

# **Environment and Transport Select Committee 19 April 2012**

Review of the Agreement with Surrey Wildlife Trust to Manage the County Council's Countryside Estate: Governance Review

**Purpose of the report:** Scrutiny of Services and Budgets / Performance Management and Review

This report provides an update on the review of the agreement with Surrey Wildlife Trust (SWT), in particular the review of its governance.

#### Introduction:

- 1. Surrey Wildlife Trust (SWT) manages the County Council's Countryside Estate under a 50 year Partnership Agreement. That Agreement has been running for ten years and is being reviewed to ensure value for money and to establish a more effective way of monitoring performance. The review over the last two years has included looking in detail at the way the built property is managed, developing a new Service Delivery Specification and reinforcing the governance framework. The value for money review is currently being carried out and will report in the summer of 2012.
- 2. SWT have now drawn up an Asset Management Plan and Repairs and Maintenance Programme (RMP), which has been to the Surrey Countryside Partnership Committee, the County Council's Asset Management Panel and to this Select Committee. Appendix 1 shows the summary RMP for the next 5 years, incorporating the levels of inflation expected on the income and expenditure. This will now be monitored on a quarterly basis at the Officer meetings. Where buildings require a major investment they will become part of a bid to the County Council's Capital Investment Panel setting out the business case for that investment.
- 3. A new Service Delivery Specification (SDS) has also now been completed to form the basis of performance reporting. The SDS is set at a high level and is included in Appendix 3. The original SDS in the Partnership Agreement had over 60 targets, and not all could be measured. Specific targets for the built property are included in the Asset Management Plan.

#### Governance

4. The SCC internal Audit report carried out in 2011 recommended that the Partnership Committee should undergo a review which should include the

- way the committee operates and the numbers on the Committee and performance reporting to the Committee.
- 5. In the light of its role as a non-executive Committee the auditors felt that the number of members of the Committee was disproportionate to its role. The committee was asked therefore to consider if the current numbers of representatives are still appropriate.
- 6. The Committee was set up with 5 County Councillors, 5 SWT Trustees and one representative of the Access Agreement Landowners; the current membership is shown in Appendix 2. At the March meeting of the Partnership Committee the Members agreed to focus on reviewing the operation of the governance structure and to review the numbers on the committee again within the next 6 months.
- 7. Appendix 2 shows the three levels of the Governance Structure as it currently exists and sets out a new emphasis for the operation of the Governance. This structure reflects that used in managing other contracts across the County Council.

#### The Partnership Committee as a Strategic Body

- 8. The Partnership Committee has moved to meeting quarterly for the next year while the changes in the focus of the Committee are implemented. It is likely to move to 6 monthly, as set out in the constitution. The work of the Committee has tended to review performance and receive the budget leading to a more reactive way of operating rather than looking forward and determining and guiding the strategy for managing the Countryside Estate. In future the Partnership Committee will focus on those strategic matters along with receiving annual performance and financial reports. A more strategic focus will enable the Committee to ensure that the relevant business and strategic outcomes wanted by the County Council are integrated into the plans for the Countryside Estate. The first task for the Committee is to produce a five-year strategic programme for the Countryside Estate.
- 9. The Constitution of the Committee would remain similar to the current constitution, which gives the Committee a non-executive role of ensuring the smooth running of the Partnership, brokering solutions where issues arise and developing strategy for the future. Any executive decisions remain with the partners.

#### The Delivery Body

10. The Senior Officer Group would then become the delivery body, with representatives from SWT and SCC. This Group manages the performance of the contract and advises on the allocation of resources, communications and produces collective action plans to deliver the strategy. It meets quarterly, receiving exception reports on finance and performance at each meeting and the interim and annual report in advance of them going to the Partnership Committee. This body will also receive the quarterly report on the RMP, to monitor work done so far and agree the next year of the rolling programme.

#### The Implementation Body

- 11. One representative from each of SWT and SCC, take on the contract manager role and monitor implementation. They meet at least monthly to deal with day-to-day issues. In addition the contract managers are in regular contact to ensure that performance reports are ready for the Quarterly meetings.
- 12. This structure will allow the monitoring of the new SDS and forward thinking for the strategy.

