

COUNTY COUNCIL

COUNCIL MEETING – 16 OCTOBER 2012

MINUTES of the Meeting of the County Council held at the County Hall, Kingston upon Thames on Tuesday 16 October 2012 commencing at 10:30am, the Council being constituted as follows:

Mrs Sealy – Chairman
Mr Munro – Vice-Chairman

*	Mr Agarwal	Mr Ivison
*	Mr Amin	Mrs Kemeny
	Mrs Angell	* Mrs King
	Mr Barker OBE	Mr Kington
	Mr Beardsmore	Mr Lake
	Mr Bennison	Mr Lambell
*	Mrs Bowes	Mrs Lay
	Mr Brett-Warburton	Ms Le Gal
	Mr Butcher	Mr MacLeod
*	Mr Carasco	Mr Mallett MBE
	Mr Chapman	Mrs Marks
	Mrs Clack	Mr Marlow
	Mrs Coleman	Mr Martin
	Mr Cooksey	* Mrs Mason
	Mr Cooper	Mrs Moseley
	Mr Cosser	* Mrs Nichols
	Mrs Curran	* Mr Norman
	Mr Elias	Mr Orrick
*	Mr Ellwood	Mr Phelps-Penry
	Mr Few	Mr Pitt
	Mr Forster	* Dr Povey
	Mrs Fraser DL	Mr Renshaw
	Mr Frost	Mrs Ross-Tomlin
	Mrs Frost	Mrs Saliagopoulos
*	Mr Fuller	Mr Samuels
	Mr Furey	Mrs Searle
	Mr Gimson	Mr Skellett CBE
	Mr Goodwin	Mrs Smith
	Mr Gosling	Mr Sydney
	Dr Grant-Duff	Mr Colin Taylor
	Dr Hack	Mr Keith Taylor
	Mr Hall	Mr Townsend
	Mrs Hammond	Mrs Turner-Stewart
	Mr Harmer	Mr Walsh
	Mr Harrison	Mrs Watson
*	Ms Heath	Mrs White
	Mr Hickman	* Mr Witham
*	Mrs Hicks	* Mr Wood
	Mr Hodge	Mr Young

*absent

79/12 **APOLOGIES FOR ABSENCE (ITEM 1)**

Apologies for absence were received from Mr Agarwal, Mr Carasco, Mr Ellwood, Mr Fuller, Ms Heath, Mrs Hicks, Mrs King, Mrs Mason, Mrs Nichols, Mr Norman, Dr Povey, Mr Witham and Mr Wood.

80/12 **MINUTES (ITEM 2)**

The Minutes of the meeting of the County Council held on 17 July 2012, were submitted, confirmed and signed.

81/12 **CHAIRMAN'S ANNOUNCEMENTS (ITEM 3)**

The Chairman made the following announcements:

- Olympics / Paralympics – it had been a terrific summer. She thanked all Surrey ambassadors (including Tim Hall), volunteers, police and officers from the Emergency Planning Unit who were involved in the events.
- In recognition of Surrey County Council providing the largest geographical venue for an Olympic event, the Cabinet Member for Community Services and the 2012 Games presented a Commemorative Certificate from Lord Coe. She said that over one million people had watched the Road Cycle Events and thanked officers and Members for contributing to its success, in particular, David McNulty – Chief Executive, Yvonne Rees – Strategic Director Customers and Communities, Rhian Boast – Customer and Communities Directorate Business and Administration Manager, David Stempfer – Surrey Highways, Ian Good and his Emergency Planning team, Surrey Fire and Rescue, the Leader and Cabinet colleagues and lastly, the Communities Select Committee.
- Fund raisers in particular, the High Sheriff's men who completed a triathlon (as did Peter Lambell), Nick Wilson, Strategic Director for Children, Schools and Families who had cycled from Lands End to John O'Groats on behalf of Chase Hospice.
- Libraries – (i) the opening of another refurbished library, this time in Woking, (ii) Library staff awards held in Thames Ditton library and attended by the Vice-Chairman, (iii) the Reading Challenge, managed by the Library Manager from Farnham Library to encourage young people to read, that

she had attended recently, (iv) Lastly, she congratulated Rose Wilson, Library Operations Manager for completing 40 years service with Surrey Library Service. She thanked her for contributing to the transformation of the Library Service and, on behalf of the council, presented her with flowers, chocolates and an inscribed decanter.

