lane, with associated pedestrian and cycle access to the western edge of the development is only a couple of meters away from the proposed site of the 30mph boundary. Traffic leaving the town will speed up as soon as the derestricted sign is spotted. This could cause safety issues as this traffic may well come into conflict with cycle traffic entering and leaving the Honeymead Meadow development.</p>	<p>See Previous Responses.</p>
<p>From the west, the proposed site of the new 30mph sign on the north of Nadder Lane is on a blind bend mere meters away from the new proposed and even closer to the entrance to Belgrave. Traffic won't slow down for several seconds after passing the 30mph sign. This will create a real hazard for traffic entering and exiting Belgrave and is likely to cause problems on the new roundabout as well.</p>	<p>See Previous Responses.</p>

# Agenda Item 14

Comment	Devon County Council Response
<p>In short the proposed 30mph limit should extend the full length of the existing 40mph zone. Ideally the 40mph zone should also be extended to slightly westward of the junction at Kinglands Barton thus facilitating sustainable modes of transport to the chipboard factory at Hill. This will provide a greater degree of safety, will encourage sustainable modes of transport and will reduce noise pollution for adjacent properties.</p>	<p>See Previous Responses.</p>
<p>Additional questions and comments:</p> <ol style="list-style-type: none"> <li>1. Why does the 'old' email notification system for TROs seem to have vanished?</li> <li>2. Why is it so difficult to find out where to comment on TROs? Whilst the url in your advert does, eventually, lead to the appropriate web page it is still inordinately difficult to navigate to the appropriate order in order to make comments.</li> <li>3. Why is there no plan associated with the order on your website? There should be.</li> <li>4. Why is there no scale on the plan associated with the order?</li> <li>5. Why is there no email address to which comments/objections can be made?</li> <li>6. Why have the speed calming measures in South Street been introduced in advance of the TRO?</li> </ol>	<p>Instructions on how to respond to TRO advertisements are provided in the press and on site notices. Improvements to the online notification and consultation process are currently being considered. It is hoped to be able to include plans in these improvements.</p> <p>The Traffic Calming was installed by the Developer in error. Observations on the construction have been passed to the developer who has undertaken remedial works. No objections to the actual proposals and advertised dimensions of the traffic calming have been received.</p>
<p><b>Seventh Respondent: Resident of South Molton</b></p>	
<p>Wishes to register my objection to the above named order, specifically the revocation of a length of 40mph speed limit on the B3227 Nadder Lane reverting to the national speed limit.</p>	<p>Comment noted.</p>
<p>Whilst this section of road does not appear to be associated with a poor personal injury accident rate, raising the speed limit will increase the impact/likelihood of accident involving vehicles entering the road from within the existing restricted zone.</p>	<p>See Previous Responses.</p>
<p>There appears to be no evidence of any base data being collated for a speed limit review for this section of road, and is based solely on the policy for the introduction of "new" 40mph restrictions.</p>	<p>See Previous Responses.</p>
<p>Arrangements exist for similar 40mph speed limits elsewhere in South Molton, namely Station Road.</p>	<p>Noted.</p>

Comment	Devon County Council Response
At times the speed of road users in the area already present difficulty for vehicles exiting properties onto this section of road.	Noted.
There will be an adverse environmental impact from vehicle emissions containing pollutants, which research demonstrates increase as a result of speed. (DfT 2009) Additionally air displacement, engine noise and rolling (tyre) noise also increase as a function of speed. (Inrets 2005). All the above will have adverse impact on the quality of life of residents adjacent to this stretch of road.	Introduction of a signed speed limit of a rural section of road with limited development is not guaranteed to have any effect on vehicle speeds.
This proposal does not accord with Devon County's policy document for speed limits which appears to reference only the reduction of speed limits. No policy seems to exist for increases in speed.	See Previous Responses.
The changes to the existing road layout at the entrance to Honeymead Meadows have had no material effect on the characteristics of the road to which the current 40 mph restriction applies. This would re-enforce the view that the original reasons and conditions for imposing the existing speed restrictions are still current and valid.	See Previous Responses.