#### Reporting

- 13. Reporting to the Partnership Committee has also been reviewed and in particular the performance reports, which, as with the governance structure, now follow a format used across the County Council for monitoring contracts. The template for annual reports is in Appendix 4 and sets out performance against the key areas of the SDS and any further areas to highlight either because they are causing concern or because of outstanding achievements. This was used for the first time to report the 2010/11 annual performance.
- 14. In addition a programme of induction sessions and briefings is being drawn up to ensure that new and existing members of the Partnership Committee are aware of the work on the Countryside Estate and any issues before they come to the Committee. The first briefing meeting was held on 2<sup>nd</sup> March and the aim is to hold subsequent briefings quarterly.

#### **Conclusions**

15. In conclusion for 2012/13 the new focus for the governance structure will be in place with the reporting system and the RMP to cover the management of property. The annual performance report for 2011/12 will go to the June 2012 meeting of the Partnership Committee with the interim report for 2012/13 going to the Committee in September 2012. The operation of this system will be monitored to ensure it achieves the aim of simplifying the process and allows the committee to focus on the longer term strategy for the Countryside Estate.

#### Financial and value for money implications

- 16. The annual payment to SWT to manage the Countryside Estate of 4,000 hectares is £953,640 for 2012/13. This has reduced by £300,000 from the original sum in 2002 as set out in the financial formula. In addition for 2012/13 there is no inflationary increase on the payment, which will make an additional saving for the County Council.
- 17. Built property on the Estate generates an income that pays for repairs and maintenance on the property and a sum of around £80,000 is used to support the management of the wider Countryside Estate. The Agreement allows for income from the property to be used to support the wider Estate. The amount used to support the Estate will be monitored

- through the RMP to ensure that repairs identified are carried out and any new work is incorporated into the programme.
- 18. An assessment of the value for money delivered by the contract over the first ten years is being undertaken at the moment and will be reported to the Cabinet Member for Transport and Environment in the summer of 2012.

#### **Equalities Implications**

19. There are no implications of these proposals as they are designed to improve the monitoring of the Partnership Agreement and deliver the service delivery specification. The County Council's responsibilities for ensuring equalities implications are taken into account are passed to SWT and are part of the monitoring process.

#### **Risk Management Implications**

- 21. The main risk is that SWT does not deliver as per the Service Delivery Specification either because of insufficient funding or a failure to carry out the necessary work. SWT is entitled to serve notice on SCC if it cannot raise sufficient funds to manage the Estate and believes that to continue to manage the Estate would result in permanent damage to the charity itself.
- 22. However the governance put in place will allow SWT and SCC to monitor the service and income and expenditure and agree actions to keep delivery on target. It is in the interests of SWT to deliver a good service as the SCC Countryside Estate has enabled them to expand their presence on the ground and raise their profile. This in turn has converted into a steady increase in members.

# Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

23. The Governance will help SCC and SWT to jointly monitor the delivery of service and budget related to the Agreement contributing to the Public Value Review (PVR) requirement to reduce the costs of the contract in the medium to long term. Implementing the RMP will ensure that the built property on the Countryside Estate is maintained.

#### **Recommendations:**

24.	The Select Committee is asked for their comments on the work of the
	review.

ITEM 9

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## Sources/background papers:

