

SURREY COUNTY COUNCIL

TUESDAY 10 MAY 2011

**QUESTIONS TO BE ASKED UNDER THE PROVISIONS
OF STANDING ORDER 10.1**

CABINET MEMBER FOR CHANGE AND EFFICIENCY

(1) MR GRAHAM ELLWOOD (GUILDFORD EAST) TO ASK:

Following the Appeal Court's dismissal of Countryliner's recent appeal and the granting of planning permission, I understand, for a new bus depot in Woking, will the Cabinet Member please confirm the timescale for removing Countryliner from the depot once and for all, to the relief of all local residents living nearby.

Reply:

Countryliner have taken a lease of Unit 9A, Monument Way East, Woking and have now received planning permission for a change of use to permit the plot to be used as a public transport and coach depot. I can also confirm that the County Council was successful at the Court of Appeal hearing in March, which endorsed the decision by the County Council that the company would not get contracts while operating out of Merrow. The Court also refused the company leave to appeal. These decisions, plus the separate one by the Traffic Commissioner to withdraw their operating licence, effective from 8 April, means Countryliner has significantly reduced its operations out of Merrow during the last couple of months.

Despite these encouraging developments the County Council has no direct control over the company's commercial decision to relocate to other accommodation and it is not possible at this stage to give a definite date for their full vacation of Merrow. Their occupation under the lease at Merrow remains entirely separate from any contractual arrangements to provide bus services, and especially those private hire commitments they can still support out of Merrow. However, the company has stated in writing that it plans to further decrease activities over the next few months as the premises in Woking are developed.

I have asked officers to continue to actively monitor this important issue. This includes reviewing ways in which possession at Merrow can be re-gained but they have to be proportionate and cost effective bearing in mind the lease expires in June 2012.

CABINET MEMBER FOR TRANSPORT

(2) MR PETER LAMBELL (REIGATE CENTRAL) TO ASK:

Could the Cabinet Member update the Council on its negotiations with Metrobus regarding their threats to withdraw services with just 8 weeks notice following the reduction in subsidy per passenger?

Can he clarify which services are affected and how he intends to proceed should Metrobus carry out their threats?

Can he assure me that routes 430 and 435 will not be withdrawn?

Reply:

I can confirm that there is no truth in the suggested deregistration of bus services 430/435 as published in a recent newspaper article.

Metrobus operate a large number of bus services in Surrey. Some are run commercially and others run under contract to this Council. Following the Phase One Bus Review, which included Redhill and Reigate, Metrobus took a commercial decision to operate the 430/435 essentially as commercial services. I was therefore surprised to read about possible deregistrations.

It seems that Metrobus were approached to discuss roadworks in Redhill but the reporter moved the subject onto the bus review asking how the company was affected. He later moved the discussion on to concessionary fares for people aged 60+ and disabled people. As part of these discussions, the challenges of a reduction in concessionary fares reimbursement to bus operators were mentioned. This is an issue facing bus operators throughout England. It seems the story mistakenly linked all these issues, concluding that the 430/435 might be under threat. This is not the case and the article has caused unnecessary concern.

Metrobus has in fact praised this Council for the way the bus review has been conducted, confirming that services 430/435 had already been successfully dealt with in the Phase One review last year.

I am pleased therefore to quash these rumours.

DEPUTY LEADER

(3) MR GEOFF MARLOW (THE BYFLEETS) TO ASK:

In order to meet the target savings for Surrey County Council's Library budget would it not be fairer and more effective to apply the savings target proportionately to all 52 libraries, which would be achieved by volunteers working alongside a smaller professional library staffing level? This would be significantly better and fairer than requiring eleven small libraries to achieve all the savings and would also promote the concept of the "big society" and

"community involvement" across the county. Further, this would also overcome one of the key problems with the current plan in requiring volunteers to fully manage a library as opposed to assisting with the running of the library.