- Steve Taylor – Estates, Planning and Management – she expressed her appreciation for his attendance at today's Council meeting and informed Members that this was likely to be his last appearance.
- Surrey County Council's Procurement team – recognised nationally for its excellent performance in the Chartered Institute of Purchasing and Supply Awards 2012. The team won two awards which was a unique achievement for a Local Authority.
- In this Diamond Jubilee year, HRH Princess Alexandra had attended a special citizenship ceremony at County Hall and had spoken to each new citizen individually.
- She expressed thanks to officers in the Chairman's office and the Catering team for the excellent organisation of events and lunches both here and around the county.
- Chinese Delegation at County Hall with Principals / Vice-Principals from primary / secondary schools in Shanghai. Members and officers had conversed using an interpreter and one representative who spoke English. She praised their teaching methods for maths and science and hoped there would be future exchanges with China.
- Surrey Space Centre in Guildford which she had visited and hoped to arrange for representatives to visit County Hall and speak to Members before Christmas.
- The new Bishop of Croydon – she had recently met him to discuss where links between his Diocese and the County Council service may be made recognised and strengthened.
- Justice Service – the annual service, marking the new judicial year had taken place in Guildford on Friday 12 October 2012. The service and lunch provided an opportunity for the justice service to connect with both the County Council and the High Sheriff.
- Remembrance Events – there would be a service at County Hall on Friday 9 November 2012. Also, there would be an

exhibition from Combat Stress at Guildford Cathedral on 30 October 2012 and the War Requiem was being performed at the cathedral on 17 November 2012, in aid of Help the Heros.

82/12 **DECLARATIONS OF INTEREST (ITEM 4)**

There were none.

83/12 **LEADER'S STATEMENT (ITEM 5)**

The Leader made a statement. A detailed copy of his statement is attached as Appendix A.

Members were invited to make comments and ask questions.

Mr Lake made reference to an article in a recent Surrey Advertiser and a plea for funding for the Oasis Childcare Centre in Cobham. This centre had been going for 17 years and may close by December. He considered that their request for £75K from the County Council should be given serious consideration because it played a valuable role in the preventative agenda.

He also made reference to the success of the Olympics and said that the work of Denise Saliagopoulos, the previous Cabinet Member for Community Services and 2012 Games should be acknowledged.

Mr Young said that he was delighted with the Superfast Broadband announcement. However, he understood that the initiative was subject to state aid approval from the European Commission. This was confirmed but the Leader informed Members that the County Council had signed the contract with BT and the Deputy Leader was committed to moving the project forward.

Mrs Ross-Tomlin was pleased that the Leader had thanked staff involved with the Olympics but requested that Surrey's Olympic medal winners also be recognised.

Mr Hickman asked whether funding for the Community Improvement Fund would continue into the next financial year and was informed that the Fund would continue, subject to budget pressures.

Mr Butcher said that he had also brought the request, mentioned by Mr Lake, to the Leader's attention. The Leader agreed to consider the request for funding.

Mr Harrison requested an update on refuse and re-cycling and the 'overhang' relating to the completing of the PFI and was advised that the county was making a huge investment in this area and that there would be an announcement about waste in the New Year.

84/12 **MEMBERS' QUESTION TIME (ITEM 6)**

Notice of 13 questions had been received. The questions and replies are attached as Appendix B.

