



SUPPLEMENTARY
Agenda and Reports
for the meeting of
THE COUNTY COUNCIL
to be held on
17 MARCH 2015

6 MEMBERS' QUESTION TIME

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(1) The Leader of the Council or the appropriate Member of the Cabinet or the Chairman of a Committee to answer any questions on any matter relating to the powers and duties of the County Council, or which affects the county.

(Note: Notice of questions in respect of the above item on the agenda must be given in writing, preferably by e-mail, to Anne Gowing in Democratic Services by 12 noon on Wednesday 11 March 2015).

(2) Cabinet Member Briefings on their portfolios

These will be circulated by email to all Members prior to the County Council meeting, together with the Members' questions and responses.

There will be an opportunity for Members to ask questions.

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SURREY COUNTY COUNCIL**TUESDAY 17 MARCH 2015****QUESTIONS TO BE ASKED UNDER THE PROVISIONS
OF STANDING ORDER 10.1****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****(1) MR GRAHAM ELLWOOD (GUILDFORD EAST) TO ASK:**

In acknowledging the sterling work being done by Kier at a time of such draconian Central Government cuts to our budget, many of my residents are regularly complaining about the deteriorating state of many of the concrete based roads in my ward.

Whilst temporary repairs are effected promptly, the techniques necessary on this type of surface have caused problems of which we are all aware and which are being addressed.

Nonetheless, would it be feasible, given the proliferation of such roads in urban areas to have a separate "Project Horizon" type repair list just for concrete surfaces to reassure residents (especially in my ward) that long term repairs are planned when budget permits?

I do appreciate there is no instant fix but separate identification of these roads (which carry huge volumes of traffic in Guildford) would, I feel sure, give some reassurance to my residents.

Reply:

Surrey Highway's asset strategy confirms that roads requiring highway maintenance are prioritised based upon need rather than material type. Therefore regardless of the road material, if the road is deemed to be structurally deficient or in need of repair then Surrey Highways will prioritise road programmes based upon need and available budget. Indeed under Project Horizon we are repairing a large number of concrete roads in Guildford, such as Cabel Road.

However, it is recognised that concrete roads provide a unique problem, in that their condition may not warrant a maintenance intervention as defined by the asset strategy, but that their overall appearance can cause concern to local community, in other words the road might be structurally sound (and safe) but the top surface has been exposed leaving blemishes, poor ride quality and increased noise for local residents.

There are available techniques that can be deployed on specific concrete surfaces where their appearance has deteriorated however Surrey Highways does not have a specific programme dedicated for these type of roads. Surrey

Highways advises that if a councillor has any specific safety concerns regarding a concrete road then they should speak to their Area Highway Manager for the engineering assessment and its location on the prioritised maintenance list, while we will continue to deliver, where possible a discreet general repair service to concrete roads as part of the wider surface treatment programme.

CABINET MEMBER FOR ENVIRONMENT AND PLANNING

(2) MR ROBERT EVANS (STANWELL AND STANWELL MOOR) TO ASK:

The County Council has, controversially, approved Charlton Lane as a site for a future incinerator. There is already another incinerator sited less than ten miles away at Colnbrook, in effect the other side of Spelthorne.

The Borough is the most heavily developed area in Surrey and is already surrounded by the M25 and the M3.

What guarantees can the Council give as regards the health of Spelthorne residents who feel threatened by pollution?

Reply:

The potential impact of the Eco Park on human health was considered extensively in the various officer reports to the council's Planning and Regulatory Committee. A detailed, health risk assessment was submitted as part of the planning application and concluded that the emissions from the plant would have a negligible effect on human health.

This conclusion is consistent with the advice from Public Health England.

The Eco Park would be regulated by the Environment Agency under the Environmental Permitting Regulations 2010, and preventing harm to health and the environment from emissions, including those to air, is the main purpose of the permitting process.

CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING

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

LEP Projects

Would the Cabinet Member for Highways, Transport and Flooding indicate what opportunities will be provided for Members to discuss and influence LEP funded projects within their divisions before final decisions are taken about the implementation of these projects?

Reply:

The Government has been clear that it sees Local Enterprise Partnerships - business led partnerships of which local authorities are members - as their significant vehicle for promoting economic growth. In practice this means that rather than dealing directly with Government, councils now bid to the relevant LEPs for funds which the Government has made available to them to support capital expenditure on projects that would improve the economic performance of their area. In total the Government has identified £10 billion for such projects. However, at local level the process for identifying schemes and for the involvement of members is very largely as it was before the establishment of LEPs.

Each LEP set out their ambitions in Strategic Economic Plans submitted to Government in March 2014 which identified the local economic priorities for the area and the programmes and projects that would help to achieve them. Surrey County Council was heavily involved in the development of the plans for both Coast to Capital which covers the eastern part of Surrey and Enterprise M3 which covers the west, ensuring that priority projects from 2015 - 2020 were represented in the plans. An additional round of bidding was announced in mid-November 2014, with final bids to be submitted to Government by the middle of December 2014.

The Surrey schemes put forward had already been developed and agreed with our district and borough partners and by Local Committees and were identified through the agreed and interim Local Transport Strategies and Forward Programmes. The programme of transport schemes on which the Council is working has been set out in reports to Cabinet. These are listed below:-

- 27 November 2012 Supporting the Economy through Investment in Transport and Infrastructure 2012-2019
- 25 February 2014 Supporting Economic Growth
- 23 September 2014 Supporting Economic Growth through Investment in Highways Infrastructure
- 16 December 2014 Supporting Economic Growth through Investment in Transport Infrastructure
- 24 March 2015 Cabinet, Surrey Transport Plan - Local transport strategies and forward programmes (tranche 1 & 2)

Governance structures have also been developed to ensure democratic oversight and input in the selection of schemes, through the creation of a Joint Committee in Coast to Capital and a Joint Leaders Board in Enterprise M3. Representatives from the County Council and the Leaders of all district and borough councils were involved in these structures, which had a responsibility to agree the final plans before they were submitted to Government.

The Local Growth Deals were announced in July 2014, with over £50m of funding allocated to support projects in Surrey with additional funding to come from unallocated LEP funding pots, such as sustainable transport and resilience

schemes. These schemes are currently progressing through the assurance structures in both LEPs, with a view to early implementation starting in April 2015.

The timescales for this first round were inevitably very tight. Future opportunities will allow for greater levels of engagement with Local Committees and Surrey County Council is developing a future programme for bids.

The County Council is now working with individual district and borough councils to develop a pipeline of schemes which are ready for bidding rounds in the future. There will be consultation with Members.

Local committees will be consulted at the feasibility and detailed design stages and would steer public consultation processes suitable for the type of scheme.

LEPs may carry out their own consultation process on business cases for schemes that have been submitted for funding.

The timetable for bidding can be changed by Government at short notice and given that the processes are still evolving our programme needs to be flexible enough so that it can be adjusted if required to access funding. Accordingly, the Council needs to be able to respond to calls for expressions of interest at short notice. In these cases it is sometimes not possible to have developed and shared the detail of schemes with Members. In this situation the Leader and relevant Cabinet Member's views will be sought on whether a bid is made or not.

CABINET MEMBER FOR CHILDREN AND FAMILIES

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

Child Sexual Exploitation

The Local Government Association (LGA) advises that all councillors should ask questions and ensure that plans are in place to raise awareness of Child Sexual Exploitation (CSE), develop a strategic response, support victims and help to facilitate policing and prosecutions. To help with this process has the County Council actioned the advice contained in the LGA's publication "Tackling child sexual exploitation - a resource pack for councils"?

What further work needs to be done to prevent CSE in Surrey?