Appendix III  
To HIW/17/46



## +STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION

7 June 2016

### Present:-

#### Group A: Christian and Other Religion and Belief Communities (with the exception of the Church of England)

Ms M Hext (Methodist rep) Mr K Denby (Humanist rep) , Ms J Taylorson (Buddhist rep), Ms H Hastie (Bahia'i rep), Mr R Halsey (Jewish rep), Mr B Lane (URC rep) and Mr R Nathwani (Hindu rep)

#### Group B: The Church of England

Mr M Dearden; Ms T Wilson and Ms P Hammett,

#### Group C: Teachers' Associations

Ms L Clay (NASUWT) ,Mr J Goody (ATL), Mr E Mihos (FE), Ms W Harrison (NUT) Ms S Shute (NATRE Sec) Ms G Winnall (NATRE Primary)

#### Group D: The County Council

Councillors P Colthorpe, A Hannan, M Squires and R Younger-Ross

#### Co-opted Members

Mr J Roberts

#### Advisor

Mr E Pawson

#### Apologies:-

Ms N Nation, C Walmsley, C Hulbert, T Pritchard, Cornish, Walshe, J Berry, C Channon, T Griffiths, G Langtree, J Marshall and G Teece

### **1 Minutes**

**RESOLVED** that the minutes of the meeting held on 10 February 2016 be signed as a correct record.

### **2 Matters of Urgency**

There was no item raised as a matter of urgency.

### **3 Devon SACRE Membership**

Mr Pawson welcomed new members to their first meeting Helena Hastie ((Baha'i Rep) and Mr Edgar Mihos (FE Rep) and reported on current vacancies and members discussed the representation of the Sikh and Buddhist faiths. In view of the lack of attendance by the Sikh representative at meetings Mr Pawson would make contact with Sikh community representatives about a proposed nomination of a recent convert who was active nationally but not involved locally and report to the next meeting. Ms Jude Taylorson was attending as an observer for the Buddhist Community and indicated her willingness to serve as a member for the time being pending any further nomination. Generally, attendance was positive and that Devon SACRE was active and working well.

**RESOLVED** that Ms Jude Taylorson be appointed as the Buddhist Representative.

4

## **Annual Report**

The Council considered the draft SACRE Annual Report for 2014/15 which, when ratified, would be forwarded to the DfE and NASACRE. The report covered:

- the Devon Agreed Syllabus review process and assessment;
- GCSE examination results 2014 - an interpretation;
- school monitoring visits, Monitoring Ofsted inspections for RE and SMSC;
- SACRE Constitution review;
- SACRE membership;
- professional support for RE;
- Holocaust Memorial Day 2015;
- Interfaith Focus: Faith and Belief visitor training
- Interfaith conference on British values
- SACRE working groups and publications
- working with other agencies
- training and Continuing Professional Development; and
- Collective worship.

Salient points in the draft Annual Report included the following:

- GCSE Religious Studies exam entry trends across Devon Schools and academies from 2011 to 2015: there had been a drop of entry from 2014 to 2015 which required further consideration as to the reasons, attributable possibly by the declining number of specialist teachers and decline in the number of short course entries
- 2015 GCSE Religious Studies entries as percentage of the cohort 2015
- Religious Studies Full Course (which required further checks and analysis before final publication of the Report)
- concerns about: compliance time allocation or low examination entry/pass levels for Education: the quality of learning and study time for Religious Education which may have contributed to a reduction in examination results in the A\* - C grades; those schools which were not offering students their statutory opportunity to study Religious Education at Key Stage 4; and the difficulty for schools in maintaining standards when the new, more challenging GCSEs were introduced; issues relating to the narrowness of the syllabus for GCSE RE confined to two religions; schools not offering GCSE but which would argue were compliant
- SACRE's intention to work with Ofsted to improve the teaching of RE.

The draft Report remained subject to comments by SACRE Members before ratification and submission.

**RESOLVED** that the draft Report be noted and any comments be submitted to Mr Pawson by Monday, 13 June 2016 for consideration.

5

## **Interfaith Focus: Faith and Belief Training, Interfaith Conference**

Mr Roberts reported on Faith and Belief training workshops organised by the Devon Faith Belief Forum with SACRE, in collaboration with the Devon Faith Belief Forum at the Exeter Community Centre, designed to help build people's communication skills amongst Devon's diverse faith and belief communities. There was a plan to create a database of names of potential visitors for teachers as a useful resource for schools and community organisations. Ms Taylorson commented on this example of effective interfaith and community work.

Mr Pawson indicated that a Directory of Visitors was being compiled for Schools which would be available on the Devon Belief and Faith Forum website.

Mr Denby also reported on the BHA accredited courses available from this Autumn.

