



You can view the agenda on the [website](#)
or use a smart phone camera and scan the code

To: The Chair and Members
of the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 6 October 2020

Contact: Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk

CABINET

Wednesday, 14th October, 2020

A virtual meeting of the Cabinet is to be held on the above date at 10.30 am to consider the following matters. To view and watch the meeting, the link will appear on the agenda page.

Phil 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 9 September 2020 (previously circulated).

3 Items Requiring Urgent Attention

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

4 Announcements

- 5 Petitions
- 6 Question(s) from Members of the Council

FRAMEWORK DECISION

NIL

KEY DECISIONS

- 7 Tiverton Eastern Urban Extension (EUE) Access Junction - Phase 2 (Pages 1 - 22)

Report of the Head of Planning, Transportation and Environment (PTE/20/24) relating to Phase 2 of the Tiverton Eastern Urban (EUE) Access Junction, attached.

An Impact Assessment is also attached for the attention of Members at this meeting.

Electoral Divisions(s): Tiverton East

- 8 South West Exeter Housing Infrastructure Fund: Update on project including approval for funding, to progress relevant schemes and award tenders (Pages 23 - 52)

Report of the Head of Planning, Transportation and Environment (PTE/20/25), relating to the South West Exeter Housing Infrastructure Fund: including an update on project including approval for funding, to progress relevant schemes and award tenders, attached.

An Impact Assessment is also available for the attention of Members at this meeting.

Electoral Divisions(s): Alphington & Cowick; Exminster & Haldon

- 9 New Okehampton Special School: Approval of Capital Funding and Commencement of the Free School Presumption Process (Pages 53 - 78)

Report of the Head of Planning, Transportation and Environment (PTE/20/26) on the approval of Capital funding and commencement of the free school presumption process for the proposed new Okehampton Special School, attached.

An Impact Assessment was also available for the attention of Members at this meeting.

Electoral Divisions(s): All Divisions

10 Devon Economic Recovery Programme (Pages 79 - 106)

Report of the Head of Economy, Enterprise and Skills (EES/20/4) relating to Devon's Economic Recovery Programme, attached.

An Impact Assessment was also attached for the information of Members at this meeting and was available on the [Impact Assessment Webpages](#).

Electoral Divisions(s): All Divisions

11 White Paper: Planning for the Future - Implications for Devon County Council (Pages 107 - 114)

Report of the Head of Planning, Transportation and Environment (PTE/20/30) relating to the above White Paper, attached.

Electoral Divisions(s): All Divisions

12 Proposal to Merge Torbay Safeguarding Adult Board with Devon Safeguarding Adult Partnership Board (Pages 115 - 132)

Report of the Head of Service for Adult Care Operations and Health (ACOH/20/01) relating to proposals for a merger of Torbay Safeguarding Adult Board (TSAB) and Devon Safeguarding Adult Partnership (DSAP), attached.

An Impact Assessment is also attached for the attention of Members at this meeting.

Electoral Divisions(s): All Divisions

MATTERS REFERRED

13 Health and Adult Care Scrutiny - Adult Social Care Market Sufficiency Statement

In considering the Report of the Joint Associate Director of Commissioning, relating to Adult Social Care Market Sufficiency Statement (ACH/20/127), (Minute 202), the Health and Adult Care Scrutiny Committee at its meeting on 10th September 2020 had RESOLVED that the Cabinet be requested to consider and investigate the feasibility of an alternative business model(s) with a view to facilitating a pilot 'not for profit' organisation to help alleviate and address the recognised lack of domiciliary care workers in the County.

Recommendation

Cabinet recognise the potential in the proposed model suggested but the immediate priority for the county council is to secure the workforce to meet demand this winter and during the COVID pandemic. We will focus the resources of council officers in this area and look to run localised recruitment campaigns in market towns. Given Councillor Saywell's offer at scrutiny we will start in the Torrington locality and develop and roll out according to the scale of risk in each area. The role of the economy team in supporting business model development is important and we have been in contact with them and they will support the work once it commences. We thank the Committee for its interest in this matter and would be happy to reconsider the issue in the spring when the challenge of immediate winter pressures and COVID has receded.

Electoral Divisions(s): All Divisions

14 Corporate Infrastructure and Regulatory Services Scrutiny Committee - 5G
Spotlight Review update

At its meeting on 17th September 2020, the Corporate Infrastructure and regulatory Services Scrutiny Committee considered the Report of the 5G Spotlight Review (Minute *192 refers). The Committee RESOLVED that Cabinet be asked write to the Parliamentary Digital, Culture, Media and Sport Committee, with copies to the Local Government Association, Public Health England and Devon MPs, to request that this Select Committee gives consideration to the earnest concerns expressed by some residents of this County and beyond about the health and environmental impacts of 5G and supports this Government to address those concerns by providing greater reassurance and evidence to the general public that the technology is safe. If such reassurance and evidence cannot be provided, then we suggest further research is urgently undertaken.

Recommendation

(a) that the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their work to date on 5G, noting specifically that the Council does not have the ability to make recommendations that affect planning policy or national guidance; and

(b) that Cabinet accept the recommendation of the Corporate Infrastructure and Regulatory Services Scrutiny Committee that it writes to the Parliamentary Digital, Culture, Media and Sport Committee, with copies to the Local Government Association, Public Health England and Devon MPs, to request that this Select Committee gives consideration to the earnest concerns expressed by some residents of this County and beyond about the health and environmental impacts of 5G and supports this Government to address those concerns by providing greater reassurance and evidence to the general public that the technology is safe.

Electoral Divisions(s): All Divisions

15 Corporate Infrastructure and Regulatory Services Scrutiny Committee - Council Buildings - Fire Safety Review

At its meeting on 17th September, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered a Report of the Head of Digital Transformation and Business Support (minute *195 refers) which provided an update on the Council's fire safety measures and the actions taken following the Grenfell Tower fire on 14th June 2017, and the fire in the block of flats housing students from the University of Bolton in November 2019.

The Corporate Infrastructure and Regulatory Services Scrutiny Committee RESOLVED that the Committee commend to the Cabinet the progress of work so far.

Recommendation

That the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their review of this important work and Cabinet very much welcomes the positive comments made.

Electoral Divisions(s): All Divisions

16 Corporate Infrastructure and Regulatory Services Scrutiny Committee - Gambling Update (Pages 133 - 134)

At its meeting on 17th September, the Corporate Infrastructure and Regulatory Services Scrutiny Committee received a draft letter for the attention of Nigel Huddleston MP in relation to problem gambling (Minute *193 refers). The Committee RESOLVED that the letter be sent to the Parliamentary Under Secretary of State for Sport, Tourism and Heritage, subject to the Chair approving final amendments, and that a copy be sent to the Cabinet.

A copy is therefore attached for the information of the Cabinet.

Recommendation

That the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for their innovative work in this important area, which has received national acclaim, and Cabinet welcomes and supports the contents of the letter.

Electoral Divisions(s): All Divisions

OTHER MATTERS

17 Devon Safeguarding Adults Annual Report (Pages 135 - 192)

Covering Report of the Chair of the Devon Safeguarding Adults Board, attached.
The annual Report is also attached.

Electoral Divisions(s): All Divisions

STANDING ITEMS

18 Question(s) from Members of the Public

19 Minutes

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein (i.e. any unstarred minutes):

(a) Farms Estate Committee - 21 September (Pages 193 - 198)

[NB: Minutes of [County Council Committees](#) are published on the Council's Website:

Minutes of the [Devon Education \(Schools\) Forum](#):

Minutes of the [South West Waste Partnership](#)

Minutes of the [Devon & Cornwall Police & Crime Panel](#)

20 Delegated Action/Urgent Matters

The Register of Decisions taken by Members under the urgency provisions or delegated powers is available on the website in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The decisions taken and associated information can be found [here](#).

21 Forward Plan (Pages 199 - 212)

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.

The [Forward Plan is available on the Council's website](#).

Electoral Divisions(s): All Divisions

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

22 Exclusion of the Press and Public

Recommendation: that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of the a third party and of the County Council and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

23 Industrial Estates Development (Pages 213 - 224)

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

Report of the Head of Economy, Enterprise and Skills (EES/20/5), attached for the Members of the Committee.

24 Skypark Development Partnership Joint Venture - Update to Proposals (Pages 225 - 242)

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

Joint report of the Head of Economy, Enterprise and Skills and the County Treasurer (EES/20/6), attached for Members of the Committee.

Electoral Divisions(s): Broadclyst

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

MEETINGS INFORMATION AND NOTES FOR VISITORS

Getting to County Hall and Notes for Visitors

For SatNav purposes, the postcode for County Hall is EX2 4QD

[Further information about how to get to County Hall](#) gives information on visitor parking at County Hall and bus routes.

Exeter has an excellent network of dedicated cycle routes. For further information see the [Travel Devon webpages](#).

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street), St David's and St Thomas. All have regular bus services to the High Street.

Visitors to County Hall are asked to report to Main Reception on arrival. If visitors have any specific requirements, please contact reception on 01392 382504 beforehand.

Membership of a Committee

For full details of the Membership of a Committee, please [visit the Committee page](#) on the website and click on the name of the Committee you wish to see.

Committee Terms of Reference

For the terms of reference for any Committee, please [visit the Committee page](#) on the website and click on the name of the Committee. Under purpose of Committee, the terms of reference will be listed. Terms of reference for all Committees are also detailed within Section 3b of [the Council's Constitution](#).

Access to Information

Any person wishing to inspect any minutes, reports or background papers relating to an item on the agenda should contact the Clerk of the Meeting. To find this, [visit the Committee page](#) on the website and find the Committee. Under contact information (at the bottom of the page) the Clerk's name and contact details will be present. All [agenda, reports and minutes of any Committee are published on the Website](#)

Public Participation

The Council operates a Public Participation Scheme where members of the public can interact with various Committee meetings in a number of ways. For full details of whether or how you can participate in a meeting, please [look at the Public Participation Scheme](#) or contact the Clerk for the meeting.

In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of any meeting may be recorded and / or broadcasted live, apart from any confidential items which may need to be considered in the absence of the press and public. For more information [go to our webcasting pages](#)

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 Chair. Filming must be done as unobtrusively as possible without additional lighting; focusing only on those actively participating in the meeting and having regard to the wishes of others present who may not wish to be filmed. Anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance.

Members of the public may also use social media to report on proceedings.

Declarations of Interest for Members of the Council

It is to be noted that Members of the Council 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.

WiFi

An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall.

Fire

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; and do not re-enter the building until told to do so. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair.

First Aid

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

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

Alternative Formats

If anyone needs a copy of an Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Customer Service Centre on 0345 155 1015 or email: committee@devon.gov.uk or write to the Democratic and Scrutiny Secretariat in G31, County Hall, Exeter, EX2 4QD.

Induction Loop available



PTE/20/24
Cabinet
14 October 2020

Tiverton Eastern Urban Extension (EUE) Access Junction – Phase 2

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: that the Cabinet be asked:

- (a) that the Head of Planning, Transportation and Environment be authorised to negotiate and agree the terms of an agreement with Mid Devon District Council to fund the construction of phase 2 of the Tiverton EUE access junction;
- (b) to approve the junction design shown on drawing C11017/68 (attached to this report – Appendix 2) to go out to tender;
- (c) to approve the scheme to proceed to tender award and construction subject to the funding agreement (referred to in Recommendation a) being signed, and a plan to overcome the issue of the construction of the link road being in place;
- (d) to agree to the Chief Officer for Highways, Infrastructure Development and Waste, in conjunction with the Cabinet Member for Infrastructure, Development and Waste and Local Member, be given delegated authorities to make minor amendments to the scheme design and delivery programme;
- (e) to give approval to enhance the 2020/21 and 2021/22 capital programme, once the funding agreement has been signed, funded by external contributions.

1. Summary

This report seeks Cabinet approval to construct phase 2 of the Tiverton EUE access junction off the A361 to the east of Tiverton. This will provide direct access to the Tiverton Eastern Urban Extension (EUE) and allow the full allocation of houses to come forward on the site.

2. Introduction

The Tiverton EUE development site, Appendix 1, is included in Mid Devon's Local Plan Review for up to 1830 dwellings and at least 30,000m² employment floorspace. This development has commenced, and the first dwellings are now occupied.

Devon County Council completed construction of Phase 1 of the A361 junction in 2018 following Cabinet approval in June 2017. This consisted of westbound slip roads on the southern side of the A361. Phase 2 will see the construction of an overbridge and eastbound slip roads on the northern side of the A361. The road linking this new junction to the existing Blundell's Road will be constructed by the developer.

Agenda Item 7

3. Proposal

The scheme will consist of constructing Phase 2 of the access junction as shown in Appendix 2, plan C11017/68, up to surface course and also includes drainage and planting. This will allow full movements to and from the new development at this location and reduce the number of vehicles using the existing road network:

- through Halberton to the east - where the road has a series of give and take priorities and
- through the middle of Blundell's School to the west where there are over 3,000 pedestrian movements a day.

The junction will reduce delays on the existing network and provide shorter journeys for people travelling east along the A361, reducing carbon emissions.

4. Options/Alternatives

Given the first phase of the junction is complete, the only viable alternative is not to construct Phase 2. This will result in the development traffic travelling through Halberton to reach Tiverton Parkway train station and the M5 and using Blundell's Road through the middle of the school when coming from the A361 west. Neither of these roads are appropriate for carrying large volumes of traffic and this option would also limit the amount of development that can come forward on the Tiverton EUE site.

5. Consultations

The A361 junction was included in Mid Devon District Council's masterplan for the Tiverton EUE site and also their Local Plan Review which has recently been adopted. Both of these documents went through two stages of public consultation including local exhibitions for people to have their say about the scheme. In addition to this, a planning application for the junction was submitted to Mid Devon District Council in summer 2014, allowing the public another option to express their comments over the scheme.

6. Financial Considerations

The cost of constructing the junction is estimated to be £10m. This will be funded by Mid Devon who have successfully obtained £8.2m from Homes England's Highways Infrastructure Fund, with the remaining funding coming from Mid Devon forward funding S106 contributions. Devon County Council are not funding any part of the project. The proposed funding agreement will clarify that whilst Devon will endeavour to deliver to planned timescales and within budget, Devon will not be assuming responsibility for any shortfalls in costs.

Devon County Council will be responsible for delivering the new junction, which will become part of our highway infrastructure. Devon will therefore need to include this scheme in the approved capital programme. We will incur the expenditure and submit regular claims to Mid Devon, for reimbursement.

7. Legal Considerations

The delivery of the HIF is dependent on a funding agreement between Mid Devon District Council (MDDC) and Homes England (HE) dated 29 November 2019. That agreement has been entered into and, as far as we are aware, MDDC have started to receive funding from HE.

In addition to this there is a requirement for a separate funding agreement between MDDC and Devon County Council. This is well advanced but there are a couple of outstanding issues that need to be resolved. Firstly, the original timescales are very challenging and MDDC will likely need to agree a revised programme with HE. Secondly, it is estimated that the total cost of the Project at £10m will over and above the £8.2m HIF Funding. There are a number of options to fill this funding gap linked to other development sites. These are currently being explored by MDDC.

The legal agreement to acquire the land is also being progressed.

The scheme will not progress to tender and construction until there is certainty that the funding agreement with MDDC has been entered into, and there is certainty the issue of the construction of the link road has been resolved. A land licence agreement will be entered into prior to start of works.

It is not anticipated that there will be any issues with the tendering of the construction contract as it will follow the County Council's normal procurement processes.

8. Environmental Impact Considerations (Including Climate Change)

An Environmental Impact Assessment was carried out as part of the planning application for the junction.

The development is considered to be located in a highly sustainable location. It is very close to the existing employment area of Tiverton Business Park. Ten minutes cycle and 30 mins walk to the Town Centre. It will have a regular bus route connecting to the Town Centre and the National Rail Station at Tiverton Parkway. There is an environmentally attractive leisure walking and cycling route along the canal. It will have a new dedicated Primary School and a local centre with employment.

The junction, is just one element of the transport infrastructure, is an attractive link to the main road network and will reduce congestion on local roads and reduce journey distances, both of which will reduce carbon emissions.

9. 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;

Agenda Item 7

- 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.

In progressing this particular scheme/proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and is also available on the Council's website at: <https://www.devon.gov.uk/impact/a361-tiverton-access-junction-phase-2/>, which Councillors will need to consider for the purposes of this item.

10. Risk Management Considerations

The construction of the slip roads and overbridge requires the closure of the A361 for a period to allow the bridge deck to be put in place. The nature of the bridge crossing the A361 at a skew angle makes this process difficult and will require a longer closure period than normal. To enable the closure of the A361 it is necessary to have the road linking this new junction to the existing Blundell's Road in place to act as a diversion route as it is not possible to route all A361 traffic through the villages of Sampford Peverell and Halberton. The current plan is the linking road will be constructed by the developer. There is uncertainty when this construction will take place and without the absolute certainty it is not possible to agree a contract with the contractor, unless an alternative can be found.

The funding for the scheme which is primarily Homes England "*Housing Infrastructure Fund*" has a finite time period and has to be spent by December 2022. This means the scheme has to be built in 2021/22 and in turn this means the Linking Road has to be built imminently.

Negotiations are currently taking place on three fronts:

- Mid Devon are negotiating with the landowner and his agent
- Mid Devon are negotiating with Homes England for a possible extension of time
- Devon County Council are considering alternative construction processes.

As set out in Section 7 (Legal Considerations), Devon County Council are negotiating an agreement with Mid Devon District Council regarding the funding of this project and the delineation of responsibilities.

The scheme will not progress to tender and construction until there is a plan to overcome the issue of the construction of the link road.

11. Public Health Impact

The junction is within close proximity to existing residential properties. These residents have been involved as the plans for the junction have progressed and changes to the scheme have been made as a result.

12. Summary

Phase 1 of the scheme has been completed and Mid Devon have secured funding for Phase 2 of the junction. This will allow the Tiverton EUE development to be built out to its full potential as well as having additional capacity to accommodate future developments in the area.

Dave Black
Head of Planning Transportation and Environment

Electoral Divisions: Tiverton East

Cabinet Member for Infrastructure, Development and Waste: Councillor Andrea Davis

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

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Stuart Jarvis

Tel No: 01392 383372 Room: County Hall, Exeter EX2 4QD

Background Paper	Date	File Reference
Nil		

sj150920cab Tiverton Eastern Urban Extension (EUE) Access Junction Phase 2
Final

Tiverton Eastern Urban Extension Masterplan



Appendix 2
To PTE/20/24

Do not scale from this drawing in either hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.

Contains Ordnance Survey data
© Crown copyright and database rights 2015. 100019783.

NOTES

no.	details
-----	---------

A. General amendment.

Rev	Date	Drawn	Revisions	Chk



Engineering Design Group

Matford Offices
County Hall
Topsham Road
Exeter
EX2 4QD

Tel. 0845 155 1004
Fax. 01392 382342
customer@devon.gov.uk
www.devon.gov.uk

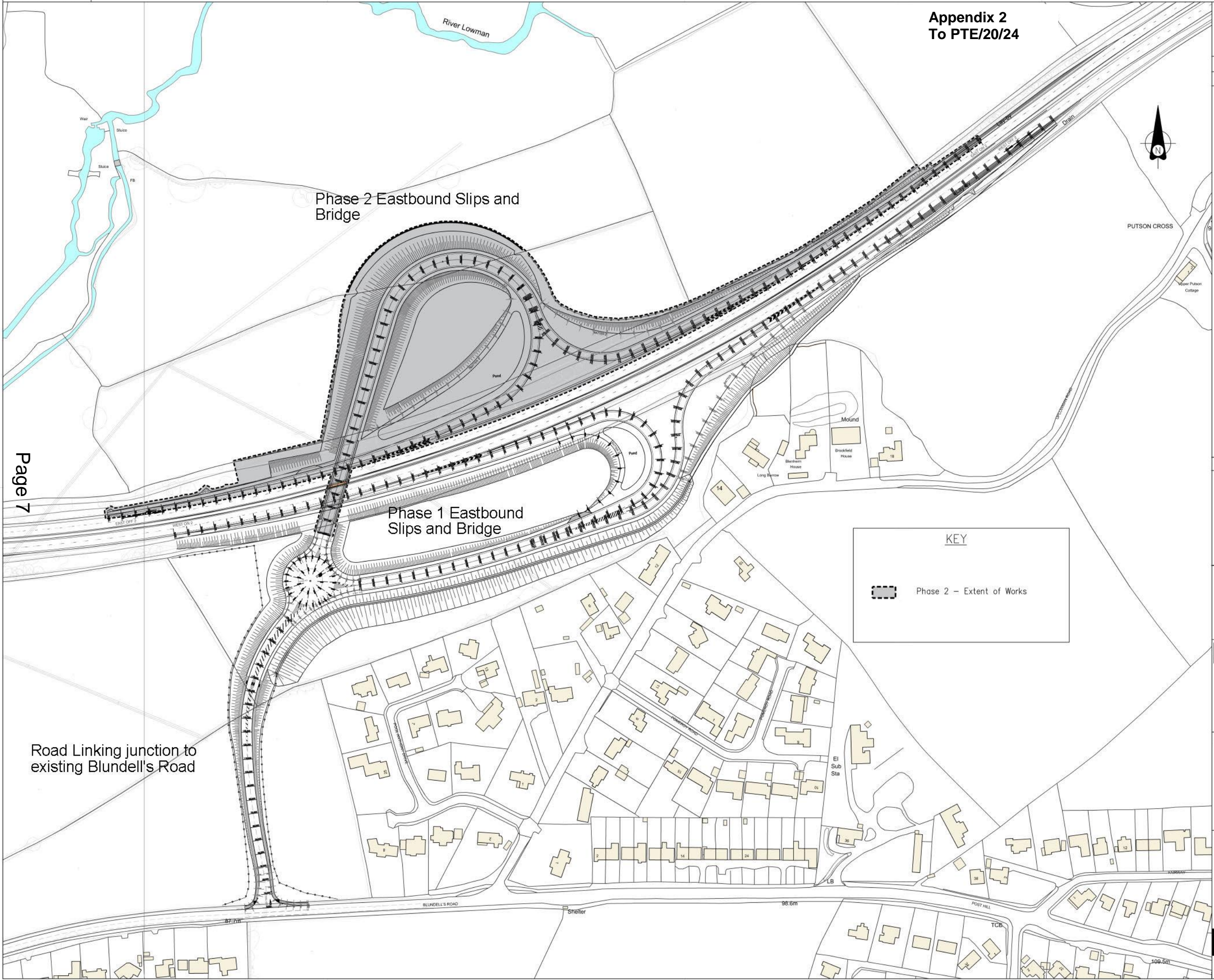
JOB

A361 NORTH DEVON LINK
TIVERTON
EASTERN URBAN EXTENSION

DRAWING TITLE

GENERAL SCHEME PLAN
PHASE 2

drawing number	C11017/68	Revision	
scale(s)	1:1250	size	A1



Impact Assessment



Assessment of: Tiverton Eastern Urban Extension (EUE) Access Junction – Phase 2

Service: Planning, Transportation and Environment

Head of Service: Dave Black

Version / date of sign off by Head of Service: 18th September 2020

Assessment carried out by (job title): Stuart Jarvis (Principal Transportation Planning Officer)

1. Description of project / service / activity / policy under review

Devon County Council completed construction of Phase 1 of the A361 junction in 2018 which consisted of westbound slip roads on the southern side of the A361¹. The proposal is to carry out Phase 2 of the junction which will consist of an overbridge and eastbound slip roads on the northern side of the A361. The road linking the new junction to the existing Blundell's Road will be constructed by the developer. A plan of the proposed scheme is appended to the Cabinet Report².

¹ See Cabinet Report PTE/17/32, available at <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=2126#AI978>, for more details of Phase 1.

² The Phase 2 report will be published with the Cabinet papers for 14 October 2020 meeting and found from the meeting page at: <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=3834&Ver=4>

2. Reason for change / review

Mid Devon's Local Plan Review allocates development to the east of Tiverton of up to 1830 dwellings and associated employment. Providing the slip roads on the northern side will allow people to access the development site from the west without travelling along Blundell's Road and through the middle of the school while traffic wishing to travel east can use the A361 as opposed to the road through Halberton.

3. Aims / objectives, limitations and options going forwards (summary)

Proving Phase 2 of this scheme will complete the grade separated junction onto the A361, allowing direct access to and from the EUE development site. This will reduce traffic flows along Blundell's Road through the school and through Halberton, improving safety along these routes and allow the full Tiverton EUE development site to come forward.

4. People affected and their diversity profile

Those affected by the scheme including those using the local road network, and residents living close to the scheme. Therefore, the populations of the Mid Devon 002C Lower Layer Super Output Area³ (LSOA) and Tiverton Civil Parish (CP) have been used as the basis of the diversity profile and compared to the profiles of Devon and England overall. Demographic information has also been taken from the National Travel Survey, to understand the characteristics of those most likely to use the scheme.

As with Devon and England as a whole, slightly more residents of the Mid Devon 002C LSOA and Tiverton CP are female than male. In Tiverton, a smaller proportion of residents are of working age (18-64) than the national average, with higher proportions in both younger (0-17) and older (65+) age groups, whereas Mid Devon 002C had a proportionately larger younger population but smaller older population.

Ethnic diversity in the vicinity of the scheme is low, with over 98% of Tiverton residents identifying as White, compared with 85% nationally. The population living nearby the scheme is relatively privileged in terms of socioeconomic status, with 60% of Mid Devon 002C residents falling into the top 4 of the 8 National Statistics Socio-economic Classification (NS-SeC) classes⁴, whilst in Devon and England overall the corresponding figures

³ This includes the residential neighbourhood near the junction of Uplowman Road and Post Hill, as well as the small village of Chevithorne

⁴ Those aged less than 16 and more than 75 are excluded from the populations considered in this classification

are 58% and 54%, respectively. Levels of illness and disability are lower in Mid Devon 002C than the national and county averages, but in Tiverton, a slightly higher proportion were described as being limited in their day-to-day activities than in England overall.

The vast majority (94%) of households in Mid Devon 002C had at least one car or van, but for Tiverton, this figure was lower, at 78%. The high levels of car ownership in the area surrounding the scheme correlate with National Travel Survey data (table NTS0703) on the relationship between car availability and income, with only 14% of households in the highest income quintile having no car or van, whereas 45% of households in the lowest income quintile are car-free.

Table NTS0601a of the 2019 National Travel Survey shows that car usage tends to peak towards the middle of one's lifetime, with those aged 40-49 making an average of 736 car/van trips per year (on average, over 85% of these are made as a driver), whereas those aged 0-16 make an average of 468 car/van trips annually (all as a passenger) and those aged 70+ make some 524 such trips (70% as a driver). Females typically make slightly more car/van trips than males (608 versus 551 per year), but are more commonly a passenger (40% of trips) than males (30% of trips).

5. Stakeholders, their interest and potential impacts

The scheme is fully supported and funded by Mid Devon District Council and planning permission for the junction has been granted. Phase 1 of the scheme which has yet to be opened included noise fences to protect the local residents, but noise monitoring will be carried out to assess the impacts of the traffic being closer to existing properties.

6. Research used to inform this assessment

2011 Census data, obtained from Nomis (<https://www.nomisweb.co.uk/>), along with statistics from the 2019 National Travel Survey (<https://www.gov.uk/government/collections/national-travel-survey-statistics>), have been used to evaluate the diversity profile of those affected by the project, and thus inform the equality analysis. Information has also been derived from the Cabinet Report and DCC internal documents relating to the project.

7. Description of consultation process and outcomes

The A361 junction was included in Mid Devon District Council's masterplan for the Tiverton EUE site and also their Local Plan Review which has recently been adopted. Both of these documents went through two stages of public consultation including local exhibitions for people to have their say about the scheme. In addition to this, a planning application for the junction was submitted to MDCC in summer 2014, allowing the public

another option to express their comments over the scheme. Objections from local residents were raised but the scheme was adapted following meetings with the residents to overcome these.

8. Equality analysis

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.

In summary, the scheme is expected to benefit and advance equality of opportunity for all people, including those with protected characteristics, so it is not considered that the scheme will lead to discrimination, harassment or victimisation. However, some groups of people with protected characteristics may benefit slightly less than those outside the group, e.g. younger and older people may benefit less than those of working age due to lower car use among the former two groups, though there is still expected to be a net benefit to these groups.

Characteristics	<p>Potential or actual issues for this group.</p> <p>[Please refer to the Diversity Guide and See RED]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
All residents (include generic equality provisions)	<p>Some residents living close to the scheme may be slightly adversely impacted by increases in traffic noise and the visual impacts of the scheme.</p>	<p>The scheme has been adapted to overcome objections previously raised by residents. These adaptations include the construction of bunds and acoustic fences as well as additional tree planting and realignment of the bridge, which will mitigate the potential adverse impacts on the local residents.</p> <p>All residents could benefit from reduced travel costs and journey durations, which may improve access to opportunities and encourage greater participation in society, either through using the junction to access the A361, or due to reduced congestion on other roads (e.g. the road to Halberton, the former A373) compared to the without-scheme scenario.</p> <p>As 2-3 buses per hour use the road to Halberton (on Stagecoach routes 1/1A/1C and Buses of Somerset route 22), some benefits may accrue to bus users as well as those using private cars.</p>

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Age	Younger and older people typically travel by car less than those of working age, so may benefit from the scheme less than other age groups whilst experiencing the same level of disbenefits.	<p>Adaptations, including the construction of bunds and acoustic fences, as well as additional tree planting, will mitigate the potential adverse impacts of the scheme on local residents.</p> <p>Though car use (either as a passenger or driver) is lower among younger and older age groups than among those of working age, bus use is higher among these age groups, meaning these groups could benefit more from reductions in bus journey times (compared to the without-scheme scenario) due to reduced congestion on the road to Halberton. Therefore, access to opportunities could be improved for these age groups.</p> <p>The reduction of traffic along Blundell's Road as a result of the scheme will make it easier for pedestrians, especially school children to cross the road.</p>
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	Those with certain disabilities may be unable to drive and so may benefit from the scheme less than other individuals whilst experiencing the same level of disbenefits.	<p>Adaptations, including the construction of bunds and acoustic fences, as well as additional tree planting, will mitigate the potential adverse impacts of the scheme on all residents.</p> <p>Those with certain disabilities may be less able to walk or cycle, and so may be more dependent on the car or bus for journeys than others. Therefore, these individuals could particularly benefit from reduced travel costs and journey durations, which may improve access to opportunities for these individuals.</p>

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Culture and ethnicity: nationality/national origin, ethnic origin/race, 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	<p>Adaptations, including the construction of bunds and acoustic fences, as well as additional tree planting, will mitigate the potential adverse impacts of the scheme on all residents.</p> <p>Females typically make more total trips by car/van (including trips as a passenger) than males, so could particularly benefit from reduced travel costs and journey durations, which may improve access to opportunities for these individuals.</p>
Sexual orientation and marriage/civil partnership	N/A	N/A

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban	Those without access to a car may benefit from the scheme less than other individuals whilst experiencing the same level of disbenefits. Those without access to a car are disproportionately from lower income groups.	<p>Adaptations, including the construction of bunds and acoustic fences, as well as additional tree planting, will mitigate the potential adverse impacts of the scheme on all residents.</p> <p>The scheme is likely to reduce travel costs and journey durations, either through the junction facilitating easier access to the A361, or through reduced congestion on other roads (e.g. the road to Halberton, the former A373) compared to the without-scheme scenario. This may improve access to education, training and jobs, helping advance the needs of those suffering deprivation due to a lack of qualifications or employment.</p> <p>As 2-3 buses per hour use the road to Halberton (on Stagecoach routes 1/1A/1C and Buses of Somerset route 22), some of the congestion reduction benefits may also accrue to bus users. Therefore, access to opportunities could be improved for these individuals, who are disproportionately from car-free households and lower income groups.</p>

9. Human rights considerations:

The scheme may enable road users to more easily exercise certain human rights, such as the right to work (as outlined in Article 23 of the Universal Declaration of Human Rights, UDHR⁵), the right to education (UDHR Article 26) and the right to freely participate in the cultural life of the community (UDHR Article 27), as the scheme is expected to reduce travel costs and journey durations (compared to the without-scheme scenario). Additionally, the contractor delivering the scheme will be expected to comply with all relevant legislation with human rights implications, such as the Modern Slavery Act 2015.

10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?

Opportunities for people to access education, training and jobs will be enhanced by the scheme, due to the reduction in travel costs and journey durations (compared to the without-scheme scenario), thus enabling people to become more independent and empowered.

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

By reducing travel costs and journey durations (compared to the without-scheme scenario), the scheme will grant local residents easier access to employment, and gaining employment is associated with better health and wellbeing. The scheme will also encourage the use of the A361 rather than the road through Halberton (the former A373) to access Tiverton Parkway and the motorway network (via Junction 27 of the M5), thus diverting traffic off a single carriageway road with numerous turns and intersections onto a dual carriageway. The scheme will also reduce traffic flows along Blundell's Road through the school, improving the safety of pupils crossing the road.

⁵ See <https://www.un.org/en/universal-declaration-human-rights/>

In what way can you help people to be connected, and involved in community activities?

The scheme will make it less costly for people to travel to community activities (compared to the without-scheme scenario), thus encouraging greater community involvement.

11. Environmental analysis

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 mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	X
Environmental Impact Assessment	
Strategic Environmental Assessment	

	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, reuse, recycle and compost:		This will be an element of CMP
Conserve and enhance wildlife:		Neutral
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:		Neutral
Conserve and enhance Devon's cultural and historic heritage:		Neutral
Minimise greenhouse gas emissions:		Neutral
Minimise pollution (including air, land, water, light and noise):		Neutral
Contribute to reducing water consumption:		Neutral
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		Neutral
Other (please state below):		

12. Economic analysis

	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	The scheme will enable additional development to come forward on the Tiverton EUE site, including employment floorspace, which will provide skilled jobs to the local community.
Impact on employment levels:	N/A	The construction of the scheme may boost employment levels, either by requiring the contractor to employ more staff to deliver the works, or enabling them to retain staff who would otherwise have become unemployed due to a lack of work. In the longer term, the employment development facilitated by the scheme will provide skilled jobs to the local community.
Impact on local business:	N/A	Local businesses will gain improved access to the A361, and conversely customers will be able to access local business more easily.

13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

Locating the junction close to existing and proposed development means that the adverse social impact of the increased traffic noise may be larger than if the junction was sited in a more remote location (notwithstanding that these impacts will be mitigated by the construction of bunds and acoustic fences, as well as additional tree planting). However, siting the junction in a more remote location would also increase the distance road users would have to travel to access the junction, which would reduce the social and economic impacts of the travel time reductions facilitated by the scheme. This arrangement would also preclude the integration of the proposed eastbound junction with the existing westbound junction, which would likely increase the environmental impact of the scheme, as two separate junctions would be likely to require more land in total than a single, all-movements junction.

14. 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?

Those living in the area will gain easier access to education, training and jobs through reductions in journey times, thus benefitting local residents and improving the competitiveness of the local economy, as employers will conversely gain access to a larger labour market.

During procurement of the works, tenderers will be assessed according to the quality of their submission as well as their tender price, increasing the likelihood of the winning contractor being able to deliver works of acceptable quality and thus enhancing prospects of the potential scheme benefits being realised. The contractor will also be required to participate in the Considerate Contractors Scheme, thus reducing the likelihood of the construction works having negative impacts on local residents.

15. How will impacts and actions be monitored?

During construction, a regular dialogue will be maintained with local Members, Mid Devon District Council and local residents, to ensure any adverse impacts are identified and remedied as quickly as practicable. Following construction, the transport impacts of the scheme will be monitored using traffic counts, journey time data and collision data, whilst noise monitoring will be conducted to quantify the extent of any noise impacts arising from the scheme.

South West Exeter Housing Infrastructure Fund: Update on project including approval for funding, to progress relevant schemes and award tenders

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: that the Cabinet be asked

- (a) to note the update on the project and completion of the funding contract;
- (b) to approve the enhancement of the Planning, Transportation and Environment 2020/21 capital programme by £55.14 million profiled across financial years 2020/21 to 2023/24 as reflected in the table in section 6 of this report. Funded by the Housing Infrastructure Fund grant;
- (c) to delegate authority to the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for infrastructure, Development and Waste to approve flexibility in allocation of funding to develop the projects, and progress the planning and land agreements for infrastructure identified within the Housing Infrastructure Fund project within the total award amount;
- (d) to conditionally approve the proposals in relation to the allocation of funding recovered from developers including up to
 - (i) £5.3 million towards the South West Exeter district heating network
 - (ii) £6.55 million towards the A382 improvement schemeOn the condition that funding is only allocated once it has been recovered from developers;
- (e) to approve the allocation of £2.6 million of Housing Infrastructure Fund grant towards the delivery of the electricity substation and the proposal to enter into a contract with Western Power Distribution for its delivery, submit a planning application, and following planning permission, acquire land relating to a new electricity substation using compulsory purchase powers if necessary;
- (f) to delegate authority to the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste to progress the proposals for the pedestrian / cycle bridge and Chudleigh Road realignment including tender and to award contracts for the schemes within a budget threshold of £10.5million.

