

**MINUTES OF THE MEETING OF THE CABINET
HELD ON 28 MAY 2013 AT 2.00 PM
AT ASHCOMBE SUITE, COUNTY HALL, KINGSTON UPON THAMES,
SURREY KT1 2DN.**

These minutes are subject to confirmation by the Cabinet at its next meeting.

Members:

*Mr David Hodge (Chairman)	*Mr John Furey
*Mr Peter Martin (Vice-Chairman)	*Mr Michael Gosling
*Mrs Mary Angell	*Mrs Linda Kemeny
Mrs Helyn Clack	*Ms Denise Le Gal
*Mr Mel Few	*Mr Tony Samuels

Cabinet Associates:

*Mr Steve Cosser	Mrs Kay Hammond
*Mrs Clare Curran	Miss Marissa Heath

* = Present

PART ONE
IN PUBLIC

44/13 APOLOGIES FOR ABSENCE [Item 1]

Apologies for absence were received from Mrs Clack and Mrs Hammond.

45/13 MINUTES OF PREVIOUS MEETING: [Item 2]

The minutes of the meeting held on 23 April 2013 were confirmed and signed by the Chairman.

46/13 DECLARATIONS OF INTEREST [Item 3]

There were none.

47/13 PROCEDURAL MATTERS [Item 4]

(a) MEMBERS' QUESTIONS [Item 4a]

Three questions had been received from Mrs Watson, local Member for Dorking Hills. The questions and responses were tabled and are attached as Appendix 1.

Mrs Watson asked a supplementary question in relation to question (3), which was:

Had any Member of the Cabinet received a copy of the Police report detailing the findings of their investigation into the death of Gloria Foster. The Leader of the Council said that he was not aware that any Cabinet Member had received that report.

48/13 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.

49/13 PETITIONS [Item 4c]

No petitions were received.

50/13 REPRESENTATIONS RECEIVED ON REPORTS TO BE CONSIDERED IN PRIVATE [Item 4d]

No representations were received.

51/13 YEAR END FINANCIAL BUDGET OUTTURN 2012/13 [Item 5]

The Leader of the Council highlighted the following points from the year end financial budget outturn 2012/13, based upon the final accounts at the end of March 2013.

Revenue – That the council set this year's budget on the basis of rising demand for its services and the need to make significant reductions in its spending, totalling £71m. This was successfully achieved and the year ended with a small net underspending of £3.1m, or 0.2% of the budget.

He stressed the importance of getting the most out of every pound the council spent and cited procurement as a good example, as well as staffing spend where expenditure had been reduced through improved management of sickness and by reviewing the need to fill vacancies as they arose.

Looking into the future, he said that there was no let-up on the demands placed on the council to deliver more services with less resource and it was more important than ever that the council's finances were managed on a long-term and multi-year basis, and not just by managing one year at a time. Therefore, £5.2m of funding from the late notification of government grants and from commitments and liabilities that the council no longer has, would be used to increase the council's financial resilience in future years.

Capital – The council's capital programme invests in improving and maintaining service delivery and last year's capital budget had been fully spent. This had provided a welcome boost to the local economy in these difficult times and demonstrated the council's commitment to working with partners to achieve the best outcomes for our residents and businesses. Also, as a part of the investment in the local economy, the County Council had joined with Woking Borough Council in an innovative project to develop the town centre and investment had been provided in providing a presence in other town centres from which services can be delivered.

Finally, some projects and schemes which did not complete by the year-end deadline of 31 March 2013, would have funds carried forward, as detailed in Annex 1, Section E of the submitted report.

Other Cabinet Members made the following points:

- Delight that this was the third year running that the County Council had come in just below its estimated budget.
- That Members would not be complacent and would continue to work to identify other savings.
- Commended the S151 officer and the Finance team for effective management of the Capital Budget.
- Pleased with the delegation of more funding to local committees.
- Reference to the balance already returned to the Council from the failed Icelandic Banks and the possibility that the remaining balance would also be returned.
- Attention was also drawn to the annexe with details of Council travel expenses, Members' Allowances and expenses and that this information will form part of the County Council's annual report, which will be published at the end of June.

RESOLVED:

- (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.

52/13 SCHOOL EXPANSION AT ST MARTIN'S INFANT AND JUNIOR SCHOOLS, EPSOM [Item 6]

The Cabinet Member for Schools and Learning said that she was pleased to present this report. This project formed part of Surrey County Council's five year 2013-18 Medium Term Financial Plan and would help to meet the need for additional school places over the next decade.