Reply:

The Council has taken into account a range of reports that have been published recently, including the LGA report, the Ofsted Thematic Inspection report and the Rotherham report. These have been used to inform the plans and strategy for tackling CSE in Surrey. The Local Authority is working proactively with partners to ensure that we are doing all we can to prevent CSE in the county.

We are working to improve the awareness of all staff and Members who support and who work with children so that they will be sufficiently skilled to recognise CSE; we are working closely with partners to ensure that services they commission have the most rigorous and robust recruitment and vetting procedures and we have reviewed our operational procedures to ensure that they incorporate best practice.

CABINET MEMBER FOR COMMUNITY SERVICES

(5) MR ERNEST MALLETT (WEST MOLESEY) TO ASK:

The Friends of Molesey Library report that reorganisation of library staffing is taking place with all library staff having to re-apply for their jobs and that cost saving of 4% is expected by redundancy. Library managers are being expected to rotate around a cluster of libraries causing fears about future management and continuity of some libraries. No details of this re-organisation, affecting whole clusters of libraries with volunteers, have been reported or considered by the Communities Select Committee. It is reported that the morale and enthusiasm of library staff is being affected negatively and some staff are already leaving because of expectation of no future in working in the library service.

Would the Cabinet Member for Community Services clarify what is happening, what is the objective and why has whatever is happening, has not been first considered by the Communities Select Committee?

Reply:

In its search for continuous improvement and to meet its obligations to support the County Council in reducing costs, the library service has recently completed a service-led review which commenced with a substantial staff engagement exercise in which staff were able to feed back their views on the current service and staffing structure and how it should change. Within the review actions, a staffing budget reduction of £227,000 for 2015-16 has been put in place. The new operational arrangements will take effect from 1 May 2015.

One of the key outcomes of the review was greater efficiencies in the workforce - by grouping libraries into clusters with each cluster managed by a team of library managers who work across a number of libraries staff cover can be provided more flexibly and efficiently. Additionally, staff will gain wider experience and development and library managers will have improved support and training.

Redistribution of staffing will ensure the service is well placed to deliver on SCC's future priorities, including helping people to live and age well and help increase volunteering within communities. The restructure also includes new roles for staff and provides a better career ladder.

The restructure is being handled through the county's managing change procedures, and although it is recognised restructures are a difficult time, and a few people may choose to leave for a variety of reasons, it is also a period of opportunity for staff and the filling of posts is moving forward well. The service is very aware of the high regard library users have for their local staff but within the teams and clusters arrangements are being put in place to ensure both operational stability and continuity of contact for users, partners and stakeholders, so that the good relationships currently in place with local staff are maintained. As the review outcomes are operational and with no reduction in services this matter has not been put before the Select Committee.

CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING

(6) MR DANIEL JENKINS (STAINES SOUTH AND ASHFORD WEST) TO ASK:

In February 2014 hundreds of homes in Staines upon Thames were affected by flooding from the River Ash. It is known that the flooding emanated from the privately owned River Ash Aqueduct. The flooding of the River Ash was apparently the consequence of the failure of man made infrastructure. This event was therefore unique in the many events of flooding that occurred in Surrey.

Under section 19 of the Flood Water Management Act (FWMA) 2010, Surrey County Council has a duty to investigate. However according to the Cabinet Member for Highways, Transport and Flooding, this council has limited its investigation to:

"who the Risk Management Authorities are in relation to the flooding, what duties they have under the FWMA and their actions or proposed actions in relation to those duties."

(a) Will this Surrey County Council extend its very limited investigation to include a full and thorough investigation into the circumstances and causes of the flooding of the River Ash?

(b) If the Council is refusing to conduct an investigation that examines the circumstances and causes of the flooding of the River Ash February 2014, could the Council explain for the benefit of the residents affected why this is the case?

(c) Has Surrey's investigation so far been able to establish who the Risk Management Authorities are in relation to the flooding and what duties they have? Or is the Council still in a state of ignorance and confusion over these points after more than a year?