1. Summary

This report follows a successful bid that was submitted to the Ministry of Housing, Communities and Local Government (MHCLG) in September 2018 for funding from the Housing Infrastructure Fund (HIF). The bid was for funding totalling £55.14 million towards infrastructure to support development at South West Exeter. Devon County Council (DCC) was advised in February 2019 that it had been successful with the submission and entered into a funding contract with Homes England in August 2020. This report seeks to provide an update on the project as well as requesting approval for some elements to allow for the continual progression of the

Agenda Item 8

project. Further approvals will be required for the rest of the overall project as it progresses.

2. Introduction

South West Exeter is a strategic allocation of 2,500 dwellings and 5 hectares of employment on the edge of Exeter, which spans two administrative areas – Teignbridge District Council and Exeter City Council. The Teignbridge Local Plan allocates land for 2,000 dwellings and the Exeter Core Strategy allocates land for 500 dwellings. South West Exeter is a complex site. The development straddles a key arterial road (the A379), is close to the Exe Estuary Special Protection Area, requiring additional mitigation, has difficult topography and has multiple land ownerships. It requires a significant amount of infrastructure to enable the development to come forward, much of which is needed early, and involves coordination to minimise disruption.

The HIF is a government capital grant scheme of £5.5 billion which has been identified to support the delivery of infrastructure related to the building of new homes. DCC was successful with its bid of £55.14 million under the forward funding tranche of the programme.

The HIF funding will enable the early delivery of the infrastructure to support the delivery of housing. The infrastructure to be delivered includes:

- Delivery of four signal junctions on the A379
- Realignment of Chudleigh Road
- Southern Spine Road
- Employment access roundabout at Peamore
- Devon Hotel Roundabout upgrade
- Alphington Village enhancements
- School access road
- Pedestrian / cycle bridge
- Suitable Alternative Natural Green Space
- Utility upgrades including new primary electricity sub-station and foul drainage
- Community building which is intended to include a GP surgery.

A plan identifying the development location and infrastructure to be delivered is included in Appendix I.

In order to avoid further delay to the housing coming forward, the aim is to deliver infrastructure in line with developers' timescales. Work has been progressing on the design and delivery of infrastructure in advance of the funding contract being signed, recognising that the risk of not entering into contract was low. Only those pieces of infrastructure that are on the critical path were progressed, in order to limit the risk to DCC. This included the Eastern Junction, which is now onsite. Following the signing of the contract, DCC is able to move forward with additional design and delivery of the infrastructure.

Although not included within the HIF project, a new all-through school is proposed at South West Exeter. This is a Free School being delivered by central government. Work on the delivery of the school is progressing and a planning application for the school was submitted to Teignbridge District Council in September 2020.

3. Proposal

Entering into the funding contract allows DCC to make additional progress with the design and delivery of the infrastructure as included in the HIF bid. The proposal for the next stage of the project is set out below. In addition to supporting the delivery of infrastructure, the expectation is that funding will be recovered from developers as the residential development is delivered. This funding can be retained by DCC and recycled into other infrastructure projects. The approach for this is also identified below.

Pedestrian / Cycle Bridge

A pedestrian / cycle bridge across the A379 is a key piece of infrastructure to support development at South West Exeter. It will provide a safe crossing of the A379 road and connects to the school and other community facilities. Planning policy requires a 'gateway' structure to support a sense of place and identity of the development. An options study was undertaken in 2015 considering different designs for the bridge to fulfil the requirements, whilst also considering cost and deliverability. This identified a preferred option of a skew parabolic arch. This design was novel, fulfilling the gateway function and was understood to be deliverable within timescale and cost constraints.

Additional work has since been undertaken which has identified challenges regarding the deliverability of the skew parabolic arch design. As the design is novel, there are a number of uncertainties regarding the design, impacting the timescales for delivery and an unknown impact on the cost of delivery. The timescale is important as the aim is for the bridge to be in place for the school opening.

To address these concerns, a design workshop was held to consider alternative designs which would also meet the gateway requirement, but critically, would provide greater certainty regarding deliverability and cost. Following the design workshop and additional investigation regarding the impact of different bridge designs, an alternative bridge design was identified, which is a tied arch bridge. This is most similar in design to the original design, helping to achieve the gateway requirement, whilst being a more tested design. In order to achieve the gateway requirement consideration has been given to elevating a simpler design into a gateway feature. Attention has been given to increasing the height of the arch, the design of the parapets and the lighting with the potential for the bridge to be illuminated with rainbow lighting being investigated. These changes are considered to be achievable within the timescale and budget constraints.

The updated initial design is included in Appendix II. This is subject to further design before the bridge is submitted for planning permission. Following planning approval, delivery of the bridge is proposed to be through a design and build contract in order to meet the necessary timescales to enable the bridge to be in place in line with the delivery of the new school. It is expected that the scheme will be onsite early in 2022.

Chudleigh Road realignment

The realignment of Chudleigh Road is required as the existing junction between Chudleigh Road and the A379 cannot be upgraded in its current location to accommodate the expected increase in traffic flows from the proposed development.

Agenda Item 8

A plan is included in Appendix III. Design for the scheme has been progressing in advance of entering into the funding contract recognising the timescales for the delivery of the scheme, which requires earthworks in advance of the delivery of the road.

An application for the scheme was submitted in September and following planning permission it is proposed to go to tender. Assuming a successful tender and award of contract, it is expected that the scheme will be onsite, initially undertaking the necessary earthworks, towards the end of 2021.

Electricity substation

One of the infrastructure items within the HIF bid is a new electricity substation. This is a significant new substation, which will connect into the existing overhead 132kV cable. Two potential sites for the substation have been identified informed by the need to locate the substation close to both the existing overhead cables and in close proximity to the development. Locating it further from the development has the potential to cause disruption and add cost when future connections are required. Work is currently progressing on survey and modelling work to finalise the site selection. Once the preferred site has been selected, it is proposed to submit a planning application for the site and following this progress with the acquisition of the site. Whilst it is intended that the acquisition of the site will be through negotiation, there is a potential that compulsory purchase powers will be required, and this will be progressed if necessary.

An application to reserve electricity capacity has been made to Western Power Distribution (WPD) and a consequential offer has been made to DCC. Given that site investigation work is still continuing, an assumption has been made regarding the most suitable site. A review undertaken suggests that this is sufficient to support development at South West Exeter as well as future development. It is also understood that the delivery of the substation will add resilience to the network in the area. It is proposed to enter into this contract to secure the capacity. The contract enables the design to progress and requires a financial commitment towards the delivery of the substation. This is subject to ensuring an appropriate mechanism to recover funding from developers, or other electricity users, that utilise the additional capacity delivered.

Suitable Alternative Natural Green Space (SANGS)

One of the pieces of infrastructure to be delivered as part of the HIF bid is SANGS. This is a new, large public park which is being delivered to mitigate the impact that the development may otherwise have on the Exe Estuary. The SANGS needs to be delivered in line with the delivery of the development to ensure that there is appropriate mitigation in place. This is currently being progressed and work has commenced on site. It is being funded in advance of HIF by Teignbridge District Council. Following the signing of the contract, it is expected that the district council will continue to progress the delivery of the SANGS and that this will be funded through the HIF with DCC claiming funding in arrears similar to the other infrastructure and passing this on to the district council once a funding agreement has been signed between DCC and TDC.

Recovery and reallocation of funding

The HIF is grant funding to DCC, with the expectation that DCC recovers funding from developers to repay the cost of delivering the infrastructure as housing is delivered. The upfront delivery of the infrastructure provides greater certainty, addressing concerns that there is often a lag between the delivery of the housing and the supporting infrastructure, and supports the delivery of housing by reducing the upfront burden on developers, whilst maintaining the developers ultimately pay for the infrastructure that is required to deliver the housing.

The HIF bid identified the potential to recover up to 90% of the funding, approximately £49 million. This is dependent on the cost of the infrastructure and entering into contracts with developers to recover funding. In order to ensure that funding is recovered, it is proposed that the tender process for the relevant infrastructure will not commence until there is sufficient certainty regarding the recovery of funding. The majority of the funding is expected to be recovered through normal section 106 processes or through bespoke legal agreements with developers. In some instances, it may be appropriate to offset expected recovery against works undertaken by developers that contribute towards the delivery of the scheme. This will be considered on a case by case basis.

The repayment of the funding is dependent on the delivery timescales for the housing. Whilst assumptions can be made regarding expected delivery timescales, these are subject to market forces and in addition, there may be impacts on the housing market from Covid-19. Entering into the HIF contract provides a reasonable degree of certainty regarding the principle of future recovery of funding, although exact amounts and timescales remain unknown. Consideration has been given to projects that would benefit from recovered HIF funding. The requirement of the recovered HIF funding is that it should be used to enable development in addition to that enabled by the HIF funding. Two schemes have been identified to which is proposed to conditionally allocate recovered HIF funding towards. These are the South West Exeter district heating network and the A382 corridor improvement. Given the timescales involved, any commitments of funding are conditional on recovering funds from developers. This will only be allocated once DCC has received the monies with no requirement from DCC to forward fund.

District Heating

The South West Exeter district heating network is a complex and ambitious scheme that would provide district heating to the South West Exeter development as well as the potential to connect to up to 9,000 future homes in the area. It also has the potential to connect to the Marsh Barton Energy from Waste facility, utilising waste heat. The project is identified in planning policy and whilst there remains additional work to be able to deliver district heating, officers from Devon, Exeter and Teignbridge councils as well as BEIS and Homes England have been working with the district heating operator to develop a funded and deliverable scheme

To help fill the funding gap and increase the probability of the success of the scheme, it is proposed to allocate £5.3m recovered HIF funding to support the network. This would be grant funding towards the scheme. The district heating provider is aware that the funding will only be available once it has been received by DCC. Whilst there remain some issues to address to enable the project to progress, every effort is being made to secure this ambitious project.

Agenda Item 8

Whilst it is for DCC to determine the suitability of projects that will benefit from recovered HIF funding, Homes England are aware of the intention to use recovered HIF funding on the South West Exeter district heating network and recognise that it will support future development in addition to that at South West Exeter.

A382 corridor improvements

The A382 corridor scheme includes improvements from Drumbridges on the A38 to West Golds Way near Newton Abbot hospital. The scheme includes realignment, widening and a new road to accommodate an increase in traffic expected from proposed development allocated in the Local Plan. Planning permission has been secured for the scheme and an Outline Business Case has been submitted to the Department for Transport. The Outline Business Case assumes that there will be a local contribution towards the scheme of £6.55m. The exact amount of recovered HIF funding required may be less than this as the expectation is that section 106 payments from developers will also contribute towards the local contribution. However, in principle, it is proposed that up to £6.55m will be allocated to the A382 corridor scheme. This will only be available, once DCC have received the recovered HIF monies.

Future Projects

The timescale for the recovery of funding will impact those schemes that funding may be applied to, recognising that there may be other future funding streams for projects. It is expected that funding recovered will be used to support the delivery of future education and transport projects.

4. Options/Alternatives

The alternative to delivering the infrastructure as set out above is for DCC not to progress the delivery of the infrastructure. Instead, developers could deliver the infrastructure themselves. There are limited benefits to this as the risk to DCC of delivering the infrastructure is low, particularly now that the funding contract has been signed as DCC will be able to claim funding in arrears on a monthly basis. Furthermore, assuming the developers are able to deliver the infrastructure themselves, it involves developers accepting greater risk and is likely to slow down the delivery of housing, leading to a more piecemeal approach with developers only delivering infrastructure as it is required for each phase. This removes the benefits of coordination that DCC's role will have. As infrastructure is delivered, there will be some disruption on the highway network. This has a greater potential of being minimised if DCC delivers the infrastructure as it can work across the scheme as a whole.

Another alternative would be to take a more gradual approach to progressing the project. Whilst this could align the infrastructure delivery to the housing sites as they are coming forward, the risk of this is not delivering the infrastructure within the timescales of the funding stream and could result in being in breach of the funding contract, which requires funding to be spent by the end of March 2024. Again, this would remove the coordination benefit.

A key benefit of the funding is being able to recover the funding from development as housing is delivered and recycling this into future schemes. Removing or slowing

down DCC's role in the delivery of the infrastructure could impact the amount of funding recovered and the future benefits of this funding.

5. Consultation and Stakeholder Engagement

Consultation regarding the proposed development at South West Exeter and the infrastructure to support it has taken place at a number of stages.

Consultation was undertaken at the Local Plan Stage on the allocation of development in this location. This was undertaken by both Teignbridge District Council and Exeter City Council. In addition to public consultation, the Local Plans were subject to examination by an independent Planning Inspector. Following the adoption of the Local Plans, further work was undertaken by the city and district councils through the production and consultation of a Development Brief for the development within Exeter and a Development Framework for the development within Teignbridge. These documents provide further detail on the infrastructure that is proposed to be provided at South West Exeter.

Where the infrastructure to be delivered requires planning applications, these will be subject to appropriate consultation through the planning process.

Efforts are being made to ensure that stakeholders are kept up to date with the project. A dedicated project website has been set up (www.devon.gov.uk/swexeter) which is updated regularly to reflect progress on the project. A newsletter was also produced in Summer 2020 and circulated to stakeholders providing an update on the project. It is expected that further newsletters will be produced in the future as the project progresses.

6. Financial Considerations

The HIF funding is a capital grant to the Local Authority, with DCC able to draw down funding in arrears on a monthly basis. Cost estimates have been developed for the various items of infrastructure, with these subject to change as additional design work is undertaken. The funding will be managed as a single project. The funding agreement gives DCC the ability to allocate funding in relation to each piece of infrastructure as required and make amendments to this to balance any under or overspends, between projects so long as this remains within the total £55.14million funding and relates to the infrastructure projects included in the HIF bid as identified above. This primarily relates to the progression of projects to planning applications, where required, and to enable land agreements to be progressed. Cabinet approval will still be obtained in relation to the award of tenders and where reprofiling across years needs to take place.

The expected spend profile of the funding is set out in the table below and the capital programme enhancement as requested in recommendation (b). This is informed by the cost estimates to date and programme for the delivery of the infrastructure but will be closely monitored and amended as the project progresses.

Year	Pre-contract	2020/21	2021/22	2022/23	2023/24
Funding	£0.64m	£8.72m	£11.18m	£17.83m	£16.78m

Agenda Item 8

7. Legal Considerations

There are no specific additional legal considerations to those which were set out in the previous cabinet reports for this scheme, as the proposal involves following the course of action set out in the original funding bid.

Legal agreements will be required for the delivery of the infrastructure and recovery of funding, which will be progressed on a case by case basis. This approach is considered to be achievable, with two agreements already entered into with developers, in addition to section 106 agreements as part of the normal planning process.

8. Environmental Impact Considerations (Including Climate Change)

The planning applications for both housing and employment at South West Exeter, which includes consideration of the infrastructure that is needed to support it, have considered the environmental impacts of the development. These planning applications span the administrative areas of Exeter City Council and Teignbridge District Council, both of which are recent signatories to the Devon Climate Declaration along with Devon County Council.

In addition, the HIF project includes the delivery of an electricity substation, which will provide additional electricity capacity in the area to support development in moving towards carbon neutrality in the future. If delivered, the district heating network which HIF funding is proposed to be invested in, is expected to reduce annual emissions of new homes by 70%.

The carbon footprint of end users of the transport infrastructure has been considered through the design of pedestrian/cycle provisions which include linking the new development with the existing strategic pedestrian/cycle network. Furthermore, the proposed pedestrian/cycle bridge will not only provide a gateway structure but also ensure low carbon transport modes are safe and desirable for pupils and residents alike. Improved walking and cycling infrastructure is a specific inclusion in the Devon Climate Declaration. An aspect of the HIF infrastructure is the delivery of a spine road through the development. A key purpose of this is to enable good access to public transport with every house being within walking distance of a bus stop.

The development has been designed to provide community infrastructure, which is also supported by the HIF development. A community building is to be delivered through the HIF funding and a new Free School is being delivered. Both of these will help to support the creation of a community and reduce the need to travel. The SANGS will provide a large, publicly accessible park, which is accessible on foot from the development.

The scheme is expected to have a positive economic impact by supporting jobs through infrastructure delivery and the delivery of new homes.

9. 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:

Agenda Item 8

- 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.

In progressing this particular project an Impact Assessment was prepared, which has previously been circulated to Cabinet Members and is also available on the Council's website at: <https://www.devon.gov.uk/impact/south-west-exeter-housing-infrastructure-fund-hif/>, which Councillors will need to consider for the purposes of this item.

The HIF project will support the development of a new urban extension to Exeter. The delivery of the community infrastructure and school will support the creation of a community. Within the delivery of the infrastructure, consideration has been, and will continue to be, given to safe and sustainable access for all. This includes the provision of pedestrian / cycle routes and crossings, including the provision of a new bridge where volumes of pedestrians and cyclists are expected to be greatest.

10. Risk Management Considerations

This proposal has been assessed and all necessary safeguards or action have been taken to safeguard the Council's position. A risk register is in place for the project which is reviewed and updated monthly in line with Project Board meetings.

The funding contract has inherent risks which will be minimised so far as is possible through appropriate project management to ensure that necessary milestones are met and that relevant information is provided to Homes England as required. As with the delivery of any scheme, there is a risk regarding delivery, with a maximum amount of funding available through the HIF. The bid included an appropriate level of contingency and a contingency sum will be applied to schemes as they progress to minimise the impact of risks. Given the scale of the electricity substation and need to acquire land, the risk for this infrastructure is elevated. There is an overarching need for the substation to support the delivery of housing and other development. It is expected that DCC will enter into contract with WPD for the delivery of the substation. WPD have experience of delivering substations and this approach removes the need for a separate approval / adoption process as the responsibility for this would rest with WPD.

There is a risk regarding recovery of funding and the need to enter into legally binding agreements with developers which have yet to be concluded. Discussions have taken place with developers regarding the need for recovery of funding and a contract which includes recovery has already been entered into. This suggests that

Agenda Item 8

the contracts will be workable. Failure to enter into funding contracts for future pieces of infrastructure could impact the delivery timescales and/or the amount of funding recovered. The likelihood of this is considered to be small and DCC has good working relationships with the various developers.

11. Public Health Impact

The infrastructure is proposed to support sustainable development at South West Exeter. As part of this there will be the provision of sustainable transport which will encourage active travel and have the potential for a public health benefit.

Designs for the junctions include provision of suitable pedestrian / cycle crossing facilities. Prior to approval of the design, the junctions are subject to safety audit, with issues raised within the safety audit addressed as appropriate.

12. Summary

The proposals set out above allow progress with the project to continue. This is necessary to ensure that the funding is spent within the identified timeframe. The project will enable the earlier delivery of infrastructure as well as the coordination of this to minimise the impact of its delivery. Earlier delivery will help to support the creation of a community from the outset. It will also support housing delivery. Development at South West Exeter has been stalled for a number of years, but has started to progress following the announcement that funding was successful, demonstrating the need to continue supporting infrastructure delivery at South West Exeter.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: Alphington and Cowick, Exminster and Haldon

Cabinet Member for Infrastructure, Development and Waste: Councillor Andrea Davis

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

Local Government Act 1972: List of Background Papers

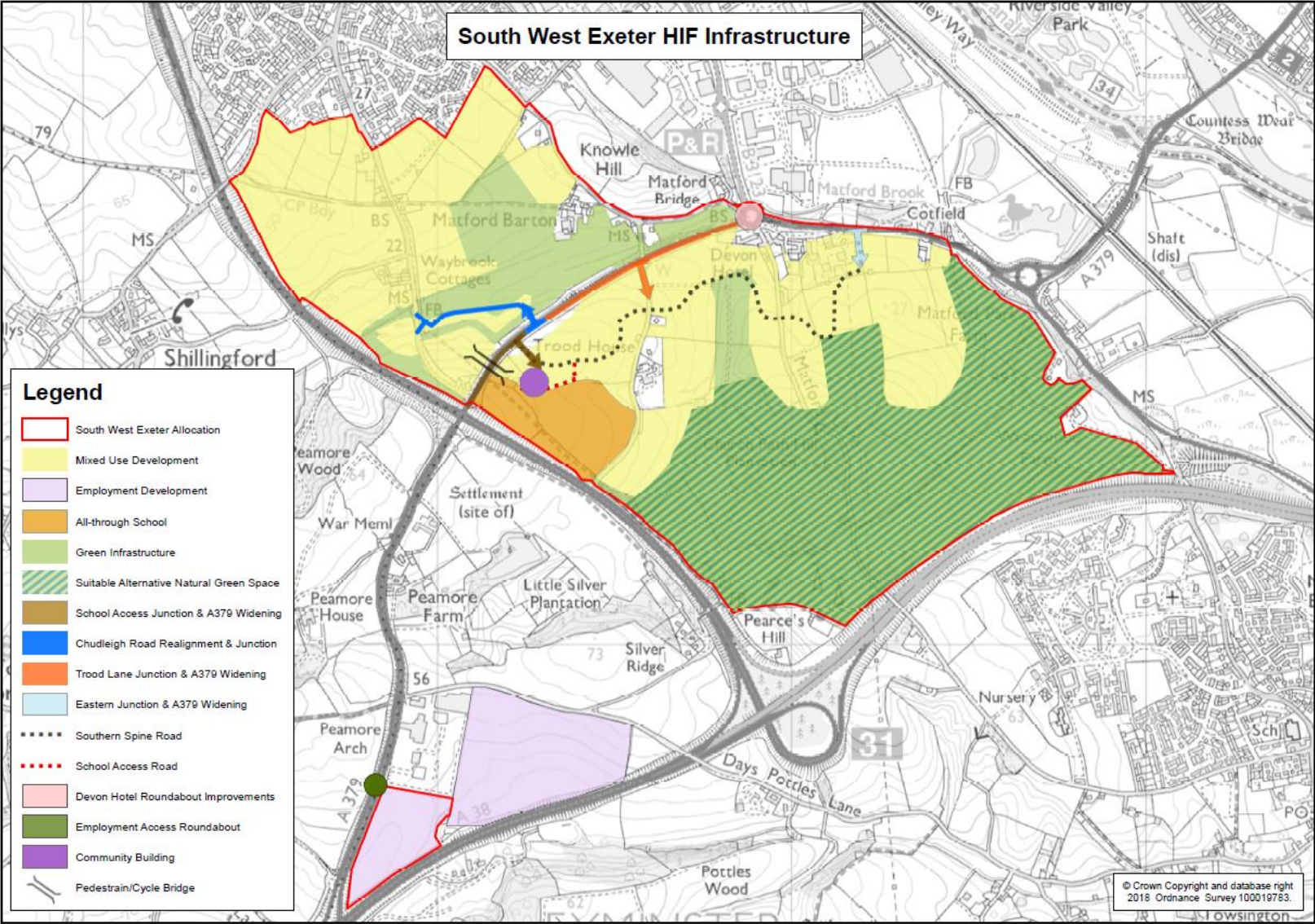
Contact for Enquiries: Sarah Ratnage

Tel No: 01392 383554 Room: 120, County Hall, Exeter, EX2 4QD

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

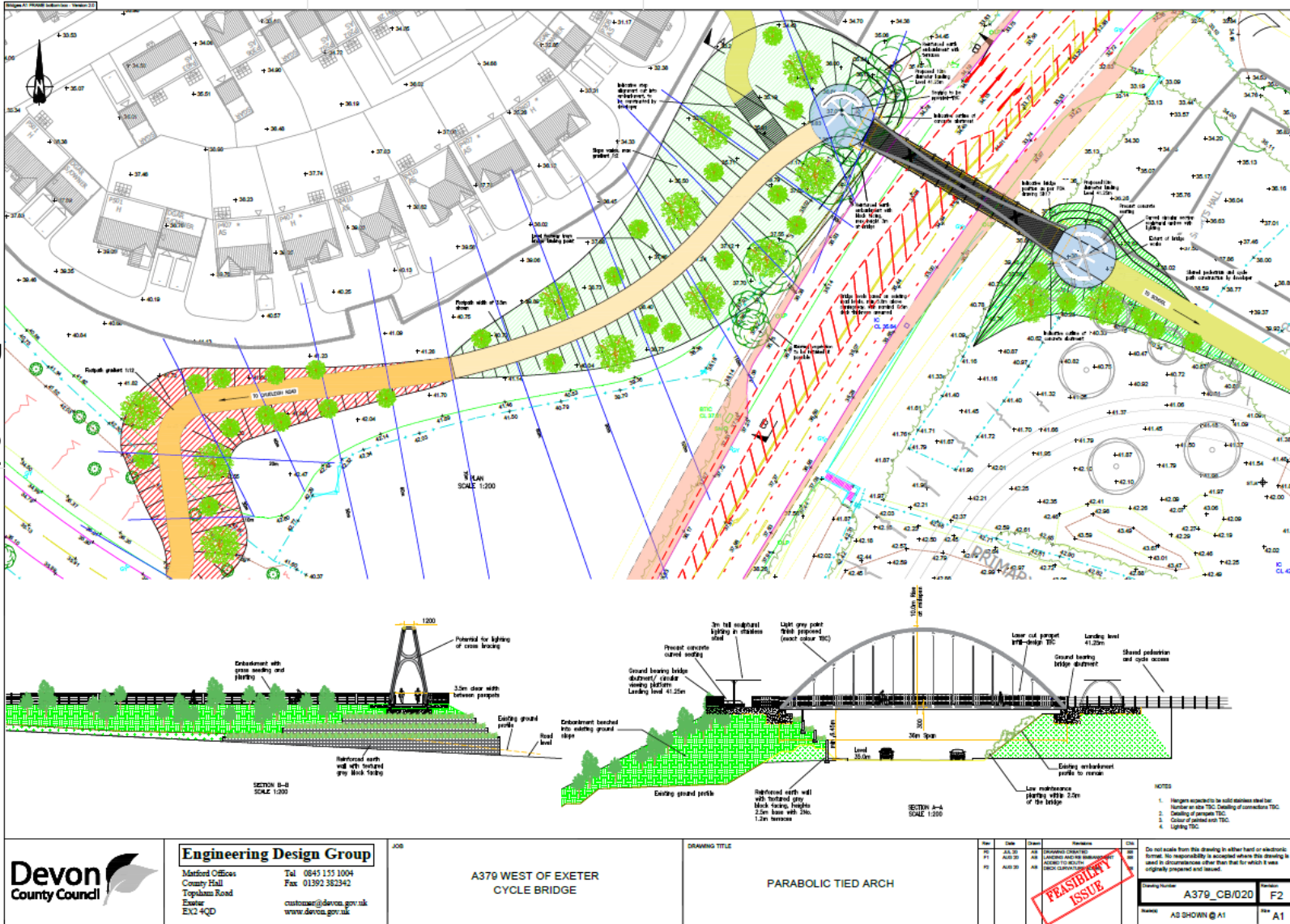
Nil

sr170920cab South West Exeter Housing Infrastructure Fund Update on project Final



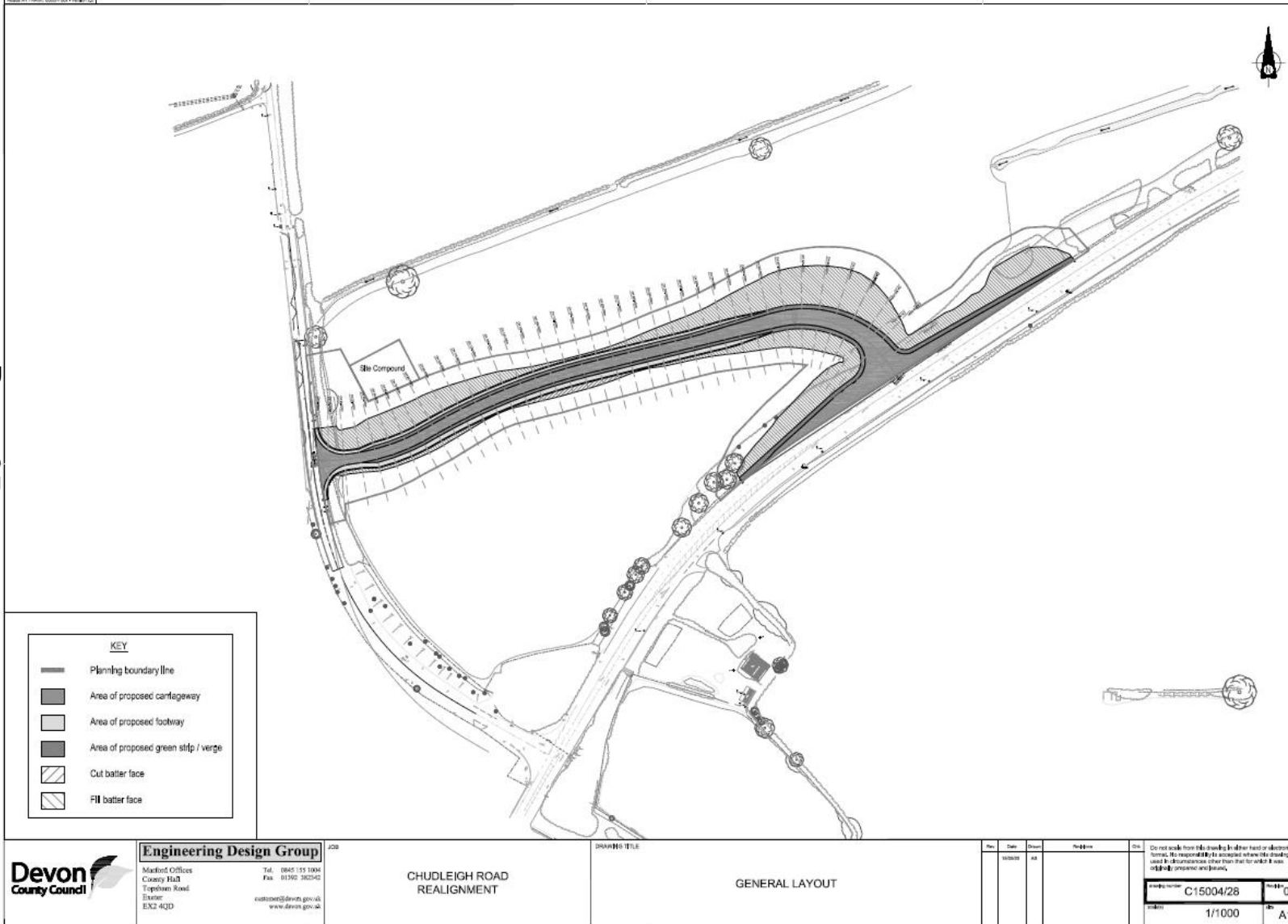
Appendix II to PTE/20/25 – Pedestrian / Cycle Bridge

Page 34



Appendix III to PTE/20/25 – Chudleigh Road Realignment

Page 35



Agenda Item 8

Impact Assessment

Version 2017

To publish, please send a dated PDF to impactassessment-mailbox@devon.gov.uk



Assessment of:	South West Exeter Housing Infrastructure Fund (HIF)
Service:	Planning, Transport and Environment

Head of Service:	Dave Black
Date of sign off by Head of Service/version:	8 th November 2019
Assessment carried out by (incl. job title):	Alex Crump, Senior Engineer Sarah Ratnage, Special Projects and Planning Manager

Page 37

Section 1 - Background

Description:	South West Exeter is a strategic allocation of 2,500 dwellings and 5 hectares of employment on the edge of Exeter, which spans two administrative areas – Teignbridge District Council and Exeter City Council. The Teignbridge Local Plan allocates land for 2,000 dwellings and the Exeter Core Strategy allocates land for 500 dwellings. SW Exeter is a complex site. The development straddles a key arterial road (the A379), is close to the Exe Estuary Special Protection Area requiring additional mitigation and has multiple land ownerships. It requires a significant amount of infrastructure to enable the development to come forward, much of which is needed early, and involves coordination to minimise disruption. To help deliver the infrastructure early, Devon County Council submitted a bid for £55.1 million of funding from the Housing Infrastructure Fund (HIF). In February 2019 it was announced that this funding bid was successful. The bid includes infrastructure such as
---------------------	--

	new roads and junctions, upgrades to roads, a pedestrian/cycle bridge, a community building, Alphington Village enhancements and a Suitable Alternative Natural Green Space (SANGS).
Reason for change/review:	In September 2019 a previous Impact Assessment was produced (available here) for the two highway junctions which are likely to be delivered first. This Impact Assessment builds on this previous publication to include all of the infrastructure in the scope of the HIF bid.

Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Page 38	<p>Options Appraisal and Recommendations:</p> <p>As described in Section 1, South West Exeter is a strategic allocation of 2,500 dwellings and 5 hectares of employment. However, the nature of the site means there are significant difficulties associated with unlocking the development. Devon County Council therefore successfully bid for £55.1m of HIF funding to progress the works. This option has multiple benefits:</p> <ul style="list-style-type: none"> • Reduced disruption to highway users and stakeholders through coordination of construction activities • Ensure timely delivery of a new school to meet existing need for secondary school places in the area. A delay in the delivery of the Interim School Access Junction would have the impact of delaying the delivery of the all-through school at South West Exeter, which cannot be delivered in advance of the junction works and access. The risk of a delay to the delivery of the school is the loss of the free school. This would have a significant cost implication for the county council as the cost of the free school is estimated to be in excess of £30 million. There would likely also be a delay to the delivery of the school, which is a significant risk as there is considerable pressure for secondary school places in Exeter. • County Council has increased influence over design of infrastructure to ensure needs of all users are considered • Holistic approach to infrastructure design to ensure all parcels are unlocked
---------	--

	<p>The alternative would be that DCC do not deliver any infrastructure. This would likely delay delivery of housing and the school. Furthermore, the disruption to highway users would be spread over a longer period. Finally, landowners/developers who are less advanced in the planning process may be disadvantaged (e.g. lack of service capacity) and would struggle to develop</p> <p>Since then the HIF bid was approved, DCC's Cabinet have also approved a public consultation on the inclusion of an additional Park and Ride site. This option would be expected to have environmental benefits based on reducing traffic flows into Exeter.</p>
Social/equality impacts (summary):	<p>A Stakeholder Engagement Plan has been produced which includes identification of those who could be affected and how they will be consulted with. Those identified include highway users, local residents and businesses, landowners and developers, national/local government, emergency services etc.</p> <p>The positive impacts of this project include:</p> <ul style="list-style-type: none"> • Coordination of infrastructure delivery • Delivery of new homes within the local area, including affordable housing • Delivery of a new all-through school, including nursery provision • Accelerated delivery of the development <p>The following negative impacts may be realised:</p> <ul style="list-style-type: none"> • Disruption due to traffic management (this would happen regardless of who delivers the development) • Increase in local highway users (again, this would happen regardless of who delivers the development but may be mitigated by the Park and Ride option) • DCC could delay delivery of the most advanced development sites due to the need to follow local government procurement regulations <p>Throughout the development, stakeholder views will be considered and they will be kept informed of the proposed works and necessary traffic management.</p>

<p>Environmental impacts (summary):</p>	<p>The planning applications for the 2,500 dwellings and employment, which includes consideration of the infrastructure that is needed to support it, have been supported by Environmental Statements where appropriate. These planning applications span the administrative areas of Exeter City Council and Teignbridge District Council, both of which are recent signatories to the Devon Climate Declaration along with Devon County Council. We are aware negotiations are currently taking place between the developers and the planning authorities to reduce the carbon generation of the development.</p> <p>Specific environmental considerations associated with the HIF project include the following positive impacts:</p> <ul style="list-style-type: none"> • we are considering an option to ensure sufficient electric capacity is available for the whole development to go carbon neutral in the future • The long-term aim, by 2030, is to work with our supply chain to enable carbon neutrality. This is in the process of emerging, we will therefore work with the suppliers of the HIF works to encourage them to reduce carbon emissions from their operations. • Looking more specifically at the transport infrastructure discussed. The carbon footprint of end users of this infrastructure has been considered through the design of pedestrian/cycle provisions which include linking the new development with the existing strategic pedestrian/cycle network. Furthermore, the proposed pedestrian/cycle bridge will not only provide a gateway structure but also ensure low carbon transport modes are safe and desirable for pupils and residents alike. Improved walking and cycling infrastructure is a specific inclusion in the Devon Climate Declaration. • An important aspect of the HIF infrastructure is the delivery of a spine road through the development. A key purpose of this is to enable good access to public transport with every house being within walking distance of a bus stop. • The possibility of a Park & Ride site provides an opportunity to reduce carbon emissions further through reducing vehicle movements. This site also has the potential for the installation of a solar PV roof over parked vehicles. Devon County Council will encourage proposals for solar PV over the Park and Ride site in the stakeholder consultations. Using renewable energy systems and new public transport infrastructure are also specific aims of the Devon Climate Declaration.
---	--

	<ul style="list-style-type: none"> The project includes a Suitable Alternative Natural Green Space (SANGS) which aims to reduce the amount of dog walking on the Exe Estuary and thus minimise impacts on the estuary's wildlife <p>The following negative impact will be realised:</p> <ul style="list-style-type: none"> The introduction of new signalised junctions may have a slight impact on air quality as vehicles will be required to stop at red lights There will be the removal of vegetation to enable the delivery of the junctions. This has been considered through the planning application process The scheme will require the introduction of some new street lighting <p>There is expected to be a neutral impact on noise, given the existing road noise from the major highways in the area.</p>
Economic impacts (summary):	<p>The positive impacts outlined below will be achieved through this project:</p> <ul style="list-style-type: none"> Unlock housing at South West Exeter and associated employment Unlock the school site (if this wasn't done it would have a significant cost implication for the county council as the cost of the free school is estimated to be in excess of £30 million. Introduction of a community centre Repayments from developers will be recycled by Devon County Council <p>The following negative impact will be realised:</p> <ul style="list-style-type: none"> In the short term, during the construction works, it is anticipated that some negative impact will be realised as a result of traffic management. <p>This negative impact will be mitigated as far as possible by liaising with Devon County Council's highway co-ordination, traffic management groups and other relevant stakeholders identified in the Stakeholder Communication Plan.</p>

<p>Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):</p>	<p>A broad range of stakeholders and consultees were identified in the production of the scheme's Stakeholder Management Plan. Devon County Council will communicate with those identified either specifically or via the scheme's website and press releases. Those identified include:</p> <ul style="list-style-type: none"> • Highway users (impact minimised by DCC coordinating construction activities) • Local residents (impacts minimised through inclusion of a new community centre and ongoing resident engagement through Parish Councils, Alphington Village Forum, scheme website etc.) • Local Businesses (some businesses may be affected, and coordination will be required to mitigate this) • Landowners and developers (the development is allocated but close coordination around programme, access requirements etc. will be required to ensure timely and efficient delivery) • National/local government (HIF funding will be received from central government whilst Exeter City Council and Teignbridge District Council are the relevant Planning) • Emergency services (traffic management could impact services, this will be coordinated through DCC's Highway Coordination team) • Education providers (unlocking an all-through school site in a timely manner) • Supply Chain (procurement required for significant amount of infrastructure so supply chain will be engaged throughout)
<p>How will impacts and actions be monitored?</p>	<p>Impacts and actions will be monitored in multiple ways:</p> <ul style="list-style-type: none"> • The supply chain will be consulted through market engagement activities and the results report to Project Steering Board • Project management includes a Risk Register with mitigation strategies being discussed at Project Steering Board • Frequently Asked Questions (FAQ's) will be collated and published on the scheme's website • The Project Manager will meet landowners, developers and residents regularly

Background Analysis

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

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

People affected:	<p>The delivery of the infrastructure will affect all road users of the A379 and surrounding road network. However, DCC will coordinate works to minimise this disruption.</p> <p>The A379 dissects the land allocated for development. This could adversely affect those who don't drive (young, elderly etc.) as it's currently difficult for non-motorised users to cross. The HIF bid therefore included funds for a new bridge to enable non-motorised users to cross the A379 safely.</p> <p>The Local Planning Authorities (Teignbridge District Council and Exeter City Council) includes minimum percentages of affordable housing to be included within the development.</p> <p>There is a requirement for additional secondary school places in the Exeter area and delivery of the school will affect those living in the wider vicinity.</p> <p>Local businesses may be affected by traffic management activities, particularly by any road closures. However, custom may also increase in medium/long term as the number of people living/working in the area increases.</p>
Diversity profile and needs assessment of affected people:	<p>As highlighted above, action has been taken where the scheme has the potential to have an adverse impact on a particular audience. It is not envisaged that the proposals will have an adverse impact on any other specific audience, regardless of age, race, gender, sexual orientation and religion / belief. However, all stakeholder/consultee needs will be understood through engagement.</p>
Other stakeholders (agencies etc.):	<p>A broad range of stakeholders and consultees have been identified through the Stakeholder Engagement Plan. These groups/individuals will be communicated with at the appropriate time. They include:</p> <ul style="list-style-type: none">• Highway users (interest in traffic management and long-term implications for network capacity)• Local residents (interest in community centre, education facilities, local roads, engagement through parishes councils/village forum etc.)