Mr Pawson explained that planning was underway for a conference in Interfaith Week, 2016, with the theme 'Not in God's Name' as part of the PREVENT Agenda. Ms Spence referred to the success of last year's conference and requested that School Governors should also be invited.

## **6 Learn/Teach/Lead Religious Education (LTLRE)**

Mr Pawson reported on SACRE's annual conference arranged for 20<sup>th</sup>/21 October 2016 at St Mellion, Cornwall for teachers and others, details of which would be publicised shortly.

Ms Wilson, the Project Lead, reported on work taking place with Schools through the local hubs on implementation of assessments without levels following SACRE's commitment to support and contribute to LTRE's project (rather than develop its own scheme) which was achieving national recognition. Mr Denby also referred on the BHA on-line resource for teachers: <https://humanism.org.uk/education/teachers/>

## **7 Working Group: Assessment Project**

Mr Roberts reported on:

- the importance of financial support available from SACRE for the project involving 15 people with the LTL RE programme and support from Dr Barbara Winterskill (ex-HMI)
- the need to engage RE teachers in the training programme outside of their teaching commitments
- the complex governance arrangements in schools and the different practices of schools in their assessment of RE teaching and learning
- materials being developed for use by schools and the work of the Diocese in this respect relating to the syllabus and exemplars of good practice
- teaching and assessment issues throughout the 4 Key Stages (including the loss of a clear syllabus and assessment framework for KS 3) and the lack of guidelines particularly for KS 1 teaching, the need for further dialogue and the importance of sharing good practice
- the difficulties involved from pupil transition from primary to secondary
- the lack of government guidance and the need for a flexible approach and to avoid a prescriptive formula, bearing in mind the rapidly changing school environment.

The Chair thanked Mr Roberts for his update and noted that this remained a work-in progress for the SACRE Working Group.

## **8 The Place of Non-Religious Worldviews in the RE Curriculum**

The Council received a paper by Dr Satvinder Juss on a ruling by the High Court in November 2015 entitled 'Legal guidance on what it means for local authorities, academies, schools, teachers Agreed Syllabus Conferences, and SACREs'. The guidance said that The High Court had ruled that the Department for Education had made 'an error of law' in its specification of content for the new GCSE Religious Studies (RS) for English schools. The error was in asserting that teaching the new RS GCSE would meet the legal requirements for the provision of Religious Education (RE) in general. The High Court said this assertion was unlawful because statutory RE in schools without a religious character must be 'objective, critical and pluralistic' and a syllabus that covered religions in detail but did not give pupils the opportunity to learn similarly about a nonreligious worldview such as Humanism would not meet this requirement.

A second paper by the Chair of NASACRE and Chair of AREIAC was circulated questioning the guidance and assertions that to include minority religions and exclude Humanism would *almost* be unlawful; and to require syllabuses to study Humanism if a minority religion was not studied. The legislation they suggest was clear that RE syllabuses must reflect the fact the religions must be studied were in the main Christianity and the principal religions represented in Great Britain and these were to be determined by each Agreed Syllabus Conference.

Mr Denby in introducing the Guidance paper and surrounding issues asked that SACRE provide further written guidance to Schools stating that the new Devon Syllabus for RE (agreed with Torbay and Plymouth SACREs) met current legal requirements with its element of Non-Religious Worldviews. Other members indicated that it was not necessary to write directly to schools specifically on any one aspect of the Agreed Syllabus as it currently did provide for learning about Non-Religious World Views (and supported by resources available from the BHA).

**RESOLVED** that in the SACRE News-Letter to schools (and other partners) reference be made to issues highlighted by the High Court Judgement and indicating that in this SACRE's view the Agreed Devon Syllabus for RE does meet current legal requirements.

## 9 Understanding Christianity

Mr Pawson and Ms Wilson reported on new learning resources available for teachers produced by Paul Coulter available on the website: <http://www.understandingchristianity.org/>

Mrs Wilson reported on a paper, circulated at the meeting, covering a set of material and training resources to enable pupils from 4 to 14 to develop an understanding of Christianity and the identified 8 core concepts and details of each unit of 'core learning' and their aims and outcomes.

## 10 Educational Excellence Everywhere: the Implications of the Government Plans for Academies and the Future of SACREs

This item was deferred to the next meeting pending publication of the White Paper.

## 11 Educating Ourselves

The Council received a presentation from Gerry Winnall on her article published in RE Today entitled 'Wandering and wondering' on her initiative in an urban Exeter School allowing her class of 5-6 year olds, after registration, a short time for outside reflection and sanctuary by 'wandering and wondering' and appreciating the flora and fauna (in an urban setting). Members commended the initiative and approach and the benefits for the children and their teacher at the start of a busy school day.

