

## CABINET

The following decisions were taken by the Cabinet on Tuesday, 28 May 2013 and will take effect on Wednesday 5 June 2013 unless the call-in procedure has been triggered.  
**CALL-IN DEADLINE: 4/6/13.**

The following represents a summary of the decisions taken by the Cabinet. It is not intended to represent the formal record of the meeting but to facilitate the call-in process. The formal minutes will be published in due course to replace this decision sheet.

County Members wishing to request a call-in on any of these matters, should contact the Senior Manager for Scrutiny or relevant Democratic Services Officer.

The Cabinet at its meeting on Tuesday, 28 May 2013 considered the following matters and resolved:

### **Members' Questions (Item 4a)**

Three questions had been received from Members. The questions and responses were tabled and are attached as Appendix 1.

- **PUBLIC QUESTIONS (Item 4b)**

Two questions had been received from members of the public. The questions and responses were tabled and are attached as Appendix 2.

- **YEAR END FINANCIAL BUDGET OUTTURN 2012/13 (Item 5)**

- (1) That the revenue budget underspending, as set out in Annex 1, Section A paragraph 4 of the submitted report, be noted.
- (2) That the transfer of £2.5m in respect of the write down of prior accruals to the Budget Equalisation Reserve, as set out in Annex 1, Section A paragraph 4 and 68 of the submitted report, be approved.
- (3) That the transfer of £2.7m of higher than expected government grants to the Budget Equalisation Reserve, as set out in Annex 1, Section A, paragraph 7 of the submitted report, be approved.
- (4) That the in-year capital budget outturn, as set out in Annex 1, Section B of the submitted report, be noted.
- (5) That grant and reserves movements changes be noted and that it be approved they are allocated to the relevant services, as set out in Annex 1, Section C of the submitted report.
- (6) That the transfer of capital funding into future years, as set out in Annex 1, Section E of the submitted report, be approved.

### **Reason for Decisions**

To review and manage the budget outturn for the 2012/13 financial year in the context of a multi-year approach to financial management.

To approve carry forwards to enable on-going projects to continue without delay.

*[The decisions on this item can be called in by the Council Overview and Scrutiny Committee]*

- **SCHOOL EXPANSION AT ST MARTIN'S INFANT AND JUNIOR SCHOOLS, EPSOM (Item 6)**

That the expansion and adaptation of St Martin's Infant and Junior School, as detailed in the submitted report, be agreed in principle subject to the consideration and approval of the detailed financial information as set out in Part 2 (item 11 ).

**Reason for Decisions**

The scheme delivers a value for money expansion and improvements to the school and its infrastructure, which supports the Authority's statutory obligation to provide additional school places and appropriate facilities for local children in Surrey. The project and building works are in accordance with the planned timetable required for delivery of the new accommodation at the school.

*[The decisions on this item can be called in by either the Council Overview and Scrutiny Committee or the Children and Education Select Committee]*

- **CONTRACT AWARD FOR SCHOOLS CLEANING SERVICES (Item 7)**

That a contract, in twelve separate 'lots' each covering a distinct geographical area, be awarded to the suppliers as described in the submitted confidential annex (item 12).

**Reasons for Decisions**

The existing contracts for Schools Cleaning Services will expire on 31 July 2013. A full tender process, in compliance with the EU Procurement Legislation and Procurement Standing Orders has been completed, and the recommendations provide best value for money for the Council. In addition to delivering savings, the contract will also deliver an improved service with strengthened performance measures and robust contract management.

*[The decisions on this item can be called in by the Council Overview and Scrutiny Committee]*

- **HIGHWAYS LOCALISM LEGAL AGREEMENT (Item 8)**

- (1) That the policy change from formal 'delegation of responsibility' to 'Grant Funding Agreement (GFA) for provision of services' for the Highways localism initiative be approved.
- (2) That the revised Highways Grant Annual Funding Agreement for the localism initiative (Annex 1 to the submitted report) be approved, with any further changes delegated to Assistant Director, Highways, in consultation with the Cabinet Member for Transport, Highways and Environment.

**Reasons for Decisions**

Under the Highways localism initiative, a GFA will be required where proposals from parish councils and other local organisations will require them carrying out minor highways tasks.