	<ul style="list-style-type: none"> • Local businesses (interest in local roads, changing market opportunities in the area etc.) • Landowners and developers (development has been allocated but maintain an interest in coordination, programme, funding etc.) • National/local government (Central government interest in funding, programme etc, local government interest as planning authority) • Emergency services (interest in traffic management) • Education (infrastructure unlocking an all-through school) • Supply Chain (interest in procurement for significant amount of infrastructure)
Consultation process and results:	<p>Proposals for development have been through the planning process. This includes a consultation process and the acceptability of the proposals are considered as part of this. The planning process includes direct consultation with statutory consultees as well as site notices.</p> <p>Devon County Council's actions are governed by its Constitution which includes the role of Cabinet in making key decisions. Cabinet is a public-facing process and the most recent Cabinet Report/Update is available here</p> <p>A Stakeholder Engagement Plan has been used to identify those affected and suitable means for consulting with them.</p> <p>Market Engagement has been used to engage the supply chain and this will continue as required throughout the project (link here).</p> <p>The scheme website is updated regularly including a 'project progress' section</p> <p>Road closures and traffic management will be advertised (scheme website, Roadworks.org, WDM etc.)</p>
Research and information used:	<p>Highway improvements are generally designed in accordance with Design Manual for Roads and Bridges and/or local network guidance like Manual for Streets. Improvements for vulnerable road users will also consider Sustrans guidance, Inclusive Mobility etc.</p>

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	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps'). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
All residents (include generic equality provisions):	The proposals allow for vehicular access to the site. Provision is also made for pedestrian / cycle access along the A379, with the addition of a separate crossing across the A379 in relation to the Eastern Junction.	Provision of connection across A379 to connect to existing pedestrian / cycle route. Design community building with input from local community to ensure integration of communities
Age:	The proposals will ensure the A379 does not act as a barrier to integration between communities. This will be achieved through altering the highway network and non-motorised user facilities e.g. new bridge (which is accessible to all ages)	Supports provision of all-through school which will benefit school age children.

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Separate crossing of the A379 in relation to the Eastern Junction will provide connection to existing pedestrian / cycle routes. Crossings will be delivered to ensure accessibility for disabled people (e.g. tactile paving, spindles on pedestrian crossing controls for visually impaired users etc.). disability needs to be considered in temporary situations (e.g. at roadworks) as well as permanent arrangement.	Crossings at junctions will be provided to ensure access for all pedestrians / cyclists. Crossings will be delivered to ensure accessibility for disabled people e.g. design in accordance with Inclusive Mobility etc. to ensure tactile paving
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	None Identified	None Identified
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	None Identified	None Identified
Sexual orientation and marriage/civil partnership:	None Identified	None Identified
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	Housing (delivered by others) will include a mix of affordable housing with the percentages being agreed by the relevant Planning Authority (Teignbridge District Council and/or Exeter City Council)	Ensure stakeholder engagement enables participation from all relevant groups/individuals and that responses are acted upon.

Human rights considerations:	None Identified
------------------------------	-----------------

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	<p>The new HIF infrastructure will support the delivery of a new development and will thus be critical to quality of life of those living and working in the new community. It will also support those travelling around and through the community.</p> <p>The infrastructure will ensure everyone is suitably connected and therefore give opportunities for communities to access housing, education, employment, healthcare, community building, services etc.</p>
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The infrastructure will be designed in accordance with relevant codes and legislation which includes independent safety audits where appropriate.
In what way can you help people to be connected, and involved in community activities?	As described above, the new HIF infrastructure is critical to ensuring the new communities are well connected. It will give opportunities for communities to access housing, education, employment, healthcare, community building, services etc.

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
X	Planning Permission
	Environmental Impact Assessment
	Strategic Environmental Assessment

	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, reuse, recycle and compost:		
Conserve and enhance wildlife:		
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:		
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

Page 50

	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:	None identified	Enables delivery of new all-through school at South West Exeter
Impact on employment levels:	None identified	Enables delivery of new all-through school at South West Exeter which will provide employment. Unlocks allocated employment land at Peamore.
Impact on local business:	Potential negative impact on local business e.g. at Marsh Barton during construction.	New development (2,500 houses etc.) may create new markets for local businesses

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	The implementation of the schemes will unlock housing at South West Exeter. Providing housing in areas where people want to live is one of the key aims of the Government.
---	--

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 proposals will support the delivery of development and a new all-through school, supporting social value in the area.
---	---

PTE/20/26
Cabinet
14 October 2020

New Okehampton Special School: Approval of Capital Funding and Commencement of the Free School Presumption Process

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:

- (a) that Cabinet approve revenue funding, and the allocation of existing capital funding, to support the delivery of a new special school in Okehampton, the preparation of a reserved matters planning application following a grant of outline planning permission (which is presently being sought) and full design subject to securing the necessary planning consent;
- (b) that Cabinet approve the Commencement of the Presumption Free School process subject to securing the necessary planning consent;
- (c) pursuant to s.122 of the Local Government Act 1972, that Cabinet approve the appropriation of land at East Okehampton Business Park such that it be held for planning purposes under s226(1)(a) of the Town and Country Planning Act 1990;
- (d) that Cabinet delegates to the Head of Planning, Transportation and Environment power to negotiate and authorise compensation payments and agreements which may be required pursuant to s.122 of the Local Government Act 1972 as a result of the appropriation of the land.

1. Summary

Presentation of this report to Cabinet seeks to obtain the necessary approvals to establish a new Special School through the Department for Education's Free School Presumption process on land at East Okehampton Business Park, approval of capital funding and revenue funding to provide the new school, approval of the appropriation of land and delegated powers to the Head of Planning, Transportation and Environment.

2. Background and Introduction

With the demand for Special Education provision in recent years and children's needs becoming more complex there is 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 Education Infrastructure Plan supports the development of Devon over the next 20 years in relation to educational provision and how it will be delivered, including minimising our reliance on school transport and the need for unnecessary journeys, ensuring pupils are able to attend local provision.

<https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning>

Agenda Item 9

The need for new provision is outlined in The SEND Strategic Review 2017/18 which also sets out the priorities to improve the outcomes for children and young people with SEN and disabilities and their families, see:

<https://www.devon.gov.uk/educationandfamilies/archives/6396>

At their meeting on 18 March 2018, Cabinet approved the Strategic Review of Special Needs Places (CS/18/10). Since that meeting, additional special school places have been delivered through the delivery of new schools in Tiverton and Newton Abbot, as well as expansions in Exeter and North Devon. Whilst significant progress has been made, demand still outstrips supply.

On 20 February 2020, the Council approved the Medium-Term Capital programme which included an investment in providing additional Special Educational Needs (SEN) totalling £20m, of which approximately £7m was identified toward specific projects in Dawlish, Barnstaple and Dartington.

In Devon, there is a high number of Children and Young People whose Special Educational Need (SEN) is Social Emotional and Mental Health (SEMH) and there is a pressure on places across the County resulting in the need to commission the independent sector. There is a gap in provision and a resulting need for additional provision along the A30 corridor (east of Exeter). This is required to meet the growing demand for places and provide additional capacity for more localised services. Allocated sites to the east of Okehampton continue to deliver long term housing and employment growth. As a result, the already large, dispersed and rural 'Local Learning Community' of Okehampton is growing. An opportunity has arisen to secure land in the County Council's ownership to bring forward a new special school in Okehampton subject to gaining planning consent.

3. Proposal

A new Special Needs School is proposed to the east of Okehampton to meet the growing demand for these places and will provide 80-100 places for pupils with Social, Emotional and Mental Health/Autistic Spectrum needs for primary and secondary aged students.

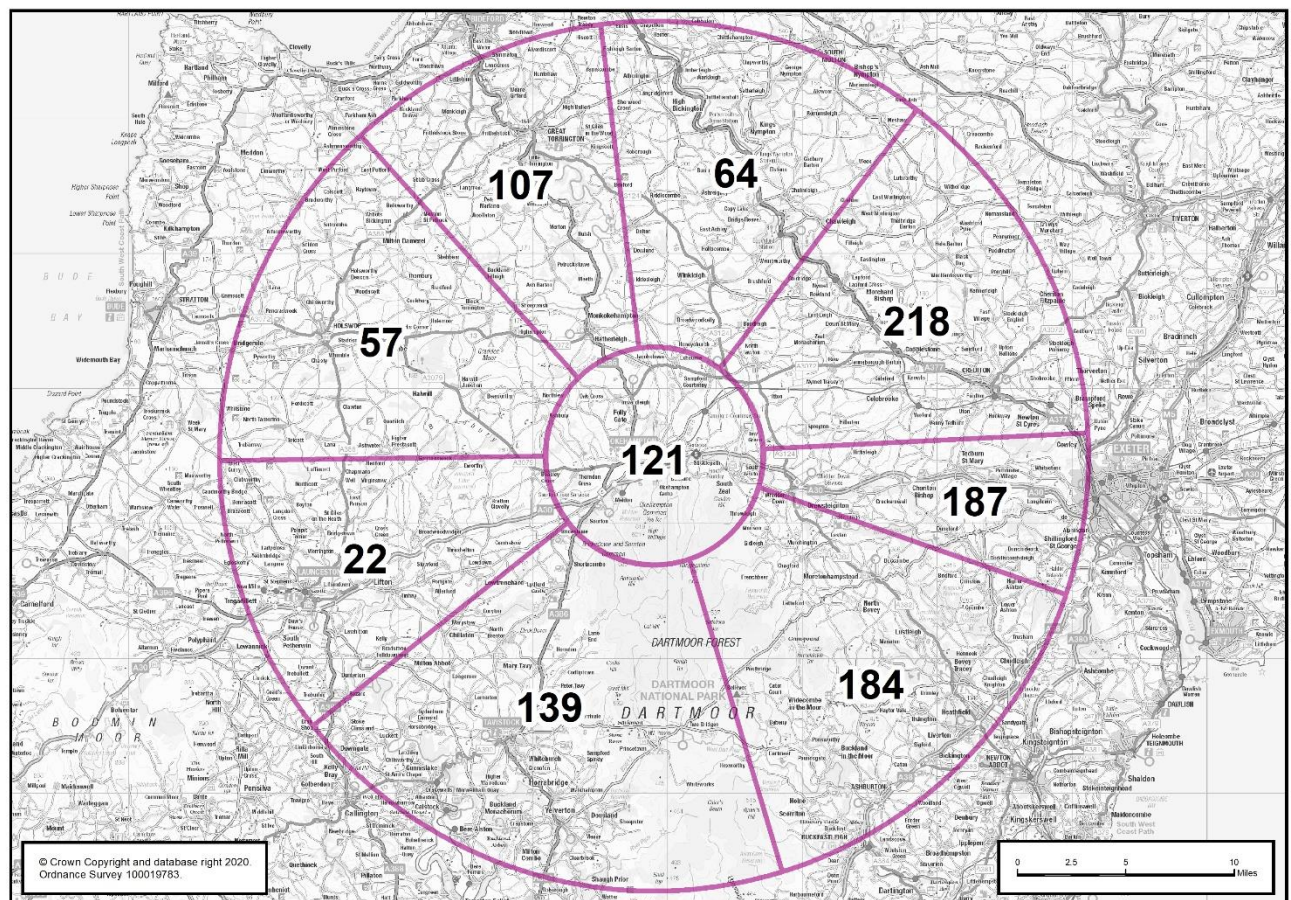
The site ('the Site') identified for the school is shown edged red on the plan annexed to this report (Appendix 1) and forms part of East Okehampton Business Park. Okehampton is very well located for easy access to the A30 strategic road network, connecting the town with Exeter and the M5. The location of the school is also well placed in the centre of western Devon to support other market towns that do not have any dedicated Special School provision. Most of the children will arrive by vehicle transport, the site has a good access with good local transport connections.

There are limited facilities for SEND children in this area of Devon which means these children currently have a long journey to school which is detrimental to their education and wellbeing. Within a 20 mile radius of the proposed new school site, there are only two Special Schools: Marland School at Peters Marland (some 13 miles distance from Okehampton) and Barley Lane in Exeter (some 18 miles distance from Okehampton). Marland School provides for children with SEMH as their primary need but is not a day school and provides residential provision only.

Barley Lane in Exeter provides day places for children with SEMH needs but is already at capacity.

There are 5281 children (September 2020) with an EHCP with their primary need identified as Social, Emotional and Mental Health, Autistic Spectrum Disorder or Speech, Language and Communication Needs (SLCN) in Devon. Children with SLCN have been included as many children with SEMH needs also have speech, language and communication needs. Of those 5281 children, 1099 live within 20 miles of Okehampton rising to 3362 children living within 25 miles of Okehampton.

The illustration below shows the number of children with an EHCP with a primary need of SEMH, ASD or SLCN (1099) living within a 20 mile radius of the proposed school site.



Whilst these figures show a high level of children with an EHCP, it is reassuring that most children with an EHCP can be appropriately supported in our mainstream schools. Nevertheless, some of these children have more complex needs and require a more specialist provider. It is this need for specialist places that the Local Authority cannot meet locally resulting in the need to commission the independent sector.

Officers have undertaken a search for sites which would be available in the short term, but this has not identified any other suitable sites at this time and there will be a need to secure addition sites in the future.

Agenda Item 9

Under Section 6A of the Education and Inspections Act 2006 the Local Authority is under a duty to seek proposals to establish an academy/free school under the free school presumption process. A Cabinet Member decision was given on 20 March 2020 to proceed to the initial consultation that would inform the specification for the new school, which is now being prepared.

Approval to proceed to the formal process of seeking a sponsor is now requested. The statutory process will include advertising for a sponsor, assessment of applications and making a recommendation to the Regional Schools Commission (RSC) on Devon County Council's preferred sponsor. Decision on the preferred sponsor will be made through a Cabinet Member decision in consultation with officers but the decision rests with the RSC. The new school is planned to be operational by September 2023 at the latest, potentially 2022 and the process can take a year to complete.

Approval is also requested to the funding package as described in section 6 below as well as approval to submit a full planning application, commence full design and proceed to let a tender.

4. Options and Alternatives

Do Nothing - Without the provision of a new special school there will be increased use of the independent sector with associated costs and risk and will not address the shortfall of special school places near to where children live. Capacity in neighbouring authorities remains under pressure. Children and young people will continue to have to travel long distances to access their statutory education.

Expand Existing Schools - opportunities to expand existing schools to support students with SEMH have been broadly exhausted.

Consider other sites – Officers continue to explore other potential school sites but they cannot be brought forward in a timely manner. Other potential sites may not be unlocked for many years and there is expected to be a further need to bring forward additional Special School provision in the medium term.

5. Consultations and Representations

The Local Member has been informed of the proposal and there has been communication with West Devon Borough Council, Okehampton Town Council and Okehampton Hamlets Parish Council prior to the submission of an outline planning application.

As required, an initial consultation has been undertaken to gain views on the new special needs school and to inform the specification. The consultation ended on 18th September 2020 and positive responses have been received.

For example, a response to this initial consultation from a parent welcomed the establishment of a new special school in Okehampton as their child currently travels by taxi to an independent placement near Holsworthy, a 45 minute journey each way and their child struggles with the daily journey. The parent commented that a school

much closer to home that allows children to make local friends would be absolutely amazing. A local primary school Headteacher, part of the Okehampton Local Learning Community, expressed their whole-hearted support for the provision commenting that they have a high proportion of SEN children with a high percentage of those having SEMH or autism of SEN register respectively. The respondent states there are some children who would clearly benefit from a more specialist environment where their needs could be better met but that provision does not exist locally. The Headteacher comments that for some of the youngest children with high need, travelling to schools in Barnstaple or Newton Abbot is just not an option given the distress and fatigue such a journey would cause on a daily basis and confirms this local provision is desperately needed to support these children, and, if possible to support schools with specialist advice for those whose needs can be met in mainstream education. The CEO of a large Multi Academy Trust in the local area also responded that he has continually expressed a real need for special school provision in this area of Devon with the view very much shared by primary colleagues and Trustees of the Multi Academy Trust. The response outlined how children with SEND who require specialist provision have to travel miles to access such support, at a cost to themselves in terms of losing their social identity and interaction and also at a cost to the County in terms of transport. Most importantly is the issue that provision isn't presently available to them in their area, so generating a feeling of social isolation which compound students' own individual needs and difficulties.

With information received from the consultation the next stage will be to advertise for a sponsor.

An indicative timetable for a September 2022 opening is as follows:

Date	Sponsor	Construction
October 2020	Decision to commence proposal	Submit planning application
December 2020/January 2021	Advertise for Proposer	Submit planning application
March 2021	Receipt of Expressions of Interest	Detailed design and Tender
May 2021	Receipt of Applications	Detailed design and Tender
June/July 2021	Assessment of Proposals and submit to Regional Schools Commissioner	Construction stage
October 2021	Decision of Regional Schools Commissioner	Construction stage
January 2022	Proposer to set up Governing Body, recruit staff, etc.	Construction stage
February 2022	Allocation date	Construction stage
September 2022	Implementation	Open

Agenda Item 9

6. Financial Considerations

The Local Authority is required to meet associated capital and pre/post opening costs related to the new school. The estimated capital cost of the proposal is £8m and will be met from existing SEND capital funding approved within the Planning Transportation and Environment Capital Programme, this includes the construction, professional fees, furniture and equipment and land.

The capital profile has been estimated as follows:

2021/22 £4 millions

2022/23 £4 millions

Capital expenditure will be funded £227,650 from External Grants, £3,650,000 from Capital Receipts and the remaining £4,122,350 from Internal Borrowing at a revenue cost (Minimum Revenue Provision) in the region of £165,000 per annum. This cost is already included within the approved Revenue budget.

Revenue Funding will be met from the High Needs Block as follows:

- Proposed funding per place at Special School level of £26,303
- Guaranteed place funding for first three years of operation:
Year 1: £360,000; Year 2: £660,000; Year 3: £800,000 - £1,000,000 (80-100 pupils).

A potential saving on the high needs block between £1.7 millions - £2.1 millions per year could be achieved as demand is removed from the Independent sector.

The school will be guaranteed place funding for Years 1 to 3 based on gradually building up to 80-100 pupils. Analysis on expenditure on the Independent Sector suggests an initial cost avoidance on the high needs block of around 2m per year that will lead to a potential saving as the demand is removed from the Independent sector.

Discussions with the School Transport Team has indicated that the location of the school is well placed as a high number of children are travelling from the town and other nearby market towns to access their education. It is expected that over time there will be a nil impact on the transport budget. In the short term some existing children may remain at their current school.

7. Appropriation

Devon County Council acquired East Okehampton Business Park from the Rural Development Agency (RDA) in 2011 in order to bring forward a Business Park on the site and aid economic growth in Okehampton. The Council exercised its powers under s120 of the Local Government Act 1972 in order to acquire the land, however the precise statutory power pursuant to which the land was acquired and is currently held is not revealed by Council records. The Site forms part of the East Okehampton Business Park so was intended, at the time of acquisition by the County Council, for commercial development. The Site is currently allocated in the local plan for

employment use. It appears therefore that the Site was acquired by DCC for the purposes of future development for employment purposes.

Since acquiring East Okehampton Business Park, 5 out of the 7 plots have been sold on for employment use to enable the establishment of a Business Park within the site. The development of a large part of the land acquired in 2011 as a Business Park has therefore been successful and brought employment and businesses into the area. However, the party most recently registering an interest in developing the Site has decided not to continue with their plans. It is unclear as to when the Site can be expected to be developed for employment purposes. As against this, and for reasons set out elsewhere in the report, there is a pressing need for further SEN school places to serve the area and the Site at the East Okehampton Business Park with which this report is concerned is considered suitable to contribute to meeting that educational need. The need for further SEN school provision is therefore considered to be greater and more pressing, and would be more beneficial in the public interest, than the need to retain the Site for development for employment purpose at this time. It is noted that development of the Site as a school would, to an extent, itself support employment opportunities for local people through direct and indirect employment opportunities.

However, before proposals for development of a School on the Site can be progressed, it is necessary for the County Council to ensure that it holds the Site for a purpose which is consistent with its development as proposed and which would allow that development to proceed. Given the lack of certainty as to the statutory power pursuant to which East Okehampton Business Park was acquired and the fact that it appears that it was acquired and is held for development for employment purposes, it is considered that appropriation of the Site to a purpose which is consistent with the proposed development and so as to allow that development to proceed is required.

East Okehampton Business Park is subject to a restrictive covenant which, if it remains enforceable, could prevent development of the Site as proposed without the consent of the party/parties with the benefit of that covenant. The covenant was attached to East Okehampton Business Park when it was sold to the RDA and it may remain enforceable against the Council as the current owner. The Covenant requires that East Okehampton Business Park be used only for uses falling within B1 B2 or B8 of the Schedule to the Town and County Planning (Use Classes) Order 1987 or as a site for an electricity sub-station to supply electricity to the Property or any part therefore. Use of the Site as a school would be in breach of this Covenant as it falls outside of the specified Use Classes.

The potential for this covenant to be enforced so as to prevent the development proceeding is relevant to the identification of the holding power to which the Site is to be appropriated.

Under s.226 of the Town and Country Planning Act 1990 the Council has power to acquire land for "planning purposes" which include where it thinks that the acquisition "will facilitate the carrying out of development/re-development or improvement on or in relation to the land". The Council can also appropriate land which it already holds to such a planning purpose. However, before acquiring or appropriating land for such

Agenda Item 9

a purpose the Council must also be satisfied that the development will contribute to the achievement of one or more of the following well-being objectives, namely the promotion or improvement of economic, social and environmental well-being of the area. Where land is appropriated to planning purposes, and subject to meeting other requirements set out in s.203 of the Housing and Planning Act 2005, the land can be developed notwithstanding that to do so would interfere with a restrictive covenant which affects the land.

Before land can be appropriated from one purpose to another, the requirements of s.122 of the Local Government Act 1972 must be met, namely that the Council must be satisfied that the land is no longer required for the purpose for which it is presently held and that the Council can acquire by agreement land for the purpose to which the land is to be appropriated. The determination as to whether land is “required” for the purpose for which it is presently held is a matter of judgement for the Council and may involve evaluating, by reference to the public interest, the relative importance of competing needs (see *R (Maries) v Merton LBC* (2014)_ EWHC 2689 Admin; *Dowty Boulton Paul Ltd. V Wolverhampton Corporation* (1976) CH 13).

8. Legal Considerations

In order to appropriate the Site for planning purposes, the Council must be satisfied that:

1. The Site is no longer required (to be determined by reference to the approach set out in case law referred to above) for the purpose for which it is currently held and the purpose to which the Site is to be appropriated is one for which the Council can acquire land by agreement;
2. The appropriation facilitates the development of the Site; and
3. That development will likely contribute to the promotion and / or improvement of the economic, and/or social and / or environmental well-being of the area.

In respect of 1, for the reasons which have been set out in earlier in this Report, it is clear that this test is satisfied. Given the pressing need for further SEN school places as compared to need for its retention of the Site for employment related development, it is considered that the Site is no longer required for retention for the purpose for which it is presently held. Moreover, the Council is entitled to acquire land by agreement for planning purposes.

In respect of 3, the development of the Site as a school will promote and improve the social wellbeing of the area. In addition, development as a school will generate jobs, during the construction and operational phases, and will thus contribute to an improvement of the economic well-being of the area.

In respect of 2, appropriation for planning purposes will provide a clear basis for the Council to develop the Site as a school. Moreover, appropriation to planning purposes will operate definitively to override the restrictive covenant referred to above and which may be enforced so as to prevent the development proceeding. Therefore, (subject to obtaining planning permission and meeting the other requirements set out in s.203 of the Housing and Planning Act 2016 (which, it is

anticipated can be met)) appropriation to planning purposes will facilitate the carrying out of development on the Site for a school, as proposed.

Thus, the legal tests which must be met for appropriation to planning purposes are considered to be met.

Where a restriction such as a restrictive covenant is overridden through appropriation (and by operation of s.203 of the Housing and Planning Act 2016) compensation is payable to the person or persons with the benefit of the covenant pursuant to s.204 of the 2016 Act. Compensation is payable on an injurious affection basis. It is considered that the amount of compensation which would be payable (if claimed) would be minimal.

The Proposal is therefore subject to Cabinet's approval that the Site is appropriated for planning purposes as recommended in this Report.

9. Environmental Impact Considerations (Including Climate Change)

An outline planning application for the new Special School has been submitted 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.

As highlighted previously, the school is well placed to reduce home to school journeys as Okehampton is well located in the centre of Devon with easy access from Exeter.

10. 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

Agenda Item 9

State to meet his duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

In progressing this particular proposal, an Impact Assessment, in addition to the submission to the Secretary of State as part of the new schools process, has been prepared which has been circulated separately to Cabinet Members and is also available on the Council's website at:

https://devoncc.sharepoint.com/:b:/s/PublicDocs/Corporate/ESxhBkwsCX9DihV6roBGO5gBI_jL4tuIn60CRAzWK-bAQQ?e=wQeHTU,

which Councillors will need to consider for the purposes of this item.

The investment in the new Special School will have a positive equalities impact for pupils requiring more flexible provision which meets local needs and where there has been an increasing demand for this provision. The wide geographical spread of provision within Devon means there remains unmet need for those children who are finding it increasingly difficult to access mainstream provision particularly to the west of the Region.

11. Risk Management Considerations

The proposal is subject to securing Outline Planning and it should be noted that the land is identified as employment land within the Plymouth and South West Devon Joint Local Plan. The proposal however does provide additional employment opportunities as well as immediate and ongoing economic benefits in terms of capital investment and support the local economy. The current application will be considered by Development Management Committee in October.

The land is subject to a restrictive covenant as identified in sections 7 and 8.

This proposal has been assessed and all necessary safeguards or action have been taken to safeguard 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.

Whilst an opening of September 2022 is desirable, it is possible this will not be achievable due to the tight timescale for capital delivery although temporary accommodation will be considered.

12. Public Health Impact

The proposals will take into account the requirements and health and wellbeing of its community and will give pupils the opportunity to attend local sustainable provision, supporting parents and pupils within and closer to their local community, without having to travel long distances to access services. Providers will be asked to demonstrate a commitment to Personal, Social, Health and Economic education aligned to the three core areas of health and wellbeing, relationships and living in the wider world (e.g. economic wellbeing and being a responsible citizen).

13. Summary/Conclusions/Reasons for Recommendations

The need for a new special school is a priority to meet the growing demand for places to enhance choice and diversity for a changing population as well as support meeting the budgetary shortfall on the High Needs Block. All new schools are required to be Free Schools and therefore make it necessary to undertake the statutory procedures to seek proposers for this new special school without delay as well as secure the land, capital and revenue to start the process.

The Okehampton site is well located in an area of Devon where there are very limited other facilities. No other suitable sites have been identified. The site has good transport connections and once open will greatly enhance the education and wellbeing of SEND children in western Devon.

Dave Black, Head of Planning, Transportation and Environment

Electoral Divisions: All

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: Simon Niles

Tel No: 01392 383000 Room: County Hall, Exeter. EX2 4QD

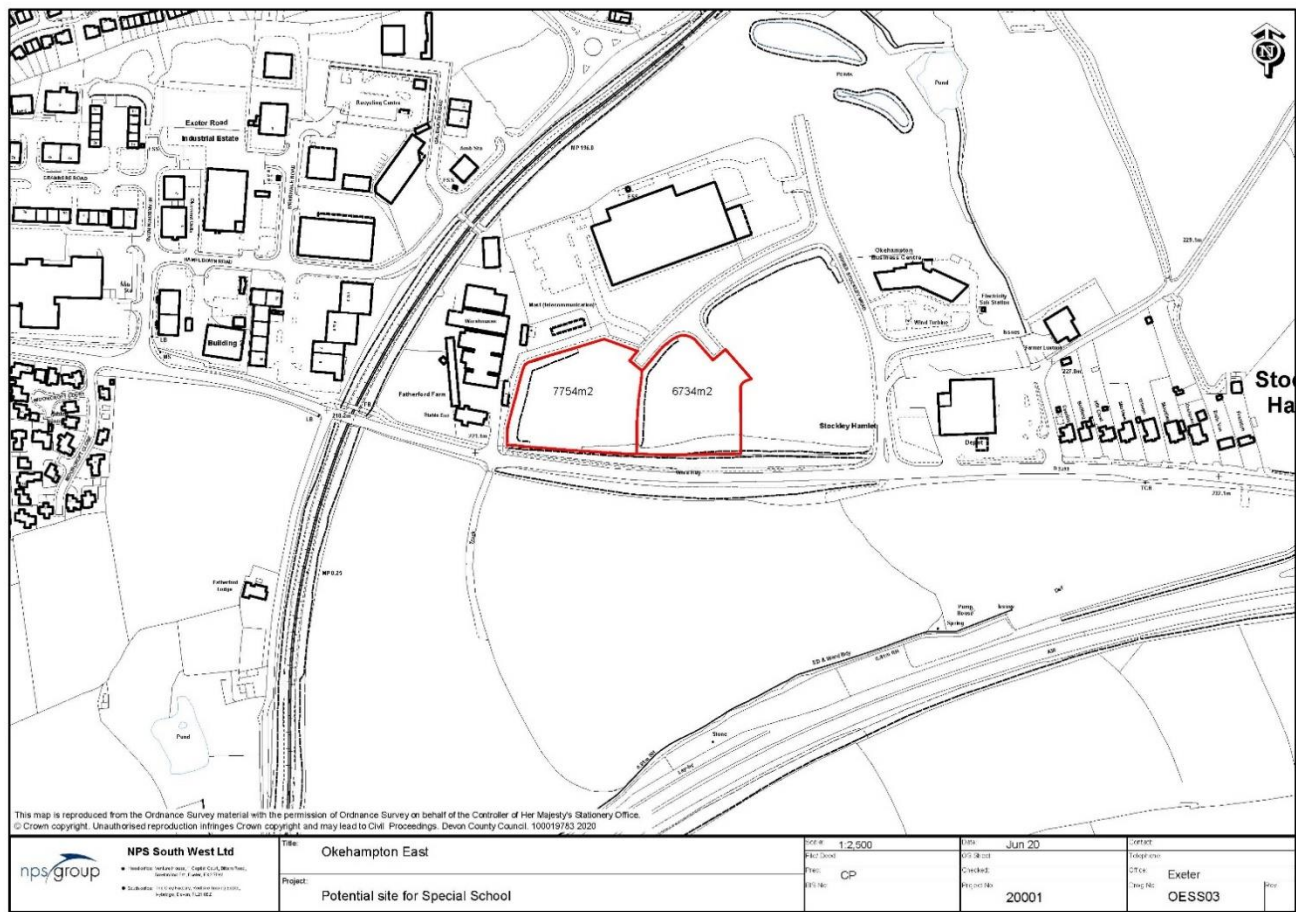
Background Paper	Date	File Reference
Medium Term Financial Strategy 2020/2114	February 2020	CT/20/05
2017-18 Strategic Review of SEND Provision	14 March 2018	CS/18/10

sn290920cab Proposed New Okehampton Special School Final

Agenda Item 9

Appendix 1
To PTE/20/26

The site identified for the school is shown edged red on the plan below and forms part of East Okehampton Business Park.



Impact Assessment

Assessment of: Establishment of a new Special School in Okehampton for children with Social, Emotional and Mental Health needs and Autistic Spectrum Disorder.

Service: Planning, Transportation and Environment

Head of Service: Dave Black

Version / date of sign off by Head of Service: 30 September 2020

Assessment carried out by (job title): Christine McNeil, School Organisation (Policy) Manager

1. Description of project / service / activity / policy under review

A new special school in Okehampton is proposed for children with social, emotional and mental health needs (SEMH) and autistic spectrum disorder (ASD) for primary and secondary aged pupils. The new school will provide 80-100 places to meet the growing demand for places.

2. Reason for change / review

In Devon, there is a high number of Children and Young People whose Special Educational Need (SEN) is Social Emotional and Mental Health (SEMH) and there is a pressure on places across the County resulting in the need to commission the independent sector. There are limited facilities for SEND children in this area of Devon which means children currently have a long journey to school which is detrimental to their education and wellbeing.

3. Aims / objectives, limitations and options going forwards (summary)

Without the provision of a new special school there will be increased use of the independent sector with associated costs and risk and will not address the shortfall of special school places near to where children live. Capacity in neighbouring authorities remains under pressure. Children and young people will continue to have to travel long distances to access their statutory education. Opportunities to expand existing schools to support students with SEMH have been broadly exhausted. Officers continue to explore other potential school sites but they cannot be brought forward in a timely manner. Other potential sites may not be unlocked for many years and there is expected to be a further need to bring forward additional Special School provision in the medium term.

4. People affected and their diversity profile

The provision will be for primary and secondary aged children and young people with SEMH/ASD as their primary need as defined on their Education and Health Care Plan (EHCP).

5. Stakeholders, their interest and potential impacts

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, all Devon schools, District Councils, Department for Education, Parish Councils, MPs, etc. .

6. Research used to inform this assessment

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), the Strategic Review of Special Needs Places and the statutory responsibilities related to the strategic planning of pupil places and school organisation procedures: the Education and Inspections Act 2006 and the Education Act 2011 and DfE The Free School Presumption, November 2019 Guidance.

7. Description of consultation process and outcomes

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 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. Following receipt of applications, all stakeholders have the opportunity to review summaries of the bids and submit representations during a formal consultation period. An initial consultation stage has already been carried out to help inform the school specification with positive responses received.

8. Equality analysis

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.

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 his duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

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.

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.

Characteristics	<p>Potential or actual issues for this group.</p> <p>[Please refer to the Diversity Guide and See RED]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
All residents (include generic equality provisions)		<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>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>The change in provision is in line with Devon's Local Offer, the Strategic Review of Special Needs Places and the Education Infrastructure Plan to ensure value for money, the most effective use of resources and future pattern of service delivery</p>
Age	The school will provide places for primary and secondary aged pupils.	

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	The school will provide for children and young people with social, emotional and mental health needs and autistic spectrum disorder.	All schools have a duty of care to promote the education of children and young people with special educational needs and disabilities.
Culture and ethnicity: nationality/national origin, ethnic origin/race, 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 men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	The school will be for boys and girls.	