In line with such an initiative Councillor Younger-Ross reported on grants available from the Groundwork Trust (Tesco Bags of Help scheme) for Community groups which could be used for Schools to create peaceful and external quiet green sanctuaries for children and staff. Further details available:

<http://www.groundwork.org.uk/News/groundwork-to-administer>

## 12 National Developments

This item covering the following was deferred to the next meeting:

- Religious Education Council
- REC Commission: teacher recruitment, PR Group, All-Party
- Parliamentary Group (APPG), RE Quality Mark
- National Association of Teachers of Religious Education (NATRE)
- New Examination Specifications, Teacher Surveys



**13      Holocaust Memorial Day 2017**

Mr Pawson reported that, following the success this year, planning for 2017 was underway and details would be reported to the next meeting.

**14      Remembering John Hull**

Mr Pawson referred to the death of John Hull in July 2015 aged 80, a distinguished and inspirational academic and teacher of Religious Education both nationally and internationally.

**15      SW SACRE Conference (Monday, 7 March)**

This item was deferred to the next meeting.

**16      Dates of Future SACRE Meetings**

**RSOLVED** that future meeting be held on Tuesday, 1 November; Wednesday, 8 February 2017; and Wednesday, 7 June at 10.00 am at County Hall, Exeter

The Meeting started at 10.00 am and finished at 12.40 pm



## DEVON EDUCATION FORUM

21 June 2017

### Present:-

#### Schools Members

##### Primary School Head teachers

Mr J Bishop

Mr A Dobson

Mr J Stone

Cornerstone Academy Trust (*Academy Member*)

Marwood Primary

Denbury Primary

##### Primary School Governors

Ms M Wallis

Mr A Walmsley

Whimble School (**Chairman**)

First Federation (*Academy Member*)

##### Secondary School Head teachers

Mr D Chapman

Mr R Haring

Ms M Marder

Mrs J Phelan

The Dartmoor Federation

Ivybridge CC (*Academy Member*)

The Ted Wragg Multi Academy Trust (*Academy Member*)

Culllompton CC

##### Secondary School Governors

Ms J Elson

Exmouth CC (*Academy Member*)

##### Nursery School

Mrs S Baker

Westexe

##### Special School HeadTeacher

Ms B Caschere

Exeter Southbrook School

##### Special School Governor

Mrs F Butler

Marland School

##### Non-Schools Members

Ms G Rolstone

Mrs T de Bernhardt Dunkin

Early Years Private, Voluntary & Independent

16-19 West England School & College

##### Observers

Councillor J McInnes

Mr P Walker

Cabinet Member, Children's Services & Schools

Genesis Academy Trust (*Academy Member*)

##### Apologies

Mrs B Alderson

Ms S Acland

Mrs A Blewett

Mr M Boxall

Mr M Dobbins

Mr M Juby

Teachers Consultative Committee

Devon Schools Academy (Alternative Provision)

Kings Nympton Primary

Exeter Countess Wear

Exmouth Marpool Primary

Braunton (*Academy Member*)

**43        Minutes**

**DECISION:**

That the minutes of the meeting held on 15 March 2017 be signed as a correct record.

**44        Membership**

**DISCUSSION:**

The Chairman reported on membership changes:-

Ms Sarah Pickering – Special Schools Headteacher (SHAD) elected as substitute member.

End of term of office wef 31.8.17:-

-Mrs Gemma Rolstone EY PVI was standing down and the Chairman thanked her for her service over recent years;

-Mrs Tracey de Bernhart Dunkin 16-19, eligible to stand for re-election.

The respective appointment/election processes were in progress.

**ACTION:**

County Solicitor (Fiona Rutley)

**45        Head of Education & Learning Update**

**DISCUSSION:**

The Head of Education & Learning reported on and had circulated documents for members' information on the following, some of which arose from corresponding minute (38, 15 March 2017):-

(a) Draft Governor Briefing Devon Support for Schools 2017/18, covering Devon Direct Services and Babcock LDP Commissioned Services;

(b) Final Draft Babcock LDP Commissioning framework Key Priorities 2017/18;

(c) Babcock LDP Annual Report 2015/16;

(d) Draft Babcock LDP/DCC JV Annual Report 2016/17;