Reply:

The strategic intention behind the Community Partnering model is that it gives local communities an opportunity to take a far more controlling role in the day-to-day operation and management of their local library. The library service benefits from 8,000 hours of volunteer effort spread across the entire network. Volunteers contribute to many valued aspects of the library service including the summer reading challenge, computer buddies, and rhyme time activities. The difference between community partnering and the existing voluntary work is that community partnering will give local communities more opportunity to steer and direct what happens in their local library and this is the Big Society involvement of community organisation that we are seeking in order to maintain a sustainable network of 52 libraries.

CABINET MEMBER FOR CHILDREN AND LEARNING

(4) MR DAVID MUNRO (FARNHAM SOUTH) TO ASK:

I have been contacted by parents in my division who have been allocated Pilgrims' Way School in Farnham for their child starting in September 2011. They are unhappy with this decision in view of that school's less than positive recent OFSTED report, and some have asked that extra provision be made at the Bourne Infants School so that their child can go there.

Could the Cabinet Member please give me detailed answers to two questions relating to this issue:

1. Can the Bourne Infants' School PAN for September 2011 be increased to accommodate those parents, and what are the implications of a 'yes' and a 'no' answer on parents and children throughout South Farnham?
2. What specific measures are in place or in train to improve learning at Pilgrims' Way so that parents can have confidence that their children will receive a first-class education there?

Reply:

Cabinet is very familiar with the pressures on primary school provision generated in many parts of the county by population growth. One area where this pressure is high is Farnham. We had already planned to double the number of reception classes in two Farnham schools – Potters Gate and St Peter's Wrecclesham. When we finally received the total application numbers in February 2011 we determined that one further class would be needed to ensure that an offer could be made to every parent.

Officers of the County Council met with the local infant and primary school headteachers on 11 February to discuss where the additional places could be provided. The schools in question were the Bourne, Pilgrims Way, Potters Gate, St Andrew's Infants, St Peter's Wrecclesham and St Polycarp's. At the meeting it was accepted that Potters Gate and St Peter's could not be further expanded, while St Polycarp's as a Roman Catholic school did not meet the need and the site at St Andrew's was too small to allow expansion. The acting Headteacher of the Bourne (who is also the substantive Headteacher of South Farnham Juniors) did not offer to expand and the Headteacher of Pilgrim's Way did, after which it was agreed to pursue this course.

On the matter of the possible expansion of the Bourne, an earlier expansion made in 2009 created a significant local debate about junior places which was in mid-process in February. The 2009 expansion had been accommodated by a single demountable classroom placed at the school, and a further expansion in 2011 would require another demountable classroom. It would also require agreement on how the additional numbers would be accommodated in Junior provision from 2014. It is now expected that the Bourne and South Farnham Juniors will be reorganised as a single school by June this year. Any further one-off expansion of the Bourne Infants would require a one-off expansion of the South Farnham Junior site from 2014 if other parents' expectations are not to be disappointed.

Giving all this as background, in answer to Mr Munro's first Question, no proposal has been made by the Bourne Infants (or South Farnham on their behalf) to expand from September 2011 and at this date it is unlikely that the appropriate planning consent could be obtained and a temporary class procured and established on the site in time for the start of the new academic year. The implication of this is that the County Council should continue with the arrangement agreed with the local schools to put a temporary class at Pilgrims Way from September, where the planning and procurement are already under way.

76 sets of parents have been offered places at Pilgrim's Way in September 2011, some of whom did and some of whom did not apply for the school. At present 30 places have gone to parents who expressed a preference for the school (27 first preferences and 3 second preferences) and 46 offers have been made to other parents. Of these 46, 21 have been accepted, but 18 with an indication that the parents are not happy with the placement. There are particular parental concerns about Pilgrims Way at the moment as the school placed in special measures by Ofsted on 23 February following an inspection visit in January. It is likely that some of the parents who are currently placed with Pilgrim's Way will gain admission to other schools via the waiting list procedure.