Characteristics	<p>Potential or actual issues for this group.</p> <p>[Please refer to the Diversity Guide and See RED]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Sexual orientation and marriage/civil partnership	n/a	n/a
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban		<p>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.</p>

9. Human rights considerations:

The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the European Convention on Human Rights. The establishment of a new school in this location will enable fair access to education provision for pupils with special educational needs.

10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

The proposals will take into account the requirements and health and wellbeing of its community and will give pupils the opportunity to attend local sustainable provision, supporting parents and pupils within and closer to their local community, without having to travel long distances to access services. Providers will be asked to demonstrate a commitment to Personal, Social, Health and Economic education aligned to the three core areas of health and wellbeing, relationships and living in the wider world (e.g. economic wellbeing and being a responsible citizen).

11. Environmental analysis

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 mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	X
Environmental Impact Assessment	
Strategic Environmental Assessment	

	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, reuse, recycle and compost:	Neutral	The Resource & 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 wildlife:	Neutral	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 landscape:	Neutral	New schools and changes to school buildings will take account of the impact that will affect the landscape to ensure that any adverse impacts are mitigated.
Conserve and enhance Devon's cultural and historic heritage:	Neutral	No discernible impact
Minimise greenhouse gas emissions:	Neutral	Will be in line with the Resource & Energy Strategy used for the Authority's corporate buildings.

Minimise pollution (including air, land, water, light and noise):		<p>Devon supports the principle of local schools for local children for community and environmental reasons. This proposal will reduce our reliance on school transport and the need for unnecessary journeys.</p> <p>Sustainable travel and transport modes will be promoted including a School Travel Plan.</p>
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):		

12. Economic analysis

	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:	Positive	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:	Development of the site as a school would, to an extent, itself support employment opportunities for local people through direct and indirect employment opportunities.	See above.
Impact on local business:	n.a.	No discernible impact.

13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

The combined impacts are seen to be positive with improved and sustainable provision for pupils. 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.

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.

14. 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. The development of the site as a school will promote and improve the social wellbeing of the area. In addition, development as a school will generate jobs, during the construction and operational phases, and will thus contribute to an improvement of the economic well-being of the area.

5. How will impacts and actions be monitored?

Three competitive processes have been held under the current legislation and two primary schools and one special needs provision have been successfully opened. 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.

Devon Economic Recovery Programme

Report of the Head of Economy, Enterprise and Skills

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 is asked to consider supporting an Economic Recovery Programme of £6 million over the next 2-3 years, as part of the 21/22 budget setting process.

1. Summary

The COVID-19 pandemic has and continues to have significant impact on the Devon economy, its businesses, communities and workforce. Currently the Devon economy has contracted by circa 8% in terms of productivity and unemployment has risen to above 6%, though UK economic performance is currently expected to return to pre COVID-19 levels by 2022. Recovery however will not be at the same pace everywhere, with gaps already starting to emerge across the County. These include significant impacts on the tourism and hospitality, retail, construction and manufacturing sectors, as well as high levels of youth unemployment, and in the latest claimant count figures, a rise in worklessness amongst those over the age of 50. Similarly, market and coastal towns are also being disproportionately affected where there is a stronger reliance on some of the above sectors, and / or a reliance on self-employment.

There are however a range of opportunities emerging that can support our economic recovery. The Digital, Health and Care, Social Economy and Clean Growth sectors, for example, are already showing signs of healthy recovery and new growth following the downturn, having been less impacted by the COVID-19 crisis and benefitting from the opportunities around home working, digital literacy, local purchasing and care demand that the crisis has created.

As we enter a period of more restrictions however, and a possible cycle of further national or local measures, the next round of economic consequences are hard to predict with any degree of certainty. Recent Government announcements to continue to support jobs and business cash flows have been welcomed. It is likely however that such schemes will simply maintain the current position at best over the next six months and when these schemes cease, we can expect rises in unemployment, more business closures and ongoing challenges for many of our local economies.

This proposal seeks a financial investment from the Council therefore to support the economic recovery of our hardest hit places, enterprises and individuals, and to take forward a number of opportunities to build back a more resilient, inclusive and sustainable economy. The proposal sets out a programme of activities that seeks to further invest in and support our economy through the current instability, as well as contribute to the delivery of the agreed Team Devon Economic Recovery Prospectus published in July. The prospectus focuses upon those economic things that most matter for Devon, investing in our young people; supporting local business

Agenda Item 10

to create and sustain good jobs; providing support to our vulnerable and growth sectors alike to thrive in a changing environment; and providing the foundations for new opportunities and growth.

In support of these ambitions, the Council working with businesses, local authority partners, MPs and the Local Enterprise Partnership, is also making a case for additional national resources to be retained locally to deliver a wider programme of support set out in the Team Devon Recovery Prospectus. The County Council's funding set out in this proposal will align with this resource if secured to deliver a fuller recovery plan. There is no surety around this funding at present, and the Devon economy has issues that need to be addressed today.

The Economic Recovery Prospectus and this proposal support the wider recovery planning work across Devon. It recognises how supporting our economy, businesses and workforce will improve the social, health, environmental and well-being of our communities and more vulnerable residents.

https://devoncc.sharepoint.com/:b:/s/PublicDocs/Corporate/EbrhEjG0sY9Cm0Be_qdHnK4BgjxeiJeNWdHkvpUIOo6okg?e=0VANnA

2. Introduction

The economic impacts from the pandemic are significant for Devon and we have seen a rise in the universal claimant rate of nearly 5% between March – August. The claimant count in August 2019 was 1.5% compared to 4.9% in August 2020. This impact is far starker within individual areas, with average unemployment in North Devon, for example, 1% higher than the claimant count average, and unemployment within individual wards running 7% above the local average. Tied to this, we have seen a number of highly visible and anchor businesses close, including national chains in our high streets and prominent international employers like Flybe.

The Council commissioned Oxford Economics to provide a forecasted set of potential outcomes for the County earlier this summer to consider the emerging impact of the COVID-19 crisis on the area, as well as the relative vulnerability of our local towns and communities. The forecasted scenarios indicated a baseline scenario of a loss of 8% productivity across Devon, which was the same level of contraction as the South West region and the England average. In terms of employment, under the baseline scenario the model also predicted a reduction of 16,400 jobs and an increase in the unemployment rate from 3% to 5.4% over 2020. Whilst growth was forecast to resume towards the end of 2020, the model also predicted that the Devon economy would not return to 2019 levels of productivity and employment until 2022.

The same model was also used to run a more pessimistic forecast, which considered what would happen if the economic impact was deeper, or further waves of COVID-19 proved disruptive. This indicated that, in the event of a slower recovery, the County would experience a total loss of productivity of almost 13% and an unemployment rate rising from 3% to 8.7%. In this scenario, the economy would not return to the same levels of productivity until 2026 and to 2019 employment levels until beyond 2035. In both scenarios the impact of leaving the EU under World Trade Organisation terms was also considered, reducing productivity by a further 2%.

Set against current performance, the economy is currently facing an impact somewhere between these two scenarios. Data from the Office of National Statistics

and Office of Budget Responsibility over recent weeks suggests that the UK and Devon are roughly tracking for a 9-10% decline over the 2020/21 financial year, with unemployment likely to reach around 8-9% dependent on the length and impact of the Treasury's latest announcements. This will then see an ongoing period of recovery but slowed compared to the initial optimism of May and June.

For Devon, this slowing down poses a challenge. A national assessment by the RSA predicted Devon to be the fourth most vulnerable County in England to the economic impact of COVID-19, and the South West predicted to host 7 of the 20 worst affected districts in the UK. Government's Local Economies Resilience Committee 'red-rated' the Devon economy in June and the County Council led on an assessment report which set out impacts and measures to support our local economy. A number of these supported the various measures introduced by Government including business grants and loans, VAT relief measures and specific packages of support for dairy farmers, tourism and the fishing sector.

Crucially however, the county-level impacts mask more serious consequences for some of our towns and local economies. Whilst Exeter's economy is showing signs of stronger resilience to the down turn, in part due to its high levels of public sector employment and strong knowledge economy, districts such as North, Mid Devon and West Devon fare less well. Key places highlighted to have greater impacts and to be more vulnerable by Oxford Economics where they compared all England districts showed that five of the Devon districts are all in the bottom 25% quartile and most vulnerable category of places, with Mid Devon being the 5th most vulnerable and West Devon the 12th most vulnerable districts. All districts, except Exeter were considered more vulnerable than the England average. This assessment considered the economic and business diversity, business structure and digital connectivity as its basis.

The Economy Enterprise and Skills Service has developed a vulnerability index drawing on a range of published socio-economic data to consider the more local impact of the COVID-19 crisis. Our analysis on the hardest hit communities / wards indicate the following top 10 towns and communities. The index recognises underlying fragilities that were there before the pandemic and takes into account measures such as household income, skill levels, unemployment and other deprivation indices. When we add in current data on claimant count numbers, the reliance on furlough and national income support programmes and Government backed loans we can see our towns and communities that are most vulnerable to the current economic crisis and would be most impacted by further economic shocks.

Most vulnerable localities in Devon on composite Vulnerability Index
1. Central Barnstaple and Forches
2. Central Newton Abbot
3. Central and West Ilfracombe
4. Teignmouth Town Centre
5. Central and South East Bideford
6. Totnes Town Centre
7. Dawlish Town Centre
8. Lynton and Lynmouth
9. West Dartmouth
10. Exmouth Town Centre

Agenda Item 10

The overall vulnerability index shows significant impacts in a number of communities across Devon, across all Districts, particularly focused in some areas of our market and coastal towns.

When we consider the current employment picture across our districts and reliance on the national employment support programmes, we can also estimate the possible increase in unemployment and claimant counts we may experience at a county and district level in the coming months. At present, we conservatively estimate that between 5% and 15% of all those on furlough under the COVID-19 Job Retention Scheme (CJRS) or benefitting from the Self-Employment Support Scheme (SEISS) will not return to work when the schemes end. This reflects ongoing weaknesses within the sectors involved, issues around viability of the jobs those individuals were in, or simply business decisions to reduce overheads and reorganise. We have taken into account the Chancellor's recent announcement on measures to support the economy with a focus on smoothing cash flow for businesses and supporting viable jobs. The table on the next page sets out the current vulnerability of each area in terms of claimant count / unemployment by districts clearly highlighting those areas which we believe may be most badly hit as the national schemes taper in six months' time.

The announcements by the Chancellor on 24th September included adapting the CJRS scheme into a Job Support Scheme and a continuation of the SEISS scheme in a reduced form. These are focused on a range of support for small businesses to retain viable jobs and to help smooth cash flow, including adapting and extended the JRS into a Job Support Scheme and applying a similar approach to the SEISS. This package includes opportunities for small and medium businesses to restructure loan repayments over a longer period and spread VAT deferral payments and support viable jobs for a six-month period. For self employed individuals the package of support will support earnings over the next six months and restructure income tax repayments. There is support for larger businesses who can prove a drop in their turnover. Given the underlying economic vulnerabilities across parts of Devon and the sectoral make up of our economy, we predict the economic and social consequences are still likely to worsen at the point these schemes end, with the net effect being rises in unemployment across the whole workforce and additional business closures, without additional support measures put in place. In effect, the Chancellors efforts will support our residents, but for many it may only be a delay of difficulties rather than a permanent solution.

Agenda Item 10

	Universal Claimant Count % of workforce				% of Workforce at risk of unemployment			Predicted Claimant Count Rates March 2021	
Area	Mar-20	Jul-20	Aug-20	Workforce Supported (CJRS) (SEISS)	15%	5%	Seasonality	Projection Mar 21 (High)	Projection Mar 21 (Low)
Torbay	3.5	7.8	7.9	32.30%	4.80%	1.60%	0.7	13.4	10.2
North Devon	2.2	5.7	5.9	33.10%	5.00%	1.70%	0.6	11.5	8.2
England	3	6.4	6.6	28.00%	4.20%	1.40%	0.2	11	8.2
Plymouth	3.5	6.5	6.6	25.90%	3.90%	1.30%	0.2	10.7	8.1
Torridge	2.3	5.4	5.6	31.40%	4.70%	1.60%	0.5	10.8	7.7
Teignbridge	1.9	4.9	5.1	32.20%	4.80%	1.60%	0.3	10.2	7
Somerset	2.3	5.1	5.3	29.80%	4.50%	1.50%	0.3	10.1	7.1
South Hams	1.5	4.9	5	31.80%	4.80%	1.60%	0.3	10.1	6.9
Devon	1.8	4.7	4.9	29.70%	4.50%	1.50%	0.3	9.7	6.7
East Devon	1.8	4.5	4.6	31.50%	4.70%	1.60%	0.3	9.6	6.5
West Devon	1.6	4.3	4.5	28.30%	4.20%	1.40%	0.2	8.9	6.1
Mid Devon	1.7	4.1	4.3	29.00%	4.40%	1.50%	0.3	9	6.1
Exeter	1.7	4.1	4.3	23.00%	3.50%	1.20%	0.3	8.1	5.8

The Office for National Statistics undertakes a fortnightly national Business Impact of COVID-19 Survey (BICS). In this survey it asks by sector which companies are expecting significant cash-flow problems over the next 3 months. A number of businesses across all sectors appear to be expecting difficulties, with an uptick in most business sectors. Significant among this national analysis for Devon, is the cash flow concerns from the accommodation and food and construction sectors given our above average employment in these sectors.

Industry	15/06 - 28/06	29/06- 12/07	13/07- 26/07	27/07- 09/08	10/08- 23/08
Manufacturing	22.5%	22.1%	24.5%	21.3%	24.8%
Water Supply, Waste Materials	36.7%	39.0%	34.4%	31.6%	33.3%
Construction	37.5%	37.9%	38.0%	32.3%	38.3%
Wholesale And Retail Trade	24.8%	25.0%	24.9%	22.5%	20.7%
Transportation And Storage	27.5%	23.4%	31.1%	28.2%	26.6%
Accommodation And Food	48.5%	43.7%	45.6%	39.9%	37.8%
Information And Comms	18.3%	17.9%	16.4%	19.3%	15.9%
Real Estate Activities	13.5%	17.7%	24.2%	21.5%	28.2%
Professional And Technical	24.0%	24.3%	23.9%	23.5%	24.0%
Administrative And Support	33.1%	32.6%	34.2%	33.6%	35.8%
Education	17.1%	17.6%	16.8%	19.2%	17.4%
Human Health And Social Work	24.1%	27.4%	28.1%	25.4%	32.3%
Arts, Entertain And Recreation	35.2%	34.7%	31.9%	36.6%	33.1%
All Industries	28.3%	27.9%	28.6%	26.8%	27.6%

Agenda Item 10

In terms of sectoral impact, the pandemic has had a significant toll on our tourism and hospitality, agriculture, food and farming, retail and construction sectors. These individually and collectively employ a significant number of our workforce and make a vital contribution to our productivity. Detail on each of the sectors and the likely challenges are set out in the Team Devon Economy and Business Recovery Prospectus and the analysis is not repeated here.

There are however several growth sectors which have continued to perform well during the pandemic, examples include the digital Sector, health and care, the social economy, environmental technologies and some parts of the higher value engineering and manufacturing sectors.

Devon is home to one of the fastest growing ICT clusters in the UK with the number of companies operating in the sector having grown by 36% since 2010. It also underpins a number of other sectors including agri-tech, manufacturing, logistics and health and care. Microsoft UK have estimated that workplaces have delivered two years of Digital Transformation in the first two months of the economic crisis. The County has a large innovative health sector, with high levels of innovation and expertise embedded within the public sector, but significant scientific and production strengths across the sector in areas like Northern Devon. Advanced manufacturing makes up around 8% of Devon's economy, and supports the region's supply chains, in defence, marine and the aerospace. There is potential for additional growth and specialisation, particularly around greening of mobility, material science, system and process engineering and enhancing supply chain efficiency across multiple sectors.

The County Council has co-ordinated a Devon Business and Economy Recovery Task Group (Economic Recovery Group) as a subgroup to the Devon Recovery Co-ordinating Group. Membership is drawn from local authorities, businesses, business representative organisations, FE colleges, Exeter University, parish and town councils, NFU, National Parks and the Local Enterprise Partnership and includes two representatives from Devon MPs, Anthony Mangnall and Ben Bradshaw.

The Team Devon Economic Recovery Group has developed a Recovery Prospectus which has been endorsed by the above partners, our MPs and the County Council. The Prospectus was published in July and has been used as the framework for recovery activities being led by districts in their own locations, and by the LEP in its development of a recovery plan.

Regular briefings on the economy have been provided to Devon MPs as part of the County Council's regular engagement and to Team Devon CEX and Leaders, Heart of the SW Joint Committee, SW Councils and All Area Team for the Department of Business, Environment and Industrial Strategy (BEIS).

Team Devon have recently submitted a case to Government with the backing of our MPs to retain circa £38 millions of grants awarded to local authorities to support businesses, to match this with secured investment by the LEP under the Getting Building Fund for Devon projects. The proposed investment and package of support set out in this paper would add to this funding.

3. Proposal

It is proposed that the Council makes an investment of £6 million over the next two/three years to target four key economic recovery priorities:

- Support for small and medium enterprises
- Employment and Skills
- Opportunities and Green Recovery and
- Towns and hardest hit places

The funding would provide immediate and medium-term activity delivered through a variety of commissioned services, grant programmes and extending current services to support both the hardest hit communities, parts of our workforce and business as well as develop and take forward opportunities to grow back a stronger, inclusive and sustainable economy. Applying a flexible approach to the exact activities, timings and how we introduce these initiatives will be essential to ensure we can provide a responsive approach to a changing economic situation.

The Council's investment will also be aligned with other funding streams, including those announced nationally and locally to maximise impact. Where appropriate we will seek to lever in additional external funding. If the Team Devon case to Government to secure additional resources is successful, this programme and the Council's investment would form part of wider recovery programme of activity.

The final activities, outputs and delivery approach for these priorities will be developed over the next few weeks, working with the Economic Recovery Group members and Team Devon CEX and Leaders Group. The outline recovery programme being proposed, and funding allocations however is set out below:

a) Small and Medium Business Support Package – circa £1,560,000

This package includes assistance to businesses to adapt their business models through a digital business support programme, helping enterprises to become more resilient and respond to the impacts from the pandemic. A focus on rural and micro businesses and key sectors such as tourism, retail and health and care will be given. This activity will work alongside some of the skills package of measure to improve digital skills.

A Made in Devon Scheme is proposed, building on the Buy with Confidence Scheme operated by Devon, Torbay and Somerset Trading Standards including a campaign to promote buy local. Initially this scheme will focus on the food and drink, tourism and the creative industry sectors. The programme will create a sense of pride in our high-quality products and services and celebrate Devon talent.

A dedicated programme of support to farmers to help diversify their businesses is also proposed. This is a small-scale investment to assist farmers develop new opportunities for their enterprises and will potentially help develop agri-tech and environmental technologies. A final element is creating a green business tool kit and directory to enhance activities for businesses consider adopting low carbon measures and help grow a more sustainable economy.

The package will work alongside the wider services already being delivered by the County Council, through the Heart of the SW Growth Hub, including the Kick Start Grant funding programme and support and guidance offered as part of our regulatory services.

Agenda Item 10

b) Employment and Skills Support Package – circa £1,650,000

This package aims to help our young people and adult workforce secure and retain employment. We are clearly facing rising levels of unemployment, and working with Job Centre Plus, Businesses, Colleges, Schools and other partners we will introduce a range of additional initiatives as follows.

Bright Futures - additional Careers activity across secondary schools through the Councils Career Hub with a focus on Year 10 and 11 students impacted by the education gap last year. Specific focus will be placed upon supporting work experience provision for these young people, progression into further and higher educations and personal guidance provision / other individual support. This activity should reduce the numbers of our young people becoming NEET (not in education, employment, education or training), as well as help to sustain those moving into better quality jobs, valuable careers and high value apprenticeships. This provision will be introduced county-wide with a strong focus on the hardest hit communities highlighted in this report.

Redeployment Training Programme - additional redeployment and training assistance for those leaving work or seeking to reskill into a higher value sector. Seeking to avoid duplication with Job Centre Plus, the Council will instead focus on training, advice and working with employers to secure new opportunities for those which are traditionally harder to reach and those that may not traditionally work with Job Centre. The programme will include new skills delivery up to GCSE levels, additional wraparound digital skills support, and working with employers to take forward Sector Based Work Academy activity, with a focus on health and social care, construction, engineering, digital and other growth sectors.

Hospitality Upskilling programme – Directly supporting the hospitality sector workforce to improve workforce skills and create new roles across a range of areas, including catering, customer service and gain/improve new skills and competencies such as digital capabilities. Principally aimed at delivering new qualifications and working with businesses to create new jobs which reinforce their resilience, the programme will also be aimed at individuals at risk of redundancy to career jump into growth sectors if required, including roles in the Health, Construction, Digital or, Engineering sectors.

Set out under capacity is a further investment in our skills infrastructure, and in particular the Devon Training Provider Network. Supporting this network will allow additional activity to be undertaken to increase apprenticeships for adults and young people and as a partnership maximise the opportunities from the Kick Start Programme.

We will align this activity against national programmes such as the Kick Start Programme to promote apprenticeships and our current employment support in response to specific business closures and large-scale redundancies. Learn Devon, Colleges and private training providers will be key delivery partners for this package and we will align it with services we operate for the LEP such as the Careers Hub and the Digital Skills Partnership. There is also scope to draw in further investment such as from the National Retraining Scheme and DWP Employment Schemes.

c) Opportunities Support Package – circa £1,450,000

A range of initiatives to stimulate new business start-ups will be undertaken, recognising the growth opportunities that exist, and to help individuals back into work. Specific strands of this activity will be focused on the creation of social enterprises working with the Dartington School of Social Entrepreneurs and a Young Person entrepreneurship programme, building on the current programme offered by Exeter University, extending reach to colleges and delivery through virtual sessions. Young people will be offered coaching and 1-2-1 mentoring advice and work alongside professional business advisors to develop their ideas as part of an 8-week programme of support.

To take advantage of some of the highlighted growth opportunities we will also launch an innovation support package to communities, businesses and individuals, with an emphasis on low carbon and clean growth technologies. This can include stimulating new growth through revenue and capital investment in a range of schemes, including options to kick off grants to stimulate low carbon and innovative solutions to address climate change, options to encourage electric vehicle charging facilities in our towns, creating finance opportunities and connecting businesses with our universities such as through internships.

There are opportunities to lever additional funding from external sources to complement this programme, including the Green Deal Fund, Princes Trust, NESTA and Innovate UK. The low carbon element of the programme will align and support our Climate Change programme. The package will also align to the Government's Retro-fit Funding and add to planned investments by the LEP under its Getting Building Fund, and other business support activity delivered under the Growth Hub and peer to peer business networks.

d) Places and Communities Support Package – circa £1,050,000

This package focuses on our hardest hit communities where a programme of activity will be developed jointly with district and town councils. The programme will seek to develop urban renewal proposals for 8 of our hardest hit towns, focusing on new development opportunities and re-purposing high streets. Complementing this will be investment in 10 additional work hubs and piloting 3 live/work hubs, including one in Exeter.

A small investment will also be made in developing new energy infrastructure through a challenge fund open to parish and town councils and community energy groups to stimulate green technologies, and working with environmental technologies sector and our protected landscapes we will pilot a natural capital innovation fund to introduce and pilot low carbon solutions including potentially within our county farm estate.

This package will develop proposals for national funding for some of our towns as part of the Government's Levelling Up agenda and low carbon investments. Initiatives such as Town Deals and High Street Funds are anticipated over the coming months and this package will test and development of ideas and seek to re-energise our local communities, working with our district, town and parish councils.

Agenda Item 10

e) Capacity Building and Resourcing – circa £290,000

A small element of funding will be set aside to improve delivery capacity and the resilience of our key business networks. An amount to bolster capacity across our training provider network will lead to increasing apprenticeship places working alongside the national Kick Start programme. It is also recognised temporary capacity within the Economy, Enterprise and Skills Service to deliver this programme will be required, in addition to drawing on the skills and expertise from across the Team Devon partnership.

The above four packages will seek to achieve over the next 2-3 years:

- Support 385 businesses to take up digital solutions
- Support 480 businesses to adapt their business practices
- Deliver a new Green Business Directory and Tool Kit
- Provide 2500 individuals with redeployment and employment support
- Support 500 additional apprenticeship places for adults and young people
- Deliver 700 new level two training places
- Deliver 250 new level three training opportunities
- Support 500 start-up businesses to launch.
- Engage 100 young people in start-up opportunities and create 20 new ventures
- Engage with 90 social entrepreneurs and create 40 new social enterprises
- Support 150 farms to become more resilient
- Establish 300 members in Made In Devon programme
- Creation of 10 additional work hubs
- Establish 2-3 natural capital innovation pilots
- Create 8 Urban Renewal Plans for our hardest hit towns
- Support up to 20 communities develop local energy networks

4. Options/Alternatives

Do Nothing – there is an option for the Council to do nothing to directly invest and respond to the economic consequences from COVID-19. The evidence set out in this paper however presents current levels of impact and a worsening picture for our workforce, residents and communities. By showing leadership and taking forward this proposal in partnership with our stakeholders will alleviate some of these consequences for our citizens and help to build a more resilient economy. There is an immediate need to act to address the situation many of our communities and businesses are facing and relying on the current support provided by Government will not be sufficient or quick enough to achieve this. The rising numbers of cases and additional restrictions being imposed will have further consequences for our economy.

Reduced Package of Support – it is possible to reduce the funding and deliver one or two elements of the proposals set out in this paper. The impacts and support offered would still assist with reducing some of the impacts, however by not addressing the needs of our workforce, communities and businesses will not have the same benefits. Prioritising one aspect of our economy over another is likely to have limited reach given the linkages between the packages set out in this paper.

Defer Proposal – it is possible for the Council to wait and see what the impacts on the economy will be in six months when the national employment support measures have been delivered. Our analysis shows that the increased outbreaks and

application of measures to protect the health of our population will only generate a deeper economic crisis, and especially for an economy like Devon that relies on the tourism and hospitality sector. By acting now we will in all likelihood provide more immediate relief, and by investing in our opportunities give us a greater chance of improving the resilience of our communities and local economies.

Seek external funding only – we could wait on the case to Government and other external funding sources to be secured to deliver the proposal and the wider Recovery Prospectus. Whilst we will continue to pursue these opportunities there is a strong case to act now, and the investment proposed would add strength to our case to co-invest with Government and other funders to deliver a deeper and more impactful set of measures.

5. Consultations/Representations/Technical Data

The Devon Economic Recovery Prospectus has been shared and endorsed with a range of stakeholders across Team Devon. This report and the prospectus has drawn on a range of economic and social published data to set out the economic impacts and consequences facing the Devon economy.

The proposal has been developed in consultation with the Economic Recovery Group and drawn on expert advice from our business representative organisations, district councils and other partners.

6. Financial Considerations

The proposal requires funding from the County Council of £6 millions across this and the next two financial years. The majority of the investment required is revenue, with an estimated capital requirement of £500,000. The exact funding profile is still to be determined and may need to vary in response to the economic conditions, opportunities to lever in additional funding support and affordability. Set out below is the likely spend profile.

	2020/21	2021/22	2022/23
	(£)	(£)	(£)
Revenue	491,920	2,831,920	2,176,160
Capital	<u>0</u>	<u>250,000</u>	<u>250,000</u>
Total	<u>491,920</u>	<u>3,081,920</u>	<u>2,426,160</u>

The current Economy, Enterprise and Skills budget has no capacity to support this proposal, although existing activities and contracts have been adjusted to respond to the immediate consequences of the pandemic. The funding position of the council for next financial year is still very unclear and may not become more certain until as late as December 2020. Therefore, this funding proposal has to be considered as part of the budget setting process for 21/22. If the proposal is agreed the costs that may be incurred this financial year will be dealt with as part of the outturn process for 2020/21.

7. Legal Considerations

Delivering the proposal may require the commission of services and the Council to enter into a number of contracts and partnership arrangements following the normal procurement and legal processes. The governance and monitoring of the proposal

Agenda Item 10

will be through the Recovery Co-ordinating Group, and the Team Devon Economic Recovery Group.

8. Environmental Impact Considerations (Including Climate Change)

The proposals set out in the paper aim to support specific economic activities that will support the climate change agenda and action plan. The proposal seeks to pilot a number of low carbon initiatives that will contribute to the reduction of carbon, and which will stimulate our growing green economy.

9. 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.

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

The proposals set out in this paper are seeking to alleviate the consequences of the pandemic on our residents. Measures set out focus on some of the most vulnerable groups being impacted by the contraction of the economy, and targets hardest hit communities where there are already underlying deprivation and social challenges.

10. Risk Management Considerations

The paper sets out the significant economic and social risks to the local economy, our workforce and communities. It highlights the communities, individuals and businesses most at risk from the pandemic. There are additional economic and social risks potentially due to the manner of the UK's departure from the EU. The exact nature and social and economic consequences from the crisis are hard to predict with any certainty and the exact levels and timing of support will need to flex. The assessment of the economic.

Not intervening to support our economy is likely to place more businesses and our workforce at risk, and this may lead to additional pressure on public services, and potentially present additional health and well-being risks for our population.

11. Public Health Impact

There is a direct link between the health outcomes for individuals and their standard of living. The set of measures proposed in this paper is likely to improve the economic wellbeing of some of our residents, communities and businesses and address and target the hardest hit areas of our economy. The proposal therefore seeks to improve the public health and wellbeing of our citizens.

12. Conclusion

Given the current and potential economic impact from COVID-19 on our communities, businesses and workforce it is recommended that the Council makes an investment in a recovery programme in support of the Team Devon Economy and Business Recovery Prospectus. The proposed priorities will help alleviate the current challenges being faced by our workforce and business and support growing back a stronger, sustainable and inclusive economy.

Keri Denton
Head of Economy, Enterprise and Skills

Electoral Divisions: All

Cabinet Member for Economy and Skills: Councillor Rufus Gilbert

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

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Keri Denton

Tel No: 01392 383000 Room: County Hall, Exeter EX2 4QD

Background Paper	Date	File Reference
Nil		

kd021020cab Devon Economic Recovery Programme Final

Impact Assessment



Assessment of: Devon Economic Recovery Report

Service: Economy, Enterprise and Skills

Head of Service: Keri Denton

Version / date of sign off by Head of Service: 2nd October 2020

Assessment carried out by (job title):

1. Description of project / service / activity / policy under review

Proposed initial priorities for the County Council to fund to deliver in part the Team Devon Economy and Business Economic Recovery Prospectus [Recovery Prospectus can be found here.](#)

2. Reason for change / review

To be read alongside Cabinet Report – 14th October

The COVID-19 pandemic has had a significant impact on the Devon economy with serious challenges for our businesses, workforce, communities and residents. The Economic Recovery Prospectus has been developed in partnership with Devon stakeholders and was published in July 2020. The

actions set out in the prospectus require an investment of circa £60m and are aimed at supporting our hardest hit towns, sectors and individuals, and developing opportunities to grow back the economy to be stronger, more inclusive and sustainable. A funding proposal is being made to Cabinet to seek a contribution from the County Council to take forward a range of priorities set out in the Prospectus over the next 2-3 years.

3. Aims / objectives, limitations and options going forwards (summary)

The proposal aims to deliver a range of support directly by the Council and through a range of commissioned services to address the immediate impacts from the economic crisis, and support taking forward growth opportunities. The priorities are limited to an initial package of support recognising additional resources and co-investment with Government and others will be required to deliver the Recovery Prospectus in full.

The four areas of activity being recommended are:

Support for our businesses – this will seek to provide a range of support directly and through commissioned services to our hard hit sectors, and the people they employ. Measures include help for businesses to adapt to new ways of working, including being able to use digital approaches, help for the farming sector to diversify and develop new business and a Made In Devon Scheme to highlight and promote our food, drink, tourism and creative industries. The scheme would also celebrate our local talent.

Employment and Skills – support for residents who become redundant or who are at risk of being made redundant. This includes learning new skills, benefitting from careers advice and guidance, improving an individual's ability to gain employment through employability support and promoting apprenticeship opportunities. There is a strong focus on the most vulnerable and those furthest from the labour market. There is also support proposed for our young people and extra support to help 16-18 year olds transition into work, further or higher education and vocational training through the Heart of the South West Careers Hub. A special training and reskilling pilot is also being offered aimed at the hospitality sector.

Opportunities – a programme focusing on entrepreneurship – part of this will help create new social enterprises and part of this will also work with young people to think about creating and setting up a new business. Recognising that starting your own business as a way out of redundancy is also part of this scheme. We are also taking forward an innovation fund to help develop clean and low carbon solutions – this would support communities, individuals and business develop new approaches and business ideas and support our climate change emergency plans.

Place – a focus on our hardest hit towns and communities we are proposing to work with local partners to develop urban renewal plans and

funding cases to attract investment and support these local economies grow, and the overall prosperity of the communities. Investments in local work hubs for local people is included. Part of this programme is also looking to support pilot natural capital projects to stimulate our green technology businesses and to work with communities to consider new community energy networks

4. People affected and their diversity profile

[Community, Staff and Service profiles are available [online for you to refer to](#). Delete this note and insert text here]

There is a strong focus on helping those most affected by the pandemic. This includes helping our young people into employment, training or education to improve their life chances and raise aspirations. We had significant pockets of areas with low levels of social mobility and the priorities set out under the employment and skills priorities will help to address this and the additional impacts from the pandemic.

Adults will be encouraged to gain new skills and new qualifications – and again there is a focus on supporting those most economically disadvantaged, including those with a disability find training, employment or progress into education and learning opportunities.

The actions set out support some of the hardest hit sectors such as tourism and hospitality and retail where we know there is a significant number of part time female workforce. The measures will help support this workforce through the way in which business adapt and develop new approaches and how we can upskill with digital skills as an example.

The hardest hit communities are in the main the same communities that had underlying fragilities and levels of deprivation. The programme of work set out will develop projects and investment case to regenerate these communities, creating new job opportunities and wider social benefits

5. Stakeholders, their interest and potential impacts

The proposal would start to deliver the wider Team Devon Economy and Business Economic Recovery Prospectus. This has been developed working in partnership with a range of stakeholders including businesses, district and town councils, protected landscape, social enterprises and the Local Enterprise Partnership. The actions set out will be taken forward working with the Team Devon partners and others and we will seek to engage with communities at the local level in undertaking the community focused elements of the proposals.

6. Research used to inform this assessment

The proposals seek to address the economic and social impacts from the pandemic and these have been set out in the Cabinet Paper, and built up from a range of published data and research, including economic impact modelling from Oxford Economics.

We have created a vulnerability index which is drawn from a range of data sources including deprivation indices, universal claimant figures, income levels and education attainment. This is updated regularly and has assisted the development of the measure to address and target the hardest hit communities, sectors and parts of our workforce.

7. Description of consultation process and outcomes

No formal consultation has been undertaken

8. Equality analysis

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.

The proposals and the support offered would be available and accessible on an equal basis. Any services commissioned by the Council would require any appointed contractor to ensure a fair, equal and legally compliant approach is adopted, and funding, services or training funded all or in part by the Council will be carefully monitored to ensure we can measure the impacts and benefits of the Council's investment including reporting against the protected characteristics set out above.

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
All residents (include generic equality provisions)	Economic and social impacts across all residents as a result of the economic crisis resulting from the COVID-19 pandemic	The proposals and the support offered would be available and accessible on an equal basis. Any services commissioned by the Council would require any appointed contractor to ensure a fair, equal and legally compliant approach is adopted, and funding, services or training funded all or in part by the Council will be carefully monitored to ensure we can measure the impacts and benefits of the Council's investment including reporting against the protected characteristics set out above.
Age	<p>There are rising levels of youth unemployment as a result of the economic crisis</p> <p>Men over 50 show lower levels of qualifications and will find new employment opportunities harder to obtain</p>	<p>We have placed specific funding aside to support young people obtain support including careers advice and guidance and mentoring. Whilst offered to all young people we will seek to offer additional support to those in care, young carers and young people with a disability</p> <p>The programme includes support for adult upskilling and employability skills and there will be focus on improving digital literacy and level two qualifications, with recognition given to this age cohort</p>

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	Employment and economic activity rates for this group are often lower than the general population and this has been exacerbated in some parts of the county by the economic situation	Part of the support will specifically be addressing unemployment and worklessness across the general population, but there is also a dedicate programme working with DWP to support those with a disability
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief	We are not aware of a particular cultural or ethnicity inequality in terms of the impacts from the pandemic	We will monitor protected characteristics from the proposed measures and adjust delivery where any cultural inequality arises.
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	Female workers are more dominant in some of the hardest hit sectors	<p>There is a specific programme to support the upskilling and reskilling of the hospitality sector which will support females</p> <p>See above for men over 50+</p>

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Sexual orientation and marriage/civil partnership	We are not aware of a particular sexual inequality in terms of the impacts from the pandemic	We will monitor protected characteristics from the proposed measures and adjust delivery where any cultural inequality arises.
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban	Several cohorts, communities and towns had underlying challenges before the pandemic – including lower levels of skills attainment, social mobility and deprivation. These areas are similar to the ones identified as most impacted from the pandemic	We are making a specific focus from these proposal to address the hardest hit places from the pandemic to address these types of communities. We are making specific programmes of activity to support improving digital skills and adoption, and providing additional support to upskilling and providing additional employment, training and learning opportunities in these areas. We are also seeking to develop renewal plans and future regeneration investments in some of these communities which would further support the economic resilience and improve prosperity

9. Human rights considerations:

None identified.

