

CABINET

The following decisions were taken by the Cabinet on Tuesday, 26 November 2013 and will take effect on Thursday 5 Decemberr 2013 unless the call-in procedure has been triggered. **CALL-IN DEADLINE: 4/12/13.**

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, 26 November 2013 considered the following matters and resolved:

Members' Questions (Item 4a)

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

N.B. The Annexes for the response to question 4 have been published under item number 4 on the agenda page.

• **PUBLIC QUESTIONS (Item 4b)**

One question has been received from a member of the public. The question and response was tabled and is attached as Appendix 2.

• **YOUTH JUSTICE STRATEGIC PLAN (Item 6)**

Following finalisation of the Plan by all our partners, to recommend to Council the approval of the Youth Justice Strategic Plan.

Reasons for Decisions:

The council has a duty under the Crime & Disorder Act 1998 to formulate a Youth Justice Plan setting out:

- how youth justice services in their area are to be provided and funded; and
- how the youth offending team or teams established are to be composed and funded,
- how they are to operate and what functions they are to carry out.

• **SURREY FIRE AND RESCUE SERVICE (SFRS) PUBLIC SAFETY PLAN UPDATE (Item 7)**

1. That a review of the Public Safety Plan 2011- 2020 be endorsed.
2. An updated draft Public Safety Plan be agreed by Cabinet in October 2014, prior to public consultation.

Reasons for Decisions:

SFRS continues to modernise and adapt to changing demands and the community risk profile. With central government considering Sir Ken Knight's Review, the increasing challenges around public spending, transformational collaborative working opportunities and our Medium Term Financial Plan (MTFP) targets, it is the right time to develop the PSP further.

[The decisions on this item can be called in by the Communities Select Committee]

- **SPECIALIST RESCUE AND CONTINGENCY CREWING EXTENSION (Item 8)**

1. That the current pilot contract for the provision of specialist rescue and contingency crewing capability be extended to 31 March 2015 with a break clause at 31 May 2014 to ensure suitable long term funding has been identified.
2. That the outcome of the Specialist Rescue and Contingency Crewing Review be presented to a future Cabinet meeting.

Reasons for Decisions:

1. SFRS has utilised the contingency crewing element of the contract during all periods of industrial action - this identified that the contractors are able to meet the minimum criteria established in the contract and have capacity to provide additional resources on request.
2. The additional capacity and flexibility provided by the SRCC contract offers potential to provide better value for money in a number of aspects of service delivery pertaining to SFRS, blue-light partners and other agencies. However, it is suggested that the current industrial action makes this an inappropriate time to take a long term decision on the SRCC arrangements, the benefits of which can be more fully assessed once the series of strike actions have concluded.
3. The Service intends to review and refresh the Public Safety Plan taking account of new information and government guidance. The recommendation will enable this activity to be completed prior to a decision on the future of the Specialist Rescue and Contingency Crewing contract, ensuring that the specification can take full account of SFRS requirements.
4. SFRS is therefore requesting approval from Cabinet to further explore these options by extending the current contract to 31 March 2015. The Service proposes to present the full year evaluation and proposals for consideration by Cabinet prior to the expiration of this extension.
5. The confidential annex (item 15) details the effects required and delivered through the contract.

[The decisions on this item can be called in by the Communities Select Committee]

- **REGULATION OF INVESTIGATORY POWERS ACT 2000 - UPDATED CORPORATE POLICY AND PROTOCOL (Item 9)**

Following statutory introduction of approval from a Justice of the Peace, that the proposed new Corporate Policy and Protocol on the application of the Regulation of Investigatory Powers Act 2000, (as set out in Annex 2 to the submitted report),

be endorsed.

Reasons for Decisions:

The introduction of a new Corporate Policy and Protocol will provide an updated framework to ensure that the authority continues to comply fully with the requirements of RIPA. It will maintain existing controls and the external audit regime and implement the additional statutory requirements of the Protection of Freedoms Act 2012.