The revised annual funding agreement in Annex 1 of the submitted report, drafted by Legal Services with input from Surrey Association of Local Councils (SALC), alters the focus from the 'delegating of responsibility' under S19 of the Local Government Act 2000 to a GFA for provision of minor highway works at a local

level. This new GFA will enable the Highways localism work to proceed positively with a wider range of organisations. A previous legal document which was in the form of a contract has proved unacceptable or inappropriate to many partners. Funding and delivery for the initial tranche of successful bids from local organisations can be progressed once this agreement has been formally confirmed by Surrey County Council.

*[The decisions on this item called be called in by the Environment and Transport Select Committee]*

- **LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS TAKEN SINCE LAST CABINET MEETING (Item 9)**

That the decisions taken by the Leader, Deputy Leader and Cabinet Members since the last meeting as set out in Appendix 3 be noted.

**Reasons for Decisions**

To inform the Cabinet of decisions taken by Members under delegated authority.

- **ST MARTIN'S INFANT AND JUNIOR SCHOOL, EPSOM - EXPANSION BY ONE FORM OF ENTRY FROM SEPTEMBER 2014 (Item 11)**

- (1) That the business case for the project to expand St Martin's Infant and Junior Schools up to a maximum cost, as set out in the submitted report, be approved.
- (2) That the arrangements by which a variation of up to 10% of the total value may be agreed by the Strategic Director for Business Services and the Cabinet Member for Assets and Regeneration Programmes, in consultation with the Leader of the Council, be approved.
- (3) That the award of the contract to carry out the works to provide the additional pupil places be approved.

**Reasons for Decisions**

The proposal delivers and supports the Authority's statutory obligation to provide sufficient school places to meet the needs of the population in the Epsom area.

*[The decisions on this item can be called in by either the Council Overview and Scrutiny Committee or the Children and Education Select Committee]*

- **CONTRACT AWARD FOR SCHOOLS CLEANING SERVICES (Item 12)**

Exempt information relating to item 7.



**ITEM 4 - PROCEDURAL MATTERS**

**Members' Questions**

**Question (1) from Mrs Hazel Watson (Dorking Hills)**

I would like to thank the Leader of the Council for recognising from the outset the importance of the involvement of the Opposition in the recent Peer Challenge on Innovation. This fits with LGA best practice advice that opposition Members should be involved. A number of other Peer Challenges have taken place at Surrey County Council where opposition members have not been involved. Will the Leader give an undertaking to ensure that opposition members are involved in all Peer Challenges in the future so that a cross section of views can be obtained in helping the future development of services?

**Reply:**

We adopted a completely open approach to the Local Government Association peer challenge from the very start and we encouraged the peer challenge team to speak to whoever they felt necessary to gain a true picture of the progress that has been made. This included Members of all political groups, staff from all levels of the organisation, a wide range of partners and service users. In the event of any future cross-council peer challenges we would do the same.

**David Hodge**  
**Leader of the Council**  
**28 May 2013**

**Question (2) from Mrs Hazel Watson (Dorking Hills)**

At the Cabinet meeting on 23 April in response to a question from me, the Leader of the Council said that he had asked officers to review the existing process for accepting cycling events on closed roads and a robust new procedure is to be prepared for consideration by the Cabinet in the summer.

When will the review take place and how will local county councillors have an input into the review?

**Reply:**

The review of the process for closing roads for sporting, charity and community events has started. Obtaining the views of County Councillors is an integral part of this work, and Councillors can expect to be approached for their views in the near future. I am confident that the result will be a robust and fit-for-purpose process which will put the needs of our residents and businesses first.

**David Hodge**  
**Leader of the Council**  
**28 May 2013**

**Question (3) from Mrs Hazel Watson (Dorking Hills)**

Press reports state that Surrey Police have announced that an investigation into the death of Gloria Foster will not lead to criminal charges and that the police have since handed over the

findings of the investigation to Surrey County Council to ensure the tragic circumstances in Ms Foster's death are not repeated.

This is now being investigated by the Safeguarding Adults Board.

When will the findings of the Surrey Police investigation be made available to county councillors?

When will the findings of the Safeguarding Adults Board be made available to county councillors?

**Reply:**

The Independent Chairman of the Safeguarding Adults Board will take a decision about publication once the report is completed.