A number of supplementary questions were asked and a summary of the main points is set out below:

(Q2) Mr Cooksey considered that only a small number of internal audit reports had been considered by select committees and asked the Chairman of Overview and Scrutiny Committee (COSC) whether he supported the view of the Audit and Governance Committee. The COSC Chairman said that all select committee chairmen were made aware of all internal audit reports, relevant to their committees and decided whether to put the item on their committee's agenda. He also confirmed that the chairmen had detailed discussions with relevant officers.

(Also, Q2) Mrs White asked whether the internal audits would be published on the County Council website and was informed by the COSC Chairman that these reports were for internal use only, to address weaknesses in processes. He confirmed that the Audit and Governance Committee's reports would be listed on the intranet for internal consumption.

(Q3) Mrs Watson asked the Cabinet Member for Transport and Environment whether the inventory of 20mph speed limits should be updated from 2007 to present and said that there should be a review of the authority's current policy on this topic. The Cabinet Member disagreed. The Deputy Leader said that decisions on 20mph speed limits were best made by local committees as 'one size' did not fit all.

(Also, Q3) Mr Hickman asked that consideration was given to implementing 20mph speed limits outside all Surrey schools. The Cabinet Member for Transport and Environment said that Members were elected to make decisions on behalf of their communities and any request for a 20mph speed limit may be considered by the relevant local committee, as appropriate.

(Q6) Mr Kington considered that the Leader of the Council had failed to answer his question and asked again for an example of a modern democratic Executive which banned debate. The Leader responded by quoting standing orders from Epsom and Ewell

Borough Council, where Mr Kington is also a member. Mr Kington raised a point of order because this borough council had revised their constitution and said that standing order no longer existed. Mr Colin Taylor confirmed that was the case and said it had been changed at Mr Kington's request.

(Q7) Mr Cooksey considered that the report on fraud presented to a recent Audit and Government Committee was a constitutional policy issue and therefore it should be a full council decision. The Leader of the Council disagreed.

(Q8) Mrs Watson asked the Cabinet Member for Transport and Environment if he considered that the proposed scheme list for road resurfacing should be discussed at local committees held in public rather than the informal private meetings. The Cabinet Member confirmed that comments from all local committees would be collated and assessed by engineers before the five year road maintenance programme was considered at a future Cabinet meeting.

He considered that officers had done a tremendous job in consulting with residents and Members on this programme and said that the roadshows were just part of the consultation. He was confident that the programme could be delivered over five years and also agreed that the roadshows could go to local forums.

(Q10) Mr Kington asked the Leader of the Council when he would issue guidance on responses to public questions at Cabinet. The Leader responded by stating that both Members and the public could table questions. However, it was sometimes inappropriate to comment on a question, if there was a related report on the agenda, until the whole item had been debated.

(Q12) Mr Colin Taylor asked the Cabinet Member for Community Services and the 2012 Games, and she agreed, that it was in order to submit details of a particular case to her for discussion outside the meeting.

85/12 **SURREY POLICE AUTHORITY (ITEM 7)**

No questions were received for the Surrey Police Authority.

86/12 **REPORT OF THE SURREY POLICE AUTHORITY (ITEM 8)**

A written statement on the work of the Surrey Police Authority had been included in the agenda.

The Chairman said that this was the last County Council meeting before the Surrey Police Authority ceased to exist and requested that thanks and recognition of the work achieved by them be recorded.

Under the new arrangements, a joint Surrey Police and Crime Panel with the 11 District and Borough Councils had been formed, to maintain a regular check and balance on the performance of the directly elected Police and Crime Commissioner. The Panel recently held its first meeting and Mrs Dorothy Ross-Tomlin was elected Chairman for the first year.

87/12 **STATEMENT BY MEMBERS (ITEM 9)**

There were three local Member statements:

- Mr Townsend on Pharmacy in Ashted. (Appendix Ci)
- Mr Young in relation to unannounced road closures in Cranleigh and Ewhurst (Appendix Cii)
- Mr Walsh in relation to Walton Bridge.(Appendix Ciii)

88/12 **ORIGINAL MOTIONS**

(ITEM 10(i))

Under Standing Order 12.3, the Council agreed to debate this motion.

