

## NOTICES OF MOTION

Report of the County Solicitor

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

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

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

### **(A) SCHOOL CROSSING PATROL SERVICE (Councillor Connett)**

*'To ensure the school crossing patrol service is protected and continues to operate, this council will ensure:*

- 1. all crossing patrol vacancies are promptly filled and not left vacant to help with 'vacancy management savings';*
- 2. No school crossing patrol site will be deleted from the council's establishment without a report presented first to Place Scrutiny and Cabinet.*
- 3. An annual 'state of the service' report is presented each February detailing the number of school crossing patrols, any vacancies in the preceding year, how long they have been vacant and the robust steps taken to fill posts; and*
- 4. where it can be shown there is a proven need the Council will look favourably on new applications for a school crossing patrol'.*

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

School Crossing Patrols (SCPs) are essentially a road crossing facility, one of the many traffic management options available to highway engineers, alongside facilities such as traffic calming, central refuges, zebra and signal controlled crossings, recognising the need in certain circumstances for additional safety measures to ensure children's safe passage to school. SCPs will remain as part of this Authority's overall provision of safer crossing facilities. For new developments and areas where the network is subject to change the aim would be that, wherever possible, the road infrastructure is designed to accommodate appropriate crossing facilities for all users. In new developments therefore it is a priority to ensure that appropriate facilities for children crossing the road are incorporated in the physical highway infrastructure.

As with any organisation employing large numbers of staff there is a rolling process of vacancies and recruitment. Filling SCP vacancies is a challenging and time consuming process. The hours and remuneration offered appeal only to a narrow demographic. In addition to finding more effective means of reaching potential applicants schools will continue to be offered the opportunity of training volunteers to provide temporary cover until a permanent post holder is found.

Outcomes of SCP service provision are examined in an annual report on child casualties which includes a section specifically examining SCP sites. This report is published when collision data

from the previous year is verified by Department for Transport. From July 2016 this report will include a statement on vacancy management for the SCP service and will be available to Place Scrutiny Committee for annual examination.

The primary criteria for determining need for existing and potential SCP sites is the technical assessment developed by Road Safety GB and widely adopted as the standard by English highway authorities. Whenever vacancies arise at sites that do not automatically match the required criteria, and where new sites are proposed by schools, a report will be prepared for consideration by the appropriate Member or Officer. Reports will include technical appraisals for sites with recommendations for action that will include any casualty prevention measure pertinent to the nature and scale of injury risk observed.

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**(B) WHITE PAPER 'EDUCATION EXCELLENCE EVERYWHERE'/ACADEMISATION OF SCHOOLS (Councillor Hannan)**

*'This Council notes that the Cabinet Member for Children, Schools and Skills, the Deputy Leader of the Council and the County Councillors Network along with many District and County Councils, of all political colours, have made statements that oppose various aspects of the changes to our education system proposed in the White Paper 'Education Excellence Everywhere'.*

*The Council welcomes the decision of the Secretary of State for Education to abandon plans to force all of England's schools that are still maintained by their local authorities to become academies. However, it regrets that some schools may still be forced to convert, including those in local authorities where academies are in a large majority, those in authorities whose maintained schools are deemed to be failing overall to meet a minimum performance threshold, and those seen as struggling or failing to improve sufficiently.*

*The Council remains concerned about other aspects of the White Paper and the government's continued commitment to full academisation, with regard to:*

- 1. School exclusions – giving schools from which excluded pupils originate the responsibility to fund AP (alternative provision such as placement in a pupil referral unit) and to continue to ensure the quality of their education. This makes informal exclusion more likely and encourages schools not to admit vulnerable children especially those with behaviour problems. There will also be problems providing for pupils already in referral units and for those who move with their parents to Devon from other local authorities.*
- 2. Further academisation making it more difficult for local authorities to ensure 'sufficiency of AP in their area' without the power to direct academy/free schools and without the AP funding which they currently use to commission pupil referral units as Devon does via Schools Company.*
- 3. The lack of acknowledgement of the considerable additional costs falling upon local authorities in managing the transition of schools to academy status, and through having continuing responsibility for school transport and safeguarding.*
- 4. The impact on small rural schools that could suffer 'a spiral of decline' if the networks to support them provided through the local authority were removed.*
- 5. The diminution of the role of local authorities in undertaking school monitoring (holding schools to account) and providing support for school improvement.*
- 6. The impact on vulnerable children with local authorities continuing to have a statutory responsibility for their education, but with very few powers to help them to fulfil that duty with more schools becoming academies.*

*Therefore, this Council confirms its opposition to forced academisation and joins with others in expressing its concerns about other aspects of the White Paper, including those mentioned above, and will write to the Secretary of State for Education and to all Devon MPs to make its position clear and to ask for the proposed changes to be reconsidered'.*

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[NB: The briefing note/position statement in respect of this and the following Notice of Motion is set out below]

**(C) WHITE PAPER 'EDUCATION EXCELLENCE EVERYWHERE'/ACADEMISATION OF SCHOOLS (Councillor Greenslade)**

*"County Council congratulates all those who have successfully lobbied and persuaded the Government to abandon its plans to force all schools to become academies. However County Council continues to have concerns that some schools may still be forced to become academies and resolves to support the LGA, CCN and others in ensuring all schools, which are not yet academies, have the opportunity to take their own "democratic" decisions about their status and not be forced by Government dictate to convert."*

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

The Education White Paper 'Education Excellence Everywhere' outlines proposals for the future education responsibilities of local authorities. These are:

- (a) Ensuring every child has a school place;
- (b) Ensuring the needs of every vulnerable child are met;
- (c) Acting as champions for all parents and families.