Officer Report to Cabinet, Countryside Contract Review 30<sup>th</sup> March 2011 Report to Environment and Transport Select Committee 15th September 2011 Countryside Estate: SWT Asset Management Plan. **Appendix 1 SUMMARY SCHEDULE OF EXPENDITURE, INCOME & COSTS** Initial works spread over 5 years (excludes identified high cost projects) YR1 YR4 YR5 YR2 YR3 YR 1-5 2012/17 (includes inflationary rates as per SCC) 2012/13 2013/14 2014/15 2015/16 2016/17 inc initial works **RMP** Expenditure £200,576 £152,481 £117,106 £203,321 £798,105 £124,621 RMP Expenditure with inflationary % £127,737 £209,908 £162,926 £127,881 £226,913 £855,364 £26,713 £27,300 car parks £25,625 £26,163 £27,901 £133,702 roads and tracks £20,500 £20,931 £21,370 £21,840 £22,321 £106,961 **TOTAL EXPENDITURE** £173,862 £257,001 £211,009 £177,021 £277,134 £1,096,028 Rental Income - current portfolio £333,697 £340,705 £347,859 £355,512 £363,334 £1,741,107 **Rental Income - proposed additions** £10,608 **Burford Bridge** £9,957 £10,166 £10,379 £10,841 £51,951 £18,450 £18,837 £19,656 additional masts £19,233 £20,089 £96,265 £385,776 £1,889,323 **TOTAL INCOME** £362,104 £369,708 £377,472 £394,263 £49,650 £242,143 Costs - staff costs £45,450 £47,723 £48,677 £50,643 Insurance £15,375 £15,698 £16,028 £16,380 £16,740 £80,221 **Fees** £13,325 £13,605 £13,891 £14,196 £14,508 £69,525 **Contribution to Countryside Estate** £82.000 £83,722 £85,480 £87,361 £89,283 £427,846 **TOTAL ADDITIONAL COSTS** £156,150 £160,747 £164,075 £167,587 £171,175 £819,735 Income less expenditure & less costs £32,092 -£48,041 £2,388 £41,168 -£54,046 -£26,439 £32,092 -£48,041 £2,388 £41,168 -£54,046 -£26,439 SHORTFALL/SURPLUS

#### ITEM 9

Income has been inflated by around 2% per annum in line with general inflation on income. Some of the rents are due to be reviewed in that period although the increase is unknown at this point. Potential increased income from other activities related to property, such as car parking charges have not been included in this table.

# ITEM 9

# Appendix 2 Model for Governance of The SCC/SWT Agreement

#### **Surrey Countryside Partnership Committee**

**Strategic Body**: works on a 5-10 year horizon and manages the strategic targets of the agreement, receives performance reports and financial reports annually

**Who**: Members from SCC, Trustees from SWT and a representative from the owners of the Access Agreement land

Meets When 6 monthly (quarterly by exception)

# Information flows upwards

#### **Quarterly Officer Meeting**

**Delivery Body**: manages the performance of the agreement and advises on resources, the communications strategy and produces collective action plans.

**Who**: officers only, chaired by SCC Countryside Officer or CEO of SWT, includes property expertise.

Meets When: quarterly

#### Meeting of Contract Managers from SCC and SWT

Implementation Body: day to day management of delivery, financial management and performance reports

**Who**: SCC/SWT Representatives from both sides plus specialists as necessary.

**Meets When**: monthly usually with additional meetings if necessary

#### **Members of the Surrey Countryside Partnership Committee**

SCC Bill Barker

Helyn Clack John Furey Tim Hall Linda Kemeny

SWT Mary Adler

Adam Curtis Heather Hawker Alan Oakley Ron Pritchard

Bridget Biddell representing the Access Agreement Owners

## Appendix 3

#### SURREY COUNTY COUNCIL/SURREY WILDLIFE TRUST

# AGREEMENT FOR THE MANAGEMENT OF SURREY COUNTY COUNCIL'S COUNTRYSIDE ESTATE SERVICE DELIVERY SPECIFICATION

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
1.0	Asset Management				
1.1	SWT will maintain the condition of buildings in line with an agreed Asset Management Plan.	20 year Asset Management Plan agreed by SWT and SCC. Annual work programme produced by 1 November each year for discussion between SWT and SCC. All minor and major maintenance work delivered to agreed Asset Management Plan and annual work programme	Annual performance report to be prepared by SWT for the first Partnership Committee following the end of the year. Interim Report to go to the Partnership Committee in the Autumn.  Verbal report to quarterly meeting which will be minuted	Asset Management Plan to be prepared by SWT and agreed with SCC; Asset Management Plan to be kept under constant review. Annual meeting be held in November each year to agree the work programme for the following financial year  Performance will be reported to quarterly Officers' meetings and to bi-annual meetings of the Partnership Committee to a schedule and a format to	A) Asset Management Plan