10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?

We have set out a range of measure to support investment in hardest hit communities, and would work with communities, towns and parish councils and district councils and local businesses to develop these proposals

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

[Insert text here]

The range of measures set out in the proposal are intended to support employment for the hardest hit places, sectors and parts of the workforce, and develop new growth opportunities. Reducing unemployment and claimant levels will support the health and well being of our communities

In what way can you help people to be connected, and involved in community activities?

[Insert text here]

Upskilling, developing new skills and employment opportunities or progressing with learning will help support people be involved and engaged in their local communities, and other settings, including school, college, work place

11. Environmental analysis

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 mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

	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, reuse, recycle and compost:	Neutral	Neutral
Conserve and enhance wildlife:	The proposed measures seek to enhance our natural capital	There is a specific strand in the proposals to develop natural capital pilots to stimulate the local economy and it would be expected that these would have a beneficial impact on the environment
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	See above	See above
Conserve and enhance Devon's cultural and historic heritage:	Enhanced	The Made in Devon proposal would specifically seek to promote and celebrate local produce, and creative / arts products supporting and enhancing our local culture
Minimise greenhouse gas emissions:	Enhanced	The green economy opportunities set out in the proposal might include electric vehicle charging points in some towns, the community energy network opportunities and natural capital pilots will support reducing our emissions potentially
Minimise pollution (including air, land, water, light and noise):	Enhanced	See above

Contribute to reducing water consumption:	Neutral	Neutral
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	Enhanced	The green economy opportunities set out in the proposal might include electric vehicle charging points in some towns, the community energy network opportunities and natural capital pilots will support reducing our emissions potentially
Other (please state below):		

12. Economic analysis

	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:		
Impact on employment levels:		
Impact on local business:		

The whole of this proposal achieves the following outcomes:

Support 385 businesses to take up digital solutions

Support 480 businesses to adapt their business practices

Deliver a new Green Business Directory and Tool Kit
Provide 2500 individuals with redeployment and employment support
Support 500 additional apprenticeship places for adults and young people
Deliver 700 new level two training places
Deliver 250 new level three training opportunities
Support 500 start-up businesses to launch.
Engage 100 young people in start-up opportunities and create 20 new ventures
Engage with 90 social entrepreneurs and create 40 new social enterprises
Support 150 farms to become more resilient
Establish 300 members in Made In Devon programme
Creation of 10 additional work hubs
Establish 2-3 natural capital innovation pilots
Create 8 Urban Renewal Plans for our hardest hit towns
Support up to 20 communities develop local energy networks

3. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

[Insert text here]

The aims of the proposal are to support a more resilient, inclusive and sustainable economy – and the measures set out absolutely seek to improve the economic, social and environmental outcomes by addressing the current economic crisis and improving the life chances and well-being of our residents

14. 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 aims of the proposal are to support a more resilient, inclusive and sustainable economy – and the measures set out absolutely seek to improve the economic, social and environmental outcomes by addressing the current economic crisis and improving the life chances and well-being of our residents

15. How will impacts and actions be monitored?

[Insert text here]

The above outcomes from this proposal will be measured and monitored and reported in to the Business and Economy Economic Recovery Group

White Paper: Planning for the Future – Implications for Devon County Council

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 the Cabinet notes the content of this report and agrees that the detailed response to the White Paper questions is delegated to the Head of Planning, Transportation and Environment in consultation with the Leader of the Council.

1. Summary

- 1.1 This report summarises the Government's new vision for England's planning system. The Council's response will be limited to those areas where there will be a direct impact on the planning functions, corporate goals and statutory responsibilities of Devon County Council.

2. Introduction

- 2.1 In August 2020 the Ministry of Housing, Communities and Local Government (MHCLG) launched its White Paper entitled 'Planning for the Future' as an open to everyone consultation which runs until 29 October 2020. The consultation description is:

'The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.'

- 2.2 The Planning for the Future White Paper is available to view at:
<https://www.gov.uk/government/consultations/planning-for-the-future>
- 2.3 Alternatively, a one-page summary of the White Paper is available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907469/One_Pager_v4.pdf
- 2.4 The consultation document identifies a series of national challenges including shortage of high-quality homes; combating climate change; improving biodiversity; and, supporting sustainable growth and considers that the current planning system adversely impacts on addressing these challenges. Specifically, that, in Government's view, the planning system is:
 - Too complex.
 - Planning decisions are discretionary rather than rules based.

Agenda Item 11

- It takes too long to adopt a local plan.
- Assessments of housing need, viability and environmental impacts are too complex and opaque.
- It has lost public trust.
- It is based on 20th-century technology.
- The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear.
- There is not enough focus on design, and little incentive for high quality new homes and places.
- It simply does not lead to enough homes being built.

2.5 In order to address these issues, the White Paper sets out a series of ambitions for a new planning system:

- be more ambitious for the places we create, expecting new development to be beautiful and to create a 'net gain' not just 'no net harm';
- move the democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made;
- improve the user experience of the planning system, to make planning information easier to find and understand and make it appear in the places that discussions are happening;
- support home ownership, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- increase the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market;
- help businesses to expand with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- support innovative developers and housebuilders;
- promote the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- create a virtuous circle of prosperity in our villages, towns and cities, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense of place.

2.6 The White Paper goes on to identify the key proposals which are described as three pillars, each of which seek to tackle different elements of the planning system and these are discussed below.

- Pillar 1 – Planning for development
- Pillar 2 – Planning for beautiful and sustainable places
- Pillar 3 – Planning for infrastructure and connected places

2.7 Whilst the examples in the White Paper refer only to the type of development which would be typically be seen in district local plans (mainly housing and employment) it has been confirmed that the planning reforms would equally

apply to county planning functions; mineral and waste local plans and county matter planning applications. It is also noted that the White Paper does not try and deal with all of the infrastructure issues that concern county functions and this will be further informed by the consultation process. There are many detailed questions to respond to in the consultation, this report aims to identify 5 key issues that are of significant concerns to the Council.

- 2.8 The government would like to see new local plans in place by the end of this current parliament, which would require the passing of new planning laws in 2021.

3. Key Proposals

Pillar 1 – Planning for development

- 3.1 The Pillar One proposals relate to planning for development and would impact on the Council's planning functions in several ways.
- 3.2 The Government proposals look to reform and simplify local plans. Under this proposal local plans will have growth areas, renewal areas and protected areas. Growth areas identified in local plans will effectively have outline permission and renewal areas would have a presumption in favour of development.
- 3.3 The Government proposes a standard method for establishing housing requirement figures and it is worth noting the ambition of the Government is to provide 300,000 new home annually in England and one million by the end of Parliament and establishing a standard method for calculating housing requirements is a key proposal to achieve this. It is the district councils' role to identify and allocate the growth and renewal areas.
- 3.4 The Government proposes that local plans should be visual and map based, standardised, based on latest digital technology, and supported by a new template. Minerals can only be worked where they occur, and this lends itself to mineral plans being map based and greater use of new technology could ensure that planned new quarries are better known to the public.
- 3.5 Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the local plan process and the Government is considering what sanctions there would be for those who fail to do so. This proposal would require that the maximum timescale for the adoption of a local plan would be 30 months, with an expectation that many authorities would achieve this in a shorter timescale. This would largely be achieved by a streamlining of the current process with a change in the method of calls for sites and a quicker drawing up of the draft local plan.
- 3.6 Local plans would be subject to a single statutory 'sustainable development' test with fewer of the requirements which, in the Government's view, delay the plan making process. Specifically the current Sustainability Appraisal would be replaced with a simplified process of assessing the environmental impact of a plan; the Duty to Cooperate test would be removed; and, there would be a slimmed down assessment of deliverability of the plan in the form

Agenda Item 11

of a 'sustainable development' test. The White Paper acknowledges that further consideration will need to be given to the way in which strategic cross boundary issues (such as transport infrastructure) can be planned for. It also notes that local plans should be informed by appropriate infrastructure planning.

Pillar 1 – Issue 1 – Identification of Minerals and Waste Sites

- 3.7 This Council is required to plan for the necessary infrastructure and ensuring a steady supply of aggregates to facilitate this level of development. This includes the preparation of a minerals and waste local plan and it is unclear how proposed new system would operate in the case of such plans. For example, it is difficult to see how areas of mineral deposit could be designated as growth areas and many areas of mineral deposit in Devon are inconveniently found in open countryside, places which would be in areas likely to identified as protected areas.
- 3.8 In the identified growth areas, there would be an automatic grant of outline planning permission for the principle of the development. This causes an issue in the allocation of mineral sites. The process of allocating mineral sites in local plans is highly controversial and the move from allocation to planning permission is often difficult and such mineral (and waste) applications are highly controversial requiring very detailed supporting information. Because of this it does not follow that full planning permission will be granted following allocation in a plan.
- 3.9 Given the specific nature of mineral planning it might be difficult to adapt the process into the key stages identified in the required 30 months. The change waste treatment from disposal by landfill to treatment by methods such as incineration may lead to some difficulties when taking a standardised approach. Whilst modern treatment can take place on industrial estates it is more difficult to allocate sites for purposes such as inert waste disposal, which tend to come forward on an ad hoc basis.

Pillar 1 – Issue 2 – Local Issues for Minerals and Waste Sites

- 3.10 The White Paper is also recommending that there would be a suite of national development management policies and the local plan development management policies would be restricted to area specific requirements and examples given are heights of buildings, scale and density of development and could include requirements for design codes. With minerals development management there are some common issues that could be dealt with, such as dust control and noise limits, but each quarry (and often waste site) presents its own challenges and it would present difficulties to have national policies that would adequately cover each site.
- 3.11 The Government is proposing faster and more certain decision making, with firm deadlines and greater use of digital technology. In dealing with mineral and waste planning applications in Devon, applicants are encouraged to use the pre-application service, and this has generally resulted in an improved standard of submission if used. However, given the nature of large mineral and waste proposals it is usual that additional information is requested (usually relating to environmental protection) before decisions can be made.

With applications subject to Environment Impact Assessment the level of information required at the planning application stage is substantial. This indicates that, so far as major minerals and waste applications, firm deadlines could only be achieved with a large amount of upfront work which the minerals and waste industries are mostly reluctant to undertake given the uncertainty of gaining a planning permission later. This is of significance for the wider development industry which relies on a steady supply of minerals, particularly aggregates.

Pillar 1 – Issue 3 – Essential Infrastructure Issues

- 3.12 There would be a local plan single 'sustainable development' test, replacing the existing test of soundness. The Government recognises that achieving sustainable development should be retained but is looking to streamline the current process with a simpler test in order to speed up the plan making process. In its roles as transport and education authority this Council recognises that there are often cross boundary issues that need to be addressed when planning for development. School catchment areas do not necessarily align with local plan boundaries, similarly health impacts are often cross boundary and it is usual that transport improvements that are required to facility development are often not in the district where the development is taking place. The County Council would need to ensure that cross boundary infrastructure necessary to facilitate development is provided at the appropriate stage in the development process.
- 3.13 When thinking about infrastructure that the County Council is responsible for in order to support residential and commercial development it is important that permission for the necessary off-site infrastructure is in place at the same time and is provided at the appropriate stage of the allocated development. It is not clear what the mechanism to achieve this would be.
- 3.14 In dealing with the Council's own applications for transport schemes and schools, it is recognised that these are often critical infrastructure and time sensitive and a standardisation of technical information required to support such applications may assist in determining such applications sooner. However, it is important that correct level of technical information is provided.

Pillar 2 – Planning for beautiful and sustainable places

- 3.15 The Pillar Two proposals relate to planning for beautiful and sustainable places and would involve the production of design guides; masterplans; adaptation to climate change; assessing and addressing environmental impacts; conserving and enhancing historic buildings; and, achieving carbon net-zero by 205.
- 3.16 The Government recognises that good design is key to providing development that is acceptable to local communities and specifically references it's wider vision for cycling and walking and is proposing a revised and consolidated Manual for Streets which will provide the starting basis for community inputs into the design process. This is welcomed and the Council, in its role as transportation authority will have an important role in providing advice and guidance into such documents.

Agenda Item 11

- 3.17 The Government is thinking about a new simplified system of environmental assessment and mitigation which would require the supply of information earlier in the stage of a plan or project, and this would be consolidated in one place so far as possible. Certainly, the production of environmental information is time consuming, but it is important that adequate safeguards are maintained. Changes to how environmental considerations are considered will be subject of a further consultation in the autumn.
- 3.18 The commitment to net-zero by 2050 is welcomed and the Devon Climate Emergency partners are forming a specific response on climate change issues arising from the White Paper consultation.

Pillar 3 – Planning for infrastructure and connected places

- 3.19 The Pillar 3 proposals relate to planning for infrastructure and connected places, the main thrust of which is the replacement of the current Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy. The key parts of the new levy would be that it would be a single rate set nationally; it would be based on the final value of the development; would be levied at the point of occupation; and, the collecting authority could borrow against predicted receipts in order to forward fund infrastructure.
- 3.20 The capture of increases in land values as a result of development is vital in order to provide a contribution for infrastructure necessary to support development and is a well-established and accepted means of providing new schools, transport and community infrastructure. However, the operation of the current Community Infrastructure Levy (CIL) scheme has led to poor outcomes for Devon County Council as it has no direct access to funds. Where Section 106 agreements have been negotiated by Devon County Council outcomes have generally been better in terms of securing some funding, but such negotiations can be complex (involving viability assessment), be very time consuming, and too often provide insufficient funds for critical infrastructure.
- 3.21 A new infrastructure levy has the opportunity of overcoming some of these issues to secure a greater proportion of land value uplift to deliver infrastructure and affordable housing. Fixing the levy rate would make for a simpler system without the need for resource and time intensive CIL testing. However, the effectiveness of such a levy, particularly in funding critical education, transport and other infrastructure in two-tier areas such as Devon, is unclear.

Pillar 3 – Issue 4 – Funding of Essential Infrastructure

- 3.22 If the new system required county councils to seek infrastructure funding from the charging authority as is currently the case with CIL, there is a real likelihood that insufficient funding will be made available for infrastructure which is critical to mitigating development impact and creating high quality development.
- 3.23 In order to fund this critical infrastructure effectively and with greater certainty, provisions should be made to require an appropriate proportion of

Infrastructure Levy receipts to be provided to county councils in two tier areas. In addition, the mechanisms for the new levy should retain the ability for land to be provided to local authorities in lieu of levy payments to facilitate infrastructure delivery (for example to support provision of schools, transportation and community facilities).

- 3.24 The White Paper considers whether local authorities should have fewer restrictions on how they spend the Infrastructure Levy. As the education and transportation authority, this is of great concern to Devon County Council as fewer restrictions on how the levy is spent would be likely to reduce the amount of money available for the critical infrastructure the Council is responsible.

Pillar 3 – Issue 5 – Levy based on Final Value

- 3.25 The implications of charging the levy on the final value of the development also need further consideration. This would mean less certainty regarding potential receipts which makes securing an appropriate funding package for infrastructure more difficult. Alongside the revisions which would see payments made on occupation (as opposed to in instalments which is the case for CIL) and the potential need for borrowing against levy receipts, this increases local authority financial liability and risk if they seek to deliver infrastructure in phase with development.

4. Options/Alternatives

- 4.1 There is no requirement for the council to engage with the consultation process but given the potential impacts of the proposed changes in planning legislation would have on Devon County Council interests it is considered appropriate to make views known to Government.

5. Consultations

- 5.1 An internal consultation on the White Paper has been carried out and responses will be incorporated into the consultation response questions where appropriate.

6. Financial Considerations

- 6.1 New primary legislation will be required to make the proposed changes and it is likely that the implementation and operation of a new planning system would have financial implications for the authority. But these implications will not be understood until later stages in the Parliamentary process.

7. Legal Considerations

- 7.1 There are no specific legal considerations at this stage in the consultation process.

8. Environmental Impact Considerations (Including Climate Change)

- 8.1 The changes to the planning system is likely to have significant environment impact considerations. However, these will not be properly understood until the later stages of the Parliamentary process. It is noted the specific

Agenda Item 11

proposals relating to environmental legislation will be consulted upon this autumn.

9. Equality Considerations

- 9.1 In considering the consultation responses the Government will be considering the potential impact of the proposal on the protected characteristics as defined in section 149 of the Quality Act 2010

10. Risk Management Considerations

- 10.1 The consultation response will be assessed, and all necessary safeguards will be taken to safeguard the Council's position.

11. Public Health Impact

- 11.1 The proposed changes to the planning system may result in a positive public health impact.

12. Reasons for Recommendations

- 12.1 The White Paper consultation raises several specific and technical issues which will have a direct impact on the planning functions, corporate goals and statutory responsibilities of Devon County Council. This report highlights the five most significant issues for Devon County Council, and it is considered that it would be appropriate for officers, in consultation with the leader of the Council, to submit a response to the Government consultation.

Dave Black, Head of Planning, Transportation and Environment Chief Officer

Electoral Divisions: All

Cabinet Member for Policy, Corporate, Resources and Asset Management:
Councillor John Hart

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

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Mike Deaton, Chief Planner
Tel No: 01392 383000
Room: County Hall, Exeter EX2 4QD

Background Paper	Date	File Reference
Nil		
md300920cab White Paper: Planning for the Future - Implications for Devon County Council Final		

PROPOSAL TO MERGE TORBAY SAFEGUARDING ADULT BOARD WITH DEVON SAFEGUARDING ADULT PARTNERSHIP BOARD

Report of the Head of Service for Adult Care Operations and Health

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

Recommendation:

That DCC Cabinet approve the proposed merger of Torbay Safeguarding Adult Board (TSAB) and Devon Safeguarding Adult Partnership (DSAP).

1. Summary
 - 1.1 Work has taken place to understand what the future arrangements across Devon could look like in order to deliver safeguarding duties and local priorities as effectively and efficiently as possible.
 - 1.2 The recommended merger of the Devon and Torbay Safeguarding Adult Boards is a result of an options appraisal conducted by statutory partners with targeted engagement from care providers and the people who have lived experience of safeguarding in Devon and Torbay.
 - 1.3 Pending Devon County Council Cabinet approval of the recommendation, the first joint board would take place in December 2020. An Implementation Group will oversee the necessary steps to ensure the delivery of statutory requirements.
2. Introduction
 - 2.1 Work has taken place to understand the safeguarding priorities across Devon and Torbay. In order to understand the things that we can do together and do once across organisational boundaries for the direct benefit of those we collectively serve.
 - 2.2 Key partners across Devon and Torbay met with senior officers of Devon County Council and Torbay Council Safeguarding Adult Boards to consider potential options for future safeguarding governance arrangements and structures.
 - 2.3 Members of the public, people who have experienced of using Devon and Torbay services were engaged via two separate forum discussions supported by Living Options (Living Options are a user-led charity championing needs and rights and providing vital support to people with disabilities).

Agenda Item 12

- 2.4 Views from independent providers were gained at an engagement event including attendance by providers of services who have had recent Whole Service Safeguarding experience across Devon and Torbay.
- 2.5 Following this engagement, in September 2020 both the Adults Boards agreed to the proposal to combine the TSAB & DSAP resulting in one Safeguarding Adult Board with one Independent Chair and recommended that the proposal be presented to the respective Local Authority Cabinets.
- 2.6 Following the outcome of DCC Cabinet on 14 October 2020, the proposal will also be presented to Torbay's Cabinet on 20 October 2020.
- 3. Impact of the proposed merger
 - 3.1 The proposal is for the Devon Safeguarding Adult Partnership and the Torbay Safeguarding Adults Board to form one Board with a single set of priorities, a single chair, and a number of sub-groups across Devon and Torbay to enable the following improvements:
 - 3.2 For the people we serve
 - 3.2.1 The fundamental aim of the proposed merger of Safeguarding Adult Boards is to ensure that we maximise the opportunities to keep people in local communities safer.
 - 3.2.2 A merger will improve partnership working across Devon and Torbay, for both statutory partners and people/members of the public.
 - 3.2.3 Restructure/rebrand of both TSAB and DSAP will provide an opportunity to improve public awareness of Adult Safeguarding.
 - 3.3 For our partners
 - 3.3.1 It is recognised that some partners have a remit over the wider Devon geographical area and are therefore servicing up to three or more Safeguarding Adults Boards at present (Devon, Torbay, Plymouth).
 - 3.3.2 A single reporting framework across Devon and Torbay.
 - 3.3.3 It is also recognised that partners work closely with other strategic partnerships and that as much alignment as possible would greatly improve efficiency, effectiveness and wider benefit to the communities of Devon and Torbay.
 - 3.4 For local authorities
 - 3.4.1 Both Devon and Torbay Local Authorities, alongside our statutory partners will be in a strong position to ensure a robust approach to safeguarding across region.
 - 3.4.2 It will enable an enhanced sharing of good practice.
 - 3.4.3 It will Improve efficiency of governance arrangements.

- 3.4.4 Increase influence within regional and national safeguarding arenas.
- 3.4.5 Provide consistent messages shared across boundaries.
- 3.4.6 Further benefits may be realised in relation to the economies of scale related to the administration costs of running two separate boards who have largely overlapping agendas.
- 3.5 Upon agreement of the recommendation, an Implementation Group will be set up to deliver the changes needed in an effective and timely manner.
- 4. Options/Alternatives
 - 4.1 The Task and Finish Group initially considered 6 options and appraised each of these for their strengths, weaknesses, opportunities and threats.
- 5. Engagement/Consultation
 - 5.1 Views from independent care providers were gained at an engagement event with no disadvantages being raised. An agreement to merge, as per the recommendation of this report was the consensus of the attendees.
- 6. Financial Considerations
 - 6.1 This exercise has not had an objective to make financial savings although some efficiencies are expected by virtue of the benefits arising from merging together two statutory boards.
 - 6.2 There will also be an opportunity to review partner yearly contributions to the running of the new joint board, thus allowing the new board to be set effectively to meet its strategic priorities.
- 7. Legal Considerations
 - 7.1 The lawful implications/consequences of the recommendations proposed course of action have been considered and taken into account in the preparation of this report and formulation of the recommendation set out within.
- 8. Environmental Impact Considerations (Including Climate Change)
 - 8.1 The recommendation put before cabinet has an overall neutral impact on the environment, however, if the merger of the two boards is agreed, it is recognised that less travel across Devon will be needed for partners attending meetings. This will therefore reduce carbon emissions.
- 9. Equality Considerations
 - 9.1 In progressing this recommendation, an Impact Needs Assessment has been prepared which will be circulated separately to Cabinet Councillors.

Agenda Item 12

10. Risk Management Considerations

10.1 Weaknesses, Threats and potential risks have been discussed throughout the options appraisal process. The task and finish group have not identified any risks that could have a significant impact on the recommendation to merge the boards.

10.2 Upon implementation of the recommendation, any specific risks will be identified and managed as part of the Implementation Plan.

11. Public Health Impact

11.1 A fundamental aim of this proposed amalgamation of Safeguarding Adult Boards is to ensure that we maximise the opportunities to keep people in local communities safer. This would be achieved by aligning priorities, continuing to benefit from the shared sub-groups that already exist and enable Devon and Torbay to work closer together.

12. Summary

12.1 For the reasons and benefits outlined within this Cabinet report, Cabinet is asked to approve the recommendation set out above

Keri Storey

Head of Service for Adult Care Operations and Health

Electoral Divisions: All

Electoral Divisions: All

Cabinet Member for Adult Social Care and Health Services: Councillor Andrew Leadbetter

Chief Officer for Adult Care and Health: Jennie Stephens

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Geraldine Benson, Principal Adult Social Worker - Commissioning Tel No: 01392 383000

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
-------------------------	-------------	-----------------------

3.4.1	A SHARED RESOURCE IN TERMS OF PARTNER ENGAGEMENT	
9.1	IMPACT NEEDS ASSESSMENT	

Impact Assessment



Assessment of: Merger of Devon Safeguarding Adults Partnership and Torbay Safeguarding Adults Board

Service: Adult Care and Health

Head of Service: Keri Storey

Version / date of sign off by Head of Service:

Assessment carried out by (job title): Steve Rowland, Business Manager, Devon Safeguarding Adults Partnership

1. Description of project / service / activity / policy under review

The proposal is for the Devon Safeguarding Adults Partnership (DSAP) and the Torbay Safeguarding Adults Board (TSAB) to merge to form one Board with a single set of strategic priorities, one Independent Chair, and a number of sub-groups that report through to the new Board.

The recommendation, as detailed within the main Cabinet report, is to agree for the work to commence to implement the changes needed to merge the DSAP and TSAB.

During the Implementation stage, partners and both board offices remain committed to ensure that all groups are protected within the equality act along with all stakeholders.

This Impact Assessment remains in draft and will be reviewed throughout the Implementation Stage should Cabinet agree the recommendations.

2. Reason for change

The DSAP and TSAB both understand and recognise the benefits that can be maximised from a focussed, joined up approach to deliver the safeguarding priorities.

It is recognised that some partners have a remit over the wider Devon geographical area and are therefore servicing up to three or more Safeguarding Adults Boards at present (Devon, Torbay, Plymouth).

It is also recognised that partners work closely with other strategic partnerships and that as much alignment as possible would greatly improve efficiency, effectiveness and wider benefit to the people and communities of Devon and Torbay.

There is a potential to streamline operational practice and processes across the Devon geographic, this would assist people/members of the public in relation to safeguarding.

A restructure and rebrand of a new Safeguarding Adults Partnership could be far reaching within communities and have a positive impact on improving the public awareness of safeguarding adults.

3. Aims / objectives, limitations and options going forwards (summary)

A Task and Finish Group made up of representatives from statutory partners of both the DSAP and TSAB initially considered 6 options and appraised each of these for their strengths, weakness, opportunities and threats.

The Task and Finish Group determined that 2 options remained as the only feasible options to be considered. These 2 options were to stay the same or to merge the Devon Safeguarding Adults Partnership and the Torbay Safeguarding Adults Board.

After careful consideration of the various sources of feedback including; the voice of the people who attended the engagement focus groups, the voice of independent providers at an engagement event, informal discussions with wider partners and the support of both Torbay and Devon County Council's Directors of Adult Social Services it was agreed that the option to merge the Devon Safeguarding Adults Partnership and the Torbay Safeguarding Adults Board would be progressed as the agreed recommendation.

4. People affected and their diversity profile

The fundamental aim of the proposed merger of Safeguarding Adult Boards is to ensure that we maximise the opportunities to keep people in local communities safer.

There will be a potential to streamline operational practice and processes across Devon to assist partners and people/members of the public involved in adult safeguarding.

A restructure/rebrand of both TSAB and DSAP could be positive in terms of improved public awareness

It is recognised that some partners have a remit over the wider Devon geographical area and are therefore servicing up to three or more Safeguarding Adults Boards at present (Devon, Torbay, Plymouth).

It is also recognised that partners work closely with other strategic partnerships and that as much alignment as possible would greatly improve efficiency, effectiveness and wider benefit to the communities of Devon and Torbay.

For local authorities, a shared resource in terms of partner engagement, Torbay and Devon Local Authorities alongside our statutory partners will be in a strong position to ensure a robust approach to safeguarding across the geography by utilising a single independent chair.

5. Stakeholders, their interest and potential impacts

A merger of the TSAB and DSAP is in keeping with overall direction of local authority integration, health and care integration and the direction of travel within the Devon Sustainability and Transformation Partnership (STP).

Views from members of the community were gained at two engagement events held across Devon and Torbay with no significant disadvantages raised. A merger of the TSAB and DSAP will allow for a single Community Reference Group to be in place across Devon and Torbay which will ensure an effective mechanism for engaging with people who have had lived experiences of safeguarding.

This proposed merger is also in keeping with the new arrangements for Healthwatch which now spans the wider Devon geographic of Devon, Torbay and Plymouth under one new contract.

6. Research used to inform this assessment

An effective and evidenced options appraisal exercise has been completed using a SWOT analysis approach. The findings of the SWOT analysis have been fully documented and shared with partners, communities and representatives of the Independent Sector.

7. Description of consultation process and outcomes

Views from independent Providers were gained at an engagement event with no disadvantages being raised. An agreement to merge, as per the recommendation of this report was the consensus of the attendees.

Two engagement events were held across Devon and Torbay with members of the public/those with lived experience of safeguarding. There was recognition that closer partnership arrangements will support keeping people safer.

The benefit of developing consistency of approach with further opportunity for better communication and shared objectives was seen as an enhancement to available support for our local communities across Devon and Torbay.

8. Equality analysis

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	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	<p>In what way will you:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
All residents (include generic equality provisions)		<p>A more detailed impact assessment will be completed during the implementation stage. The implementation stage will scope out and the impact of the necessary actions needed to make the merger a success.</p> <p>This impact assessment is a live document to ensure constant review during the implementation stage.</p> <p>Negative Impact – there could have been a potential disengagement from one or other of the current board/partners but this has been mitigated by the same engagement provider now contracted to provide community reference and engagement services for both Devon and Torbay. A merger of the partnerships will only enhance this benefit.</p>
Age		

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	In what way will you: <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the DCC Equality Policy ?
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people		
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief		
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)		

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	In what way will you: <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible. foster good relations between groups (tackled prejudice and promoted understanding), if relevant? In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the DCC Equality Policy ?
Sexual orientation and marriage/civil partnership		
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban		

9. Human rights considerations:

[Insert text here]

10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?

[Insert text here]

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

[Insert text here]

In what way can you help people to be connected, and involved in community activities?

[Insert text here]

11. Environmental analysis

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 mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

	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, reuse, recycle and compost:		
Conserve and enhance wildlife:		
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:		
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):		

12. Economic analysis

	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:		
Impact on employment levels:		
Impact on local business:		

Page 13

13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

[Insert text here]

14. 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?

[Insert text here]

15. How will impacts and actions be monitored?

[Insert text here]



**Phil Norrey
Chief Executive**

Nigel Huddleston MP
Parliamentary Under Secretary of State
(Minister for Sports, Tourism and
Heritage)
Department for Digital, Culture, Media &
Sports
100 Parliament Street
LONDON SW1A 2BQ

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

September 2020

Dear Nigel Huddleston MP

PROBLEM GAMBLING

Your Ref:MC2020/02903/GM

Thank you for your thoughtful response received on the 10th March.

We, as the Corporate Infrastructure & Regulatory Committee, feel dutybound to reply to your letter outlining our disappointment in the apparent lack of concrete support when looking for solutions around problem gambling.

We ask you, again, to show your commitment to eradicating problem gambling by taking the following actions:

1. An urgent review of the Gambling Act 2005, as planned, to include significant limitations on the influence of the predatory approach of online gambling platforms.
2. Stronger powers for the Gambling Commission following the Public Accounts Committee description of this body as 'toothless'. ¹
3. Taking detailed steps to prevent targeted advertising of gambling to the most vulnerable, especially under eighteens, and those at higher risk of becoming problem gamblers. This should include significant limits on the advertising of gambling during day time and early evening television.
4. Acknowledgement and direction to Public Health to address the mental health and suicide correlation with problem gambling, particularly with

¹ <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-scope> 30/04/20

Agenda Item 16

children. To include the blurring of gamification of gambling for example with loot boxes, which particularly appeal to younger people.

5. Phasing out entirely the use of fixed-odds betting terminals (FOBTs).
6. Require gambling bodies to contribute far more than 1% of their profits towards addressing the consequences of problem gambling.

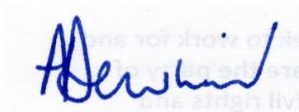
Problem Gambling is an addiction and needs to be treated as one. We certainly would not accept a drug cartel using this approach on national TV streams and online advertising. 1% of the gaming industry's profits for treatment clinics really will not get to the 'root causes' of gambling and we know that families are being ruined and lives are being lost through gambling and we cannot endorse the industry's approach. The digital world is ruthlessly encouraging accessibility to 24/7 gambling where people can lose a fortune in a work 'tea break'.

Please can you look again and demonstrate your leadership on an issue that increasing numbers of MP's are adding their collective concerns. Below are some of the comments that were aired at the last public meeting of our [scrutiny Committee](#):

- Your response did not address, issues relating to the proliferation of advertising by the gambling industry and indirect advertising before the watershed by TV coverage of horse racing;
- The need for further information relating to gambling related tax receipts and expenditure on rehabilitation programmes for problem gambling;
- The impact of the pandemic in terms of problem gambling;
- Noting that some forms of gambling were acceptable in terms of their minimum impact and pleasure it provided for non-problem gamblers.

Devon County Council Scrutiny intends to work with the Gambling Commission and the Centre for Public Scrutiny to continue to raise the profile of this important issue. We intend to be part of a proactive solution around problem gambling.

We look forward to your constructive response on these important matters,

A handwritten signature in blue ink, appearing to read 'Alistair Dewhirst', is positioned above a faint, light blue rectangular stamp. The stamp contains some illegible text, possibly a date or official seal.

Councillor Alistair Dewhirst,
Chair: Corporate Infrastructure and Regulatory Services Scrutiny Committee



08 October 2020

Devon Safeguarding Adults Partnership
Annual Report 2019-20
Covering Brief for: Devon Health and Wellbeing Board

Purpose of agenda item:

It is a statutory requirement for the Annual Report 2019-20 of the Devon Safeguarding Adults Partnership (DSAP) to be presented to the Devon Health and Wellbeing Board. The Board is requested to note the Annual Report which summarises the work that has taken place during 2019-20.

More detailed information about the work of the Partnership is available on the DSAP website: <https://www.devonsafeguardingadultspartnership.org.uk/>

1. Introduction

- 1.1 I am proud to be introducing my fifth Annual Report as the Independent Chair of the Devon Safeguarding Adults Partnership (DSAP). This report, giving information on the work carried out in the year leading up to the end of March 2020, is brought to you as part of our duty under the Care Act 2014 which requires each Safeguarding Adults Board (SAB) to publish an annual report.
- 1.2 The full annual report summarises safeguarding activity undertaken throughout 2019-20 by the Partnership and sets out the progress made against the strategic priorities. In Devon the report is also presented to Cabinet and to Health & Adult Care Scrutiny Committee.
- 1.3 As in previous years, we have attempted to ensure that the 2019-20 Annual Report is accessible and provides a level of information to enable readers to fully understand the work of the partnership. The report contains information on the multi-agency partner achievements during the year; it also sets out what we achieved against the DSAP strategic priorities for the year in question. The Annual Report is published on the DSAP website along with full details of all those Safeguarding Adult Reviews which we have published during the year 2019 - 2020.
- 1.4 Work is currently underway to produce easy read versions of the annual report and this is being completed in partnership with our Community Reference Subgroup, administered by Living Options. Once complete, these versions will be widely shared and published on our website.

Agenda Item 17

2. Safeguarding Adults Partnership - Background

- 2.1. The DSAP is the strategic lead body for safeguarding, with an overriding objective to prevent and reduce the risk of significant harm to adults with care and support needs, from abuse or other types of harm or exploitation.
- 2.2.1 Statutory partners are – Devon County Council (DCC), Devon Clinical Commissioning Group (CCG) and Devon & Cornwall Police, with wider representation from other partner agencies (Devon Partnership Trust, the Royal Devon & Exeter Hospital, University of Plymouth Hospitals NHS Trust; North Devon District Hospital, Torbay Hospital, Public Health, Healthwatch Devon, Living Options, Exeter Prison, the National Probation Service, the Care Quality Commission and Devon & Somerset Fire and Rescue Service)

3. Legislative Context

- 3.1 The Care Act 2014 requires that local authorities hold the lead responsibilities for safeguarding adults and work in partnership with other agencies as described above. The Local Authority shall appoint an Independent Chair whose role it is to ensure that the Safeguarding Board holds all partners to account for delivering services which safeguard and protect vulnerable adults. The DSAP acts as the strategic mechanism for ensuring that all partners work together successfully.
- 3.2 The Care Act 2014 sets out that there are 3 key statutory requirements for the Partnership:
 - To deliver and publish an Annual Report
 - To ensure that the Partnership appropriately conducts Safeguarding Adult Reviews
 - To develop and publish a strategic plan
- 3.3 Adult safeguarding duties under the Care Act 2014 apply to an adult, aged 18 or over, who:
 - has needs for care and support (whether or not the local authority is meeting any of those needs) and;
 - is experiencing, or at risk of, abuse or neglect; and
 - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Care and support is the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent - including older people, people with a disability or long-term illness, people with mental health problems, and carers.

- 3.4 Safeguarding Adult Reviews (SARs) – We are currently commissioning 10 SARs which, when completed, will be presented to the DSAP. If a decision is made for a

SAR to be published, it will be uploaded on the DSAP Website, after approval by the Board.

In 2019/ 2020 the DSAP agreed 2 SARs – the Atlas Care Homes SAR and SAR Charles. The former took considerable resources as the abuse highlighted in the Crown Court Case was so complex and required input by many organisations outside Devon. Both of these are highlighted in the Annual Report with the full SARs published on the DSAP Website. Two SARs agreed by the Board in the previous reporting year, were actually published in 2019/ 2020 and these are also available on the website and are known as SAR Rita and SAR Sally. These were presented with last year's annual report.

4. Strategic Priorities 2019-20

4.1 Each year DSAP sets out key priorities that it will focus on in the next year to ensure that adults at risk of harm, abuse and/or are vulnerable are safeguarded to reduce the risk of harm or abuse. These priorities are agreed by all Board members.