(e) Devon Education & Learning Summary Performance Report , Key Performance Indicators covered the following and in most areas was better than statistical neighbours/nationally:-

-Take up of Early Years Funding for 2 year olds

-Attainment/Attainment Gaps Post 16

-School Admissions

- Attendance

-Special Educational Needs & Disabilities, SEND (ECHPs improving)

-Not in Education, Employment or Training (NEETS) - continued work with colleges eg entry requirements

-Quality of Provision - role of Babcock LDP in supporting schools and role of all Devon schools;

(f) Inclusion – A Better Way of Working . A full briefing would be provided to all schools as the Council was looking for engagement from this sector. In particular, interest would be welcomed from more isolated rural schools to come forward for this schools led review/project for pupils unable to access mainstream education. Secondary schools were also willing to contribute; Members discussed SEN reintegration, Exmouth CC reach centre and the Troubled Families Programme. Schools commented that with budget challenges and a reduction in AWPU unfortunately some Early Help (and staffing) was planned to be cut. Government lobbying continued regarding universal funding being insufficient to remove deprivation.

(g) Public Health Briefing Early Help for Mental Health, May 2017.

On the wider issue of school budget reductions which arose the Head of Education and Learning advised on the Outturn report considered by Cabinet 14 June 2017 and Cabinet decision to earmark up to £700,000 from the Budget Management Reserve to support Maintained schools where the impact in the delay, due to late notification of the pension increase for support staff, would cause hardship. The Council recognised that this delay would mean that schools' ability to secure any necessary savings would also have been delayed. Cases would be looked at on an individual basis at the Financial Intervention Panel, Schools (FIPS).

**ACTION:**

Head of Education & Learning (Dawn Stabb - attendance by sector, post 16 examination retake data to DASH)

46

**Finance Update**

**DISCUSSION:**

The Forum considered the report of the Head of Education & Learning and County Treasurer (DEF/ 17/08).

The Forum also noted the respective minutes of the Schools Finance Group (SFG) of 24 May 2017.

The report (DEF/17/08) covered:-

(a) Dedicated Schools Grant (DSG) 2016/17 Outturn (Section 1 of the report):-

In paragraph 1.4 High Needs example of a recent tribunal affecting the control of spend updated position was noted as referred to by the 16-19 representative. Devon's practice was to always try to settle prior to a tribunal and this was achieved more than by most other LAs.

(b) Allocation of Carry Forward from 2016/17 (Section 2):-

It was noted that the adjudication by the Secretary of State in respect of the Forum's declined carry forward (minute 40, 5 March 2017) was still awaited, with significant additional information requested by the Minister and supplied;

In paragraph 2.1 the second sentence should be deleted as this was now the consideration of the final proposals;

(c) Mutual Fund;

(d) 2017/18 Early Years Funding Formula Consultation and Proposals:-

Discussion and feedback from the Consultation indicated overall support for the proposals.

The proposal for the removal of the lump sum, as well as Special Educational Needs & Disabilities (SEND) support and deprivation funding was to enable all settings to have a more accessible and fairer allocation as previously some funding could not be accessed by all sectors.

**DECISION:**

(a) that the DSG Draft Outturn position (subject to Statement of Accounts sign off) as set out in Section 1 be noted;

(b) that the allocation of the carry forwards from 2016/17 as set out in Section 2, Table 5 be noted/approved as follows:-

**Table 5: Carry Forward from 2016/17**

Budget Line	Amount £'000	Notes	Decision*
Mainstream School balances	17,308	Automatically carried forward in Individual School budgets	2.2 noted
<b>Total School balances</b>	<b>17,308</b>		
De-delegated budgets	1,964	Roll forward 2016/17 underspend into 2017/18	2.3 noted
<b>Total de-delegated budgets</b>	<b>1,964</b>		
Special School Balances	1,087	These are school's balances and are automatically carried forward	2.4 noted
Hospital Education	57	Specialised training for hospital staff and additional support in North Devon	2.5 noted
<b>Total High Needs</b>	<b>1,144</b>		
Early Years Pupil Premium	159	2016/17 Ring fenced grant – DfE have confirmed can be spent in 2017/18	2.6 approved
Tresillian Nursery	(20)	Nursery deficit balance to be met from 2017/18 budget	2.7 approved
<b>Total Early Years</b>	<b>139</b>		
<b>Total Carry forward requested</b>	<b>20,555</b>		

**\*(Vote: all phases maintained and academy, PVI)**

(c) that the year-end Mutual Fund position as set out in Section 3 be noted;