The White Paper contains little detail about how these responsibilities can be delivered without access to information gained through a breadth of school improvement work or 'real time' data relating to education progress or the inclusion of vulnerable students.

Following the Secretary of State's retraction of forced academisation it was announced that high performing local authorities (such as Devon) could continue with a school improvement role if the majority of schools were maintained and the local authority has the capacity to secure their school improvement responsibilities. This is at odds with the White Paper's determination to break 'geographical monopolies' unless a local authority's education autonomy is diminished within a regional model accountable to the Regional Schools Commissioner.

A consultation process is underway to consider proposals for a new national funding formula for schools. This proposes the removal of all local authority school improvement funding from September 2017 even though responsibility for maintained schools is likely continue for the length of this parliament. The Education Support Grant (ESG) will also be cut (£700million Nationally) which means a reduction from £140 in 2014/15 to £77 in 2016/17. This funding is allocated to local authorities for each student in a maintained school. The ESG currently funds core services such as Education Welfare, Educational Psychology, specialist advisory services (e.g. hearing and visually impaired) and some School Improvement functions. De-delegated funding and contributions from the Delegated Schools Grant (DSG) for core education services will also cease from 2017. De-delegated funding is worth almost £4m per annum and currently supports our work to find missing children, the Gypsy and Roma Education Service, The Ethnic Minority Achievement Service and the Primary Behaviour Support Service. Schools would be expected to buy some of these services but other service areas will be included in funding within the Central Services Block.

There is very little information about the size of the proposed new Central Services Grant but the DSG currently contributes around £6m towards services that support vulnerable children.

There is an additional cost to local authorities when undertaking the transfer work for academies. This is usually between £12k and £15k per school but can be more. The local authority would need to find between £3m - £5m to fund the process of academisation for its remaining 262 schools. The DfE fully funds the legal costs of conversion for individual schools and also pays the legal fees for the Diocese, but not those of the local authority.

Both Notices of Motions raise concerns about the ethics of forcing schools to become academies. Whilst this policy position has been formally revoked, it is clear that additional

financial incentives for schools, alongside the reduction in funding for local authority school improvement functions, means that schools may have little to gain by staying as maintained schools. Despite The White Paper's strong message of greater autonomy for schools it is also evident that autonomy, including the right to remain as a local authority school, will be based on successful performance against increasingly rigorous measures. Greater discretion and more powers allocated to the RSC means that schools can be directed to convert if they are judged as underperforming or their local authorities are unable to support them.

Devon has a strong relationship with its maintained schools and a good working dialogue with academies. There is a sense of local identity which provides the foundation for sharing responsibility for Devon's children. This is already being challenged through the DfE's brokerage of cross County border MATS and regional arrangements.

Councillor Hannan's Notice of Motion highlights the proposal that schools will retain responsibility and the cost of students at risk of exclusion. In the past year, we have seen a 42% rise in the number of children leaving school to be home educated. A number of students moving to EHE are at risk of exclusion. Readmission to school has proved very difficult, particularly when these students are in years 10 or 11. It is likely that we will see more students without school places and for whom reintegration will be very difficult to achieve. The local authority will not be able to direct academies to admit vulnerable children and it is more likely that these young people will miss out on education whilst their cases are referred to the Education Funding Agency (EFA). We do not yet know if the local authority will have allocated funds to support these children to access education or if this will become another pressure on core funding or the High Needs Block.

In order for local authorities to act as champions for all parents and families it is important to be able to access real time data and information about children including their educational progress, attendance or access to a full curriculum. This potentially places children at risk if academies do not report to the local authority.

Councillor McInnes, as lead member, has sent three briefing letters to local MPs so that they are aware of the impact of the White Paper and new funding proposals. Devon's ability to support its maintained schools and safeguard children in all settings, will be tested under new proposals within both the White Paper and the Fair Funding Consultation.

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**(D) FLOOD ALLEVIATION IN DEVON (Councillor Greenslade)**

*"The County Council welcomes the recent report and conclusions by Cabinet in respect of flood alleviation in Devon: however the County Council is concerned that real needs will not be matched by the investment required to deliver within the time frame needed to protect communities from increased flood risk and therefore resolves that the County Council mount a sustained lobbying programme for increased funding from Government for flood alleviation seeking support from the LGA, CCN and Devon MP's."*

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

The national mechanism available to secure funding for flood defences is through Defra's 6 year investment programme, administered by the Environment Agency (EA). The total budget made available by Government for this programme for the period 2015-2021 is £2.3 billion, with a key objective to reduce the risk of flooding to over 300,000 properties. In most cases, this national funding must be supplemented by local contributions, sourced either through the Local Levy, administered by the Regional Flood and Coastal Committee (RFCC), or from other public bodies (e.g. Devon County or District Councils), businesses or landowners etc.