Reply:

As the Lead Local Flood Authority, Surrey County Council has a duty to undertake an investigation under S19 of the Flood and Water Management Act 2010. The Act defines the scope and extent of the investigation in that its main purpose is to identify the risk management authorities and what their functions are.

In partnership with Spelthorne Borough Council, the investigation has been completed and report has been published. The report covers the requirements under the Act and complies with the duties imposed upon the Council.

Furthermore the Environment Agency has also undertaken their own investigations into the flooding and the River Ash is covered under two separate reports for the West Thames, and Lower Colne and Ash Catchment. Those reports have already established that the aqueduct is the responsibility of Thames Water to manage. Environment Agency and Thames Water have agreed on an updated operational agreement/ management of the aqueduct at times of flooding. The aqueduct will be solely operated by Thames Water.

It is not proposed to undertake any further investigation into the flooding that affected that area. Last winter's flooding saw an estimated 1800 properties flooded across the county, with over 290 road closures due to flooding, spread over 900 different locations. In delivering its duties, the Council has to take account of available resources and prioritise where action is undertaken. In this case, there are already three reports covering the River Ash area, the risk management authorities are known and there is agreed action going forward.

LEADER OF THE COUNCIL**(7) MR NICK HARRISON (NORK AND TATTENHAMS) TO ASK:**

In the Leader's speech on the budget in February he was insistent that councillors were voting on the "budget envelope" and the proposed increase in council tax. He said it was well established that the Cabinet would approve the detailed budgets for each service in March, and he urged select committees to get involved in reviewing the specifics and providing comments to the Cabinet.

In the light of this, does he agree that the Cabinet Member for Highways, Transport and Flooding was jumping the gun and usurping the democratic process by writing to councillors that "it has been determined that 25% of the capital maintenance budget under the control of Local Committees must be used to assist with drainage issues"?

Reply:

The Cabinet Member was simply reminding Members of an agreement that had already been made by Local Committee Chairman during the budget planning process.

CABINET MEMBER FOR SCHOOLS AND LEARNING

(8) MR JONATHAN ESSEX (REDHILL EAST) TO ASK:

1. Please can you confirm who from Surrey County Council (SCC) advised the chairman in August 2013 to get The Howard Partnership to run the school.
2. In particular, could you please also confirm whether, including during conversations between SCC and Oxted School or Oxted School governors, were any guarantees given or understandings made that the school would be seeking academy status in the future?
3. Please can you confirm what advice the trustees sought from SCC before they started the process. Did they ask whether the status quo was an acceptable alternative. To what extent has this option been considered by Surrey CC, and if so, how?
4. Could you also confirm who in SCC authorised the transfer of Oxted School to become a foundation trust, and when this occurred.
5. It appears that statements made by the governors suggest that the transfer to: (a) a foundation trust, and (b) to an academy will not affect the funding that the school receives from (and/or via) SCC. Please could you confirm whether this is the case or not and what advice has been given to Oxted School and/or Oxted School governors on this matter.

Reply:

The response to your questions are as follows:

1. Peter-John Wilkinson, Assistant Director of Schools, following consultation with me (Linda Kemeny, Cabinet Member for Schools and Learning).
2. There was no discussion or agreement on this subject.
3. The Howard Partnership Trust agreed terms with Oxted School to work with it for 2 years. No further terms were discussed.
4. The Governing Body of Oxted School consulted on Foundation status. Following the consultation, the transfer was announced with effect from 1 March 2015. No authorisation by SCC was required.
5. Oxted School will continue to be funded as a state school.

CABINET MEMBER FOR ENVIRONMENT AND PLANNING

(9) MR IAN BEARDSMORE (SUNBURY COMMON AND ASHFORD COMMON) TO ASK:

As part of its review of bus services, Surrey produced a map –
'Surrey Transport Review - Commercial/TFL, Primary, Secondary and Tertiary Bus Routes: Spelthorne'

Following a Freedom of Information request, the map is now in the public domain.