(d) that Cabinet be recommended:-

that the proposal for the 2017-18 Early Years Funding Formula as set out in Section 4 and Appendix A be approved. **\*(Vote: all phases maintained and academy, PVI)**

**ACTION:**

Head of Education and Learning (Dawn Stabb) and County Treasurer (Julian Dinnicombe)

47

**Financial Intervention Panel (Schools) (FIPS) Annual Report 2016/17**

**DISCUSSION:**

The Forum considered the Annual Report of the County Treasurer and Chief Officer for Children's Services (DEF/17/10). This included an analysis of submissions from schools to

FIPS. The trend for the main reason for submissions in 2016/17 was around redundancy with a rise of 180% from last year.

Funding from the Growth Fund which was under pressure, would be considered in detail at the next two Schools Finance Group meetings.

With the current uncertainty of the National Funding formula, continued challenging fiscal environment and a cash flat Dedicated Schools Grant settlement the role of FIPS was much more pro-active in identifying and engaging with schools with vulnerable budgets at an early stage.

#### 48 **Standing (and other) Groups**

The Forum received the following minutes of its standing groups:-

##### (a) Schools' Finance Group (SFG)

Minutes of the meeting held on 24 May 2017 (considered under Finance Update minute 46 above)

##### **DISCUSSION:**

(i) It was noted that under note 4 Finance Issues (Growth Fund last bullet point)  
“.... where a school is part of a MAT, that support could be provided from within the Trust “  
that the following wording was to be added on the end of text for clarification  
“where growth criteria has not been met.”

(ii) The Early Years PVI representative thanked the LA for its comprehensive engagement with the sector on the Early Years consultation and with NDNA/PVI nationally regarding extended entitlement.

**ACTION:** Head of Education & Learning (Heidi Watson-Jones)

##### (b) School Organisation, Capital and Admissions (SOCA)

Minutes of the meeting held on 6 June 2017.

#### 49 **Dates of Future Meetings**

To be held at 10am at County Hall, Exeter:-

Wed 18 October 2017

Mon 15 January 2018

Wed 21 March 2018.

The Meeting started at 10.00 am and finished at 11.40 am

The Schools Forum web is [www.devon.gov.uk/schoolsforum](http://www.devon.gov.uk/schoolsforum)





## DEVON AUDIT PARTNERSHIP COMMITTEE

21 June 2017

Present:-

Devon County Council:

Councillor J Mathews

Plymouth City Council

Councillor Dr J Mahony

Torbay Council

Councillor J O'Dwyer

Torridge District Council

Councillor P Hackett

Apologies:

Councillors A Tyerman (Torbay Council) and C Slade (Devon County Council)

\* **1**      **Election of Chairman**

**RESOLVED** that Councillor Mahony be elected Chairman for the ensuing year.

\* **2**      **Election of Vice-Chairman**

**RESOLVED** that Councillor Hackett be elected Vice-Chairman for the ensuing year.

\* **3**      **Minutes**

**RESOLVED** that the Minutes of the meeting held on 15 March 2017 be signed as a correct record.

\* **4**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **5**      **2016/17 Revenue Outturn Position**

The Committee considered the Report of the Head of Devon Audit Partnership (CT/17/48) setting out the revenue outturn position and changes between month 10 and year end, the balance sheet as at 31 March 2017, the Accounting Statement and the Annual Internal Audit Report for 2016/17.

In response to Members' questions, the Head of Devon Audit Partnership explained that redundancy payments were borne by the Partners of Devon Audit Partnership, whilst acknowledging the existence of debtors at year end and the potential for setting up a bad debt provision.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor O'Dwyer and

**RESOLVED**

(a) that the Devon Audit Partnership Revenue Outturn Position Report 2016/17 be noted and that approval be given for the Chairman to sign the Annual Governance Statement at Appendix 2;

(b) that the Devon Audit Partnership Management Responses set out at Appendix 4 be endorsed.

\* **6**      **2016/17 Annual Report**

The Committee considered the Report of the Head of Devon Audit Partnership (CT/16/49) outlining the progress made by the Partnership during the course of the year; the ongoing development of arrangements with partners, including Torridge and Mid Devon Councils, and the continued high level of customer satisfaction achieved.

Members discussed, in particular, the Internal Audit Performance indicators relating to staff turnover and sickness.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor O'Dwyer and

**RESOLVED**

(a) that revised Internal Audit Performance Indicators and targets be considered by the Head of Devon Audit Partnership and an update provided at a future meeting;

(b) that the Devon Audit Partnership Annual Report 2016/17 be noted.

