

SURREY COUNTY COUNCIL

TUESDAY 8 MAY 2012

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

LEADER OF THE COUNCIL

(1) MRS HAZEL WATSON (DORKING HILLS) TO ASK:

Since the original announcement of the Community Partnered Libraries proposals for the County's libraries to be run by volunteers we have seen Molesey Library withdrawn from the plan, part time paid staff allocated to libraries and the threat of ongoing staff training costs all meaning that the plan can no longer be saving the County Council money. In other words the often-stated reason that the County Council is pushing ahead with the plans to save them from closure no longer adds up. Will the Leader agree with me that the only reason that the plans are still being pursued is dogma, that he does not want to see himself tainted like his predecessor by a failed ill-conceived proposal, and that the plans like the famous Monty Python sketch, are a dead parrot nailed to the perch to give an impression of still being alive?

Reply:

The County Council's proposals for Community Partnered Libraries are far from dead.

The Judicial Review has not criticised the proposals for community partnered libraries - but has upheld a technical challenge that in the view of the Judge, Cabinet should have had more information in front of it about the work that the Council had already done to develop its equalities training for volunteers when it made its decision in September.

Community Partnered Libraries are the business model being considered by many library authorities around the country in response to the issue of maintaining public libraries given the pressure of public finances.

To address your specific points:

Molesey was proposed as a Community Partnered Library arrangement based on the PVR assessment criteria which fundamentally looked at the cost effectiveness of the performance of all our libraries. The Public Value Review also recommended the definition of a strategic Library Network for Surrey. The subsequent progress report to Cabinet recommended a core network of libraries, managed by the county council, in key strategic locations for retail, services, business and transport. Molesey was identified as one of these strategic locations. These two approaches do not negate each other and were

using different assessments, and Cabinet agreed Molesey Library would be included in the strategic library network.

No additional costs are being incurred by the service in the roll out of the introduction and ongoing support for Community Partnered Libraries. The provision of the team to support for Community Partnered Libraries (including the time to be spent at the CP Libraries, and providing training and on-going support etc) is being met from existing capacity and arrangements that already provide the managerial and administrative support to these libraries. All training will be carried out by experienced staff and will be based on training that is already delivered to library staff, but adapted for the community partnered libraries and volunteers. These arrangements do not therefore impact on the savings to be made in the library service budget.

The local organisations we are working with have shown a great deal of energy, passion and ideas for improving their local library, and for making greater community use of the library buildings outside of library opening hours. We believe they will be able to bring many benefits to their communities.

LEADER OF THE COUNCIL

(2) MR STEPHEN COOKSEY (DORKING AND THE HOLMWOODS) TO ASK:

On 19 April, the Information Commissioner issued a decision notice regarding a number of complaints regarding the failure of Surrey County Council to provide information about the on-street parking charges plans to Oxted and Limpsfield Residents' Group.

The Information Commissioner's Office (ICO) highlighted a number of failures in the way the requests were dealt with: failure to provide the information requested, failure to comply with time limits, failure to provide the required advice and assistance.

The ICO gave the Council 35 days to supply the information, including emails and memoranda, or to provide proper justification for not doing so.

The complaint also concerned the failure to supply a copy of the lease back from the Royal Borough of Kingston to the County Council for 500 spaces at the Bittoms car park. Following the intervention of the Information Commissioner, this document was eventually released. It showed that, contrary to an email stating that the County Council needed the Royal Borough of Kingston's agreement to charge for the spaces, there was no such requirement for agreement. There has been lack of transparency throughout from Surrey County Council.

Although the plans for parking charges have been dropped, the ICO's decision is relevant for the future and for achieving better practice so that Freedom of Information (FOI) / Environmental Information Regulations (EIR) requests are treated in a more helpful, appropriate and transparent fashion.

Please can you confirm the following:

- (1) That Surrey County Council will comply with the ICO's decision.

- (2) That all Surrey County Councillors will be made aware of the ICO's decision.
- (3) That appropriate training is in place for officers to properly respond to such requests in the future.

Reply:

The County Council did not fail to respond to the FOI request. The Information Commissioner's decision is that Surrey County Council (SCC) failed to justify its application of the 'manifestly unreasonable' exception. It is disappointing that the Commissioner did not recognise SCC's position on the matter that in the Authority's opinion, the number of officer hours (i.e. 40 hours in this case) could be considered as 'manifestly unreasonable' taking into consideration the administrative burden on officer time and distraction from core functions. Information was provided as part of the ongoing process of consultation and the internal review recognised further information that could be provided. The Information Commissioner requires SCC to either provide an adequate refusal under the correct legislation (in this case, EIR) or disclose the information and officers are currently reviewing the request in light of this to ensure we comply with the Decision Notice.