For 2019/20, these priorities were (and we have included some of the achievements with each one):

- **Finding the right solution at the right time for the most at-risk people:**
 - Designed and implemented a Creative Solutions Forum
 - Worked with the Safer Devon Partnership to use the 'Preventing Exploitation Toolkit' across partnerships
 - Embedded the Making Safeguarding Personal framework
 - Developed a Multi-Agency framework for managing risk
 - Developed a 'People in Positions of Trust' protocol
 - Conducted a 'Deep Dive audit' into safeguarding practice using qualitative and quantitative data
 - Produced 'The Voice of the Adult Feedback Form'
- **Increasing public awareness of Safeguarding:**
 - Designed a 'Public Awareness Campaign' (to now be delivered post-Covid)
 - Regularly updated and reviewed our DSAP website content
- **Improving the experience of children transitioning (moving) to adult services, working together to ensure they remain safe:**
 - Plans have been put in place to work in partnership with DCFP as part of a Strategic Partnership Agreement and work continues
- **Improving Staff legal Literacy**
 - We undertook a review of Mental Capacity Act (MCA) content for Level 1 MCA Training
 - A Task & Finish Group is in place to produce guidance material on legal literacy

5. Summary and Moving Forward

5.1 The period covered by the report ends at 31 March 2020. We acknowledge the impact of Covid-19, towards the end of the year in question and also that

Agenda Item 17

challenging times remain. These challenges have led organisations to restructure the way they organise their services, though it is impressive that despite these additional pressures, all partners to the Board have continued to work effectively together and to respond when being held to account by the DSAP. Partners have shown continuous commitment to our key strategic areas and this will be reported within the next Annual Report.

- 5.2 Importantly our engagement with people who use services through the Community Reference Group continues to evidence increasing awareness of safeguarding issues and supports the partnership to communicate better to raise safeguarding awareness amongst the wider public.
- 5.3 Finally, I would like to thank everyone who has supported the work of the Partnership and its sub-groups. The effective work of the sub-groups reflected in this annual report is a massive commitment by those involved which contributes to continuously improving services.

Siân Walker
Independent Chair
Devon Safeguarding Adults Partnership



Annual Report 2019/20

Contents:

1.	Introduction from Independent Chair	3
2.	Introduction to Devon	5
3.	What is Safeguarding Adults?	6
4.	What do we mean by abuse?	8
5.	How to report abuse	9
6.	What happens when a Safeguarding Adults Concern is raised?.....	10
7.	Personal stories presented to the Board.....	11
8.	Safeguarding activity in Devon	15
9.	Deprivation of Liberty Safeguards (DoLS)	18
10.	Introduction to the Partnership and its subgroups	19
11.	The work of the Safeguarding Adults partnership subgroups	20
12.	What have we done in the last year?	25
13.	Learning Events	30
14.	Strategic Priorities and Partners' Key achievements 2019/20	33
15.	Learning from Safeguarding Adults Reviews (SARs)	47
16.	SAR Learning Points:	51
17.	Strategic Priorities 2020/21	52

1. Introduction from Independent Chair

I am proud to be introducing my fourth Annual Report as the Independent Chair of the Devon Safeguarding Adults Partnership (DSAP). This report, giving information on the work carried out in the year leading up to the end of March 2020, is brought to you as part of our duty under the Care Act 2014 which requires each Safeguarding Adults Board (SAB) to publish an annual report.

Our strategy during this year was simply described ensuring that all partners to the Board focussed on 4 key issues which are set out on Page 24. This work does not conclude and continues in the DSAP pursuit of assurance about good preventative services and improved understanding across communities, for individuals and within services.

We always intend our Annual Report to be clear and readable – there are set requirements for that which we must publish within it and you will see that we have included information on what the Board has delivered this year. This report sets out how the Board has:

- achieved its objectives, set out at the start of the year and how we implemented our strategy
- how each of our partners has implemented the strategy and worked to deliver effective safeguarding services
- the findings of ‘Safeguarding Adults Reviews’ – these are reviews which have been concluded between April 2019 and March 2020 and where an adult has died or where there have been serious issues and concerns; and where it was identified that there could be learning and improvements made by organisations to ensure that similar issues do not recur.

The Board and its partners must demonstrate how they ensure that people with care and support needs are protected from abuse and neglect. We do this by scrutiny of performance data and information and occasionally we focus on specific services. We usually receive a “personal safeguarding story’ at each meeting with a focus on how services have been effective, but also in terms of whether we need to do more to ‘make safeguarding personal’.

Whilst the period covered by the report only goes up to the end of March 2020, challenging times remain with the impact of Covid-19. These challenges have led organisations to restructure the way they organise their services, though it is impressive that despite these additional pressures, all partners to the Board have continued to work effectively together and to respond when being held to account by the SAB. Partners have shown continuous commitment to our key strategic areas and this will be reported within the next Annual Report.

Finally, I would like to thank everyone who has supported the work of the Partnership and its sub-groups. The effective work of the sub-groups reflected in this annual report is a massive commitment by those involved which contributes to continuously improving services. Importantly our engagement with people who use services through the Community Reference Group continues to evidence increasing awareness of safeguarding issues and supports the partnership to communicate better to raise safeguarding awareness amongst the wider public. All of this work would not be possible without the hard work and professionalism of the small team working in the DSAP office, to whom I am extremely grateful for their ensuring the smooth running of the partnership. Thus far, 2020 has been a particularly challenging time for citizens and communities and for those who work to deliver front-facing services

I hope that you find the annual report informative and helpful

A handwritten signature in black ink, appearing to be 'S. S.', located at the bottom left of the page.

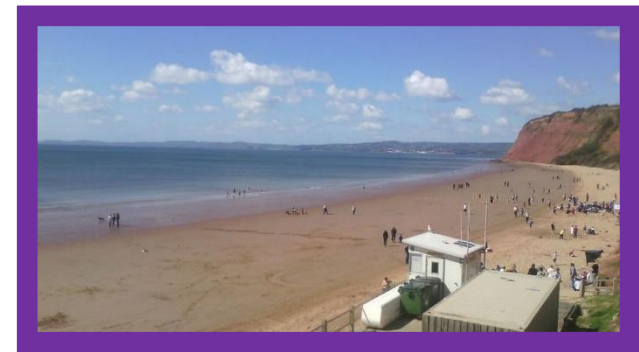
2. Introduction to Devon



Devon is the third largest county in England, covering 2,534 square miles. It is also one of the most sparsely populated counties, its 1.9 million residents distributed between the city of Exeter, twenty or so coastal and market towns, and several hundred rural communities, some of which are isolated.

In Devon there is a higher proportion of older people than the national average due to a high migration into the county at retirement age, and a migration out of the county of younger adults. The county enjoys high levels of employment, but lower than average wages and productivity, and higher than average housing costs. There are areas of deprivation, but they are dispersed rather than concentrated.

There are eight district councils in the Devon County Council administrative area and two unitary authorities in Devon, Plymouth City Council and Torbay Council. From 1st April 2019 two Clinical Commissioning Groups (CCGs) merged to form NHS Devon Clinical Commissioning Group covering the geographic area of the Devon Sustainability and Transformation Partnership. Four Acute Hospital Trusts serve the area: Northern Devon Healthcare NHS Trust, Royal Devon and Exeter NHS Foundation Trust, South Devon Healthcare NHS Foundation Trust, and University Hospitals Plymouth NHS Trust. Mental health services and specialist learning disability services provided by the Devon Partnership NHS Trust on a county-wide basis. Police services are the responsibility of Devon and Cornwall Police.



3. What is Safeguarding Adults?

Safeguarding adults' means protecting an adult's right to live in safety, free from abuse and neglect. It is something that everyone needs to know about.

The legal framework for safeguarding adults work is set out by the Care Act 2014. Safeguarding involves:

- People and organisations working together
- Preventing abuse or neglect from happening in the first place
- Stopping abuse and neglect where it is taking place
- Protecting an adult in line with their views, wishes, feelings and beliefs
- Empowering adults to keep themselves safe in the future
- Everyone taking responsibility for reporting suspected abuse or neglect.

Who is an adult at risk?

An adult at risk of abuse or neglect is someone who has care and support needs and is unable to protect themselves from either the risk of, or the experience of, abuse or neglect. Their care and support needs may be due to their mental health, sensory or physical disability; age, frailty or illness; a learning disability or substance misuse.

A carer, for example a family member or friend, could be involved in a situation that may require a safeguarding response. A carer may witness or speak up about abuse or neglect; may experience intentional or unintentional harm from the adult they are trying to support, or from professionals and organisations with whom they are in contact; or may unintentionally or intentionally harm or neglect the adult they support on their own or with others.

The 6 Safeguarding Principles

The Care Act 2014 outlines the following principles that underpin all adult safeguarding:



Empowerment: people being supported and encouraged to make their own decisions and give informed consent



Prevention: It is better to act before harm occurs



Proportionality: the least intrusive response appropriate to the risk presented



Protection: support and representation for those in greatest need



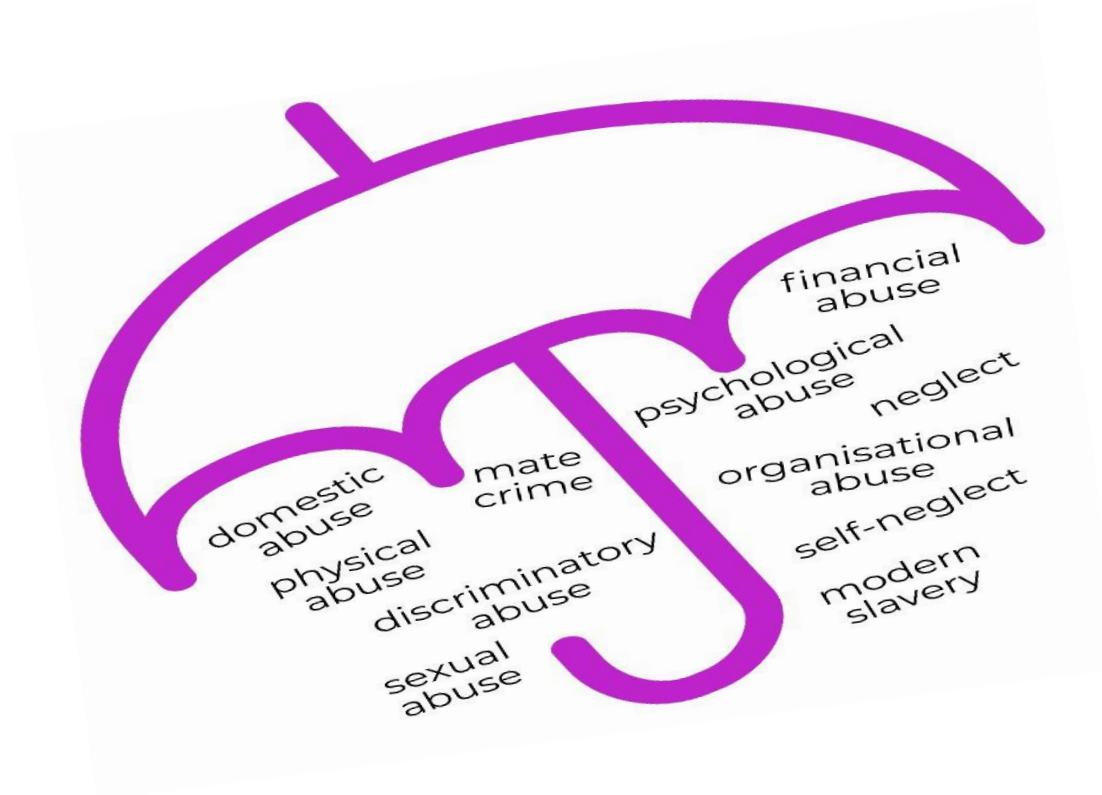
Partnership: local solutions through services working with their communities- communities have a part to play in preventing, detecting and reporting neglect and abuse.



Accountability: accountability and transparency in safeguarding practice

4. What do we mean by abuse?

- Abuse is an intentional or unintentional act that harms, hurts or exploits another individual/s. Abuse can take many forms, but no type of abuse is acceptable.
- Abuse can happen just once or many times; it can be done on purpose or by someone who may not realise they are doing it.
- It can happen anywhere including at home, in the community, in care homes or in day care centres or hospitals.



5. How to report abuse

Worried that an adult is at risk?

Report your concern

If you report a safeguarding concern you will be listened to, supported and involved in any decisions.

If you think that you, or someone you know, is being abused or neglected you can:



Call Care Direct on 0345 1551 007

OR



Email csc.caredirect@devon.gov.uk

(Monday-Friday 8am-8pm and Saturday 9am-1pm – outside of these hours or on bank holidays call 0845 6000 388 or email the address above)

Alternatively a safeguarding adult concern referral can be made to Care Direct using the referral form on the DSAP website:

<https://www.devonsafeguardingadultpartnership.org.uk/reporting-a-concern/>

If it's an emergency, call 999
If it's a non-emergency, call 101

6. What happens when a Safeguarding Adults Concern is raised?

1. There are many reasons why a Concern might be raised. These reasons are explored with the referrer and the person at risk. Actions are taken to address the concerns.
2. Wherever possible, the adult will be contacted by the professional who has received the concern, to ask them about their situation and to find out what they would like to see done about it. Actions are then identified to achieve this wherever possible.
3. If no further action is needed as actions taken have addressed the concerns, the Safeguarding Adults Concern will be closed. If necessary, the Local Authority will decide to make further enquiries. The Safeguarding Adults Enquiry establishes the facts and works with the adult and those most close to them, to ensure both their safety and to resolve the issues putting the adult at risk.

7. Personal stories and good practice presented to the Board

Good Practice – Mr and Mrs Green (names changed to protect identity):

Mr and Mrs Green (pseudonym) are a middle-aged couple with two adult sons. In November 2019 Devon and Cornwall Police received a call from a neighbouring property reporting suspicious activity and potentially a break in progress at the home address of Mr and Mrs Green by a man.

Officers attended Mr and Mrs Green's property and met the man in question. He claimed to live at the address, which was later confirmed. He chose to climb out of the front window of the property and was detained by Police who were unaware that he had been spoken to. He continued to be abusive and threatening within sight and hearing of members of the public. He was subsequently arrested and taken to a local custody centre.

When the officers spoke to Mr Green he broke down in tears and disclosed that his son had been abusing him and his wife for several years. Mr Green disclosed that he had been subjected to a number of physical assaults, financial abuse, criminal damage and continuous verbal abuse. Much of this behaviour was accompanied with demands for money or demands for service (lifts etc). This contributed to a picture of coercive and controlling behaviour. Mr Green was able to show officers a log of incidents and CCTV from a camera he had installed in his house which showed the assaults. A highly detailed statement was taken from Mr Green with the emphasis on how his life had been affected by his son's behaviour. Mr Green also completed a risk assessment, which officers graded as high risk. Within this assessment, Mr Green disclosed that he had seen his GP as a result of how things were with his son, and he was now taking anti-depressants.

Mrs Green provided a comprehensive and detailed statement covering coercive and controlling behaviour from her son. He also repeatedly threatened to commit suicide or harm the dog. She was also assessed and was determined to be at high-risk. The son was further arrested in custody for coercive and controlling behaviour, assaults and theft. He was interviewed by officers, who were able to put overwhelming evidence to him in the form of CCTV and statements. He made a number of admissions and the officers took the case as a whole to the Crown Prosecution Service (CPS) for a charging decision. CPS decided to charge the son with coercive and controlling behaviour, the assaults, a theft and the S5 Public Order offence.

A Domestic Abuse Officer went to meet with Mr and Mrs Green at their home along with an Independent Domestic Abuse Advisor (IDVA). Arrangements were made to install an alarm within the property, to alert Police should their son turn up to the address. The son was given a Restraining Order for 5 years and was also given a 2-month prison sentence which was suspended for 18 months and a drug treatment and testing requirement. Significantly, these were the first criminal convictions he had been given. However, the following day he breached the Restraining Order by attending his parents address and was arrested again and charged with breaching the order. He was held in custody until 29th January 2020 when he was sentenced as follows:

- 3 weeks in prison, which he served on remand and a court surcharge of £122.00
- Breach of suspended sentence - total sentence 8 months imprisonment – suspended for 18 months – order extended by 3 months to 21 months. Drug rehabilitation requirement for 6 months. The restraining order was also extended to cover the whole of his parent's village.

On 7th January 2020, the case was discussed at a Multi-Agency Risk Assessment Conference (MARAC). It was confirmed the parents felt supported by the police and the IDVA.

Impact on Mr and Mrs Green

Mr and Mrs Green struggled to discuss the situation with each other, and Mrs Green continues to receive emotional support from the IDVA. Mr and Mrs Green have been away on two short breaks together since the order has been put in place feeling safe to leave their home. The older brother disclosed how difficult things had been for many years with his younger brother and he was always worried for Mr and Mrs Green when he was away at University. No further care or support needs have been identified and it is not known whether any other services have had any input with the family.

Previous police involvement.

Police had been called by Mr and Mrs Green numerous times since their son was 15. Numerous risk assessments were completed in 2016 and 2017 whilst the elder son was still a child, and these were passed to Children's Social Care. It was recorded that on one occasion he had told his family he would kill them one day. Children's services put some support in place and referrals were made to Children's Social Care exploitation teams and young people's addiction services. When he went missing, he would not engage in return home interviews. In 2017 a Problem-Solving Plan was implemented by police and for a short time he was engaged with Devon County Council's Youth Intervention Team.

What did we learn?

- Importance of an investigative mindset and culture of curiosity – across all agencies.
- Importance of detailed statements, especially victim personal statements re impact on convictions.
- Potential query re liaison with children's and adults' services – transition from childhood-adulthood – did any information exchange occur? Could police have referred directly to adult services or did police think this was done via risk assessment completion and referral?

Making Safeguarding Personal, which means finding out what those who have been abused wanted:

- The adult victims were listened to in detail and their thoughts/wishes considered at every step, as was their safeguarding.
- The safeguarding was done with the adult victims, not to them – e.g. consultation re bail conditions, alarm at their home etc.
- The outcome resulted in meaningful improvement in the lives of the victims and they felt less at risk of threat and harm.

Personal Story – John (name changed to protect identity):

Devon and Somerset Fire and Rescue Service received a referral from the ambulance service to carry out a Home Safety Visit as they had identified significant fire risks in John's (pseudonym) home.

The ambulance had attended John, who had experienced a fall within his property. They identified that John lived alone in an isolated location and that his property was very cluttered. There was evidence of alcohol use with vodka bottles lying around, although John denied that he was alcohol dependent. John was a heavy smoker and was suffering with poor mental-health.

The conditions within the property and the risks identified by the ambulance service are all significant fire risks which meant that John was at a higher risk of having a fire and it was therefore important that the fire service visited the property to carry out a Home Safety Visit.

The Fire Service attempted to visit the property to carry out a visit. During this initial visit there was no answer and they were not sure whether x was in the property, and they therefore felt it was not appropriate to enter the property. A month later, a further Home Safety Visit was carried out by two fire service Home Safety Technicians, which on this occasion was successful, and the following concerns were identified:

Fire risks

Concerns were raised that John was living alone in rural isolated property which was extremely cluttered with beer cans, food containers, and general waste). John had poor mobility and was a heavy smoker. There was also evidence of alcohol use and John advised he slept a lot of the time. He was also presenting in a low mood. He had no phone contact as phone line cut off by sister.

Additional risks

John advised that he was receiving no post as it had been redirected to his sister's house and John also indicated that his sister had cut off phone line. John advised he felt isolated and lonely (Information disclosed by John indicated there was an acrimonious relationship with his sister and this was contributing to his isolation). John disclosed he was experiencing significant illness and hadn't been taking medication and advised "he had nothing to live for." He had been told by his GP that if he stopped taking medication, he would have 3 – 6 months to live. John appeared to be self-neglecting, there was mouldy food and John was using bottles to urinate in as he had no energy to move to bathroom.

In addition to providing general fire safety advice the Home Safety Technicians discussed in detail support services that might be available to him and as John had advised he had a military background the technicians provided him with details around SSAFA (Soldiers, Sailors, Airmen and Families Association) and The British Legion. However, John had no phone access or internet to initiate contact, and he felt that because of this he would not be able to access help. John advised that he would like to move home, nearer shops and amenities and would like help with finances and housekeeping.

The Home Safety Technicians were concerned for John's welfare and his disclosure of his illness and non-adherence to his medication. They advised John that they would be making a referral to the fire service's safeguarding team to try and instigate some support for him, which he consented to.

Technicians phoned the safeguarding team due to their concerns about John who then followed up with a written referral which was sent to the Care Direct Team in Devon County Council Adult Social Care, who responded to say that a colleague from Adult Social Care would visit John later in the day.

The fire service safeguarding received feedback from Adult Social Care that there had been previous attempt to visit John had been made by a social worker which had been unsuccessful. This lack of contact and the fire services subsequent referral into Adult Social Care prompted an enquiry.

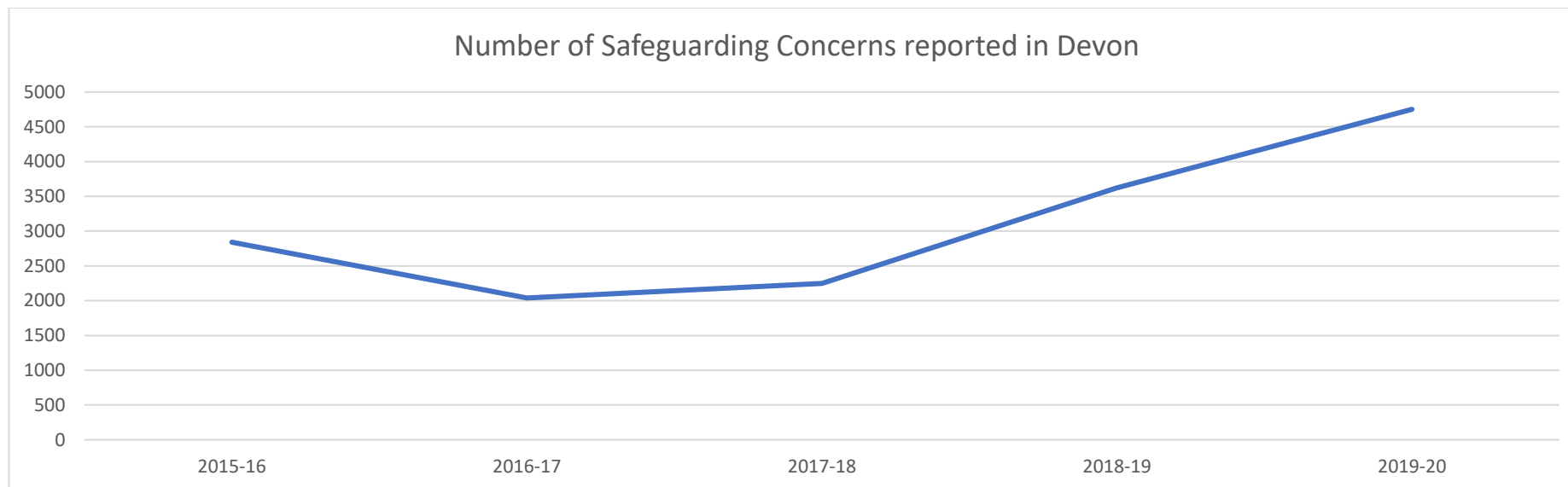
A plan of action was developed for John by Adult Social Care which involved trying to reconnect land line, engaging with SSAFA, contacting the council to discuss John's housing situation. John was also referred to mental health services to receive support.

John was re housed into supported accommodation which meant that he had support for his health and care needs.

Summary/conclusion

John was vulnerable and was experiencing significant self-neglect, poor physical and mental health issues and lived in accommodation that was presenting significant fire risks. John's situation was exacerbated by living in an isolated property and his acrimonious relationship with his sister. It appeared that agencies had tried to engage with him previously however his isolation and lack of phone contact and post meant it was difficult for contact to be made with him. The fire service's persistence in carrying out the second visit after the first visit was unsuccessful meant that the home safety technicians were able to engage with John and provide invaluable fire safety advice as well as providing information around other support agencies. The fire service's referral into Adult Social Care which highlighted the self-neglect that John was experiencing in addition to the fire risks prompted further action from adult social care who then developed a plan with John to start initiating further help and support.

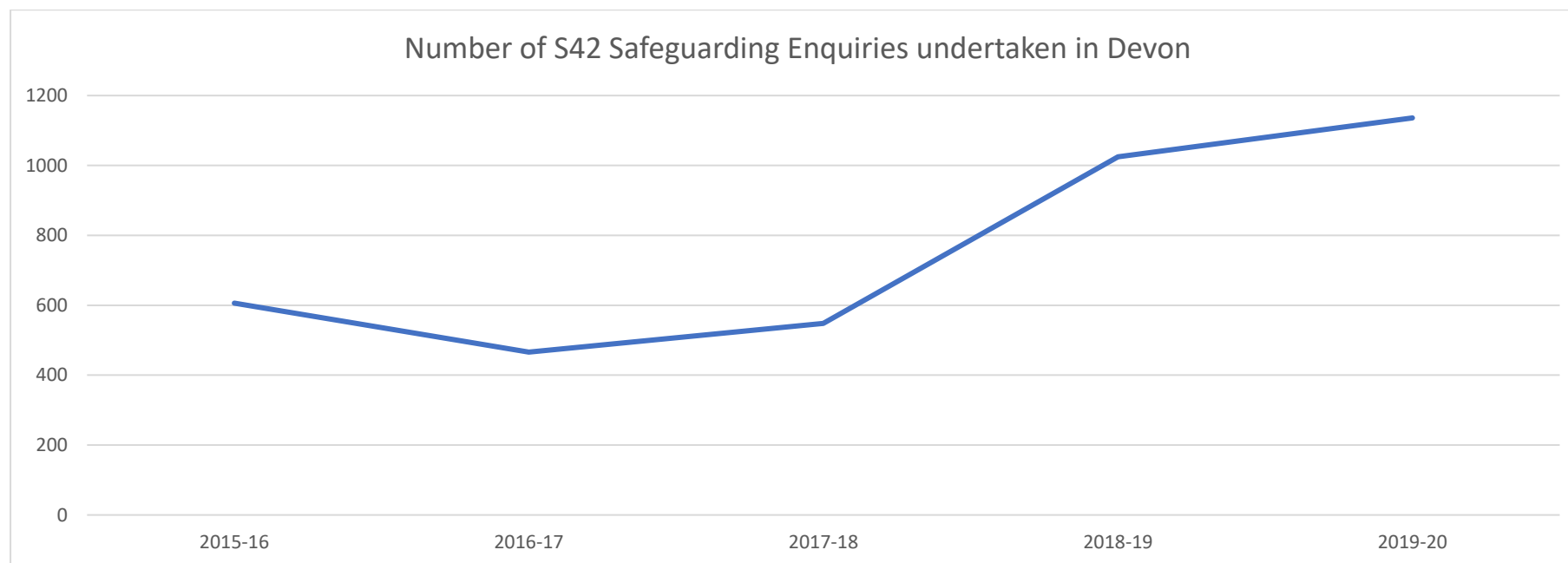
8. Safeguarding activity in Devon



Since the Care Act came into force in April 2015, the number of adult safeguarding concerns reported began to increase and then dipped in 2016-17 to 2017/18.

Devon Safeguarding Adults Board (DSAB) undertook a Deep Dive Audit to provide further analysis. It was identified that a proportion of safeguarding issues were being managed without reporting the incident formally to Devon County Council (DCC) as a safeguarding concern. This did not mean that the concerns were not being responded to, but the findings indicated that they were being directed to more appropriate pathways e.g. to receive an assessment of needs.

Since the 2018 Deep Dive Audit our trend changed. In 2019/20 the number of concerns reported has continued to significantly increase. Over the last 12 months Devon has seen a **31% increase** in Concerns raised bringing us closer to the Local Authority comparator group average in 2018-19. However, we still experienced a lower rate of concerns relative to the population in 2019-20 when compared to our comparator group Local Authorities and England rate in 2018-19 (2019-20 benchmarking not yet available).

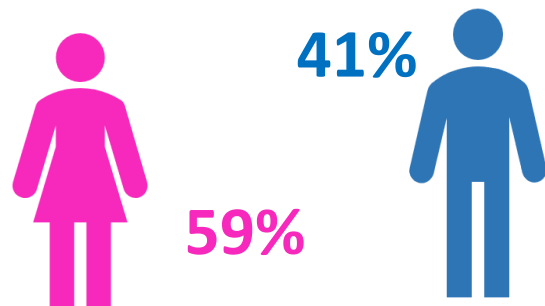


Since the Care Act came into force, the number of section 42 safeguarding enquiries (concerns that meet the threshold for further investigation) decreased but significantly increased in 2018/19 and continued to increase during 2019/20.

However, we still experienced a lower rate of s42 enquiries relative to the population in 2019-20 when compared to the comparator group Local Authorities and England rate in 2018-19 (2019-20 benchmarking not yet available).

Devon County Council (DCC) understanding of increased numbers of concerns and enquiries.

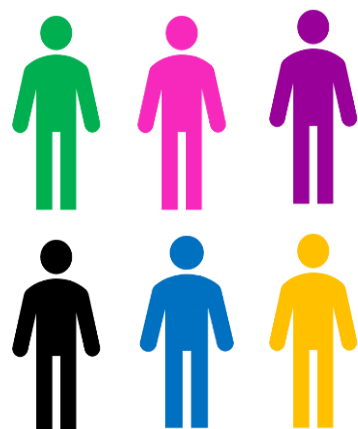
DCC proactively worked with Community Health and Care Teams to ensure that safeguarding concerns were being appropriately raised; promoting the safeguarding process as a positive way of getting better outcomes for people at risk of harm. The upward trend indicates that this has had a positive impact.



59% of individuals involved in safeguarding concerns in 2019-20 were female. This is consistent with previous years and the national trend. This is disproportionate to the overall, although not necessarily the elderly population in Devon, which the majority of our safeguarding activity relates to.



Approaches to safeguarding should be person-led and outcome-focused. In Devon, people were asked about their desired outcomes in 76% of safeguarding enquiries in 2019-20. This is an increase on the previous year.



86% of individuals involved in safeguarding concerns in 2019-20 recorded their ethnicity as white. The proportion of people in Devon who describe themselves as white British increases with each age group and safeguarding data on ethnicity should therefore be considered in conjunction with data on age. This data shows that the majority of Safeguarding concerns in Devon relate to individual's aged 65+.

47% of enquiries of abuse or neglect pursued in 2019-20 took place within the person's own home. This is consistent with previous years but a higher proportion than the national picture (45% in 2018-19).

A higher proportion of enquiries were recorded in care homes in 2019-20 than the previous year but remains significantly below the national picture in 2018-19.

The same level of enquiries were recorded in hospital settings in 2019-20 to the previous year and bringing us slightly under the national picture in 2018-19.

9. Deprivation of Liberty Safeguards (DoLS)

The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act (2005).

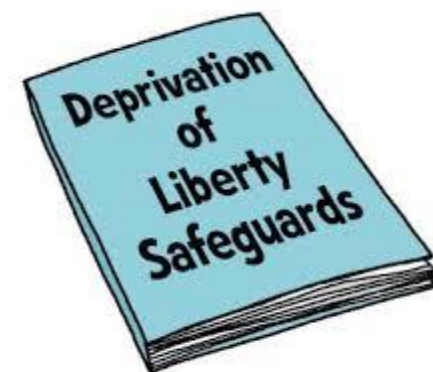
The safeguards apply to people over the age of 18 who lack mental capacity to consent to their care and treatment arrangements in a hospital, or a residential / nursing care home setting.

Sometimes a person may need high levels of support and supervision to maintain their wellbeing. The level of care and support provided may amount to a deprivation of their liberty. The DoLS are designed to ensure that in those circumstances the person's human rights are protected. The person will have the right to representation, any authorisation should be monitored, a review can be requested at any time and the person has the right to appeal to the Court of Protection.

People can also be deprived of their liberty in other settings such as supported living or their own home. However, in these situations any deprivation of the persons liberty can only be approved by the Court of Protection and applications for authorisations will need to be made to the Court.

The DoLS scheme has been criticised for many things including being overly bureaucratic and costly. These criticisms have been exacerbated by the increase in demand for authorisations since the Supreme Court judgment of 2014 in the case now popularly known as 'Cheshire West', which effectively lowered the threshold for eligibility and significantly increased the volume of requests. The workload demands in relation to the DoLS remains a challenge, nationally and locally.

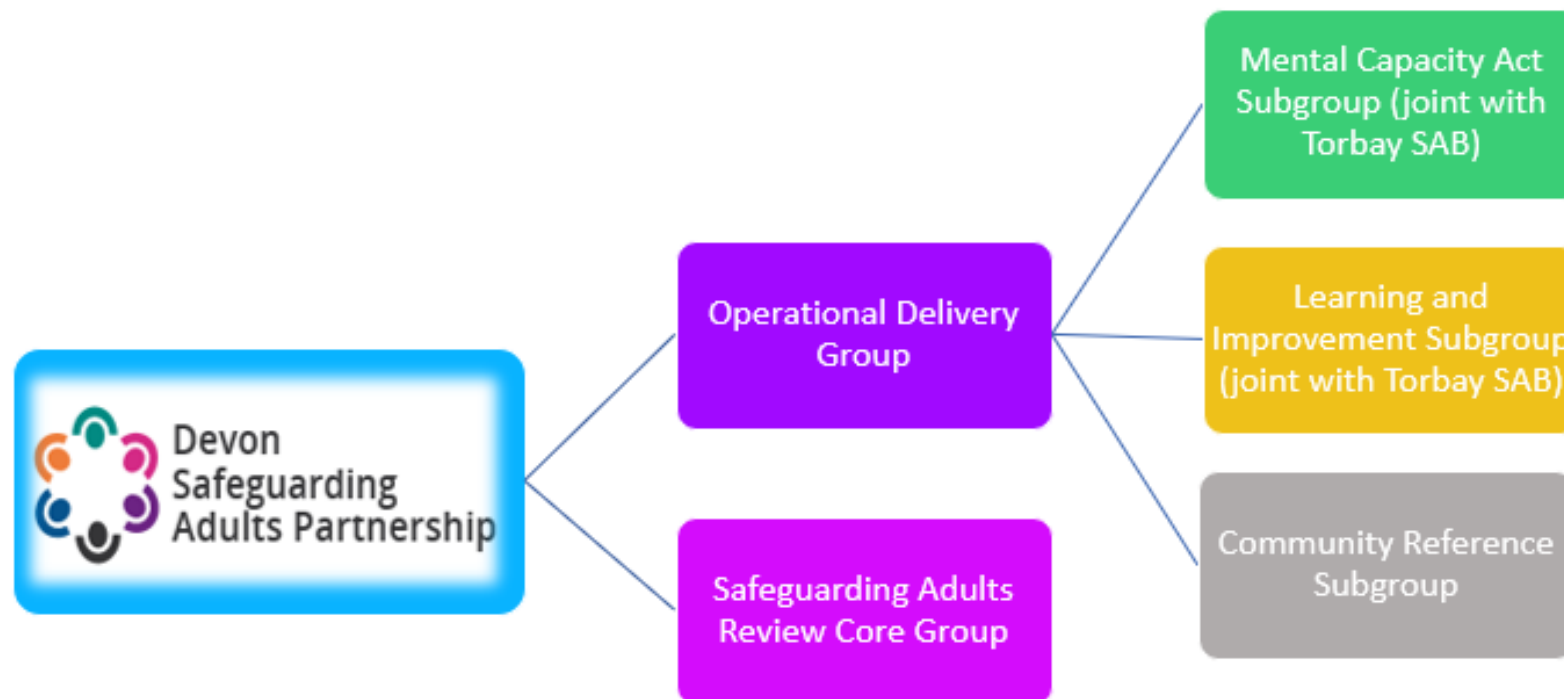
In March 2014, a House of Lords Select Committee published a detailed report concluding that the DoLS arrangements were "not fit for purpose" and recommended that they be replaced. The Mental Capacity (Amendment) Act 2019 received Royal Assent on 16 May 2019. The Deprivation of Liberty Safeguards legal framework was due to be replaced by the Liberty Protection Safeguards (LPS) on the 1st October 2020. Due to the impact of Coronavirus it is likely that LPS will be delayed. The Deprivation of Liberty Safeguards legal framework was due to be replaced by the Liberty Protection Safeguards (LPS) on 1 October 2020. Due to the impact of Coronavirus, the government recently announced that the LPS will now be coming into force in April 2022.



10. Introduction to the Partnership and its subgroups

The Devon Safeguarding Adults Partnership is a statutory board set up in accordance with Section 44 of the Care Act 2014.

Its main objective is to assure itself that local safeguarding arrangements and partners act to help and protect adults at risk and those most vulnerable, in its area. To help the Partnership achieve this objective, there are a number of focused subgroups.



11. The work of the Safeguarding Adults Partnership subgroups

Safeguarding Adults Review Core Group (SARCG)

Safeguarding Adults Boards are required to consider commissioning Safeguarding Adults Reviews (SARs) by the Care Act when:

- An adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.
- An adult is still alive but has experienced serious neglect or abuse and there is concern that partner agencies could have worked more effectively to protect the adult.

The purpose of a SAR is to identify whether there are any lessons to be learnt from a person's experience about the way in which organisations work together to safeguard adults at risk. A SAR process should promote effective learning and improvement action to prevent future deaths or serious harm occurring. The main objectives of a SAR are:

- To review the effectiveness of procedures,
- To inform and improve local inter-agency practice,
- To improve practice by acting on learning, and,
- To highlight good practice.