Under Standing Order 12.1, Mr Ian Beardsmore moved the motion standing in his name which was:

‘This council opposes any proposals to build additional runways at Heathrow and Gatwick airports or increase air traffic at other airports in and around Surrey, such as Farnborough and Biggin Hill, due to the damage this would cause to Surrey’s environment and the adverse impact on Surrey’s residents.

Council agrees to write to the Secretary of State for Transport to express its view that while being pro economic growth the Surrey environment must be protected and alternatives to airport expansion in the South East must be found.’

Mr Beardsmore began by saying that this motion followed on from a speech that he had made in relation to Heathrow and was about looking to the future for airport provision. Although both Heathrow and Gatwick were outside the county border of Surrey, they were important to Surrey but he considered that any extensive expansion at either airport could start to unbalance the economy. He said that

the airports did not have to expand to survive as they already carried 90 million passengers. He was also concerned about the environmental impact and demolishing houses to make way for airport expansion. There was already severe constraints on housing in the Green Belt and serious air quality and pollution issues. Any airport expansion would impact on the Green Belt and this must not be allowed to happen. Finally, he mentioned the hub theory which he also had issues with and questioned the soundness of this theory going into the future. He urged the Council to support the motion.

The motion was formally seconded by Mrs Hazel Watson. Mrs Watson said that the County was sandwiched between Heathrow and Gatwick and that it was important to send a clear message to Government that Surrey County Council would not accept further expansion at either airport.

The Leader of the Council tabled an amendment (formally seconded by the Cabinet Member for Transport and Environment), which was:

‘This council opposes any proposals out of line with existing county council policy to build additional runways at Heathrow and Gatwick airports or increase air traffic at other local airports.

Council agrees to write to the Secretary of State for Transport to express its view that while being pro economic growth the Surrey environment must be protected and to express support for the Government’s approach in requesting Sir Howard Davies to assess options for managing airport capacity in the UK. ‘

The Leader made the following points:

- That, following a motion to County Council on 22 January 2008, which had been referred and discussed at the Executive’s meeting on 26 February 2008, a policy had been agreed at the County Council meeting on 4 March 2008. This was unchanged.
- No decision on detailed plans for a second runway at Gatwick could be made before 2019 – due to an agreement signed in 1979.
- A Member seminar on this topic would be held in the new council year 2013/14.

After four Members had spoken on the amendment, Mr Beardsmore agreed to support the amendment to his motion.

Key points made were:

- County Council policy opposed further expansion at Heathrow and Gatwick.
- Gatwick was operating at 10 million under capacity and Stansted at 50 million under capacity.
- Many Surrey residents benefitted from employment at the airports.
- Debate the issue further after Sir Howard Davies had assessed the options for managing airport capacity.
- Concern re. blight issues that expansion of Gatwick would have on local communities, particularly in Charlwood.
- No further airport expansion be proposed but a rail link to Birmingham be built.

The amendment was put to the vote and was carried, with no Member voting against it.

Eight Members spoke on the motion as amended, making the following points:

- Concern that demand for airport expansion would level out and result in an enormous waste of resources.
- A substantial number of Surrey residents benefit directly or indirectly from employment opportunities generated by the airports.
- A request that the Member seminar includes discussion about other local airports, such as Farnborough and Biggin Hill and also other alternatives to airport expansion in the South East, including building a new airport in the Thames estuary.
- Issues that arise in relation to 'stacking' for Heathrow.
- Heathrow is at full capacity and Surrey is surrounded by motorways or planes flying overhead.
- A request that a report is considered at the Environment and Transport Select Committee, following the Members' seminar.
- The seminar should be an all day event and all Members were urged to attend.
- Heathrow has more flights to key business centres than any other city.

The amended motion was put to the vote, with 55 Members voting for it. No Member voted against it and there were no abstentions.