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
				be agreed between SWT and SCC	
1.2	Property enhancements and the funding of enhancements to be agreed between SWT & SCC	All property enhancements delivered to property enhancement procedure	Proposals report to SCC  Verbal report to quarterly meeting which will be minuted	SWT to submit a business case for any potential enhancements. Procedure to be set out in property enhancement procedure. SWT will report any adjacent development proposals and changes to licences and tenancies to SCC	B) Property enhancement procedure and business case
2.0	Encroachments				
2.1	SWT will report new encroachments immediately to SCC	New encroachments reported to SCC Contracts Manager within 7 days	Encroachments form		
2.2	SWT will record encroachments on a database and will carry out a 10 year rolling programme to proactively identify encroachments	Encroachment database maintained	Changes noted on the encroachments database; database to be accessible to SCC	Database to be agreed between SWT & SCC Boundaries shown on lease plans will be reviewed by SCC and SWT	
2.3	SWT will support action taken on encroachments by SCC	Encroachments procedure complied with	Annual performance report	An encroachment procedure will be agreed between SCC and SWT and will be reviewed every 5 years.	C) Encroachments procedure
3.0	Finance and Probity				

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
3.1	SWT will demonstrate ongoing financial viability and value for money year on year	% increase in third party (non SCC) income compared year on year and efficiencies in expenditure	Annual performance report Audited statutory accounts Management accounts	Variance to be compared to previous year	
3.2	SWT will operate a Health & Safety policy in line with HSE requirements	Policy in place	Annual performance report	Health & safety policy will be agreed between SWT & SCC and will be reviewed every 5 years.	D) Health and safety policy
3.3	SWT will report serious health and safety incidents immediately to SCC	Serious incidents reported to SCC Contracts Manager within 7 days	Email for serious incidents.	Serious incidents include life threatening or fatality. 'Serious incidents' to be defined in health and safety policy.	
3.4	SWT will have agreed site risk assessments and fire plans. These will be included in site management plans or management briefs as appropriate.	Risk assessments and fire plans included in management plans and briefs	To be included in management plans and management briefs	Format of site risk assessments and fire plans to be agreed between SWT and SCC	
3.5	Sites managed by third parties will have agreements which will be agreed by SCC	Third party agreements in place	Annual performance report	Agreements to be agreed by SCC	
3.6	SWT will operate an agreed tree safety practice in accordance with SCC's tree management strategy	Practice note in place delivering in line with SCC tree management strategy	Annual performance report	A tree safety practice note will be agreed between SWT & SCC and will be reviewed every 5 years.	E) Tree safety practice note
3.7	SWT will implement an environmental sustainability policy for the Countryside Estate	Policy in place by 01/01/2011	Annual performance report	Environmental sustainability policy in place January 2011	

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
3.8	SWT will operate safe recruitment and equality and diversity policies	Policies in place	Annual performance report	Safe recruitment and equality and diversity policies, including a CRB check procedure, to be agreed with SCC and reviewed every 5 years	F) Safe recruitment and quality and diversity policies
3.9	SCC and SWT will jointly maintain a risk and issue register	Risk and issue register up to date	Annual performance report  Activity report to quarterly meeting	Register to be reviewed at monthly contract management meetings, quarterly Officers' meetings and bi-annual Partnership Committees.	
4.0	Volunteers				
4.1	SWT will record volunteer hours for each site and for the whole estate.	Number of volunteer hours for the year for the whole estate – compared year on year – increased or decreased	Annual performance report	SWT intends to increase overall volunteer hours year on year	

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
5.0	Contract Management				
5.1	Outstanding contract management issues will be resolved in accordance with contract clauses 13 and 32. Regular contract management meetings will be held between SWT, SCC and access agreement owners.	Escalation process adhered to	Annual performance report.  Activity report to quarterly meeting	Unresolved issues to be recorded on quarterly activity reports. Issues to be reviewed at monthly contract management meetings, quarterly Officers' meetings and bi-annual Partnership Committees.	Contract clauses 13 and 32
5.2	SWT will comply with the corporate representation standards. Any issues will be considered as part of the issue resolution protocol	As 5.1	Annual performance report	Corporate representation standards to be agreed between SWT & SCC and reviewed every 5 years	G) Corporate representation standards.
6.0	Site Management Plans and Briefs				
6.1	SWT will review management plans or management briefs for all sites on a rolling programme. Management plans will be consented by Natural England and agreed by SCC and management briefs will be agreed by SCC	Management plans and briefs agreed by Natural England and SCC and in place	Annual performance report	List of site management plans and management briefs and format of content to be agreed between SWT, SCC and Natural England – list will include proposed dates for review and completion	H) Management plans and management briefs - review programme