[The decisions on this item can be called in by the Communities Select Committee]

• **BUDGET MONITORING REPORT FOR OCTOBER 2013** (Item 10)

Cabinet noted the following:

1. The forecast revenue budget for 2013/14 is balanced on services, adding the unused £13m risk contingency brings this to £13m overall underspend, as set out in the Annex (paragraph 1) of the submitted report.
2. The forecast ongoing efficiencies and service reductions achieved by year end, as set out in the Annex (paragraph 63) of the submitted report.
3. The forecast capital budget position for 2013/14, as set out in the Annex (paragraphs 67 to 71) of the submitted report.
4. The management actions to mitigate overspends, which appear throughout the submitted report.

The following resolutions be approved:

5. Contributions to reserves:
 - £2.8m creditor write-off transfer to the Budget Equalisation Reserve, as set out in the Annex (paragraph 46) of the submitted report.
 - £3.5m waste PFI grant transfer to the Eco Park Sinking Fund Reserve, as set out in the Annex (paragraph 48) of the submitted report.
 - £1m interest rate rise contingency transfer to the Interest Rate Risk Reserve, as set out in the Annex (paragraph 49) of the submitted report.
6. A virement of £2.0m of Dedicated School Grant (DSG) be distributed into the follow areas: Services for Young People (£0.8m) and Schools and Learning (£1.2m) (Appendix - paragraph App.3 to App.6 of the submitted report).
7. A virement of £2.0m of Dedicated School Grant (DSG) be held as a risk budget and delegated to the Assistant Director of Schools and Learning to allocate appropriately (Appendix - paragraph App.3 to App.6 of the submitted report).

Reasons for Decisions:

To comply with the agreed strategy of providing a monthly budget monitoring report to Cabinet for approval and action as necessary.

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

- **SURREY INTEGRATED COMMUNITY EQUIPMENT SERVICES (ICES) (Item 11)**

That the current five-year contract for the Integrated Community Equipment Service, which commenced April 2009 and expires 31 March 2014 with Millbrook Healthcare, be extended for a further one year period until 31 March 2015, with the option to extend for a final one year period until 31 March 2016, as set out in the original Official Journal of the European Union (OJEU) notice and in the current contract with Millbrook Healthcare.

Reasons for Decisions:

Millbrook Healthcare has consistently provided very high levels of service for the duration of this contract and has worked proactively to look for innovative solutions to improving service delivery and financial savings.

The service provided by Millbrook Healthcare for the duration of the current contract has been to a very high standard, with an open book approach to the development of innovative solutions, improved service delivery and financial savings. Over 99% of all deliveries of equipment are completed within the specified time period; stock control for the peripheral stores in the major acute hospitals is excellent; joint initiatives are regularly undertaken, for example in identifying equipment for collection and recycling, and in running training programmes for the 1200 prescribers across health and social care.

In order to respond to increasing demand and reducing resources, a whole systems review of all types of equipment and building adaptations is being undertaken. ICES forms a central core of this agenda, and potentially has links to many other equipment related services. An extension of 1 + 1 year of ICES will enable the review to be completed, and service specifications developed for a more integrated and personalised service.

An extension will allow a review of the potential for future collaboration with neighbouring authorities, who are planning to tender during 2014/15.

Rejection of a contract extension for 2014/15 would require an immediate re-tender for a steady-state service. Due to the wider Whole Systems review, an ICES re-tender would only be for a short-term contract, which would be seen as unattractive to the marketplace, with large set-up costs for the supplier.

A contract extension would bear no additional cost to Surrey County Council in year 1 above that already budgeted. The Medium Term Financial makes allowances for the cost of ICES for each of the years of the proposed extension. ICES is funded jointly with the Surrey NHS CCGs, on a 50:50 basis within a section 75 pooled fund agreement. Surrey CCGs have agreed to a potential one year extension, but are not yet in a position to consider the possibility of a second year.