It shows Spelthorne and parts of neighbouring boroughs and includes several sites of possible large scale development, both in and around Spelthorne which is sensible when planning future bus provision.

One site at Kempton Park clearly shows the possible provision for 1500 new houses. Who supplied the evidence to Surrey that led to the inclusion of this particular site and figure on the map?

Reply:

"Evidence" is a misleading term to use for the provision of information that led to the inclusion of marking of the green belt land at Kempton Park as a possible provision for 1500 new houses. The information came from internal officer to officer discussions on the potential locations where there might just be an additional demand for future bus services. The map was only used for illustrative purposes to show the current bus network and the types of land uses / development proposals that the County's bus planners need to take into consideration when reviewing service provision. It will not be used for any decision making, and has absolutely no weight as Surrey has no planning function when it comes to housing allocations. The site has many planning constraints, which would all need to be taken into consideration were housing to be considered there at any time in the future.

LEADER OF THE COUNCIL

(10) MR ROBERT EVANS (STANWELL AND STANWELL MOOR) TO ASK: (2nd question)

At the beginning of February a Surrey County Council officer advised the Labour parliamentary candidate for SW Surrey, in writing, that it is Surrey's policy not to allow any party political street campaigning in Surrey.

Could the Council clarify on what basis this statement was made, how and where it will enforce it or alternatively, confirm that the officer was mistaken.

Reply:

It seems that the candidate was initially given mistaken advice. Fortunately, this was brought to our attention and the matter was speedily clarified with the candidate concerned.

CABINET MEMBER FOR ENVIRONMENT AND PLANNING

**(11) MR STEPHEN COOKSEY (DORKING SOUTH AND THE HOLMWOODS) TO ASK:
(2nd question)**

Community Recycling Centres

At the Council meeting held on 9 December 2014 the Cabinet Member for Environment and Planning in a written statement said:

'In order to make further savings, more changes need to be considered, including charging for certain materials and rationalising opening times.'

Proposals have subsequently been considered by the Cabinet.

Would the Cabinet Member explain how charging and reducing hours of operation will help improve recycling rates and how the resultant fly tipping problems will be tackled?

Reply:

The current financial situation means that the Council must look for additional savings across all services, including the community recycling centres. Some of these savings, such as extracting additional recycling from black bag waste already provide considerable savings.

We realise that there might be implications from some of the other potential changes and as a result, we plan to consult with residents and other stakeholders such as the District and Borough Councils prior to any proposals being implemented.

We would then work closely with residents and other stakeholders to reduce and mitigate any implications that might result from a change in service. The type of proposals outlined do not set a precedent and are being considered, or have already been adopted by many other authorities facing similar financial pressures.

CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING

**(12) MR DANIEL JENKINS (STAINES SOUTH AND ASHFORD WEST) TO ASK:
(2nd question)**

Surrey County Council has refused to list the Thames Water Aqueduct in Staines on its own compulsory asset register of potential flood features, despite being fully aware of it, until its owners Thames Water, nominated it themselves an action that may be perceived as against their own vested interest.

In January 2015 The Cabinet Member for Highways, Transport and Flooding, Mr Furey wrote to a resident claiming he would be writing to Thames Water "with a view to adding the aqueduct to the register".

Could the Cabinet Member inform the Council how successful he has been and has the aqueduct now been placed on the asset register of flood features?

Reply:

As indicated in the letter from Mr Furey, Thames Water's asset, in this instance the aqueduct, has been added to the Asset Register, at the request of Thames Water. The public facing version of the asset register has not been updated yet and this is scheduled to be completed by end of March 2015.

To recall, adding the aqueduct to the asset register does neither impose a duty upon Thames Water to undertake works or manage the aqueduct in any particular fashion, nor does it impose any other duty on Surrey County Council in relation to the aqueduct.