The Decision Notice is now in the public domain and I can confirm that the Corporate Information Governance Team will continue to review the lessons learned from this to ensure that adequate support, advice and training is available to officers across the Council.

Therefore, the answer to your three questions is yes, yes, yes.

LEADER OF THE COUNCIL

(3) MRS FIONA WHITE (GUILDFORD WEST) TO ASK:

Many councils around the country have found substantial savings for their council taxpayers by sharing chief executives or even whole leadership teams.

Does the Leader of the Council agree that it is right to seek savings in this way?

Will he work with other councils to share senior leadership teams so that our council taxpayers can also benefit from reductions in council tax?

Reply:

There are only a small minority of local authorities that are either 'sharing' chief executives or have shared leadership teams. In practice this has occurred when there is a vacancy for a Chief Executive in a small district or borough and another small local authority agrees that the two authorities can share the one Chief Executive - normally after the Leaders of both authorities have devoted considerable time and resource to considering the options.

It is too early to judge whether such arrangements are successful either in terms of improved services and / or generate sufficient savings.

The example most talked about in the press is that between Hammersmith & Fulham, Kensington & Chelsea and Westminster City Council (the Tri-borough arrangement) whose combined revenue budgets are considerably less than Surrey County Council.

The Council has a revenue budget of £1.6 billion and as the fifth largest local authority in the country, the responsibilities and accountability of our Chief Executive and Leadership team are already very considerable. However, over the last two and a half years, we have established strong partnership working through Surrey First and SE7 and, where it is possible, we are already sharing resources. Our partnership arrangements have already delivered much stronger joined-up services for our residents and we have also generated significant savings.

LEADER OF THE COUNCIL

(4) MR COLIN TAYLOR (EPSOM & EWELL SOUTH WEST) TO ASK:

The minutes of the council's AGM on 11 May 2010 show at item 48/10 that it was unanimously agreed:

(3) That the county councillors for each district / borough area be appointed to serve on the appropriate Local Committee for the council year 2010/11, and that the Chief Executive be authorised to appoint an equal number of district / borough councillors to the Local Committees following nominations by the district and borough councils, which they should be requested to make politically proportional to their membership.

This followed an amendment that I tabled, which had resulted in adding the words:

which they should be requested to make politically proportional to their membership.

I understand that, because districts and boroughs had already decided their nominations, this did not happen in 2010/11 and was left to be applied in subsequent years.

However the minutes of the AGM on 10 May 2011 show at item 49/11 that words equivalent to those added by the amendment in 2010 were not included in 2011.

This was because they had been omitted in the corresponding agenda item. I assumed at the time that it was thought to be unnecessary to repeat what had already been agreed. However it seems that the request for political proportionality was also omitted from the invitations sent to the districts and boroughs for 2011/12.

My question is whether this was an oversight, or whether the decision taken in 2010 has somehow been over-ruled? More importantly, will these additional words requesting political proportionality be included in the invitations to districts and boroughs for 2012/13?

Reply:

The minutes of the Council meeting from May 2010 confirm that the above amendment was made but officers understood this to apply to the council year, not as an ongoing position, and therefore similar wording was not automatically included in subsequent years. If Members wish to request that district and boroughs make nominations to the local committee which are politically proportionate to their membership, I am happy for this to be included going forward recognising, however, that ultimately this is only a request and our district and borough colleagues will make the final decision on the most appropriate Members to nominate.

CABINET MEMBER FOR ASSETS AND REGENERATION PROGRAMMES**(5) MR WILL FORSTER (WOKING SOUTH) TO ASK**

As part of the County Council's property portfolio, this Council owns and leases several properties across Surrey in town centres and key shopping areas. For example, in my division the Council leases Quadrant Court on Guildford Road in Woking. Its car park has 195 spaces which is not used during the weekend.

Please would the Cabinet Member consider opening up County Council owned and operated car parks like Quadrant Court at weekends when they are not in use to provide much needed income for this Council?