[The decisions on this item can be called in by the Adult Social Care Select Committee]

- **LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS TAKEN SINCE THE LAST CABINET MEETING (Item 12)**

That the decisions taken by the Leader, Deputy Leader and Cabinet Members since the last meeting, as set out in Annex 1 to the submitted report, be approved.

Reasons for Decisions:

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

- **FUTURE GOV INVESTMENT PROPOSAL** (Item 16)

This report was withdrawn from this meeting.

- **PROPERTY TRANSACTIONS** (Item 17)

- (1) That freehold interest in this office property in Ashtead be acquired for a purchase price, together with ancillary costs of purchase (stamp duty, legal and surveyors fees), as set out in the submitted report, for the potential long-term school expansion in this area.
- (2) Officers in Property review the options for the future use of the property in 2017 and beyond in conjunction with the Schools Service and Finance and report the outcomes to the Strategic Director for Business Services in consultation with the Leader of the Council and the Cabinet Member for Asset and Regeneration Programmes prior to the lease expiry in November 2016.

Reasons for Decisions:

The acquisition will provide the opportunity for the Council to consider and secure the longer term needs of schooling provision in the Ashtead / Leatherhead area. The property will in the meantime provide an income for the County Council in the short term.

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

Members' Questions

Question (1) from Mrs Hazel Watson (Dorking Hills) to ask:

At the County Council meeting on 15 October, I asked Cllr Helyn Clack the Cabinet Member for Community Services and the County Councillor for Dorking Rural Division on which date and who at Surrey County Council made the decision that the Prudential RideLondon Surrey classic event would take place in Surrey for 5 years starting in 2013. The response to my question received from Democratic Services following the meeting referred to a decision of the Cabinet made in private in December 2011, but this decision or the confidential paper do not refer to a 5 year commitment. As there are no Cabinet decisions or individual Cabinet Member decisions about the Prudential cycle event or the Marathon on Wheels as it was originally named, apart from December 2011, and therefore the assumption has to be that the Leader of the Council decided to approve the Prudential event for 5 years on his own accord, outside the formal decision making system of the Council.

- a) Is my assumption correct that the Leader of the Council informally decided that the Prudential cycle event would come to Surrey for 5 years from 2013 without a formal decision and if not who at Surrey County Council made the decision and when was the decision made?
- b) Given that the only formal decision of the County Council in relation to the Prudential Ride London cycle event (formerly named the Marathon on Wheels) was taken in private, does the Leader of the Council agree with me that Surrey residents and businesses have had no opportunity to scrutinise or to raise concerns about the County Council's plans to allow the Prudential Ride London cycle event to take place in Surrey before the decision was taken despite the significant impact on many residents and businesses as a result of road closures as well as a commitment to allow the event to take place in Surrey for 5 years?

Reply:

- a) In December 2011, the Council's Cabinet agreed in principle to the staging of a cycling event based on the Olympic road cycling race route. Under the answer to your question (5) you will see that we are now able to release this decision paper.

Surrey County Council's Leader David Hodge subsequently agreed the RideLondon proposal from the event delivery partner with the Mayor of London, Boris Johnson. The event delivery partner has been contracted by Transport for London, on behalf of the Mayor of London, to deliver the event for five years.

- b) To ensure this long term commitment is right for the County, questions about holding major cycle events were included in the recent Surrey Cycling Strategy consultation. The analysis of the consultation responses is currently underway, but headline results suggest that a majority of respondents think that major cycling events are a good thing for the County. However, we do recognise that there are other concerns which the Cycling Strategy will also address.

I can confirm that Surrey County Council's Cabinet will make a formal decision on 17th December 2013 on the future hosting of the Prudential RideLondon-Surrey 100 and Classic in Surrey.

**Helyn Clack
Cabinet Member for Community Services
26 November 2013**

Question (2) from Mr Will Forster (Woking South) to ask:

At the meeting of Cabinet on 24 September 2013, I raised a concern regarding the Cabinet Member for Community Services being quoted in the local press on the purchase of Woking Magistrates Court, an item that had at that time not been discussed and was a disclosure of part 2 information under Schedule 12A of the Local Government Act 1972.