The process for achieving such funding is complex and lengthy, usually taking several years, based on appropriate surveys, option development and a detailed scheme appraisal. Indicative funding allocations are based on a calculation of the scheme benefits, which is

heavily focused on the number of properties with a reduction in flood risk. As a result, a rural county like Devon has difficulty in achieving the required partnership score for many of its small communities, when compared to more urbanised areas. This has been raised by Officers on numerous occasions to Government officials when the opportunity has arisen.

Notwithstanding this difficulty, the County Council's Flood and Coastal Risk Management team has developed a strong programme of schemes through Defra's 6 year programme, with a current indicative allocation of over £2.6million; a further £60.9million will be drawn down through the Environment Agency's own scheme delivery in Devon (e.g. Exeter Flood Defence Scheme). This is anticipated to increase in coming years, based on the flood studies currently being progressed by this Authority and by the EA.

Since 2012 property flooding has been experienced in over 200 locations across Devon, most involving just a small handful of homes or businesses. This highlights the real issue of having so many rural communities at risk of flooding and the inability to generate sufficient scheme justification to draw down funding from the national pot. Scheme consideration and preparation for this large number of flood risk areas is also a challenging and time consuming exercise. Wherever possible, the County Council works with the Parish and/or District Council to assist with the local delivery of minor improvements or flood resilience measures, with the financial commitment for this evident within the programme recently approved by Cabinet. This Authority has shown an impressive and ongoing commitment to the funding of the dedicated staff team and their programme of studies and projects, at a time when many other Lead Local Flood Authorities (LLFAs) have reduced their budgetary provision.

Addressing existing and future flood risk priorities across Devon requires a far wider range of measures, described through the Devon Local Flood Risk Management Strategy. The planning system has an essential role in avoiding new development in areas at significant risk of flooding and in ensuring that surface water drainage is handled in a sustainable manner. There is also a current focus on natural flood risk management techniques, such as ponds, swales and woody dams, and wider land management initiatives, such as targeted crop planting, de-compaction of soils and changes to farming practices.

Increasing Defra's investment programme could provide very positive longer-term benefits for communities at risk in Devon, as part of the wider strategy for addressing flooding, but does not offer a quick fix. Of equal significance is the revenue funding provided by Government to the Environment Agency and LLFAs, to ensure their capacity to progress flood defence schemes and secure their ongoing maintenance.

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**(E) BARNSTAPLE PARK & RIDE (Councillor Greenslade)**

*"Following the loss of the Park & Ride service for Barnstaple, County Council asks Cabinet to urgently find the ways and means of reinstating a Park & Ride service for Barnstaple at the earliest opportunity."*

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

Commercial Park and Ride bus services from the Park School Park and Ride site ceased operations from March 2016. The service was not commercially viable with the current level of patronage. The County Council explored the options for a tendered replacement service but these were considered to be too expensive.

The site is expected to be lost to the expansion of Park School within the life of the current draft North Devon and Torridge Local Plan to 2031. It currently also has 30 Park and Cycle lockers for cycle trips to the town centre and hospital. These are well used and particularly useful for employees at these locations. There is also demand at the site for parking for Park School and Rock Park. Options for the interim management of the site are being investigated including a function as a long stay car park.

The draft Local Plan offers the opportunity to reconsider the provision of Park and Change services in the light of planned site allocations and the growth of areas such as Ilfracombe and Bideford as well as Barnstaple itself. Park and Change includes, depending on the individual site, options for Park and Cycle and Park and Car Share as well as Park and Bus. Three sites are planned in the long term:

- to the west of the town on the A39 at Roundswell for significant commuter demand from Bideford and Torrington and for Petroc college;
- to the east of the town at Westacott (Whiddon Valley) for traffic travelling from the A361 North Devon Link Road and South Molton, and
- to the northwest of the town on Braunton Road for traffic from, Ilfracombe, Braunton and the A361 Western Bypass into the town centre and potentially the Hospital.

The new sites are designed to work in conjunction with existing bus services and/or those that are expected to serve the new developments, i.e. not a dedicated Park and Ride service. This is considered to be a viable model for a town the size of Barnstaple that minimises the need for future County Council revenue subsidy given the major pressure on budgets.

The proposed site at Roundswell is at an advance stage of development as part of the wider employment site proposals, subject to securing planning permission and external funding as part of a Growth Deal bid to the LEP. There is potential to expand the site in the future subject to funding and planning approval. The Cabinet will - elsewhere on the Agenda for this meeting - have considered the proposal for the adjacent pedestrian and cycle bridge which will serve the Park and Change as well as the employment sites. This has already secured Growth Deal funding.

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

JAN SHADBOLT

**[Electoral Divisions: All]**

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

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