Reply:

Property continually review the opportunity for generating additional income by making available its car parking spaces in key towns and shopping areas at weekends. Previous reviews have been undertaken independently as a County as well as in partnership with several respective Local Authorities.

Previous reviews, found there was no cost effective solution, given the set up costs and ongoing management of the sites, for which there is a limited window of parking income opportunity at weekends against the payback period of investment.

We will continue to review this position.

CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT**(6) MR BILL BARKER (HORSLEYS) TO ASK:**

In the Horsley Division, please advise me by name the sites which are licensed to receive green waste for processing into compost, and by name the sites which are licensed to receive hard core building site waste and the like?

What measures are taken to ensure HGV lorries delivering to these sites may do so safely?

Reply:

Licensing is a term referred to under the permitting regime, which is within the control of the Environment Agency. However, as this question is directed at the County Council I have taken the meaning of the word 'licensed' as those sites with planning permission.

The following sites are located within the Horsley Division, two of which have planning permission for the composting of green waste and one can import inert waste (which would include hardcore building site waste) for a temporary period.

1. Land at Jury Farm, Ripley Lane, KT24 6JT. Planning permission was granted on 23 November 2007 for the importation, storage, shredding and composting of green waste, producing compost for use on Jury Farm. The planning permission is subject to 12 conditions. Condition 12 is in respect of highways, traffic and access, and states that:

'There shall be no more than 4 transit vans (8 movements) of no more than 3.5 tonnes (GVW) delivering green waste to the site during the working day. A daily record shall be kept of vehicle movements and the information stored for at least one year and made available to the County Planning Authority on request.'

The Surrey Highways Authority were satisfied with the development in terms of highway safety.

2. Land at Wisley Airfield, Nr.Ockham. On 8 March 2010 the Secretary of State granted planning permission (ref: APP/B3600/A/09/2098568) for a fully enclosed invessel composting facility with a new vehicular/pedestrian access from the A3 Ockham roundabout comprising a new site access road, with a bridge over the stream to a purpose-built enclosed composting building, ancillary staff building and vehicle parking for staff/visitors together with landscape mounding and planting, and an attenuation pond in accordance with application Ref. 2008/0104 dated 8 July 2008, subject to 37 conditions and a s106 unilateral undertaking providing a mechanism for controlling the delivery of only authorised vehicles entering the site and importing composting material. 6 of the above 37 conditions set by the Secretary of State provide control in respect of highways, traffic and access.

3. Land at Jury Farm, Ripley Lane, KT24 6JT. Planning permission was granted on 3 April 2012 for the infilling of a redundant slurry lagoon with approximately 30,000 cubic metres of inert waste for restoration to arable farmland. The planning permission is subject to 14 conditions, 3 of which are in respect of highways, traffic and access. The Surrey Highways Authority were satisfied with the development in terms of highway safety.

At all these sites we are obliged to ensure through the planning process, as a County, that access is safe at all times.

LEADER OF THE COUNCIL

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

In June of 2011, the Information Commissioner fined Surrey County Council £120,000 for a serious breach of the Data Protection Act – the largest fine ever imposed by the ICO.

In April 2012 Mr Justice Wilkie declared that SCC had acted unlawfully when considering the impact of removing paid library staff on the accessibility of libraries to vulnerable groups.

Also, in April 2012, the Information Commissioner ruled against Surrey County Council's handling of requests, made under the Freedom of Information (FOI) and Environmental Information Regulations (EIR), by the Oxted & Limpsfield Residents' Group during last year's attempt by the Cabinet to bring in county-wide parking charges – citing in his ruling a series of failures to respond.

These failings by SCC have been costly in terms of finance and officer time and have caused distress and a great deal of inconvenience to many residents and businesses.

What measures is the Leader putting in place to ensure that:

- (1) The legitimate requests by residents to be heard and to gain access to information are not ignored or blocked.
- (2) Surrey County Council acts within the law and places openness and meaningful consultation above the desire to impose their policies.

Reply:

Legitimate requests for information made under the information access regimes of FOI/EIR/Data Protection are not ignored or blocked. The County Council has a number of Information Access Officers within each service who take the lead in dealing with FOI requests, responding to residents as appropriate in line with the legislation. If a resident is unhappy with the way their request has been handled, there is a process of Review available to them. Requests for Review are handled by an independent officer within the Corporate Information Governance Team to ensure the relevant exemptions are applied, including the public interest test, and a fair and transparent process is undertaken. If a resident remains unhappy with the handling of their request, then they can contact the Information Commissioner's Office (ICO) to review it.