In an email to me on 13 October you stated that the issue " ...will be dealt with by me in private . You may be unaware that I hold accountability meetings with all my Cabinet Members. That is the right forum to discuss these issues."

Standing Order 46 of the Council's Constitution states:

CONFIDENTIALITY

Committee Papers, etc

- 46.1. All Members must respect the confidentiality of any papers made available to them whether for the purpose of meetings of the Cabinet, of Cabinet Members or of committees or otherwise, for so long as those papers remain confidential.

Failure to observe

- 46.2. Any or all of the rights conferred on a Member of the Council under the Constitution may be withdrawn by the Council if it is satisfied that he/she has not observed the requirements of Standing Order 46.1 in relation to any of its papers.

Does the Leader agree with me that the appropriate place to deal with breaches of the Constitution of the Council and relevant legislation by members is not through private discussions, but through Standards procedures?

Reply:

Mr Forster raised this matter with me as Leader and I have responded in that capacity. As an experienced Member of this Council I am sure that Mr Forster is aware that we have a Member Conduct Panel, advised by the Independent Person and I presume this is what he means when he refers to "Standards procedures". I believe that the Constitution of the Council guides our approach as councillors.

David Hodge
Leader of the Council
26 November 2013

Question (3) from Mrs Fiona White (Guildford West) to ask:

At the Cabinet meeting on 22 October 2013, the Cabinet Member for Community Services stated that Surrey has a "Gin and Jag reputation". Does the Cabinet Member agree with me that such comments, however flippant, portray the wrong impression given the concerns over alcohol abuse?

Reply:

I was referring to an undeserved view that some people have of Surrey. This Council recognises that alcohol abuse is a serious issue in the County and our Public Health team are working hard to address this serious problem, particularly as all our 11 Boroughs / Districts have increased risk drinking rates above the England average.

Helyn Clack
Cabinet Member for Community Services
26 November 2013

Question (4) from Mrs Hazel Watson (Dorking Hills) to ask:

Please supply details of contractual agreements, Memoranda of Understanding and any other written agreements entered into by Surrey County Council with the Mayor of London, the Surrey Cycle Partnership, SweetSpot Group, London Marathon Ltd and related companies and organisations regarding the Tour of Britain and Prudential RideLondon including details of the dates contracts were signed, their period of operation with start and end dates and their purpose.

Please list all sums of money paid by Surrey County Council to the organisations above and any sums of money that have been agreed by Surrey County Council to be paid to those companies or organisations in the future regarding the Tour of Britain and Prudential RideLondon and the purposes of those payments.

Reply:

A contract to deliver the Tour of Britain was signed in February 2012, following a Cabinet decision taken in December 2011 to host the events. A copy of the contract covering Surrey County Council's agreement with the event organiser to sponsor the event in 2012 and 2013 is attached. (Annex 1)

The Prudential RideLondon-Surrey was an inaugural event in 2013, so a Memorandum of Understanding was negotiated between the event delivery arm of Transport for London, and signed in 2013 by Surrey's local authorities that hosted the event. The relevant documents are attached. (Annex 2 and Annex 3)

There are currently no future plans to host the Tour of Britain in Surrey. The costs incurred by Surrey County Council in relation to the Tour of Britain and Prudential RideLondon-Surrey 100 and Classic are tabled below:

Events	2011/12	2012/13	2013/14	Total	Notes
	£	£	£	£	
Tour of Britain 2012	0	206,250	0	206,250	<i>Payment to Tour of Britain Ltd (contribution to cost of event)</i>
Tour of Britain 2013	0	0	175,000	175,000	<i>Payment to Tour of Britain Ltd (contribution to cost of event)</i>
Prudential Ride London 2013	0	0	0	0	<i>No direct expenditure</i>
	0	206,250	175,000	381,250	

Helyn Clack
Cabinet Member for Community Services
26 November 2013

Question (5) from Mrs Hazel Watson (Dorking Hills) to ask:

At two meetings held in public in November 2012 the Policy and Resources Committee and Streets and Walkways Subcommittee of the City of London Corporation both considered a detailed report on the Prudential RideLondon event with the option for members not to support the event being held in the City of London.