The capacity at St Martin's Infant and Junior Schools, Epsom would be increased by 210 places, providing a total of 630 places across both schools. Public consultation had been undertaken and she informed Members that she had already approved the expansion at her individual Cabinet Member Decision Making meeting in March 2013 and that this report sought approval for the business case for expansion. Financial details of the business case were set out in a part 2 report (item 11).

RESOLVED:

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.

53/13 CONTRACT AWARD FOR SCHOOLS CLEANING SERVICES [Item 7]

The Cabinet Member for Business Services introduced this report and informed Members that the current contract for providing Schools Cleaning Services expired on 31 July 2013 and it was therefore necessary to award a new contract, commencing on 1 August 2013.

She referred to the part 2 annex (item 12) which set out the names and financial details of the recommended suppliers. She advised Cabinet that the recommended supplier for this contract would deliver a saving of nearly £3m (approximately 25% on the existing contract) for Surrey schools over the five year term.

The Cabinet Member for Schools and Learning was also pleased to endorse the recommendations and stressed the importance of good cleaning in schools. She considered that the award of this contract had been subject to a thorough evaluation process.

RESOLVED:

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.

54/13 HIGHWAYS LOCALISM LEGAL AGREEMENT [Item 8]

Introducing the report, the Cabinet Member for Transport, Highways and Environment said that he supported the development of partnership agreements at local level. The introduction of a Grant Funding Agreement (GFA), which would replace the existing legal agreement, would broaden the scope to enable the Highways localism initiative to proceed positively with a wider number of partners and organisations in Surrey and see the delivery of responsive minor highway works at a local level.

Other Cabinet Members fully supported these proposals.

RESOLVED:

- (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.

55/13 LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS TAKEN SINCE LAST CABINET MEETING [Item 9]

RESOLVED:

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.

56/13 EXCLUSION OF THE PUBLIC [Item 10]

RESOLVED that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act.

PART TWO – IN PRIVATE

THE FOLLOWING ITEMS OF BUSINESS WERE CONSIDERED IN PRIVATE BY THE CABINET. SET OUT BELOW IS A PUBLIC SUMMARY OF THE DECISIONS TAKEN.

57/13 ST MARTIN'S INFANT AND JUNIOR SCHOOL, EPSOM - EXPANSION BY ONE FORM OF ENTRY FROM SEPTEMBER 2014 [Item 11]

The Cabinet Member for Assets and Regeneration Programmes informed Cabinet that this report contained confidential information relating to the business case for the expansion of St Martin's Infant and Junior Schools (item 6). He confirmed that the project was included in the County Council's school basic need capital programme.

RESOLVED:

- (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.

58/13 CONTRACT AWARD FOR SCHOOLS CLEANING SERVICES [Item 12]

The Cabinet Member for Business Services said that this item contained the exempt information relating to item 7, the contract award for school cleaning services. It provided details of the evaluation process and the recommended suppliers for each Borough and District.

59/13 PUBLICITY FOR PART 2 ITEMS [Item 13]

RESOLVED:

That no publicity be agreed for the items considered in Part 2 of the meeting due to the likely disclosure of exempt information.

[Meeting closed at 2.27pm]

Chairman

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

CABINET MEMBER DECISIONS

MAY 2013

(i) FLOATING SUPPORT FOR PEOPLE WITH LEARNING DISABILITIES: APPROVAL TO AWARD A CONTRACT

- (1) That the information relating to the procurement process, as set out in the submitted report, be noted.
- (2) That the award of contracts, to commence on 1 July 2013, to Dimensions Ltd and Keyring for two years, plus potential for a further two years extension be approved.

Reasons for decision

The existing contracts will expire on 30 June 2013. A full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders has been completed, and the recommendations demonstrate that best value for money for the Council will be delivered following a detailed evaluation process.

(Decision of Cabinet Member for Adult Social Care and Health – 17 May 2013)

(ii) PROPOSED STOPPING UP OF WEY ROAD AND ROUND OAK ROAD, WEYBRIDGE

Details of decision

- (1) That an application be made to the Magistrates' Court for an order stopping up Wey Road and Round Oak Road as highways, in accordance with the provisions of Section 116 and 117 of the Highways Act 1980 and subject to the conditions of the County Council's approved policy on stopping up applications.
- (2) Prior to an application being made to the magistrates' court by the County Council, that the County Council require the applicant to produce a legally-binding indemnity to the effect that those owners that do not wish to contribute to the upkeep of the road (including utilities) shall not be required to do so.

Reasons for decision

The results of the consultation exercise carried out in November 2012 show that a significant majority of the owners of the properties fronting Wey Road and Round Oak Road wish them to be stopped up as highways.

(Decision of the Cabinet Member for Transport and Environment – 17 May 2013)