Responding to Mr Munro's second Question the County Council and its partner Babcock 4S have put in place a series of measures to support the school. Jo Freeman, a senior primary consultant at Babcock 4S is co-ordinating support. Steve Barker, an Additional Skills Governor has been put on the governing body and is now appointed chair of that body. Mrs Pat Frost has been added as an

LA governor. Leadership support is being provided by Kevin Gawley, the Headteacher of St Thomas of Canterbury primary school (and Chairman of the Surrey Primary Council), and by Hilary Loder, the Headteacher of Green Oak School. The Deputy Headteacher is again being supported by St Thomas of Canterbury. Babcock 4S consultants Cathy Burr, Fiona Ridley and Ann Barry are supporting curriculum development in Early Years, English and Maths respectively. Support for the Special Educational Needs Co-Ordinator is being provided from Weydon School and practice sessions for Pilgrims Way staff are being provided by staff from Guildford Grove, Barnsbury, Hale and Potters Gate primary schools. In terms of physical environment, improvements have been made to the infant playground, all classrooms and the front office and an ICT project is underway to support this aspect of teaching.

The County Council has confidence in the ability of new Headeacher Elaine Viner to lead the school forward from a very difficult history, The Ofsted report commented that the Headteacher, who was at that point very new to the school, had "a clear vision for the school and understands what needs to be done to improve the quality of provision and pupil progress". That report addressed particular criticisms at governance and subject leadership and these issues have been addressed.

CABINET MEMBER FOR TRANSPORT

(5) MR PETER HICKMAN (THE DITTONS) TO ASK:

Following my question (Q13) to Council on 22 March 2011 I asked a supplementary question. As of today, I have not received a reply:-

Elmbridge Borough Council and the Elmbridge Local Committee had put forward a proposal for on-street parking charges to have the first 30 minutes free. I requested some reworked figures to reflect this free period.

Could the Cabinet Member provide these figures?

Reply:

The Transportation Select Committee's Task Group and our officers have been working hard to develop parking proposals that will support easing of traffic congestion, provide churn for local businesses and help improve road safety. As part of this a 30 minute free parking period is being proposed for some of the small, commercially sensitive smaller parades.

This would give us an operating cost of approximately £157,500 with a estimated income of £415,500.

CABINET MEMBER FOR CHANGE AND EFFICIENCY

(6) MR MICHAEL SYDNEY (LINGFIELD) TO ASK:

Bysshe Court Farm, Horne

This is a Surrey County Council (SCC) farm, with a tenant who is a dairy farmer and it is let as a dairy farm, which requires that the landlord provides a suitable building as a milking parlour.

Eighteen years ago SCC offered to add the tenant's son and daughter in law, both of whom work on the farm to the tenancy, thus securing the continuance of the tenancy in the family. Eighteen years later, with the tenant now over eighty years old, a new lease has still to be signed.

The Divisional Councillor became aware of this in June/July 2010, and after meetings with officers, the tenant, and the tenant's agent, was assured that all would be complete by the end of 2010. This would include the building of a new dairy parlour, as the present one, over forty years old, had been declared unsafe by the health authorities. A larger one is needed as the milking herd has increased due to the proposed new tenancy, for which the lease has not been signed, including additional acreage. The money for this was ring fenced in the 2010-2011 SCC budget and there seemed no reason why the new dairy should not be completed by the end of the year, as promised, to allow the tenants to begin milking their new herd in the New Year.

It is now May 2011, and work on the new dairy has not been begun (tenders were not sought until February!) The new tenancy and lease has not been completed, and if the dairy is not in use by the end of July, the milking of cows on this SCC owned dairy farm will have to cease. SCC may then face heavy legal costs for compensation to the tenant.

My question is how has this matter been allowed to drag on for so long, why have the promises made in 2010 not been fulfilled, and what action does the Cabinet Member propose to take to avoid the closure of this farm and the heavy financial penalties which the County Council is likely to face?

Reply:

Whilst there have unfortunately been delays in the grant of a new tenancy and provision of the new Milking parlour there have been a large number of issues to resolve and agree after the initial proposal was first mooted.