In the case mentioned, the County Council did not fail to respond to the FOI request. The Information Commissioner's decision is that Surrey County Council (SCC) failed to justify its application of the 'manifestly unreasonable' exception. It is disappointing that the Commissioner did not recognise SCC's position on the matter that in the Authority's opinion, the number of officer hours (i.e. 40 hours in this case) could be considered as 'manifestly unreasonable' taking into

consideration the administrative burden on officer time and distraction from core functions. Information was provided as part of the ongoing process of consultation and the internal review recognised further information that could be provided.

To put this decision in context, the County Council received 1830 requests in 2011. In the same year, the ICO issued 4 decision notices in respect of requests to the County Council. The ICO found in favour of the Council in two and partly upheld the complaint in one.

The Information Commissioner's Office carried out a period of monitoring of the Council's response to FOI requests last year at the end of which they confirmed that SCC's overall performance met the required standard and no regulatory action against the Council was necessary. This was encouraging and the Corporate Information Governance Team will continue rigorous monitoring and reporting to ensure the Council maintains these high standards.

LEADER OF THE COUNCIL

(8) MRS HAZEL WATSON (DORKING HILLS) TO ASK: (2nd question)

At the 24 April 2012 Cabinet meeting, I asked a written question regarding Community Partnered Libraries. You read out a statement announcing that the plans would go back to the June Cabinet meeting in response to that question. I requested a copy of that statement and was told by you that it would be made available after the meeting. Checking back the webcast of the meeting, this was at 14.06. I later learnt that also at 14.06 a Tweet appeared from the County Council's media team saying "Council to take libraries decision again", with a link to a copy of the statement on the <http://news.surreycc.gov.uk> website.

Does the Leader agree that it shows extreme disrespect to press release a reply to a Member before giving the Member a copy of the reply, and will he undertake to ensure that there will be no further instances of this putting spin before the democratic process?

Reply:

I want to thank the media team for ensuring that the decision about Community Partnered Libraries was communicated so promptly to Surrey's residents.

It is important that once a statement by the Leader or Cabinet Member about an issue such as the libraries plan has been made in the public arena – in this case at a meeting you attended that was also being broadcast live online – that we publicise it as widely as possible.

LEADER OF THE COUNCIL

(9) MR WILL FORSTER (WOKING SOUTH) TO ASK (2nd question)

It has been reported in the business press that Surrey County Council may be looking for a major relocation of its administrative buildings.

Please could the Leader of the Council confirm if the County Council has, at any level, discussed or considered relocating out of County Hall within the last 12 months?

Reply:

We continually review our office portfolio as part of the council's 'Making a Difference' programme. I would like to congratulate the Strategic Director, Julie Fisher and her team for all the work they have done to rationalise our office portfolio. Mrs Fisher's team has moved over 2,000 staff over the last 12 months and have co-located our Adult Social Care staff with Districts and Boroughs to better integrate our services with partners saving the Council over £3million a year.

CABINET MEMBER FOR COMMUNITY SERVICES AND THE 2012 GAMES

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

In December 2011 a decision was taken to employ two additional media officers to work on the Olympics at a full year cost to the council taxpayer of over £64,000 and despite SCC having a full complement of staff within the County Council's Communications Team.

In March 2012 a decision was taken to allocate existing members of the North East Area Highways Team to Olympic duties in addition to their existing workload, and despite the fact that there were the following vacancies: 1 Senior Engineer, 2 Community Highway Officers, and 1 apprentice. In addition, a vacancy and an absence due to illness in the Traffic Regulation Order Team meant that about 40% of their staff were not available for work in March.

Does the Cabinet Member for Community Services and the 2012 Games believe that this use of council taxpayers' money and prioritising of staff workloads coincides with the priorities of our residents?

Reply:

With two Olympic cycle events and the torch relay all taking place in the county, it is vital people are kept informed so they can enjoy the events and carry on their daily lives with as little disruption as possible.

That's why these short-term posts (which started in January and will end in September) are dealing with the specific need to communicate both directly with residents and businesses, as well as through the media, to make the Olympic

Games an overwhelmingly positive experience for local people.

The officers are also working to promote the county internationally to maximise the benefit to local tourism from the Games.