	Performance Target	Performance Indicator	Method of Reporting	Notes Notes	Specification Schedule
7.0	Sites of Special Scientific Interest and Sites of Nature Conservation Importance				
7.1	SWT will manage all SSSIs and SNCIs in line with agreed management plans/briefs. SWT will report progress on management of all SSSIs and SNCIs including progress towards achieving NE 2010 targets and HAP targets	All sites managed according to agreed management plans and briefs.  Number and % of SSSIs in favourable / favourable recovering condition — increased or decreased.  Number and % of SNCIs in active management	Annual performance report including site reports	Format of annual site reports to be agreed between SWT & SCC	I) Site reports format

	Performance Target	Performance Indicator	Method of Reporting	Notes	Specification Schedule
8.0	Visitor Services				
8.1	SWT will manage all sites to agreed visitor services standards. A programme of site inspections will be undertaken by SCC and improvement measures will be carried out by SWT as agreed with SCC. SWT will agree improvement measures within 21 days.	Number of improvement measures outstanding and completed from previous year – increased or decreased	Annual performance report	Visitor services standards for sites and any changes and standards for the Estate to be agreed between SWT & SCC.  Visitor services standards to be reviewed every 5 years.  Site inspection procedures, site inspection programme and timescales for completing actions to be agreed between SWT & SCC	J) Visitor services standards.
9.0	Stakeholder Satisfaction				
9.1	SWT will operate an agreed comments, compliments and complaints policy compatible with SCC's policy	Policy in place. All complaints resolved within 90 days	Annual performance report	Comments, compliments and complaints policy to be agreed between SWT & SCC Policy to be reviewed every 5 years. Where complaints are unresolved within 90 days they will become part of Issue resolution (5.1 above)	K) Comments, compliments and complaints policy
9.2	SWT will demonstrate that feedback from liaison groups, users and stakeholders is	Proactive engagement with stakeholders demonstrated within annual report	Annual performance report	Interactive website is planned by SWT. User and stakeholder	L) User and stakeholder feedback

	Performance Target	Performance Indicator	Method of Reporting	<u>Notes</u>	Specification Schedule
	proactively encouraged and with feedback from visitor surveys, is being used to inform future management activities			feedback procedures to be agreed between SWT and SCC Feedback procedures to be reviewed every 5 years	procedures
9.3	SWT will operate an agreed Freedom of Information policy for the Countryside Estate based on the Freedom of Information Act 2000	Policy in place	Annual performance report	Freedom of Information policy to be agreed between SWT and SCC and reviewed every 5 years.	M) Freedom of information policy
10.0	Access Agreements				
10.1	SWT will manage public access to land subject of access agreements including managing travellers' incursions	Management of public access to access agreement owners' satisfaction and as set out in management plans and management briefs	Annual performance report	Appropriate management of access agreement land to be agreed between SWT and landowners and to be reviewed at annual meetings. Procedure to be set out in practice note on management of access agreement land	N) Practice note on management of access agreement land

# Surrey Wildlife Trust Annual Performance Report

#### Introduction

The purpose of this annual report is to provide an overview Surrey's Wildlife Trust (the Trust) performance against meeting the contract Service Delivery Specification (SDS) and is segmented into nine sections:

- ❖ Asset Management this section reflects the Trust ability to manage and maintain the council's countryside <u>property</u> portfolio through agreed Asset Management Plan and associated Repair and Maintenance Programme.
- Encroachments monitors ability to identify encroachments on estate and deal with minor "land management" type encroachment activity
- Policies & Practice Notes monitors Trust ability to deliver SCC strategy through internal policy
- Volunteers monitors ability of Trust to proactively engage with and employ volunteers demonstrating value for money
- Contract Management Resolve any disputes which have been unable to be agreed at monthly operational meetings and quarterly partnership meetings.
- Site Management Plans this is a key priority and reflects the ability of the Trust to conserve and enhance the council's countryside <u>land</u> portfolio through the delivery of agreed Management Plans/Briefs
- ❖ Sites of Special Scientific Interest monitors ability of the Trust to manage SSSI sites and maintain to Natural England standard (Favourable / Unfavourable-recovering)
- Visitor Services monitors ability of the Trust to deliver effective visitor services
- Stakeholder Satisfaction monitors ability of the Trust to engage with stakeholders.