Therefore, it was:

RESOLVED:

That this council opposes any proposals out of line with existing county council policy to build additional runways at Heathrow and Gatwick airports or increase air traffic at other local airports.

Council agrees to write to the Secretary of State for Transport to express its view that while being pro economic growth the Surrey environment must be protected and to express support for the Government's approach in requesting Sir Howard Davies to assess options for managing airport capacity in the UK.

ADJOURNMENT

The meeting adjourned for lunch at 12.45pm and resumed at 1.45pm, with all those present who had been in attendance in the morning except for Mr Brett-Warburton, Mr Cooper, Mr Elias, Mr Lake, Mr MacLeod, Mrs Moseley, Mr Pitt, Mrs Saliagopoulos, Mr Sydney and Mr Townsend.

89/12 (ITEM 10(ii))

Under Standing Order 12.3, the Council agreed to debate this motion.

Under Standing Order 12.1, Mrs Fiona White moved the motion standing in her name which was:

'This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4 July 2011. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions, and
- b) that the upper threshold for means-testing should be raised.

This Council calls upon Her Majesty's Government to:

- i. bring forward legislation to implement these two proposals without any further delay and
- ii. ensure that the necessary funding provided to local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.'

Mrs White began by saying that she had been expecting a formal announcement on these two proposals arising from the Dilnot report at the Conservative Party Conference but as it hadn't happened, they were debating her motion today. She said that Adult Social

Care funding issues had preceded the last General Election and the Prime Minister made a pledge in August 2012 concerning elderly people selling their homes to fund care. She considered that the Coalition Government had failed to act on the Dilnot recommendations and the present system was a mess. She also said that currently, homeowners were unable to purchase an insurance policy to protect their assets, however if a cap was set on individuals' contributions, that could change.

It was difficult to obtain statistics on the number of people affected but a national newspaper had reported that care for the elderly would be one of the top three issues at the next General Election. Finally, she said that the three main political parties agreed that it was a serious issue that needed addressing and urged the Council to support the motion.

The motion was formally seconded by Mr Colin Taylor, who said that the Health Service was no longer affordable and the 'affordability issues' had been swept aside by previous Governments as 'too difficult' to resolve. He considered that the introduction of a cap on individual's contributions, which may enable insurance policies to become available, should be addressed without delay and therefore, may encourage people to save more for their old age.

The Cabinet Member for Adult Social Care and Health tabled an amendment (formally seconded by Mrs Marks), which was:

'This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4 July 2011. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions.
- b) that the upper threshold for means-testing should be raised.

This Council calls upon her Majesty's Government to:

- i) bring forward legislation to implement these proposals as soon as possible, and
- ii) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.'

Mr Gosling explained the reasons behind his amendments to the motion and said that the County Council was rarely fully compensated by Central Government for any initiatives that incurred additional funding which was why 'all' had been inserted.

He said that the County Council should celebrate people living longer and having a better quality of life. He considered that his amendment was realistic and suggested that both the Liberal Democrats and the Conservatives canvassed their respective colleagues in Government to effect the changes because the cost of the Dilnot proposals would be high and create a funding gap for the authority.

Mrs White said that she accepted the insertion of 'all' in recommendation (2) but could not accept the amendment to recommendation (1).

After the debate on the amendment, in which 3 Members spoke, it was put to the vote with 37 Members voting for and 12 Members voting against the amendment. There were no abstentions.

Therefore the amendment was carried and became the substantive motion.

Key points made by Members during the debate on the motion and the substantive motion were:

- The importance of discussions with Government and 'as soon as possible' provided the County Council with a basis for presenting its case in a measured and time honoured way.
- Concern re. the definition of 'as soon as possible'.
- It was important to establish a finite timescale.
- Agreed to canvas the relevant MPs.
- The longer the delay the more people would be caught in this trap.
- Reluctantly, the Liberal Democrats would support the substantive motion so that the message to Government was supported by the whole Council.