\* **7**      **Impact of Membership Changes and Future Division of Surpluses/Deficits**

The Committee considered the Report of the Head of Devon Audit Partnership (CT/17/47) on the impact of the membership change on the quorum and current and future division of surpluses/deficits between partners.

Members discussed, in particular, the impact quorum requirements had on future deliberations.

It was **MOVED** by Councillor O'Dwyer, **SECONDED** by Councillor Mathews and

**RESOLVED**

(a) that from April 2017 the Committee notes that the quorum for the Devon Audit Partnership be "*one member from each partner*" with each partner having two representatives;

(b) that from April 2017 the Committee notes that the distribution of surpluses/deficits for the Devon Audit Partnership be based on contribution rates, rather than FTE numbers;

(c) that the quorum of the Committee be reviewed next year.

\* **8**      **Partnership Working with Mid Devon District Council**

The Chairman welcomed Councillors Evans and Radford from Mid Devon District Council who were attending as observers of the meeting.

The Committee considered the Report of the Head of Devon Audit Partnership (CT/17/50) on partnership working with Mid Devon District Council.

It was **MOVED** by Councillor Hackett, **SECONDED** by Councillor O'Dwyer and

**RESOLVED**

(a) that the delivery of Internal Audit management services to Mid Devon District Council by way of a service level agreement for the period May 2017 to end of July 2017 be noted;

(b) that Mid Devon District Council becoming a non-voting partner of the Devon Audit Partnership with effect from August 2017 be endorsed;

(c) that the request from Mid Devon District Council to join the Devon Audit Partnership as a full member from April 2018 be endorsed.

\* 9

**Future meetings**

15 November 2017; 7 March 2018 and 20 June 2018.

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

The Meeting started at 10.30 am and finished at 11.39 am



## DEVON AUTHORITIES STRATEGIC WASTE COMMITTEE

28 JUNE 2017

Present:-

Councillors S Brimble (vice D Wood), R Cann, A Davis, R Gilbert, K Lake, R Sampson, T Wright and R Radford (vice Councillor Busch)

Attending In Accordance with SO 25

Councillor J Hodgson

Apologies:-

Councillors K Busch and Wood

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

**RESOLVED** that Councillor D Wood and Councillor A Davis be elected Chairman and Vice Chairman respectively for the ensuing year.

**COUNCILLOR DAVIS IN THE CHAIR**

\* **2** **Minutes**

**RESOLVED** that the minutes of the meeting held on 8 February 2017 be signed as a correct record.

\* **3** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **4** **Terms of Reference**

The Committee noted its operating rules and Terms of Reference.

\* **5** **Presentation by Keep Britain Tidy**

R Scarisbrick and A Coulton (Keep Britain Tidy) attended and spoke to this item at the invitation of the Committee.

The Committee received a presentation from Keep Britain Tidy on their Action Plan for Fly-Tipping covering:

- householder information and encouraging them to do the right thing
- research and innovation
- development of effective and consistent enforcement strategies
- encouragement of the circular economy
- encourage stiffer sentencing in the magistrates courts in line with guidance

The representatives outlined the offer to the Devon Local Authorities to join their national campaign (locally customised) 'CrimeNotToCare- the cost to you!' launched in March 2017 as part of a process to encourage residents to seek guidance from their local authority.

Members observations and comments related to:

- Keep Britain Tidy's history and current funding sources, noting that it was now self-financing and a registered charity

- the suggestion for further work by KBT with Industry in accessing data relating to sales of white goods and disposal arrangements.

The Chairman thanked the representatives for their presentation.

\* **6      The Litter Strategy for England and related issues**

The Committee considered the Joint report of the Acting Chief Officer for Highways, Infrastructure Development and Waste and Teignbridge District Council Waste & Cleansing Manager (HIW/17/43) on the Government's Litter Strategy for England and the regional work to develop behavioural change and education initiatives to help reduce litter and fly tipping and the potential impact of the introduction of a plastic bottle deposit scheme.

A Government consultation document on the Litter Strategy was available online at [www.gov.uk/government/publications](http://www.gov.uk/government/publications) and the response made by the Teignbridge District Council to the consultation was noted.

Members would be updated on the outcome of the consultation once known.