CHAIRMAN OF PLANNING AND REGULATORY COMMITTEE

**(13) MR JONATHAN ESSEX (REDHILL EAST) TO ASK:
(2nd question)**

On Thursday 5 March 2015 Surrey County Council published the agenda for a planning meeting to be held at 2pm on Friday 13 March. Please can you confirm when the full papers were published and when the public was notified as to the changed time for the meeting, which was due to be held at 11am on Friday 13 March 2015.

Please can you confirm how the announcement of the timing, the subsequent change of timing and publishing of the full agenda for the meeting in public complies with the Local Government Act 1972, clause S100B requirements for sufficient public notice for scheduling meetings.

Reply:

A special meeting of the Planning and Regulatory Committee was convened by the Chief Executive for 13 March 2015 in accordance with Standing Order 45.1 of the Council's Constitution. Five clear days' notice was given for this in accordance with Standing Order 45.2 which included details of the agenda and the items to be considered.

The Council's Constitution reflects the requirements of the Local Government Act 1972 S100B, both of these make it clear that copies of the reports for the meeting do not need to be available for inspection by the public until they have been made available to members.

Reports were made available to the Committee members and hence to the public on 9 March 2015. The Council has complied with the requirements, first to give adequate notice of the items which are to be debated at the special meeting and secondly as soon as reports were available for Members, published those reports on the Council's website.

CABINET MEMBER FOR ENVIRONMENT AND PLANNING**(14) MR DANIEL JENKINS (STAINES SOUTH AND ASHFORD WEST) TO ASK:
(3rd question)**

Surrey County Council is a member of RESTORE, a project funded by the European Union, Interrag IVB North West Europe Fund. An organisation largely focused on the Low Countries that provides funding for the restoration of mineral extraction sites predominantly to wetlands.

- (a) To what extent has Surrey's mineral restoration plan with its heavy emphasis on wet restoration been influenced by the Council's membership of RESTORE?
- (b) How much funding has Surrey County Council received through the RESTORE since Surrey joined this organisation either directly by way of restoration grants or indirectly?
- (c) How much funding will Surrey County Council receive either directly or indirectly from RESTORE, for the wet restoration of the Manor Farm gravel extraction site managed by Brett's Aggregates, approved on 7 January 2015?
- (d) Why was membership of the EU's North West European Fund project group RESTORE never explicitly mentioned as part of the consultation and process leading up to the decision to approve Brett's Aggregates application for gravel extraction at the Manor Farm site with a wet restoration, when the nature of the restoration had become a point of contention?

Reply:

RESTORE is a project - as opposed to an organisation - funded by the Interreg IVB North West Europe programme. The focus of the programme extends beyond the Low Countries and indeed in this case the project is led by the RSPB from the UK.

The RESTORE project looks at best practice in the restoration of mineral sites in different parts of NW Europe. This, of course, includes wet restoration, since it will be best practice in many situations, but it also includes a full range of infill options and potential after uses and management regimes. Surrey County Council's participation in the RESTORE project is a reflection of our leading position and reputation in promoting best practice in mineral site restoration.

Turning to the individual questions:

- (a) Surrey's Minerals Plan does not have an emphasis on wet restoration. In fact the majority of sites are being dealt with by dry restoration using infill.
- (b) Up to the end of 2014 Surrey County Council had submitted claims for €117,849.08 in funding. This funding is not a restoration grant – hence it is not used to fund the restoration of individual sites being undertaken by operators as a requirement of their planning permissions
- (c) No funding from RESTORE, either directly or indirectly, will be used in the wet restoration of the Manor Farm gravel extraction site managed by Brett's Aggregates. This restoration will need to be completely funded by the site operator.
- (d) Participation in the RESTORE project was not mentioned because it was not relevant to the assessment of the planning application relating to Manor Farm including its future restoration. The approach to restoration proposed in the current planning application is not new and is set out in the Surrey Minerals Plan Site Restoration Supplementary Planning Document adopted by the County Council in July 2011. It is a response to a number of specific factors relevant to the site and its surroundings, including access constraints.

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