The substantive motion was put to the vote, with 55 Members voting for and 1 Member voting against it. There were no abstentions.

Therefore, it was:

RESOLVED:

This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4 July 2011. The report recommended, inter alia:

- (a) that a cap should be set on an individual's contributions.
- (b) that the upper threshold for means-testing should be raised.

This Council calls upon her Majesty's Government to:

- iii) bring forward legislation to implement these proposals as soon as possible, and
- iv) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

90/12 REPORT BACK FROM CABINET ON REFERRED MOTION (ITEM 11)

The Chairman reported that the motion from the last Council meeting, standing in the name of Mr Kington, and which was referred to Cabinet for consideration was lost, as detailed in the report set out in the agenda.

91/12 REPORT OF THE CABINET (ITEM 12)

The Leader presented the reports of the Cabinet's meetings held on 24 July and 25 September 2012.

(1) Statements / Updates from Cabinet Members

One statement from the Cabinet Member for Transport and Environment on the emerging Countryliner (Bus Operator) situation was tabled at the meeting (Appendix D). He thanked all officers who were involved in organising contingency arrangements for certain bus routes, following Countryliner Sussex Ltd going into Administration.

Following two questions from Members, he agreed to (i) re-check the list of bus services set out in his statement, and (ii) provide details of costs of the seven month contracts awarded to the operators set out in his statement.

(2) Reports for Information / Discussion

The following reports were received and noted:

- Local Sustainable Transport Fund (Large Bid) – Surrey Travel Smart
- Children and Young People's Strategy 2012-2017
- Young People's Employability Plan 2012 - 2016
- Local Government Ombudsman Report Findings and Recommendation for Financial Compensation

- Quarterly report on decisions taken under Special Urgency Arrangements – 1 July – 30 September 2012

Members had an opportunity to ask questions and comment on both the statement from the Cabinet Member and the Reports for Information.

RESOLVED:

That the report of the meeting of the Cabinet held on 24 July and 25 September 2012 be adopted.

92/12 AMENDMENT TO FINANCIAL REGULATIONS (ITEM 13)

The Leader of the Council presented the report on the proposed amendments to the Financial Regulations.

RESOLVED:

That the changes summarised in the submitted report and contained in the revised Financial Regulations in Annex 1 which was attached to the report, be approved.

93/12 AMENDMENTS TO THE CONSTITUTION (ITEM 14)

The Leader of the Council said, in order to ensure that the Council was in line with new legislation, there were a number of changes to the Constitution to update the policy framework, executive regulations and the process for granting dispensations. He commended the report to Council.

RESOLVED:

- (1) That the policy framework included in Article 4 of the Constitution be replaced with the list attached at Appendix 1 of the submitted report.
- (2) That Audit and Governance Committee's process for granting dispensations attached at Appendix 2 of the submitted report, be included in the Constitution under Section 6 – Codes and Protocols.
- (3) That the relevant sections of the Constitution be revised to reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as summarised in Appendix 3 of the submitted report.

94/12 APPOINTMENT OF AN INDEPENDENT PERSON (ITEM 15)

The Chairman said that the Council's agreement was required for the proposed interim arrangements, as detailed in the report.

RESOLVED:

That the report on progress to appoint an Independent Person be noted and it be agreed to participate in joint arrangements with three other Councils for an interim period and therefore Tony Allenby, Vivienne Cameron and Roger Pett be appointed as interim Independent Persons for Surrey County Council until such time as a permanent appointment is made.

95/12 REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE (ITEM 16)

The Chairman of Audit and Governance presented the report and said that the committee had looked at the Regulatory Framework and Audit Activity. The report also detailed a summary of work undertaken by the committee and the follow up work / action recommended. He thanked both the Members of the Audit and Governance Committee and the officers who supported them for their hard work.

It was:

RESOLVED:

That the first Annual Report from the Audit and Governance Committee be noted.

[The meeting ended at 2.40pm]

Chairman