All services within the Environment and Infrastructure Directorate have held vacancies for longer than is usual recently because of a staffing restructure which is an important commitment in the Medium Term Financial Plan. Now that the restructure process is complete all vacancies are being filled. The Local Highways Teams support each other across the county to mitigate the effects of temporary staffing gaps and additional work pressures, for example, preparation for the 2012 events.

LEADER OF THE COUNCIL

(11) MRS HAZEL WATSON (DORKING HILLS) TO ASK: (3rd question)

A number of Members from across all sides of the Council Chamber have raised concerns that the Member Asset Panel has been effectively abolished removing the necessary checks and balances it provided and the route to tapping the knowledge provided by local Members. Will the Leader agree to reinstate the Member Asset Panel forthwith?

Reply:

I would like Members to be more involved at the outset of projects and have asked officers to put in place measures to ensure Members can be involved at the early stages of projects to ensure local knowledge and views are captured and used.

The Property team will introduce drop-in sessions, which will enable all Members to meet with senior officers of the Property team to raise specific questions and exchange information/ local knowledge. Details of these sessions will be sent out shortly by the Property team.

LEADER OF THE COUNCIL

(12) MRS HAZEL WATSON (DORKING HILLS) TO ASK: (4th question)

The Local Government Association facilitates an internet discussion forum facility called the "Knowledge Hub". One of the forums listed is the "Surrey CC Workspace" which is described as "A private community for senior officers and Members of Surrey County Council. This CoP has been established to facilitate (sic) cross directorate working and strategic thinking." Given the constitutional requirements on discussions and meetings between officers and Members, the separation of roles between officers and Members and Freedom of Information

requirements, would the Leader agree with me that such a forum is at best unwise and at worst in breach of the County Council's Constitution?

Reply:

The communities of practice (CoP) are simply an electronic way of sharing information, best practice and meeting notes. We use the LGA facility currently but it is hoped that in the future we will be able to facilitate this sharing through our intranet - SNet. 'Private' in this context means that it is not open to people from outside Surrey County Council, it does not mean that the information shared is private.

SURREY COUNTY COUNCIL

TUESDAY 8 MAY 2012

**QUESTIONS TO BE ASKED UNDER THE PROVISIONS
OF STANDING ORDER 10.13**

REPRESENTATIVE OF THE POLICE AUTHORITY

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

Given concerns, in the "Daily Mail" on 21 April 2012, attributed to a former senior police officer about the "drain of effective police manpower away from other areas of the country" to support the Olympic Games, leaving those other areas "vulnerable to far higher levels of crime", will Surrey Police provide this month on its website, a statement of the arrangements being made for policing Surrey in the 4 months ending September 2012, allowing for the effects of leave cancellation, and showing:

- (A) the level of Surrey police manpower that will be deployed outside Surrey during those 4 months, and the reserve manpower available for contingencies;
- (B) the extent to which, in relation to Olympic Games events that take place in the county, Surrey police manpower will be deployed away from normal duties, to deal with those events, and the reserve manpower available for contingencies;
- (C) the steps to increase (and from what sources) police manpower deployed in Surrey on normal duties during those 4 months, to counter the probable influx of criminals into Surrey from London etc., due to the higher-than-normal level of policing in London and the perceived lower-than-normal level of policing in Surrey,
- (D) the steps to ensure that all crimes in Surrey, reported during those 4 months, are recorded, investigated and followed up with no less thoroughness than in 2011;
- (E) the extent to which the effective policing of Surrey during those 4 months will be lower than the level that applied in 2011, because H.M. Government is unwilling to provide additional finance to Surrey Police, to cover the exceptional policing needs that arise from the Olympic Games and related matters;
- (F) the arrangements for alerting the public to any enhanced risks of crime in Surrey during those 4 months and the additional precautions that they

need to take to counter such risks, including not leaving their homes unattended overnight;

- (G) the steps to increase public support for the police during those 4 months and to increase voluntary action to (a) deter crime in Surrey then, (b) identify (and, where possible, apprehend) those who are suspected of committing such crimes, (c) obtain evidence in support of the prosecution of such crimes, and (d) provide support for victims of such crimes; and
- (H) a statement of what independent verification has been made (and by whom and when it was made) of the adequacy of the plans for policing Surrey during those 4 months, and the extent to which the manpower deployed per A and B above has been fully reconciled to the national plan for policing the Olympic Games etc., so avoids any statistical errors, such as double counting?

Reply:

A briefing note will be provided at the meeting.