The purpose of having a SAR is not to reinvestigate or to apportion blame. It is an opportunity to derive learning for all agencies involved and to make changes to practices in the future.

In Devon, the Board delegates the work of SARs to the Safeguarding Adult Review Core Group (SARCG) which organises and delivers them ensuring that they are presented to the Board for final agreement, discussion, dissemination of key learning and review amongst all partner organisations. The SARCG is made up of key individuals from a variety of partner agencies in Devon.

In 2019/20, 5 SAR's were completed, which aim to improve the quality of lives of people with care and support needs in Devon. Details of the reviews published in 2019/2020 are set out later in this report.

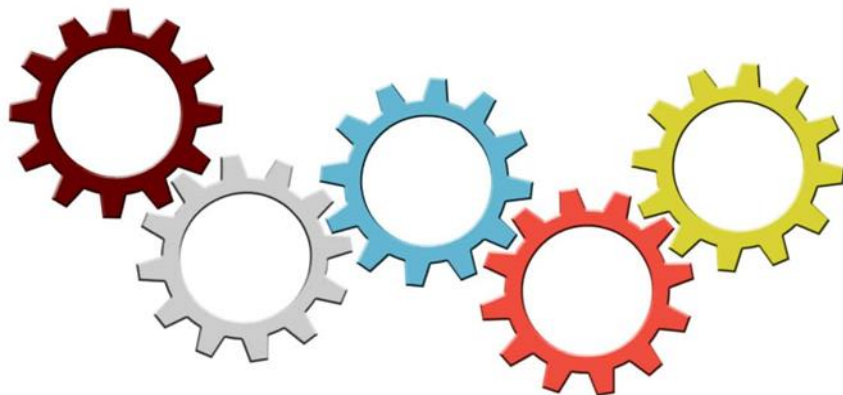


Operational Delivery Group (ODG)

The Operational Delivery Group (ODG) is responsible for delivering the objectives set out in the DSAP Business Plan. The ODG considers multi-agency processes across Devon to ensure that there is effective communication and working practices in place that contribute to protecting members of the public from potential abuse.

The ODG works closely with the other sub-groups and will ensure that any potential duplication is minimised.

The ODG is the engine room of the Board and drives forward actions by working together with system wide partners. The DSAP subgroups report directly to the ODG thus ensuring close communication and effective collaboration is in place.



Over the last year the ODG has focused on:

- Developing a tool to capture feedback from people who have lived experience of safeguarding.
- Developing an escalation protocol for use in 'live situations' where there are disagreements regarding the course of action or decision making.
- Developing an adult People Position of Trust Protocol to provide a framework and process for responding to allegations and concerns against people working with adults with care and support needs.
- Developing an Adult Safeguarding Public Awareness Campaign.
- Undertaking a data analysis examining seven insights offered from quantitative and qualitative information in the National Safeguarding Adult Collection and Service User Survey for 2018/19 to identify potential areas for further improvement Safeguarding Practice in Devon.

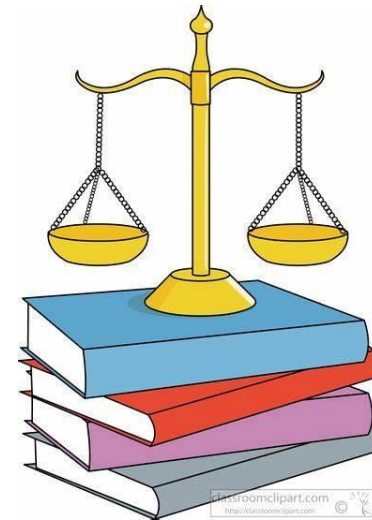
The Mental Capacity Act (MCA) Subgroup

The Mental Capacity Act (2005) is a legal framework designed to empower and protect the rights of people who may lack the mental capacity to make some of their own decisions.

Over the last year the MCA Subgroup, (a joint sub-group with Torbay Safeguarding Adults Board), started to explore the impact on partner organisations of the transfer from the Deprivation of Liberty Safeguards legal framework to The Liberty Protection Safeguards. In addition, the subgroup commenced work on issues relating to restriction, restraint and seclusion in practice.

All of the above focuses on increasing legal literacy across front line staff groups to protect the wellbeing and rights of people living in Devon and Torbay.

This work was naturally all paused as a result of the Covid-19 pandemic and will be resumed as soon as possible.



Learning and Improvement (L&I) Subgroup

The joint Devon and Torbay Learning and Improvement Subgroup has continued to focus on five work streams:

- Multi-Agency Case Audit
- Training and Competency framework review
- DSAB commissioned training
- Embedding Learning into Practice
- The interface between Domestic Abuse and Sexual Violence with Safeguarding Adults.

The majority of work streams are set out within the strategic business plan of the Devon Safeguarding Adult Boards.

Multi-Agency Case Audits findings are discussed within the Learning and Improvement Subgroup and the learning from the case audits have resulted in some specific work for the Devon Safeguarding Adults Partnership, including an escalation protocol for professional disagreements, development of a Risk Assessment tool and Devon and Cornwall police are currently reviewing the Information Sharing Agreement.

The Joint Safeguarding Adults Training Strategy 2019/2020 has been approved with its implementation a core focus for 2020/2021.



Community Reference Group (CRG) Subgroup

The Community Reference Group includes people recruited from local Voluntary, Community and Social Enterprise (VCSE) and people with lived experience of safeguarding investigations across the DSAP area.

The CRG has grown from strength to strength undertaking co-production, consultation and engagement work. Methods to gather intelligence has included focus groups, on-line and telephone surveys. We are now providing new ways for people who have been through Safeguarding processes to input directly into the CRG work. The CRG continues to provide feedback on key priorities for future work, raised awareness of safeguarding and provided two-way communication channels with representatives within and across the VCSE.



12. What have we done in the last year?

The Devon Safeguarding Adults Partnership's Strategic Plan for 2019/2020 focuses on four key priorities. These priorities have guided our focus through the last year and helped to shape our practice.

Our 2019/20 priorities were:

1. Finding the right solution at the right time for the most at-risk people.

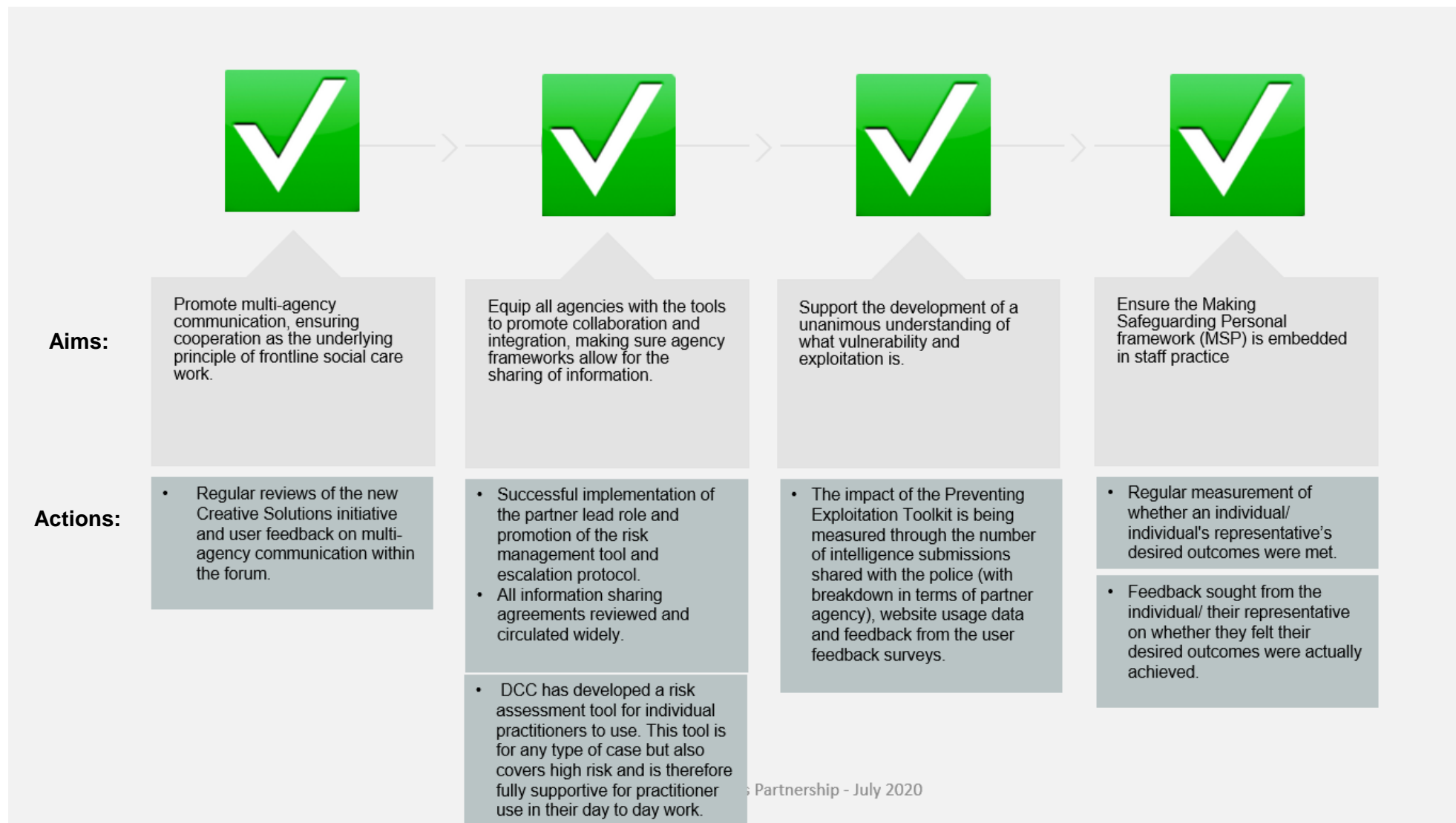
2. Increasing the public awareness of Safeguarding

3. Improving the experience of children transitioning (moving) to adult services, working together to ensure they remain safe.

4. Increasing our staff understanding of the law in relation to Safeguarding Adults.

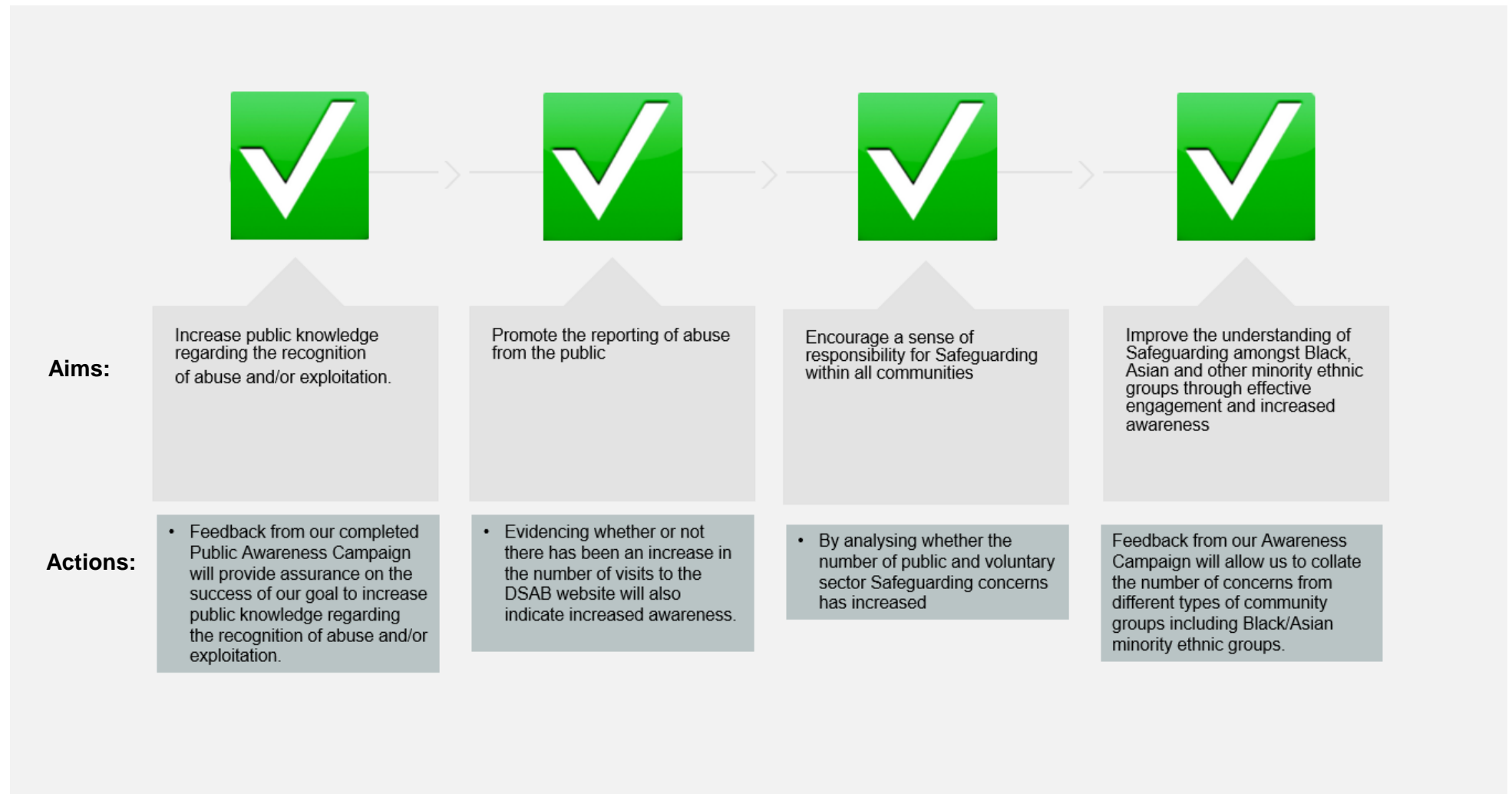
How have we addressed these?

Priority 1- Finding the right solution at the right time for the most at-risk people.

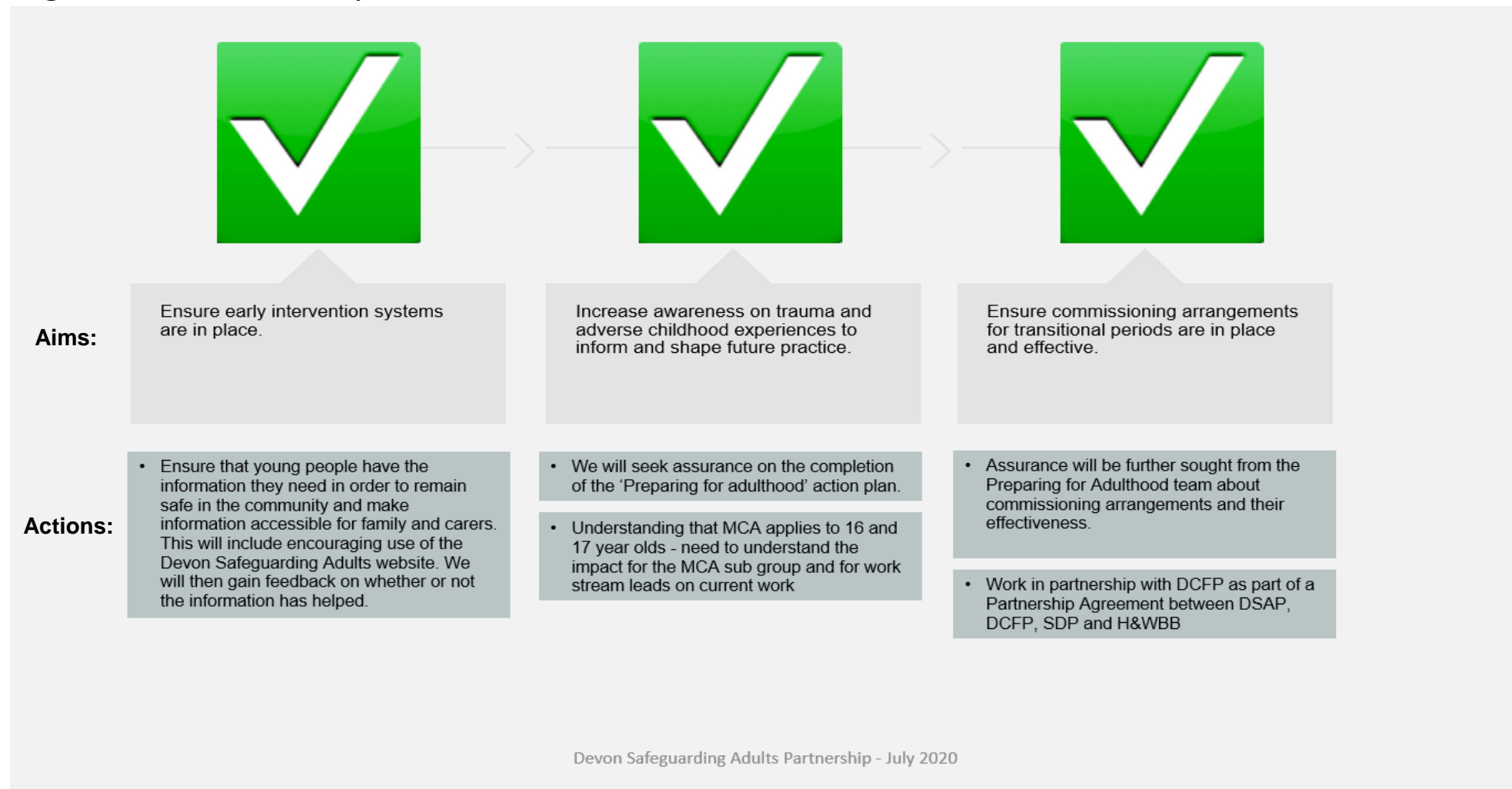


Partnership - July 2020

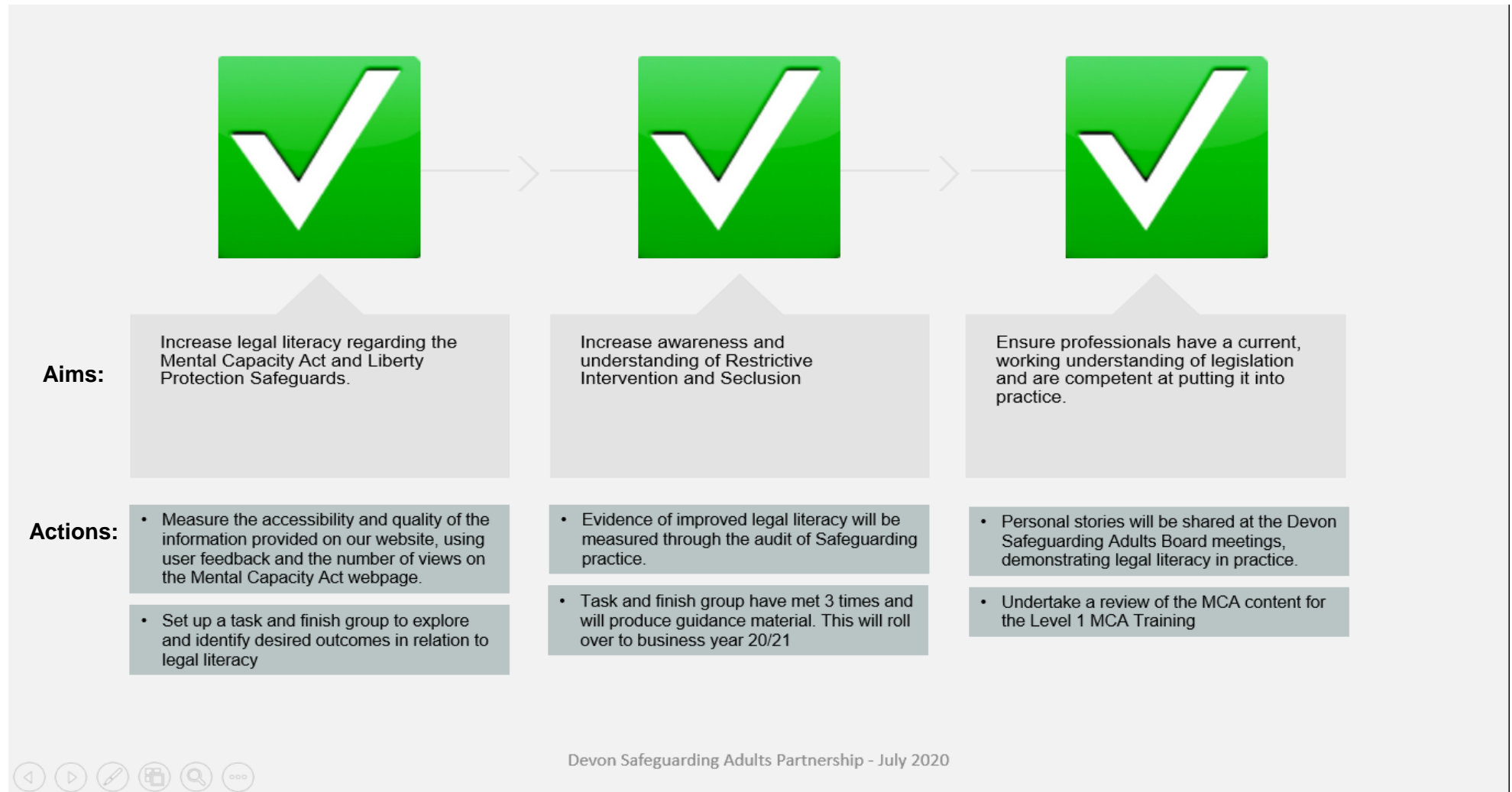
Priority 2- Increasing the public awareness of Safeguarding



Priority 3 - Improving the experience of children transitioning (moving) to adult services, working together to ensure they remain safe.



Priority 4 - Increasing our staff understanding of the law in relation to Safeguarding Adults.



13. Learning Events

Here are some examples of learning activity that partners of the DSAP undertook in 2019/20.

Northern Devon Healthcare NHS Trust (NDHT):

- In-Trac Safeguarding Supervisors Training (internal but with invitation to social care colleagues).
- Monthly face to face Level 3 Safeguarding Adults and MCA training (External and Internal agencies).
- Domestic Abuse '16 days of Action' multiple communications on website and internet.
- Domestic Abuse Level 3 provided by Pathfinder trainers (Internal).
- Domestic Abuse Level 3 specific to Maternity, Emergency Department and Sexual Health (Internal).
- Safeguarding Newsletters biannually sent to all Trust staff.
- Tailored training to wards and teams e.g. dental team and pain team, hospital wards, departments, community teams, endoscopy.
- Presentations at Big Gov.
- Teaching Medical staff.

Devon Partnership Trust (DPT):

- In-Trac Safeguarding Supervisors Training (internal but with invitation to social care colleagues).
- Monthly face to face Level 3 Safeguarding Adults training (External and Internal agencies)
- Monthly face-to-face Level 3 MCA & DoLS training. DASH training.
- Level 4 SA undertaking and leading individual s42(2) enquiries - delivered to over 120 clinicians.
- Supported clinicians to access and complete CRAFT training
- Tailored training to specific groups - e.g. professional boundaries/ legal literacy / assessing capacity in relation to sexual wellbeing
- Quarterly Safeguarding Bulletin includes learning from enquiries/safeguarding reviews
- Presentations to Medical Advisory Committee
- Bespoke training for Trust Board Members
- E-learning is available covering a range of modules

Devon County Council (DCC)

- Level 1 E-Learning Awareness of Safeguarding Adults for in house provider service and care management staff
- Level 1 E-Learning Awareness of MCA for in house provider and care management staff
- Monthly face to face 2-day MCA training for care management staff
- Twice Monthly face to face Level 2 Responding to Safeguarding Concerns for all care management staff
- Twice Monthly access to Level 2 Responding to Safeguarding Concerns for in house provider services (accessed through the partnership board)
- Twice Monthly access to Level 2 MCA training for in house provider services (accessed through the partnership board)
- Monthly face to face Level 3 Participating in Safeguarding Enquiries for qualified OT and SW
- 3 Courses of Level 4 (Part A) Leading Adult Safeguarding Enquiries; Individual (accessed through the Partnership)
- 2 Course of Level 4 (Part B) Leading Adult Safeguarding Enquiries: Whole Service (accessed through the Partnership)
- 8 x half day Us Too Domestic Abuse & Women with Learning Disabilities/Autism training
- 1 Course on Drug and Alcohol Training as scoping exercise more planned in next financial year
- Delivery of bespoke additional training and development session for Newly Qualified Social Workers for each cohort running two a year
- Part 1 Understanding Domestic Abuse – provided by the Devon Children's & Families Partnership
- Part 2 Responding to Domestic Abuse provided by the Devon Children's & Families Partnership
- Part 3 Challenging Domestic Abuse provided by the Devon Children's & Families Partnership
- Multi-Agency Safeguarding & Child Protection (Group 2 Core) E-Learning provided by the Devon Children's & Families Partnership
- Embedding of prevent training strategy in existing training and working towards e-learning package for level 1.
- DCC Self-Neglect workshop held with representation from across all CHSCTs within Devon to discuss and develop an action plan on how DCC can improve their responses to self-neglect issues.

Royal Devon and Exeter NHS Foundation Trust (RD&E)

- Safeguarding newsletters monthly to all staff, emailed, on Trust intranet, staff meetings, Comm Cells and disseminated also via the governance meetings
- In-house training in safeguarding adults, Prevent and domestic abuse, and induction for all staff. Training was face to face for induction but is now given via eLearning with Lanyard cards given out on practical steps for making referrals and contact for advice.
- Social media and intranet awareness raising = 16 Days of Domestic Abuse and Safeguarding Weeks.
- Bespoke training in MCA and Domestic Abuse where requested or when needed.
- Domestic Abuse eLearning being reviewed using Pathfinder Toolkit.
- DA training given to line managers, following changes to HR documents – staff now asked routinely about DA on exit interviews, return to work after sickness and in appraisal.
- Presentations to Governance Committee
- "Was not Brought" video shared widely through the governance structure
- Formal training resources sent out and informal training of staff on the wards and in community following contact on phone/email/face to face.
- Regular communication with staff on intranet and "Must reads", with regular updates online during Covid pandemic and telephone support for staff 7 days per week during pandemic March – May 2020.
- Trust has been shortlisted for HSJ Patient Safety Award for "Multi-systems approach to domestic abuse".
- RD&E Head of Safeguarding led on safeguarding processes for Nightingale Hospital in liaison with Trusts across the region offering support and training during this process

NHS Devon Clinical Commissioning Group (CCG):

- The CCG held a Primary Care Safeguarding Conference in November 2019 and a Domestic Violence Conference in March 2020
- A variety of safeguarding updates covering safeguarding adults, domestic violence and abuse, exploitation and modern slavery and learning from SARS are included in the GP and staff newsletters.
- Two Executive level Safeguarding Adult training sessions have been delivered to the Governing Body
- A training needs analysis of safeguarding adults has been updated, along with a review of the Level 2 safeguarding training that incorporates adults, children and children in care.
- CCG safeguarding adult team have attended a variety of training sessions including L4 DSAB training and Clinical Leadership in Safeguarding
- The safeguarding adult team attends TSAB Safeguarding Adult Forums, for example Operation Emotion - The Prisoner of Silence regarding a local project to support men who have experienced historical abuse.
- CCG staff receive a Safeguarding letter in induction for level 1 & eLearning is mandatory for those staff requiring Level 2.
- Level 3 SGA training is offered via external providers training and NHSE Level 3 SGA blended training via NHS Futures.
- Staff are also offered training appropriate to their job role to level 4 via the Local Authority, with an access to an inhouse package subject to frequency of local authority training.

University Hospitals Plymouth MHS Trust (UHPNHST):

- MCA training is offered via on-line and specific face to face training to international nurses, clinical apprentices, ED and ICU staff.
- Prior to COVID we had trained over a 1,000 staff in DoLS and MCA directly, this has been on hold due to COVID and will be re-introduced in September 2020.
- Tailored training for MCA, DoLS and Safeguarding Adults is available as required to wards and departments
- Level 3 Safeguarding Adult training plans are in place, launch has been delayed due to COVID and is expected to be fully operational in September 2020
- Safeguarding Newsletters are available to all Trust staff and frequent updates made available via Trust newsletters, this included COVID related safeguarding issues and information regarding Domestic Abuse

14. Strategic Priorities and Partners' Key Achievements 2019/2020

Each year DSAP sets out key priorities that it will focus on in the next year to make sure that adults at risk of harm and/or are vulnerable are safeguarded to reduce the risk of harm. These priorities are constructed collectively by the board members.

For 2019/20, these priorities were:

- 1. Finding the right solution at the right time for the most at-risk people**
- 2. Increasing the public awareness of Safeguarding**
- 3. Improving the experience of children transitioning (moving) to adult services, working together to ensure they remain safe**
- 4. Increasing our staff understanding of the law in relation to Safeguarding Adults.**



National Probation Service (NPS)

Priority 1:

- Safeguarding supervision is held in relation to service users with complex needs. In areas where there is a 'Complex Lives Team', referrals are made in to provide a holistic response. Probation have also made use of the Creative Solutions panels and also had multi-agency meetings to discuss services users who are vulnerable.

Priority 2:

- The NPS does not have a specific role in increasing the public awareness of Safeguarding but has promoted safeguarding awareness amongst their staff and amongst those who use their services.

Priority 3:

- We have now embedded probation officers in the Youth Offending Team (YOT) who oversee the transitions between children's services to adult services. This aids the transfer of pertinent information and risk assessments and supports the transitioning young person appropriately. The Probation Officer spends 2 or 3 sessions working with the young person to help them understand the differences between the services and takes them to the adult service for a tour and 3-way meetings with their Probation Officer.
- Quarterly transitions meetings are held with managers and practitioners from the NPS and the YOT to discuss up and coming transitions.

Priority 4:

- Staff have statutory training in adult safeguarding which is completed at required intervals. This covers the required understanding of the law at Alerter level.



Devon and Cornwall Police (DCP)

Priority 1:

- Better utilisation of the Vulnerability Screening Tool (ViST) to identify vulnerable people in the community. Supervisors within the Central Safeguarding Team quality assure the ViST's to seek improvements and identify training needs.
- Creative Solutions Forum which looks at innovative ways to deal with complex issues facing vulnerable adults. Cases are discussed and interventions made as required.
- Problem Solving Plans held within vulnerable adult enquiries are progressed by specialist problem solvers whose role has been specifically designed to resolve complex issues involving vulnerability.

Priority 2:

- DCP has promoted all literature and campaigns provided to us from the partnership. This is also reinforced with updates on legislation through ongoing training processes. DCP provides information on Adults at Risk through the external [website](#), this includes a section on types of domestic abuse, self-neglect, Prevention, Fraud and County Lines for example.
- Our Serious Case Review team contribute to Safeguarding Adult Reviews to gain learning and prevent further instances occurring.

Priority 3:

- DCP works with children's services to design and embed the Adolescent Safety Framework, launched on 01/11/19, providing enhanced identification of children at risk, utilising relevant interventions should these children become known to adult services.
- Anyone within partner agencies can use the Partnership Information Sharing Portal on the DCP website to share information about a child, vulnerable adult or any other information that will enable police to protect a vulnerable individual.
- Staff within the Public Protection Unit attend Child Safeguarding Partnership meetings in addition to Adult Safeguarding meetings.

Priority 4:

- Police new recruits now receive a more detailed programme around vulnerable adults and recognising their vulnerabilities and risk factors (including self-neglect). The ViST training has been delivered to all operational police staff.
- Training is currently being developed for Detectives within the Public Protection Unit (PPU) who deal with Adults at Risk. A working group has been established to develop a training package that will be delivered to PPU and eventually all front-line Detectives.
- Work is ongoing to develop an Adults at Risk training package to be delivered to all frontline staff in Autumn 2020



HMP Exeter

Priority 1:

- This Safeguarding Strategy is used to support the reduction or removal of identified risks and equip professionals with the knowledge to protect the residents in our care, visitors and families at risk. Local policy advocates swift and personalised safeguarding responses, ensuring full involvement of those at risk/ their representatives during the process.
- Services to those individuals who may have Safeguarding needs or require additional support is managed through the Safer Custody department. A weekly Safety Intervention Meeting takes place to manage those at risk of harm to themselves or others.

Priority 2:

- Where a Safeguarding concern has been reported about the safety of an adult at risk, any member of staff may make a referral. This encourages 'a whole prison' approach to improving our service delivery.
- Information is visibly displayed around the Prison and our comprehensive safeguarding policy is shared with all staff. Anyone recognised as being vulnerable and who may need assessment for social care will be subject of a referral through to Devon County Council Adult Social Care. Safer Custody staff will offer guidance as well as ensuring that the referral is passed to the most appropriate person for an assessment.
- Safeguarding is everyone's business and the Prison operates zero tolerance of abuse and/or exploitation of any prisoner, particularly adults at risk. The Prison has robust safeguarding arrangements, integral to its 'duty of care' to ensure that 'prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect.'

Priority 3:

- N/A – HMP Exeter does not have any men under the age of 18 years old within our care.

Priority 4:

- HMPPS have adopted the use of an electronic based learning aids to advise all staff of their responsibilities surrounding safeguarding issues within the custodial environment.
- All staff are briefed on the Care Act 2014 which underpins our local operating procedure, during initial induction.
- Throughout 20/21 HMP Exeter will increase staff's understanding of the law in relation to Safeguarding Adults through the use of staff briefings and information sharing, to improve awareness and knowledge for all.

Devon County Council (DCC) Adult Social Care

Priority 1:

- DCC has developed a risk assessment tool for practitioners to use to support in assessing and responding to risk. The DSAP People in Position of Trust (PiPoT) protocol provides a process for dealing with people in position of trust referrals.
- DCC is engaged in the creative solutions: doing what matters forum and steering group.
- DCC has strengthened its training offer to ensure complex case studies are explored, enabling practitioners to reflect and consider creative responses to high risk, complex safeguarding work.

Priority 2:

- DCC is regularly attending the provider engagement network to share learning regarding safeguarding adult work and to update regarding any policy or practice changes. Providers can feedback their experience of safeguarding and explore any areas which remain confusing i.e. when is a concern a concern (part of the national ADASS work).
- DCC is aware of the upcoming DSAP public awareness campaign (due to go live in February 2020 delayed due to COVID) and will proactively support this. DCC continue to proactively explain and support members of public about safeguarding during contacts.
- DCC have reviewed our outcome letters to support better understanding regarding both the outcome and actions taken.

Priority 3:

- DCC is working in partnership with Children's Services regarding the development of the adolescents at risk framework and have a team supporting those who are preparing for adulthood.
- DCC provides e-learning training on child protection and think family training is embedded within safeguarding training.
- DCC is working in collaboration with Devon Children and Families Partnership to make Domestic Violence training available to staff.

Priority 4:

- Staff are trained in alignment with the Intercollegiate document at level 2 for all staff and level 3 for qualified staff, this training covers the law in relation to safeguarding. DCC staff receive Mental Capacity Act Training. MCA is also covered within our safeguarding training offer, ensuring that staff understand how the MCA relates to their statutory duties around safeguarding. The Local Authority is additionally scoping out the availability of legal literacy training.

Devon Clinical Commissioning Group (CCG)

Priority 1:

- The increased capacity of the safeguarding adults' team has enabled the team to meet regularly with health providers to support them. The team has worked with providers to complete the performance audit tool, which is then incorporated into the multi-agency case audit report. The CCG safeguarding team has increased the profile of safeguarding within the CCG's quality assurance processes. This has included closer working relations with the Patient Safety Leads with the outcome of timely responses to concerns regarding quality of care.

Priority 2:

- The CCG safeguarding team supports the Devon Safeguarding Adults Partnership (DSAP) in developing public campaigns. We forward safeguarding communications, public awareness campaigns and information from DSAP, NHS England & Improvement, Community Safety Partnership and other partners for dissemination.
- The safeguarding page of the CCG website links to the DSAP website. The communications sent to CCG staff are tailored, as most staff are non-clinical, with the aim of achieving wider awareness.

Priority 3:

- The CCG safeguarding adult team and children's team work closely to ensure awareness and monitor issues affecting both adults and children. The team works closely with CCG commissioners to ensure that a seamless transition from child to adult services continues to be developed. Additionally, the safeguarding adult team, including the Mental Capacity Act Lead, works closely with the Complex Care Team supporting those young people who are transitioning from children to adult services.

Priority 4:

- The CCG safeguarding adult team, including the Mental Capacity Act Lead works closely with CCG commissioners to ensure both CCG and NHS providers have appropriate measures in place to support staff with understanding their legal requirements.
- Following identification of a development need for CCG commissioners, in relation to both leading and participating in Safeguarding Enquiries (Section 42.2 Care Act), the CCG safeguarding adult team has developed a bespoke Level 4 "Leading an enquiry" training package which will be rolled out in 2020 -2021

RD&E Hospital

Priority 1:

- A video for staff entitled “Was not brought” was developed to highlight that people may not be attending clinics due to the inability to get there, as opposed to an unwillingness to attend. The video helps staff think about the broader needs of the patients.
- Collaborative working with the ward staff and community staff, facilitated at times by the safeguarding team helps find the right solution at the right time. Integration of services in many departments have produced robust methods of making sure people susceptible to particular risks are cared for holistically.
- Domestic Violence awareness has increased with new forms being used prompting staff to ask patients and for staff to address with colleagues at appraisal and on return to work after a period of leave.