The new tenancy now includes the adjacent holding at Homestead Farm, which became vacant a year ago on the death of the tenant. After consideration and resolution of competing interest in that farm from the nephew of the former tenant, the strategy was agreed to combine the 2 holdings and grant a new tenancy to the son of the current tenant at Bysshe Court. Terms for the new tenancy have been protracted but are agreed and solicitors are instructed to draw up and complete the necessary agreements. In January our consultants

formalised occupation by the son under a "Notice of Creation" which provides each party with statutory protection with the tenancy running under the provisions of the Agricultural Tenancies Act 1995 pending the grant of the new lease. It is often common for a farm business tenancy to be formally concluded some time after a "Notice of Creation".

The need for a new milking parlour is fully recognised and represents a significant financial commitment by the County Council which has been safeguarded despite the delays. However its specification did need revision after the decision to consolidate the 2 holdings and after agreement on the milk quotas for the new holding. Planning permission is in place and competitive tenders for the work have been received and evaluated and confirm that the business case for its provision is still viable. I am therefore pleased to advise that arrangements are in hand to place the order, which should see the new parlour operational in 3-4 months time.

The County Council remains committed to provision of the new milking parlour, consolidation of the 2 holdings, and grant of the new tenancy. If the tenant has already increased the size of the herd ahead of contractual close this was his commercial decision to take and was at his own risk.

CABINET MEMBER FOR ADULT SOCIAL CARE

(7) MR EBER KINGTON (EPSOM AND EWELL NORTH) TO ASK:

I emailed you on 6 April following the publication on the Surrey Herald website of a story headed "Council 'wasting' over £200,000 a month on unused beds" which claimed that around one in ten care home beds leased by Surrey County Council are not being used, costing the council taxpayer more than £200,000 a month.

The article further alleged that "a council spreadsheet shows that almost £5 million was wasted on unused beds between 2007 and 2009 just at homes operated by Anchor" and that an allegation has been made that "Surrey County Council will have wasted £3.6 million of taxpayers' money by the end of March 2011, this financial year".

In my email of 6 April I asked: "Can you confirm whether these allegations are true and whether you accept them as reasonable/acceptable in policy and financial terms, and also whether you intend to issue a statement about the matter".

Despite a further email and the personal intervention of RA/IND Group Leader Nick Harrison, I have still not had any reply as of Wednesday 4 May – four weeks since the article was written and since my initial request for clarification of these quite serious allegations.

Will the Cabinet Member for Adult Social Care please:

1. Supply me with a reply to my original emailed questions in the form of a reply to this written Question to Council, and
2. Tell me why he has been unable or unwilling to supply me with any response after one month of the original request.

Reply:

Thank you for your enquiry about the performance of the Adult Social Care residential care bed contracts as outlined in the Surrey Herald. I have outlined a response to your queries below. There is currently some sensitivity around the source of the information; in addition there are commercial sensitivities around the specific financial detail within the contracts. If however if you wish to understand the contracts in more detail, I would be happy to take you through details in a private briefing.

Adult Social Care has a leasehold agreement with two key care providers - Care UK and Anchor Homes Trust. The contract details are outlined below. The leaseholders have undertaken significant improvements to the properties, including substantial refurbishments as well as rebuilding and expansions of the property, all of these improved properties can return to our estates portfolio at the end of the lease term agreements.

The Commissioning Team has undertaken some analysis to establish the future trends and demand for beds for the next 5 years and beyond. This work, including analysis of our own in house homes is merging to inform the future strategy for residential bed based care. At present our procurement team are doing some market analysis to establish opportunities to maximise income from existing contracts. It is however notable that the current level of usage of beds in Care UK contracts (above 92% average) when compared with Local Authorities places us amongst best in class.

There are specific issues with older people residential care home bed usage. The volume of respite beds and patterns of demand, numbers of people who are in short term beds for assessment, as well as the management of end of life and planning for subsequent admissions to the vacant rooms can impact capacity. The beds in question are primarily for older people, and provide a combination of affordable placements for people with dementia as well as people who have general frailty and complex needs. It is a testament to the success of the Adult Social Care Strategy that the number of people entering residential care is reducing. This is in part a result of positive choice and control for people who wish to continue to live in the community supported by a good range of preventative and reablement services. The reduction in bed usage is also an indication of the level of support given to carers to continue to provide care at home.