#### The annual report also provides a summary of:

- Key Successes of the previous contract year
- Performance Risks & Actions to resolve
- Future Development areas for improvement for the following contract year
- Financial Performance enabling both parties to take proactive action at the earliest opportunity or conversely highlight key Trust successes

# Red, Amber, Green (RAG) Reporting

The reports summarise the status of activities using the RAG indicators below:

Status	Description
G	Performance meets Service Specification, Management & Asset Plans targets, with quality achieving or exceeding minimum quality standards.
Α	Service delivery has not achieved Service Specification, however rectification
	plan in place/ agreed
R	Service delivery unable to meet Service Specification /Management Plan/Asset
	Plan, with no agreed resolution to improve performance next year

Status Summary								
Finance	Asset Mgt.	Encroach.		Policies	Vol. & Con. Mgt	Mgt Plans & SSSI	Visitors	Stakeholder
Kov Suo								
Key Suc	cesses							
Performance Risks								
*			*					
Future D	Future Development							
*								

# **SWT Management Accounts**

The statement below relates only to the direct delivery of the SCC Countryside contract and is not a reflection of the overall Surrey Wildlife Trust financial position.

Income	TOTAL (2008-09)	TOTAL (2009 – 10)	TOTAL (2010-2011)
Grants			
Trading			
SCC Income			
Property			
Other Income			
TOTAL INCOME			
Cost of sales			
Net Income			
Staff Costs			
Expenditure (Staff)			
Motor Vehicles & travel costs			
Rents, Rates & Utilities			
Property & Estate costs			
Land Management Costs			
Other Expenditure			
Expenditure			
TOTAL EVEN DITUE			
TOTAL EXPENDITURE			
Surplus/(deficit)			

Comments:			

## **Section One: Asset Management**

Delivered	Commentary

## **Section Two: Encroachments**

Activity Report	Current Year	Previous Year	% change from previous year	
*				
Detail any additional support provided to prevent encroachments in line with policy				

## Section Three: Policies & Practice Notes

Detail below all relevant policies, please note the SCC Representative may request copies of policies prior to Annual Review

Policies	Policy In Place	Summaries any amendments from previous year

# Section Four & Five: Volunteers / Contract Management

	Current	Previous	% change from
Activity Report	Year	Year	previous year
4.0 Volunteers			
Total number of volunteer days			
5.0 Contract Management			
Total number of issues escalated to			
Interim Performance Review			
<ul> <li>Total Identified Breaches of</li> </ul>			
Corporate Representation			
<ul> <li>Total number of Health &amp; Safety</li> </ul>			
serious accidents (RIDDOR)			

# Section Six & Seven: Site Management Plans/Briefs & SSSI's

Management Plans	Approved by Stakeholde rs	Status Against Plan	Status Commentary	Corrective Action Taken (if status not green)	Date of Next Plan Review

Summary	Year to date	Target	Overall Status
% of Management Plans/ Briefs		100%	Otatao
		100 /6	
approved by Stakeholders			
Overall Status of activity against		N/a	
Management Plan			
% of total SSSI in favourable /		95%	
unfavourable recovering position			
Number & % of SNCI in active			
management			

## **Section Eight: Visitor Services**

		Current	Previous	% change from
Activit	y Report	Year	Year	previous year
*	Total Number of Car Park			
	Inspection Actions issued &			
	Resolved			
*	Total number Car Park Inspection			
	Actions Issued & Outstanding			

# Section Nine: Stakeholder Satisfaction

	Resolved within 90 days	Resolved out-with 90 days
Total Number of Complains in previous year		
Identify Top 3 common complaints or key issues		
Detail reason for delay in not resolving within 90 days and summarise complaints		

Provide general overview of Stakeholder satisfaction, including proactive engagement with stakeholders and any visitor surveys or general improvements implemented to improve satisfaction