By contrast, in December 2011 Surrey County Council's Cabinet made decisions at a meeting held in private regarding the Tour of Britain and the Marathon on Wheels, now called the Prudential RideLondon Surrey.

1. Why was the whole of the item in December 2011 taken in part 2, the private part of the meeting, and why has the detail not been discussed in the public part of a meeting of Surrey County Council?
2. As the decision was a "key decision" as defined in the Councils constitution "...significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county.", will the Leader set out whether section 6.06 of the County Council constitution was observed:

6.06 Access to Information Rules:

Part B - Cabinet

Notice of Key Decisions to be taken

(a) Notice of decisions

A notice will be published at least 28 clear days before the Cabinet (or its committees), Cabinet Member or other executive decision maker intends to make a key decision.

(b) Contents of notice of decisions

The notice of decisions will contain matters which the Cabinet has reason to believe will be the subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, an individual Cabinet Member, or under joint arrangements in the course of the discharge of an executive function. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (i) that a key decision is to be made on behalf of the local authority;

- (ii) the matter in respect of which a decision is to be made;
- (iii) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (iv) the date on which, or the period within which, the decision will be taken;
- (v) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available.

The notice of decisions will contain particulars of the key decision but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

3. Will the Leader release the Cabinet paper from December 2011 into the public domain in full, as there are no items in the paper which are not in the public domain.

Reply:

1. The item was taken in part 2 as both the events under discussion within the item were externally led with information not yet released by the lead partner into the public domain. Therefore, at that time, it was not possible for us to discuss in public. There was no requirement for any further Cabinet decisions on this and therefore the item didn't need to return to Cabinet.
2. The paragraph referred to in your question was amended following the publication of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force in September 2012. These requirements were therefore not in place at the time of the meeting you are referring to and the item was handled under the previous regulations. In accordance with the requirements in place at the time, the item was included on the December 2011 – March 2012 Cabinet Forward Plan, which was published on 17 November 2011, and the item was listed as part 2.
3. I can confirm that the report has now been given to Mrs Watson and the report will be put in the public domain as the matters it dealt with no longer comprise confidential or exempt information.

David Hodge
Leader of the Council
26 November 2013

Public Questions

Question (1) from Mr Peter Crews

Paragraph 48 of the report to the Cabinet meeting on 30/10/13 states 'Deloitte anticipate formally confirming, in the near future, that there is no material difference between option 1 (delivery of the Eco Park) and option 2 (delivery through third party arrangements) based on only financial analysis.'

For the purpose of this question, and to avoid confusion with the previous value for money assessment, I will refer to the above option 2 as **Option 5**.

Paragraph 6 of the report to the Cabinet meeting on 23/7/13 defines Options 1 to 4 which were considered in the value for money assessment. Please could you describe **Option 5** fully so that its relationship with Options 1 to 4 can be seen clearly without any ambiguity?

Reply:

The report to Cabinet on 23 July 2013 concerning the "amendment of the waste contract to deliver the waste strategy" considered 4 options for future waste disposal. Option 2, to "terminate the waste contract, re-procure to build and operate waste processing infrastructure", had a significantly higher cost compared to the other options. Therefore, when Cabinet considered the matter again on 30 October 2013, this option was removed. As a result, the total number of options reduced from 4 to 3, and the remaining options were re-numbered. Therefore, the option to "terminate the waste contract and achieve recycling and landfill diversion improvements without building new infrastructure", which was described as option 3 on 23 July, became option 2 on 30 October 2013.

John Furey
Cabinet Member for Transport, Highways and Environment
26 November 2013

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