Anchor Homes

For Anchor the contract commenced in 1998, with 17 care homes transferred to Anchor Trust under a 20 year Project Agreement (freehold remains with SCC, properties/sites are leased to Anchor on a fully maintained basis). 8 homes were refurbished and 9 rebuilt as part of Project Agreement. PFI credits are

received annually from Central Government in relation to the capital investment in the buildings. The homes primarily cater for frail elderly although each home has some capacity for dementia care.

The 17 homes currently have 949 beds - SCC currently purchases 664 of these beds with Anchor marketing the remaining beds privately. The number and mix of beds (SCC 'v' private) varies between homes.

Care UK - contract for residential care (dementia)

Contract commenced in 2002, 7 homes were transferred to Care UK Community Partnerships under a 25 year Project Agreement (freehold remains with SCC, properties/sites are leased to Care UK on a fully maintained basis). Six homes were refurbished and 1 home rebuilt although no PFI exists in relation to this agreement.

The 7 homes have a total capacity of 422 beds. SCC currently purchase 280 beds and Care UK market the remaining beds privately.

The current state of the residential care market.

The residential bed market is volatile, with some major providers showing vulnerability. Evidence through the Joint Strategic Needs Assessment demonstrates significant demography increases of older people (in particular those 85+) and increased numbers of older people with a diagnosis of dementia. There are however other social and economic factors that are impacting on the demand for social care funded residential beds:

- e.g. property values reducing versus increased property ownership,
- Increased migration,
- Increased numbers of "extra care" and supported living housing options
- Increased ranges of financial products on the market to sustain the "self funding market"
- The impact of Self Directed Support.

Opportunities are currently being negotiated with Care UK and Anchor to ensure we make best use of these valuable resources. We are looking at how these homes can contribute more fully to the wider community in maintaining and supporting independence, and reablement to the community, as well as continuing to be a home of choice for people who need the level of protection and support that residential care can offer. We are also in early discussion with some GP's around the potential demand from consortia to access the beds for short-term assessment.

We are in ongoing discussions with both organisations to explore and pursue opportunities to reduce the number of SCC contracted beds and allowing them to be sold privately. However, these opportunities are being explored on an ad hoc basis as SCC need to ensure that such changes do not constitute a material change to the contract, that SCC can still meet current and future demand and, in the case of SCC's contract with Anchor Trust, that the changes do not have an impact on the PFI grant.

With a successful community dementia strategy, it is very unlikely over the next 5 years that we will see an increase in demand for beds. Current predictions indicate that demand for beds will remain at current levels. It is important however that we do continue to maintain an investment in a cohort of beds at an affordable cost to meet existing needs and provide some contingency for winter pressures and business continuity.

CABINET MEMBER FOR CHANGE AND EFFICIENCY

(8) MR JOHN BUTCHER (COBHAM) TO ASK:

1 Other than in accordance with an interception warrant, to what extent can any e-mail communication:

- (a) sent by a sender (S) to any member (M) of this council, and received using the council's electronic facilities, be read and/or otherwise known about (i.e. the details of when it was sent or copied and the e-mail address(es) of who sent it, who received it and any copy of it) by any person (P), who may be an officer of this council, another member of this council, or a person acting on behalf of such an officer or member, where P is so reading or knowing about it without the approval of S or M, any person (C), to whom S or M has copied it, or any other person (X), to whom C or another X has copied it, and where P is not S, M, C or X, or
- (b) sent, using the council's electronic facilities, by any member (M) of this council to any recipient (R) be read and/or otherwise known about (i.e. the details of when it was sent or copied and the e-mail address(es) of who sent it, who received it and any copy of it) by any person (P), who may be an officer of this council, another member of this council, or a person acting on behalf of such an officer or member, where P is so reading or knowing about it without the approval of M or R, any person (C), to whom M or R has copied it, or any other person (X), to whom C or another X has copied it, and where P is not M, R, C or X, and