Priority 2:

- RD&E has had posters and leaflets in prominent places including in different languages, particularly to highlight human trafficking, modern slavery and ‘County Lines’. Domestic Violence information stickers are on all toilet doors (for patients, staff and visitors)
- A safeguarding adult leaflet has been developed to give people going through the safeguarding process, and their families, more information. It also gives people permission to ask questions and feel a part of the process

Priority 3:

- We work as an integrated safeguarding team, although there are subgroups for adults and children. The Trust has a dedicated Paediatric Liaison and Transition Nurse who has met with the chairs of the adults and children safeguarding groups.
- A Transition group was set up in the Trust to allow for the smooth transition of children through teen and adult services. For young adults with multiple complex needs there are key physicians who continue to be the named physician for the young person, liaising with social services and specialist services. A newsletter used this theme to inform staff about who to talk to for help with transition

Priority 4:

- COVID-19 halted the role out of face to face teaching and updates, but the safeguarding newsletters continued electronically
- During the COVID 19 crisis, the updates in the law regarding DoLS were actively communicated to staff. The law surrounding Liberty Protection Safeguards was also reinforced amongst staff with e-mailed bulletins and messages on the intranet.
- The themes for the Safeguarding Newsletters over this year have been: Mate crime, Female Genital Mutilation, Domestic Violence, Transition to adulthood, Financial exploitation, Sexual assault, Encouraging curiosity, Radicalism, extremism and terrorism, Modern slavery, Looking after people on the sex offender register respectfully, Increased risk of abuse in isolation during lockdown

Devon Partnership NHS Trust (DPT)

Priority 1:

- We monitor our compliance with undertaking routine enquiries about whether our patients have previously or are currently experiencing abuse. This question is actively explored in 70% of adult's initial assessments. The enquiry may not be appropriate for all our patients – for example where patients are acutely unwell or lack the mental capacity to respond.
- Any concern where a clinician has identified a safeguarding risk is triaged and reviewed within one working day.
- Our Executive Complex Case Forum has met regularly throughout the year to support clinicians to find resolutions where an individual patient's needs are complex. During Covid-19 this has been replaced by a daily meeting of a Clinical Advisory Group

Priority 2:

- During 2019-2020 we have produced posters and leaflets explaining what safeguarding adults is, a leaflet on safeguarding enquiries, guidance on domestic abuse. Information and self-help guides are also hosted on our public facing website including signposting to resources in relation to domestic abuse.
- Our sexual safety policy has been updated in response to recent changes in case law and information on sexual safety is shared with patients on both our wards and in the community. We are working with some of our patients to design leaflets on sexual safety

Priority 3:

- We have clinicians who ensure a smooth transition for any young person moving from children to adult mental health services and have implemented a Child and Adolescent Mental Health Service (CAMHS) to Adult Mental Health Service (AMHS) transition protocol. Young people with complex needs who are transitioning from child to adult services have been discussed in the Devon Partnership Trust Executive Complex Case forum.
- During Covid-Lockdown we have contributed to the system-wide Vulnerable Children meetings, maintained our contributions to MASH (multi-agency safeguarding hub) meetings and Early Help meetings. 'Think family' guidance is provided to all our clinicians.

Priority 4:

- All our registered clinical staff complete Level 3 training in accordance with the Intercollegiate Guidance on Safeguarding Adults. We commissioned In-Trac to provide bespoke training on Safeguarding Supervision. Extensive training is available to staff with training compliance reported through our internal Safeguarding Committee on the Mental Health Act, Mental Capacity Act, Multi-Agency Risk Assessment Committees (MARAC) and Multi Agency Public Protection Arrangements (MAPPA). This includes L4 training on Safeguarding Adults on 'Undertaking and Leading individual Safeguarding Adults Enquiries'. This has been bespoke training - delivered to over 80 clinicians working in our Learning Disability Services and 40 clinicians working in our Secure Services.



Public Health Devon

Public Health Devon

Priority 1:

- Public Health commissions the Domestic & Sexual Violence Advice (DSVA) service and substance misuse and lifestyle service and ensure design and delivery support the most at-risk people. An example includes work during the recent Pandemic to ensure substance misuse and stop smoking support was available and accessible to improve health and allow rough sleepers and vulnerably housed individuals to remain in accommodation. Increased funding was allocated for DVSA to allow a timely response to need. The CCG has funded development work on multiple complex needs funded through prevention to seek innovative solutions to support some of the most at-risk people, learning from best practice including increased capacity to support DVSA.

Priority 2:

- This is achieved through the requirements of our commissioned and provided services and the awareness of our staff.

Priority 3:

- Public Health are partners on the Children, Young People & Families Executive (CYPFE) and are accountable for the Public Health Nursing Service and Y-Smart (under 18s Drug and Alcohol service) and ensure transition arrangements are in place when designing and delivering public health services.

Priority 4:

- All staff complete annual mandatory training which includes the agreed safeguarding adult's video and children level 1

University Hospitals Plymouth NHS Trust (UHPNHST)

Priority 1:

- A dedicated Staff net provides up-to-date, alternative learning through a variety of mediums and is accessible to all e.g. video links, national and regional published serious adult review reports as well as specialist subject guidance and resource.
- Quarterly *Champion* meetings, where Wards and Departments have a representative, allows for expert presentations and case reflection. We manage and raise referrals to the local authority(s) for those identified as adults-at-risk and for those who meet the concern threshold; Devon adult referrals average 12% of total referrals made.
- The Trust works closely with the Complex Discharge Team; this ensures the principle of *making safeguarding personal* is met.

Priority 2:

- Public display that *Safeguarding Everyone* is core Trust business is available in the main concourse of Derriford Hospital.
- A dedicated display board with take-away leaflets is available and regularly updated to raise awareness. There is extensive publicity and information sharing at management staff meetings and through on-line publicity internally.
- Internal qualitative data directs focus on bespoke awareness raising and training to service delivery teams

Priority 3:

- Work within clinical teams continues to improve transition from children to adult services for those under our care.
- UHPNT's safeguarding team is a "Think Family" integrated adults and children's Safeguarding service where contact and coordination is hard for some such young adults- both reactive and proactive.
- Policy is that any concern(s) raised during the transition process where concerns that the young adults needs will not be fully met e.g. the family are unable to provide the level of support required on hospital discharge, social care must be involved early.

Priority 4:

- Appointment of our Trust Mental Capacity Advocate (MCA) and Mental Health Act Clinical Lead to support the work of the wider safeguarding team has further enhanced staff understanding of the law in relation to Safeguarding Adults
- Safeguarding training is delivered in line with the intercollegiate document and includes vital safeguarding and MCA information as required. Training compliance for level 1 and 2 remain over 90% and work is established to implement a robust Level 3 offer. Enhanced training is currently offered to areas of increased need and on request. In addition, we have delivered enhanced training in 2019 to over a thousand staff in the Trust to raise awareness and understanding MCA, DoLS and Safeguarding.

Torbay and South Devon NHS Foundation Trust (TSDFT)

Priority 1:

- The Trust has attended and contributed to local arrangements including the Regional Health network, joint Mental Capacity Act and Learning Improvement Sub-Groups, Devon Safeguarding Adult Partnership Operational Group, Anti-Slavery and Prevent Partnership Boards. In 2019, The Trust hosted three partnership safeguarding forums to promote trauma informed practice.
- Our Forum in October 2019 was facilitated by Operation Emotion based in Plymouth. The charity supports adult male survivors of sexual abuse. The forum included the screening of an [awareness film 'The Prison of Silence'](#) followed by a panel discussion.

Priority 2:

- Our Safeguarding [public information page](#) provides a range of information to patients and our local communities. This includes how to report safeguarding concerns, a public information film 'if you see something say something' and a range of posters and other information on local safeguarding arrangements. We also actively seek [feedback](#) from patients that have attended hospital sites in order to inform and improve our knowledge of patient experiences.

Priority 3:

- The Trust has a joint integrated safeguarding adult and inclusion group which allows for a joint consideration and focus on safeguarding adult and safeguarding children agendas. Our paediatric clinics allow for joint working between paediatric and adult clinicians and allow access for clinical supervision if needed.
- Our commitment to transition working can be evidenced in our work with Action for Children and the Children's Society as the new Torbay 0-19 Partnership. This will be the first of its kind in the region and possibly the UK and aims to combine develop and deliver services both universally and targeted for the Torbay children, young people and their families/carers.

Priority 4:

- Safeguarding training is mandatory for all staff within the Trust. Training content includes a focus on Human Rights, Care Act and other specific legal frameworks relevant to safeguarding agendas. A range of other training is available to all staff on themes such as modern slavery. During 2019 we distributed a high number of modern slavery Royal College of Nursing information 'wheels' to frontline teams, so they had relevant information at hand to respond to a modern slavery concern.
- The Trust has made a recent decision to make Mental Capacity Act (2005) training mandatory for all staff and we are currently planning to implement this. Each member of staff will have an identified level of training to complete.

Northern Devon Healthcare NHS Trust (NDHT)

Priority 1:

- The most recent Care Quality Commission (CQC) inspection in 2019 identified: “The safeguarding team has shown outstanding innovation, multi-disciplinary working and external engagement with other stakeholders”. We have developed multi-agency local networks to support people neglecting themselves. An example of this is a person who had multiple health needs which were impacting on her sight. She was noted to have missed appointments and this was escalated to the safeguarding team. A co-ordinated approach was led by NDHT team with various different agencies. The person was supported emotionally and physically to attend her appointments and given some support at home, with an ongoing support plan

Priority 2:

- NDHT attends and supports the work of the DSAP at Board and Sub-Groups and actively engages in work to increase public awareness of safeguarding. We have been a contributor to and active member of the ‘Pathfinder Domestic and Sexual Violence’ research project. Our work to raise the profile of domestic and sexual violence support within the community and health settings remains paramount. During the COVID pandemic the Safeguarding teams and Health Independent Domestic Violence Advisor met with and provided support to the ‘swab centres’ to support practice. They asked, “Do you feel safe at home?” to all people and were able to direct them to or provide immediate safety advice if disclosures were made.

Priority 3:

- The Integrated Safeguarding Team provide leadership support and guidance to staff across NDHT, allowing for oversight of children that are moving from paediatric to adult care services. All disciplines supporting young people have access to advice and support from the integrated team. An example: A young person regularly attended the hospital to access urgent care, in-patient and sexual health services because of the injuries sustained when they harmed themselves. A joint response was co-ordinated by the specialist sexual health nurse with DPT, adult hospital services and adult social care to support this person and ensure consistent care.

Priority 4:

- The Integrated safeguarding team provides specific advice, support and feedback to staff which encourages learning and understanding through, for example, responding to incident reports and reviewing safeguarding. We have increased and improved our training provision for Staff at all levels and provide blended learning opportunities. We have invested in the training and development of Safeguarding Supervisors across the Trust- Link Practitioner Groups are held each quarter.

Dorset, Devon and Cornwall Community Rehabilitation Company (CRC)

Priority 1:

- The CRC works closely with partners and local communities as well as the service user themselves, to manage the risk service users present to themselves and others. All service users have an initial risk assessment and sentence plan which is then reviewed every 12 weeks. The CRC participate in local professional forums to discuss, plan and manage those at most risk.
- The CRC has taken on board the lessons learnt from previous Safeguarding Adult Reviews and national inspections to ensure it improves on the quality of its assessments and management of cases.

Priority 2:

- The CRC has not participated in any public awareness events over the last year due to the re-organisation of the business following the demise of the previous service provider 'Working Links'.

Priority 3:

- The CRC works closely with National Probation Service (NPS) colleagues and the youth offending service to ensure smooth transition between our organisations. There is a set protocol for the hand over and management of children to our adult service. This includes 3-way meetings with the organisations and the child involved and multi-agency planning forums. For those sentenced to unpaid work, the CRC has trained some of its supervisors to work with young people under 18yrs and we have sourced individual placements to cater for the needs of children coming into our service. The CRC and the youth service in some areas have a service level agreement in place to provide Unpaid Work Requirement (UPW) for the Youth offending team which ensures that the individuals are worked safely in the community.

Priority 4:

- All staff within the CRC, including managers and senior managers, have mandatory training which includes Safeguarding Adults. This has been completed every year and is updated by our learning and development team to ensure it remains relevant to current research and activity. All existing staff and managers within Devon are now trained and all new recruits will be trained by August 2020.

Devon District Councils

This has been produced jointly by Devon District Councils. Not all activities mentioned have been undertaken by all Councils but are examples of the safeguarding adults work that has been delivered throughout the year.

Priority 1:

- There are Safeguarding processes and policies in place in each Council with referral mechanisms to partner agencies and have central points of contact in councils to monitor numbers and quality of referrals
- We ensure attendance at a range of different Forums including: Early Help, Multi Agency Risk Assessment Conference (MARAC), Domestic Homicide Reviews (DHRs), Creative Solutions and High Flow. We share the learning from Safeguarding Adult Reviews.
- Safeguarding leads and champions in Councils to encourage best practice and offer oversight and reassurance
- We conduct an Annual Overview and Scrutiny of Safeguarding, including a review and de-brief of cases to ensure learning

Priority 2:

- Adult Mental Health and Safeguarding Awareness news has been circulated. A suicide prevention app that was circulated on social media and placed on the wellbeing site. Relationships later in life awareness video has been circulated and we have promoted the Radicalisation campaign and Preventing Exploitation Toolkit, Supporting Safer Devon Partnership communications and campaigns
- Circulation of unseen training and Volunteer Safeguarding training offered out via District and Town councils
- Devon District Safeguarding Officer Network meets regularly to discuss the sharing of public messaging & good practice

Priority 3:

- We engage with the Adolescent Safety Framework and take learning from Young Persons Independent Domestic Violence Advisor in South Devon. Further engagement with Youth Intervention Team and Young Devon over issues such as Housing
- Young Devon's Homeless Prevention Worker (HPW) post jointly funded with DCC ensures the transitions are as positive as possible and provides a balance between both organisations, ensuring joint working and preventing potential arguments regarding who has responsibility for the young person transitioning.

Priority 4:

- Online free Training around safeguarding as well as Safeguarding training for staff and Elected Members and suicide training delivered.
- Sexual Violence Domestic Violence and Abuse (SVDVA) training is offered to housing staff via Splitz -
Part 1 is Basic awareness raising and domestic abuse; Part 2 is Options for Support and Complex Case workshop
- Promotion of wellbeing and mental health via intranet and weekly newsletter

15. Learning from Safeguarding Adults Reviews (SARs)

The Care Act 2014 specified that it is the duty of a Safeguarding Adults Board (SAB) to commission SARs under the following circumstances:

- (1) A SAB must arrange for there to be a review of a case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs) if –
 - a) there is reasonable cause for concern about how the SAB, members of it or other persons with relevant functions worked together to safeguard the adult, and
 - b) condition 1 or 2 is met.
- (2) Condition 1 is met if –
 - a) the adult has died, and
 - b) the SAB knows or suspects that the death resulted from abuse or neglect (whether or not it knew about or suspected the abuse or neglect before the adult died)
- (3) Condition 2 is met if –
 - a) the adult is still alive, and
 - b) the SAB knows or suspects that the adult has experienced serious abuse or neglect



Safeguarding Adult Boards (SABs) can decide to undertake a SAR in any other situations involving an adult in its area with needs for care and support. Reviews should determine what the relevant agencies and individuals involved in the case might have done differently that could have prevented harm or death. This is so that lessons can be learned from the case, and those lessons applied to future cases to prevent similar harm occurring again. The apportioning of blame is not the purpose of the review.

We set out below the summaries of SARs which were completed and published by the Partnership in 2019/ 2020. All published SARs are on the DSAP website. Full publication is not mandatory, and decisions are made on a case by case basis.

To view all full SAR reports, please visit the DSAP website: <https://www.devonsafeguardingadultpartnership.org.uk/about/safeguarding-adult-reviews/>

Summary of SAR Charles (Published 19th December 2019)

Charles is a 52-year-old man who has a diagnosis of Schizophrenia. He was born in Pakistan where he grew up before moving to England. Charles lived with his mother in a one bed rented flat. Charles slept on the sofa. The home environment was described as very poor. Charles is a sibling of a patient detained at Langdon Hospital under section 3 of the Mental Health Act (MHA). Concerns regarding Charles' physical and mental health were raised by clinicians at Langdon Hospital, although he was not their patient, during a visit to the home to assess the suitability of home leave for his brother. Clinicians at Langdon Hospital raised a safeguarding concern in September 2018 for both Charles and his mother in respect of concerns about their safety and wellbeing in the community. In the referral, clinicians at Langdon Hospital described the difficulty from their perspective, in seeking support for Charles regarding his physical and mental health. Charles was at that time known to a number of agencies. It was difficult to persuade Charles to engage with services and treatment for his leg ulcers given his reluctance to trust professionals.

Charles was detained on Haytor Ward under the MHA in August 2018, having been admitted to the General Hospital for medical and nursing care due to possible infection of leg wounds. On admission to Haytor Ward, it was reported that Charles had ulcers on his legs that were of 2-3cm deep.

Throughout the period of the SAR Charles was an inpatient under the MHA. Although it is noted that there have still been periods of disengagement and self-neglect this has been addressed through care and risk management processes and medical review. At the time of this SAR Charles was said to be making positive progress in terms of his legs. Russell Clinic will ensure that appropriate support is in place and available on discharge.

Summary of SAR Atlas (Published 20th September 2019)

Atlas Care Homes owned 15 care homes, which provided specialist care for adults with learning disabilities whose support needs were described as “complex” and “challenging.” All the homes were registered with the Care Quality Commission to provide residential placements for people with learning disabilities.

Seven of their care homes were in Devon. These were known as Curlews, Gatooma, Hilltop, Kingsacre, Santosa, Stone Cottage and Veilstone. There were 33 people placed within the Devon Care Homes and 1 person was receiving support from the Atlas Personal Care Agency.

In July 2011 Safeguarding concerns were raised about the treatment of a resident at Veilstone. An Individual Safeguarding Enquiry commenced which uncovered further concerns about treatment of people in Veilstone.

In October 2011 Further concerns about the treatment of people in Veilstone led to a multi-agency Whole Service Safeguarding Enquiry. This enquiry identified concerns in other Atlas homes and about staff and managers who worked across homes in the organisation. A Police investigation began. This focused on the experience of 10 adults over a two-year period who were residents of three Atlas care homes in Devon. It identified 2,600 incidents of seclusion with some residents falsely imprisoned up to 400 times.

The court proceedings revealed that Atlas residents were subjected to systemic neglect; seclusion in rooms without food, drinks, heating or access to toilets; physical assaults; and orders from staff to undertake housework and gardening tasks, which were 'tests' to establish their compliance.

16. SAR Learning Points:

1. Communication and Coordination

- Communication and coordination are key to ensuring that the risk and the plans around these are understood by all. This can provide a vehicle for professional curiosity and challenge.
- **Inter-agency working** - the need for a clear process for identifying a lead agency in complex cases where there are many agencies involved in supporting an individual or family.
- The importance of involving the person when working with them and ensuring continuity of care across organisations

2. Safeguarding and Self-Neglect

- There was a missed opportunity to work in a collaborative way under **safeguarding** in relation to **self-neglect**. This would have provided a multi-agency framework. The framework does not give any additional powers to act, however would have brought recognition that management of the risks required **multi-agency collaboration**; clarity on seeking consent to **share information**, or to justify sharing it without consent; **assessment of the level of risk** based on more informed input; and a **shared record** of what had been agreed.

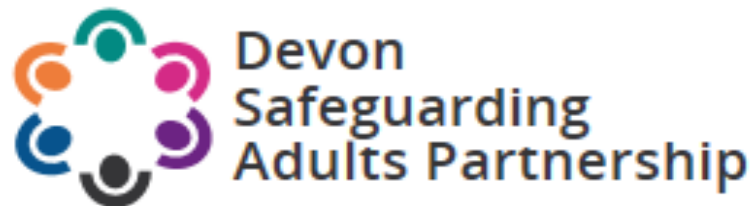
3. Multi-Agency Referral Processes and Criteria

- Staff need to have effective awareness of services available along with threshold levels. Referrals to agencies for SAR Charles did not necessarily provide an accurate reflection of the situation. It is possible that assumptions were made about the level of knowledge agencies had around Charles' situation.

4. Application of the Mental Capacity Act

- Staff understanding of The Mental Capacity Act must improve as it was not properly considered or applied in some cases. Application of the Mental Capacity Act may have been fundamental in understanding the individuals, for example whether or not the issues that appear to be self-neglect are in fact due to a person lacking capacity; to understand the impact that their behaviour is likely to have on their health and wellbeing.

17. Strategic Priorities 2020/2021



Vision Statement

‘Everybody in Devon has the right to lead a fulfilling life and should be able to live safely, free from abuse and neglect and able to contribute to their own and other people's health and wellbeing’

DSAP Strategic Priorities 2020/2021

DSAP STRATEGIC PRIORITY 1: SAFEGUARDING WITHIN THE COVID-19 PANDEMIC

DSAP AIM:

To work in partnership to ensure continuity of safeguarding adults business

DSAP OBJECTIVE:

Partner Assurance:

- To have regular assurance from DSAP partners that people are safeguarded during the pandemic and that attention to safeguarding continues in accordance with statutory responsibilities, recognising that some people will be put at greater risk during the Pandemic

DSAP STRATEGIC PRIORITY 2: LIVING WELL

DSAP AIM:

The DSAP Board aims to support partners to deliver preventative actions, to safeguard those with care and support needs through learning together and delivering change.

DSAP OBJECTIVES:

Finding the right solution at the right time for people with complex lives:

- To seek assurance that partners work together to establish more effective coordination to achieve person centred solutions.
- Understanding that creative solutions need to be deployed to support people to live well.
- Sharing data and information to help partners develop effective communication and co-ordination to understand how preventative strategies can avoid the need for safeguarding intervention.

Hidden Harm:

- To seek assurance that partners are all uncovering and responding to hidden harm and exploitation.
- Ensuring that all people who work with individuals exercise curiosity and take appropriate action.

Improving Involvement and Engagement with people in receipt of safeguarding services:

- To seek assurance that all partners are involving and listening to people about their experience of safeguarding.
- Ensuring that all partners are listening to, valuing and responding to what relatives, friends and people in communities.
- Involving the person to ensure that safeguarding is person-led and outcome-focussed.
- Increasing public awareness of adults safeguarding.

FARMS ESTATE COMMITTEE

21 September 2020

Present:

County Councillors

Councillors R Edgell (Chair), J Brook, C Chugg, A Dewhirst, T Inch and C Whitton

Co-opted Members

Mrs L Warner (Tenants' representative)

Apologies

Councillors J Berry

* 130 **Minutes**

RESOLVED that the minutes of the meetings held on 24 February 2020, 27 July 2020 and 10 August 2020 be signed as correct records.

* 131 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 132 **Announcements**

The Chair welcomed Mrs Saltmarsh to the meeting who was attending in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 133 **Revenue Monitoring (Final Outturn) 2019/20, Revenue Budget 2020/21 and Revenue Monitoring (Month 5) 2020/21**

The Committee received the Report of the County Treasurer (CT/20/73) on the County Farms Estate Revenue Monitoring (Final outturn) 2019/20, Revenue Budget 2020/21, and Revenue Monitoring (Month 5) 2020/21, noting the target surplus for 2020/21 of £464,000 and providing a summary of the annual budget and detailing income and expenditure to date.

Agenda Item 19a

2

FARMS ESTATE COMMITTEE
21/09/20

* 134 **Capital Monitoring (Final Outturn) 2019/20, Capital Budget 2020/21 and Capital Monitoring (Month 5) 2020/21**

The Committee received the Report of the County Treasurer (CT/20/71) on the County Farms Estate Capital Monitoring (Final Outturn) 2019/20, Capital Budget 2020/21 and Capital Monitoring (Month 5) 2020/21, noting that the approved capital programme for 2020/21 included schemes totalling £600,000. There was an overspend of £30,888 in 2019/20 thus the balance of capital available to spend in 2020/21 amounted to £569,112.

The Committee noted that there was one land acquisition opportunity currently being explored for which additional capital funding was being requested.

* 135 **The County Farms Estate Annual Report 2019/20**

The Committee received the Report of the County Treasurer (CT/20/72) incorporating the 29th Annual Report of the County Farms Estate. The Annual Report 2019/20 covered the Committee's functions, financial performance, Estate management performance, and highlighted notable Estate achievements and events.

Members noted the report and welcomed the capital investment made in eight farmhouse renovation and improvement schemes.

* 136 **Management and Restructuring Issues**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/20/02) on County Farms Estate management and restructuring issues.

Land at Cofton Cross, Dawlish

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

RESOLVED

- (a) that the Case G Notice to Quit served on the personal representatives of the late tenant of the land at Cofton Cross be upheld; and
- (b) that the land at Cofton Cross be offered to the family of the deceased tenant on a series of consecutive fixed term 12 month Farm Business Tenancy Agreements commencing 25 March 2022 until such times as the land may be required for any form of alternative use, subject to terms being agreed each year.

Land at Endfield Farm, Sandford

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

RESOLVED

- (a) that the tenant of Endfield Farm, Sandford be invited to surrender his lease of OS 7400, 0005, 6200, 5203 and 5200; and
- (b) that OS 7400, 0005, 6200, 5203 and 5200 forming part Endfield Farm, Sandford and amounting to 11.52 acres or thereabouts be declared permanently surplus to the requirements of the Estate so that it can be sold to the tenant of Endfield Farm, Sandford.

Part Westcott Farm, Burlescombe

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Edgell and

RESOLVED

- (a) that the tenant of Westcott Farm, Burlescombe be invited to surrender his lease of OS 7429; and
- (b) that OS 7429 forming part Westcott Farm, Burlescombe and amounting to 2.14 acres or thereabouts be declared permanently surplus to the requirements of the Estate so that it can be sold to the tenant of Westcott Farm, Burlescombe.

* 137

Collaboration with North Devon UNESCO Biosphere Reserve Partnership

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/20/04) on the County Farms Estate collaboration with the North Devon UNESCO Biosphere Reserve Partnership.

The County Farms Estate had approximately 20 properties within the area of the UNESCO Biosphere Reserve and Devon County Council had a policy of supporting and promoting sustainable development, including sustainable rural economies, using its farm estate as a key asset for demonstrating and assisting these policy areas.

The Chair reported on the Biosphere Community Orchards Challenge where grant funding was available to landowners within the Biosphere Reserve, details of which would be circulated to Estate tenants by the Council's land agent.

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Inch and

RESOLVED that all potential opportunities to utilise the assets of the County Farms Estate and to work collaboratively with Estate tenants for the benefit of the North Devon UNESCO Biosphere Reserve Partnership be explored.

Agenda Item 19a

4

FARMS ESTATE COMMITTEE
21/09/20

* 138 **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

* 139 **Holdings and Tenancies etc.**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)

* a **Request for Landlord's Consent**

(Mrs Warner declared a disclosable pecuniary interest in this item by virtue of being a County Farms Estate Tenant of Lower Henland Farm, Kentisbeare and left the meeting during the Committee's consideration of paragraph 2 of Report BSS/20/03.)

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/20/03) on requests for Landlord's consent.

Lower Henland Farm, Kentisbeare

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Brook and

RESOLVED that Landlord's consent be granted for the tenant of Lower Henland Farm, Kentisbeare to construct two separate 60' x 30' x 12' to eaves galvanized steel portal frame buildings complete with natural grey reinforced fibre cement corrugated roof sheets (8 no. roof lights) at 12.5 degree pitch, alternating close fitting crown cranked ridge and barge boards; rainwater goods to be 6" PVC guttering and 4" downpipes etc; Yorkshire board cladding to both gable ends and rear elevation down to 2.4m off ground level; both gable ends and rear elevation be infilled with dungboard walls; and the floor be compacted stone with further compacted stone access track and apron, subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 25 years.

(Mrs Warner re-joined the meeting.)

Westcott Farm, Burlescombe

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

RESOLVED

- (a) that Landlord's consent be granted for the tenant of Westcott Farm, Burlescombe to construct a 90' x 70' x 15' to eaves steel portal frame cubicle shed to accommodate additional cows, subject to the cubicle beds and divisions being portable so that the building can be used for an unrestricted range of agricultural uses by future tenants and subject also to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 20 years if the steel work is painted or 25 years if the steel work is galvanised.
- (b) that Landlord's consent be granted for the tenant of Westcott Farm, Burlescombe to construct a 90' x 70' x 15' to eaves steel portal frame general purpose/loose housing shed to accommodate dry cows and youngstock, subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 20 years if the steel work is painted or 25 years if the steel work is galvanised.

* b **Monitoring of Tenants on Initial Farm Business Tenancy**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/20/05) on the monitoring of Tenants on an initial farm business tenancy.

The Report contained a typographical error in that Councillor Edgell was not present as stated in paragraph 2.13.1 of the Report.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Edgell and

RESOLVED that letters be sent to the tenants of Churchlands Farm; Coppa Dolla Farm; Fairfield Farm; Moorhouse Farm; East Catkill Farm; Ten Oaks Farm; and Manor Farm confirming a satisfactory level of competence had been attained to date.

It was **MOVED** by Councillor Edgell, **SECONDED** by Councillor Brook and

RESOLVED

- (a) that the tenant of New Ford Farm, Rockbeare be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed;

Agenda Item 19a

6

FARMS ESTATE COMMITTEE

21/09/20

- (b) that the tenant of Waterford Farm, Musbury be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed;
- (c) that the tenant of Nutcombe Farm, Rose Ash be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed;
- (d) that the tenant of Lower Farm, High Bickington be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed.
- (e) that the tenant of Thorndon Farm, Broadwoodwidge be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed.
- (f) that the tenant of New Gulliford Farm, Dawlish be offered a second but final seven-year Farm Business Tenancy of the holding for a term commencing 25 March 2022 and terminating 25 March 2029, subject to terms being agreed.

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

The Meeting started at 2.15 pm and finished at 4.07 pm

DEVON COUNTY COUNCIL

COUNCIL/CABINET FORWARD PLAN

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Devon County Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any Framework Decisions to be made by the County Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The County Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one division are to be made by the Cabinet or a Committee of the Cabinet. Framework Decisions are those decisions, which, in line with Article 4 of the Council's Constitution must be made by the County Council.

The Cabinet will, at every meeting, review its forthcoming business and determine which items are to be defined as key decisions and the date of the meeting at which every such decision is to be made, indicating what documents will be considered and where, in line with legislation, any item may exceptionally be considered in the absence of the press and public. The revised Plan will be published with the papers for the meeting. *Where possible the Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion may need to be rescheduled.* Please ensure therefore that you refer to the most up to date Plan.

Click to see an [up to date version of the Forward Plan](#) on the Council's web site at any time.

Also see the website for [Copies of Agenda and Reports of the Cabinet or other Committees of the County Council](#) referred to in this Plan

FORWARD PLAN

All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to The Democratic Services & Scrutiny Secretariat, County Hall, Exeter, EX2 4QD or by email to: members.services@devon.gov.uk

PART A - KEY DECISIONS

(To Be made by the Cabinet)

Date of Decision	Matter for Decision	Consultees	Means of Consultation*	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
	<i>Regular / Annual Matters for Consideration</i>				
9 December 2020	Target Budget and Service Targets for Forthcoming Year			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

12 February 2021	Admission Arrangements and Education Travel Review: Approval to admission arrangements for subsequent academic year	TBC	TBC	Report of head of education and learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
10 March 2021	Flood Risk Management Action Plan 2021/2022 Update on the current year's programme and approval of schemes and proposed investment in 2021/2022	Liaison through Devon Operation Drainage Group	All other Risk Management Authorities	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 April 2021	County Road Highway Maintenance Capital Budget	N/A		Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 April 2021	County Road Highway Maintenance Revenue Budget and On Street Parking Account	N/A	N/A	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
28 May 2021	Revenue and Capital Budget Outturn for 20/21			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

8 September 2021	Market Position Statement (Adults) - Annual Update			Report of the Joint Associate Director of Commissioning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
	<i>Specific Matters for Consideration</i>				
14 October 2020	Tiverton Eastern Urban (EUE) Access Junction: Approval to go out to tender and construct Phase 2	Statutory and Public	Public consultations linked to MDDC Local Plan and Tiverton EUE Masterplan	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Tiverton East
14 October 2020	South West Exeter Housing Infrastructure Fund Project: update of project including approval to submit relevant planning applications, conditional approval for the allocation of recovered funding, approval to progress land acquisition for the delivery	Developers, landowners and members of the public	Meetings / correspondence and consultation as part of the planning process	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Alphington & Cowick; Exminster & Haldon

14 October 2020	Proposed New Okehampton Special School: Approval of Capital funding and commencement of the free school presumption process	All Members, MP, Department for Education, Unions, District, and Parish Town councils, neighbouring authorities, all schools and parents/pupils through schools, Diocese, internal colleagues including Participation Manager..	Email, Website, Have your Say.	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 October 2020	Government Consultation: Planning for the future - Devon County Council Response	N/A	N/A Government Open Consultation	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

14 October 2020	Devon Economic Recovery Plan	-	-	Report of the Head of Economy, Enterprise and Skills outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 October 2020	Safeguarding Adults Board - Proposals for Merged Boards and Joint Working with Torbay			Report of the Joint Associate Director of Commissioning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 October 2020 Page 204	Industrial Estates Development (Part 2 item) <i>This matter will be considered in Part 2, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council.</i>	N/A	N/A	Report of the Head of Economy, Enterprise and Skills outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	

14 October 2020	Skypark Development Partnership, Clyst Honiton (Part 2 Item) <i>This matter will be considered in Part 2, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council.</i>	N/A	N/A	Report of the Head of Economy, Enterprise and Skills outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Broadclyst
11 November 2020	Budget Monitoring - Month 6			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
11 November 2020	The Waste Asset Management & HWRC Improvement Strategy to include seeking approval to progress planning for a new Tavistock Household Waste Recycling Centre	TBA	TBA	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
11 November 2020	Approval of the Resource & Waste Management Strategy for Devon 2020-2030	Stakeholders	Conference followed by online consultation	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

11 November 2020	Government Housing Infrastructure Schemes at Dawlish and Cullompton: Approval of legal agreements with District Councils, and authority to progress to construction	Statutory and Public	Undertaken as part of Local Plan and Planning Application.	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Dawlish; Cullompton & Bradninch
11 November 2020	Exeter Transport Strategy 2020-2030: For approval	Public Consultation Corporate Infrastructure and Regulatory Services Scrutiny Committee (Standing Overview Group)	Online Public Consultation – including Strategy Document, Leaflet, Evidence Base and Online Questionnaire Meetings with key stakeholders	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All in Exeter
11 November 2020	Social Work Recruitment and Retention	N/A	N/A	Report of the Chief Officer for Childrens Services outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

11 November 2020	Childcare Sufficiency Assessment			Report of the Chief Officer for Childrens Services outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
9 December 2020	Local Flood Risk Management Strategy for Devon Draft Local Flood Risk Management Strategy and supporting documents including: Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EIA)	Other Risk Management Authorities, Key Stakeholders and the general public	Public consultation	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
10 December 2020	Learner Services Commissioning <i>This matter will be considered in Part 2, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council.</i>			Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
13 January 2021	Proposal of a New Integrated Joint Venture from Norse SW' (for Property Consultancy & Facilities Management)	Corporate Infrastructure and Regulatory Services Scrutiny	TBC	Report of the Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

10 March 2021	Budget Monitoring - Month 10			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
PART B -FRAMEWORK DECISIONS (Requiring approval of the County Council)					
Date of Decision	Matter for Decision	Consultees	Means of Consultation**	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
10 January 2021 18 February 2021	Pay Policy Statement 2021/2022 To approve the Councils Pay Policy Statement			Report of the County Solicitor outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
12 February 2021 18 February 2021	Revenue Budget, Medium Term Financial Strategy 2021/2022 - 2024/2025 and the Capital Programme for 2021/2022 - 2025/2026			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

PART C - OTHER MATTERS (i.e. Neither Key Nor Framework Decisions)					
Date of Decision	Matter for Decision	Consultees	Means of Consultation**	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
	<i>Regular / Annual Matters for Consideration</i>				
Between 1 st April 2020 and 30 th May 2021	Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)	As necessary		Report of the TBC outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

<p>Between 14 October 2020 and 1 May 2021</p> <p>Between 14 October 2020 and 1 May 2021</p>	<p>Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)</p> <p><i>[NB: Items relating to the letting or occupancy of individual holdings may contain information about, or which is likely to reveal the identity of, an applicant for a holding and about the financial and business affairs of the Council and any prospective or existing tenant that may need to be discussed in the absence of the press and public]</i></p>	<p>To be considered at the Farms Estates Committee, including any advice of the Council's Agents NPS South West Ltd</p>		<p>Report of the County Treasurer, Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.</p>	<p>All Divisions</p>
<p>14 October 2020</p>	<p>Devon Safeguarding Adults Annual Report</p>			<p>Report of the Chair of the Safeguarding Board outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.</p>	<p>All Divisions</p>
<p>9 December 2020</p>	<p>Treasury Management Mid Year Report</p>	<p>Corporate Infrastructure and Regulatory Services Scrutiny Committee</p>	<p>Committee</p>	<p>Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.</p>	<p>All Divisions</p>
<p>14 July 2021</p>	<p>Public Health Annual Report 2020/2021</p>			<p>Report of the Director of Public Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.</p>	<p>All Divisions</p>

14 July 2021	Treasury Management Stewardship Outturn Report	Corporate Infrastructure and Regulatory Services Scrutiny Committee	n/a	Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
	<i>Specific Matters for Consideration</i>				

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