**Mel Few**  
**Cabinet Member for Adult Social Care**  
**28 May 2013**

**ITEM 4(b) - PROCEDURAL MATTERS**

**Public Questions**

**Question (1) from Mr David Beaman, Independent Member for Upper Hale, Farnham Town Council**

The election leaflet distributed by the Conservative candidate for Farnham South during the recent elections for Surrey County Council stated that his continued pressure for road improvements had been “rewarded with a forthcoming multi-million pound project to improve the bypass at Hickley’s Corner” which implies that this particular road improvement scheme is one of the 16 schemes listed in Surrey Future to be delivered between 2015 and 2019 that will go ahead. I would, however, be grateful if you could please formally confirm that the proposed improvements at Hickley’s Corner will be one of the schemes that will definitely proceed given that the report presented to the meeting of the Cabinet held on 27 November stated that informal discussions with the Department of Transport had indicated that Surrey could expect funding that would allow 10 or 11 of the 16 proposed schemes to be constructed.

**Reply:**

The County Council maintains a major scheme programme to identify which transport schemes should be developed to the point where they could be built. An important first step for any scheme is to be accepted onto this programme. This means that the scheme can be considered as a project rather than a proposal, and that officer time will be devoted to developing the detailed design and a business case.

I can confirm that the County Council’s major transport scheme programme was formally approved by the Cabinet at its meeting on 27 November 2012. A scheme to improve traffic movements at Hickley’s Corner was included in this programme and is now being taken forward as a project.

As with all major local transport schemes, the ultimate decision on whether to award funding will rest with a new body, called a Local Transport Body. In the case of this scheme, this will be the Enterprise M3 Local Transport Body.

**John Furey**  
**Cabinet Member for Transport, Highways and Environment**  
**28 May 2013**

**Question (2) from Mr Mike Bryan, Chairman, Non-partisan Petition Group for Farnham as a District Authority**

The Surrey County Council ‘Election Purdah Rules’ for the recent SCC Elections state that:

‘Nothing can be publicised by officers on behalf of Members standing for election that gives publicity to controversial issues or which reports views or policies in a way that identifies them with individual members or groups of members.’

An election flyer of sitting County Councillor Pat Frost included, under the banner heading of ‘SURREY COUNTY COUNCIL **CONSERVATIVES**’ and above a banner footnote of ‘A RECORD OF ACTION, A PROMISE OF MORE’, the statement: **‘We signed a £33M deal to bring superfast broadband to nearly every household and business.’**

Research has revealed that the contract Agreement was executed by the County Council as a deed with an authorised signatory witnessing the application of the seal, pursuant to Authority given at the Cabinet meeting on the 24 July 2012. Authorised signatories for the purposes of witnessing the application of the seal are solicitors within the Chief Executive's office as laid down in the Council's constitution. It would reportedly have been unconstitutional for a councillor to have signed the deal. No heads of terms agreement was signed. Observation on Minutes of the SCC Cabinet Meeting dated 24 July 2012: Mrs Frost is not recorded as being either a member of the Cabinet or present at its meeting where the executive decision to pursue the Broadband Agreement was made. Observation on Minutes of the SCC Overview & Scrutiny Committee Meeting dated 11 July 2012: Mrs Frost is not recorded as being either a member of the O&S Committee or present at its meeting where the Superfast Broadband project background and two bids were considered.

Noting that Members of Surrey County Council are bound by the Surrey County Council Constitution, Article 2, that: 'All councillors will maintain the highest standards of ... ethics':

- Does the Surrey County Council Cabinet support Mrs Frost's apparently factually incorrect statement (as above) in her election campaign flyer?
- Does the Surrey County Council Cabinet think that Mrs Frost's statement (as above) might appear to foster a perception that the Conservative Group of Councillors at Surrey County Council embody Surrey County Council in its entirety, and – interchangeably – that Surrey County Council is embodied in its entirety by the Conservative Group of Councillors?
- Does the Surrey County Council Cabinet think that Mrs Frost's statement (as above) might appear to convey an impression that Surrey County Council Conservatives are exclusively endowed with and inextricably embedded in the power of Surrey County Council?

**Reply:**

I am aware you have already been in correspondence with Democratic Services on this matter and I have nothing to add to the detailed reply that you have already had from them. The County Council has no powers to deal with complaints regarding election leaflets.

**David Hodge**  
**Leader of the Council**  
**28 May 2013**

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