2 what:

- (a) arrangements exist to enable any member or officer to conduct surveillance on such e-mail communications in the ways so indicated and, if such surveillance occurs, what safeguards exist to protect the interests of the parties (C, M, R, S and/or X, as the case may be) and promptly to inform each of them that such surveillance has occurred, and
- (b) what warning is provided on the council's website, or otherwise, to enable each person who is considering sending an e-mail communication to a member of this council, using this council's electronic

facilities, to be aware of the extent to which that communication may be subject to such surveillance by person(s) whom the sender would not want to read or otherwise know about it?

Reply:

The Council provides email systems to officers and Members in connection with the proper business purposes of the Council. It does not require an interception warrant to manage and monitor its own systems in order to protect them from threats and to prevent misuse.

All emails entering the Council's system pass through the "sonicwall" filter and those containing potential viruses "phishing" or "spam" are quarantined and may be blocked. This April alone the Council's system received over two million emails, of which 941 contained viruses and nearly 1,000,000 were "spam".

Both the Members Code of Conduct and the Officers Code of Conduct contain provisions which regulate the use of equipment and systems provided by the Council for business purposes. All authorised users are alerted to the County Council ICT security policy for the use of S-Net and the Internet at the time equipment is provided. The Council's Conformance Criteria for email usage is set out within the IMT security policy and is available on the S-Net to all users of SCC systems. This flags up that the Council monitors email traffic on either a random or detailed basis as deemed appropriate, to ensure that misuse or abuse of the facility is identified. Any monitoring is subject to the requirements of the Data Protection Act. Monitoring when an email was sent or copied and to what email addresses, either randomly for audit purposes or to investigate when there are reasons to believe that a breach of policy may have occurred is permissible. Such action does not involve the processing of personal or other confidential data.

Emails sent from the Council's system to external email addresses carry a clear statement that Surrey County Council reserves the right to monitor all incoming and outgoing mail.

CABINET MEMBER FOR ENVIRONMENT

(9) MRS JAN MASON (EPSOM AND EWELL WEST) TO ASK:

Currently the Public Value Review (PVR) of the Countryside Service, also known as the Surrey Compact, makes proposed cuts or deletions on the basis of 'Not Strategic or Statutory'; 'Not Surrey wide'; 'Not Surrey Priorities' and 'Not Value for Money'.

Is it not the case that, apart from 'Statutory', these terms are highly subjective and contrived?

Even in the case of 'Not Statutory', is it not the case that Surrey amenities and services would be much degraded if every expense or funding had to be a statutory responsibility?

How is it that 'Surrey Hills' can be judged as 'Surrey Wide' and the Lower Mole Countryside Project' be seen as not a 'County Wide Project'?

Is it not the case that only 2 out of the 16 Organisations / Projects listed, (i.e. Surrey Biodiversity meaning Surrey Wildlife & Greenspace South East), perhaps qualify as 'Surrey Wide', thereby demonstrating the arbitrary selection of those to be supported and those not to be supported of the remaining 12, where the term 'Surrey Wide' is randomly interpreted positively and negatively.

Finally, is it not an oddity that the County claims £9 worth of value gained for every £1 invested in the voluntary run sector and yet the PVR report chooses to justify the cuts and deletions being made as 'Not value to Surrey'?

Reply:

The Review of Countryside Partnerships to which Surrey County Council makes a financial contribution is part of the Public Value Review of the Countryside Service. The recommendations on the Countryside PVR were agreed by Cabinet on 1 March 2011. The Cabinet agreed to issue the partnerships review for consultation with partner bodies, prior to a decision on the County Council's involvement by the Cabinet Member for Environment in consultation with the Assistant Director Operations, Highways and Countryside.

In line with the Surrey Compact, the partnership review now has been issued for a 12 week consultation. At the close of the consultation at the beginning of June 2011, a report will be prepared, taking full account of responses to the consultation, for a decision on the County Council's involvement by the Cabinet Member for Environment.