Members also noted that the Cabinet on 8 March 2017 had referred the following Notice of Motion to this Committee for consideration and report back alongside its consideration of the wider issues relating to litter/fly tipping campaigns and the potential for prevention/education and co-ordinated activities with partner agencies to tackle such problems:

*"That the County Council supports, in principle, the Sky News anti-litter campaigns and in particular the proposal which is to be considered in Parliament after Easter to introduce a deposit scheme on plastic bottles: such schemes are currently in operation in 11 European countries and more than 30 countries worldwide where their introduction has seen a massive leap in plastic bottle recycling - in many cases upwards of 95%.*

*The County Council will contact all Devon MPs urging them to support a plastic bottle deposit scheme to reduce waste, increase recycling and also make a major contribution to reducing dangerous marine pollution, the latter being a significant and increasing problem with plastic bottles and containers".*

Members noted that little was known about how a proposed deposit scheme would work and further detail was needed for examination by an officers' group before any decisions were made.

Members noted that the Devon Local Government Steering Group had asked to receive further information in relation to littering and fly tipping and in particular closer collaborative working following consideration of the issue by this Committee. Collaborative working was already being undertaken by the Devon Litter Forum and there could be scope for widening the role of this Group which currently focussed on the Primary Route Network.

It was **MOVED** by Councillor Cann, **SECONDED** by Councillor Lake and

**RESOLVED**

(a) that the Litter Strategy for England be supported;

(b) that further work be undertaken across the Region with partner bodies to develop behavioural change and education initiatives to help to reduce litter and fly tipping and consideration be given to expanding the Devon Litter Forum, and the Devon Local Government Steering Group be notified accordingly;

(c) that the Devon Environmental Service Managers Group (DESMG) be requested to investigate further the impact of a potential plastic bottle deposit scheme and that the Cabinet be notified accordingly.

\* 7 **Budget Outturn for 2016/17 and Allocation of Underspend Proposal**

The Committee considered the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/44) on the Budget out-turn for 2016/17, areas of underspend relating to, inter alia, the 'real nappy campaign' 'Don't let Devon go to Waste' and Online campaigns and audit fees.

It was **MOVED** by Councillor Cann, **SECONDED** by Councillor Wright and

**RESOLVED** that the unspent allocation amounting to £36,786 be carried forward to invest in a residual waste analysis project in Autumn 2017.

\* 8 **Devon and Torbay Resource and Waste Management Strategy Review**

The Acting Chief Officer for Highways, Infrastructure Development and Waste reported on the current 5 year Devon and Torbay Waste and Resource Management Strategy 2013 which was now subject to review and outlined the issues involved relating to:

- Householders' and the Councils' priorities
- setting appropriate targets and how they could be met
- ways of achieving an aligned collection model across Devon and Torbay and options for waste collection delivery
- making greater savings and income generation options
- closer working between the County and District Councils and what form this might take
- the relative importance of the proximity principle noting the need for best value
- possible improvement to Household Waste Recycling Centres
- implications arising from exit from the EU.

Members discussed various options and views in respect of the issues outlined which would be examined and developed by a Members' and Officers' Group and a draft Strategy would be presented to a future meeting.

\* 9 **Work Plan October 2017 - October 2018**

The Acting Chief Officer for Highways, Infrastructure Development and Waste presented a draft reported that on a draft Work Plan and agreed to circulate the proposals for approval at would be presented to the next meeting.

\* 10 **Dates of Future meetings**

1 November 2017, 7 February 2018 at 2.15 pm at County Hall, Exeter

The County Council Calendar of meetings available on the website:  
<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

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

The Meeting started at 2.15 pm and finished at 4.10 pm





SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING		
Cabinet Remit/Officer	Matter for Decision	Effective Date
Children's Service and Schools	Approval proposal to increase the number of registered places at Bidwell Brook School, Dartington, following the statutory process following an informal consultation period and a formal representation period and no significant objections raised.	5 July 2017
	Approval to proposal to increase places and vary the age range at Southbrook School, Exeter, following the statutory process following an informal consultation period and a formal representation period and no significant objections raised.	5 July 2017
	Approval to proposal to lower the age range at Spreyton Primary School, following an informal consultation period and a formal representation period and no significant objections raised.	7 July 2017
	Approval to proposal to lower the age range at Filleigh Primary School, following an informal consultation period and a formal representation period and no significant objections raised.	7 July 2017
Highway Management	Approval of fees and charges for Highways/On-street parking, included in the 2017/18 budget	7 July 2017

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/>

