CABINET

The following decisions were taken by the Cabinet on Tuesday, 22 July 2014 and will take effect on Thursday 31 July 2013 unless the call-in procedure has been triggered. **CALL-IN DEADLINE: 30/07/13.**

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, 22 July 2014 considered the following matters and resolved:

• PUBLIC QUESTIONS (Item 4b)

A question from Jenny Desoutter has been received. The question and response is attached as **Appendix 1.**

• REPORTS FROM SELECT COMMITTEES, TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL (Item 5)

Environment and Transport Select Committee in relation to its Interim Report of the Flooding Task Group (**Appendix 2**), together with the response from the Cabinet Member for Highways, Transport and Flooding Recovery (**Appendix 3**).

- LOCAL GOVERNMENT OMBUDSMAN REPORT WITH A FINDING OF MALADMINISTRATION (Item 6)
 - 1. That the Ombudsman's report be noted.
 - 2. That the Cabinet is satisfied that steps have been taken to address the findings of the Ombudsman's report.
 - 3. That the requirement to produce a response to both the Monitoring Officer's report and the Ombudsman's report and to ensure that this is sent to all Members and to the Ombudsman be delegated to the Assistant Directors for Children's and Safeguarding Services and Schools and Learning, in consultation with the Cabinet Member for Children and Families.

Reasons for Decisions:

There is a statutory requirement to respond to an Ombudsman report that identifies maladministration and a need for the Cabinet to consider what action needs to be taken as a result of the report.

• FINANCE AND BUDGET MONITORING REPORT FOR JUNE 2014 (Item 7)

- (1) That the revenue budget to the end of June 2014 and the forecast outturn for 2014/15, as set out in the submitted report, be noted.
- (2) That the forecast ongoing efficiencies and service reductions achieved by year end, as set out in the submitted report, be noted.
- (3) That the capital budget position to the end of June 2014 and the forecast expenditure for 2014/15, as set out in the submitted report, be noted.
- (4) That the first quarter balance sheet, reserves, debt and treasury management report, including debt written off under the Director of Finance's delegated authority, be noted.
- (5) That the Chief Executive's and Director of Finance's assessment of the council's efficiency savings programme be noted.
- (6) That the request from Environment and Infrastructure for £0.3m additional funding, to cover planning and development work on the schools expansion programme, be approved.
- (7) That the re-profiling of the council's capital programme for the years 2014 to 2019, as set out in the submitted report, be agreed.
- (8) That use of £1.8m revenue and £1.2m of capital developer contributions to fund the costs of response and recovery from the severe weather and flooding be approved.
- (9) That use of £10m of the current capital budget to fund the capital costs incurred in 2014/15 be approved.
- (10) That Highways realigns the revenue budget to respond to service pressures including flood repairs.

Reasons for Decisions:

This report is presented to comply with the agreed policy of providing a monthly budget monitoring report to Cabinet for approval and action as necessary. Additionally, there is an up-date on the wider Medium Term Financial Plan (MTFP 2014-19), in terms of the implications for savings delivery and the severe weather on the councils revenue and capital budgets. This up-date was requested when the MTFP was agreed in March 2014.

The Cabinet approved the carry forward of capital budget from 2013/14 at its meeting in May 2014. Since the setting of the capital budget, the schools basic need and property programmes have been reassessed. The recommendation of this report is to re-profile the council's capital programme to ensure that its objectives are delivered and value for money is achieved.

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

• ST PETER'S CATHOLIC PRIMARY SCHOOL, LEATHERHEAD (Item 8)

That, subject to the agreement of the detailed financial information for the expansion as set out in agenda item 17 in Part 2 of this agenda, the business case for the provision of an additional 1 form of entry (210 places) primary places in Leatherhead be approved.

Reasons for Decisions:

The proposal supports the Authority's statutory obligation to provide sufficient school places to meet the needs of the population in the Leatherhead 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]

• HILLCROFT PRIMARY SCHOOL, CATERHAM (Item 9)

That, subject to the agreement of the detailed financial information for the expansion as set out in agenda item 18 in Part 2 of this agenda, the business case for the provision of an additional 0.5 form of entry (105 places) primary places in Caterham be approved.

Reasons for Decisions:

The proposal supports the Authority's statutory obligation to provide sufficient school places to meet the needs of the population in the Caterham 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]

• HURST PARK PRIMARY SCHOOL, WEST MOLESEY (Item 10)

That, subject to the agreement of the detailed financial information for the expansion as set out in agenda item 19 in Part 2 of this agenda, the business case for the provision of a new 420 place school and 26 place nursery on a new site providing an additional 1 Form of Entry (210 places) primary places in West Molesey be approved.

Reasons for Decisions:

The proposal supports the Authority's statutory obligation to provide sufficient school places to meet the needs of the population in the Elmbridge 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]

• SURREY COUNTY COUNCIL HOME BASED CARE SUPPORT SERVICES (Item 11)

That a Strategic Partnership Contract (SPC) for the provision of Home Based Care (HBC) support services for vulnerable adults in Surrey, to the bidders set out in Annex 1 of the submitted report, be approved.

Reasons for Decisions:

A comprehensive review of Home Based Care support services and the market was carried out during 2013, identifying a need to replace the existing arrangements to enable a new approach to commissioning and delivering services. This led to the development of the Strategic Partnership Contract (SPC) and an Any Qualified Provider (AQP) contract model, established through a competitive tendering exercise. This was conducted in compliance with EU Procurement Legislation, and Procurement Standing Orders. The recommendations provide best value for money for the council and CCGs (jointly referred to as the commissioners).

[The decisions on this item can be called in by either the Council Overview and Scrutiny Committee or the Adult Social Care Select Committee]

• LEGAL SERVICES FRAMEWORK (Item 12)

That contracts be awarded to the preferred supplier(s) as agreed on the basis set out in the Part 2 report (item 22).

Reasons for Decisions:

To ensure that local authorities have access to best value for money external legal advice and support from solicitors and barristers selected by a full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders.

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

BADGERS WOOD SURREY COUNTY COUNCIL RESIDENTIAL CARE HOME (Item 13)

That the Council will consult on the proposal to close Badgers Wood Home and that following the consultation a further report will be presented to Cabinet for a decision on the future of the home.

Reasons for Decisions:

- The existing service does not fully provide the opportunity for residents to maximise their independence and live in a supported living environment. It is recognised the building is too large to provide a sufficiently individualised service.
- The current service does not accord with the strategic direction of Surrey Adult Social Care, in terms of a shift from residential care to a broader range of personalised accommodation options such as supported living.
- The vulnerability of people living in the home due to age and infirmity has increased and their needs will be difficult to meet appropriately within the present service.
- The service in its current form has experienced a lack of demand in at least the last 5 years.

- Reviews of the 10 residents care and support needs have found that at least 2 residents will move-on from the service as part of Adult Social Care annual review and reassessment processes.
- A high and increasing vacancy level compromises the financial viability of the existing service. Given the concerns about the building and the lack of fit with current commissioning priorities, there is no expectation that new referrals will be made and so demand is projected to continue to decline over time.
- Significant financial investment in the building is required and it presents a number of challenges to adaptation and refurbishment. New Learning Disability schemes are generally developed on the basis of accommodation for 4 to 8 people.
- Young adult (18+) and their parents / carers would not choose a service that comprises 17 bedrooms and does not provide an environment for personalised services.

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

• SERVICES TO SCHOOLS AND SCHOOLS IMPROVEMENT CONTRACT EXTENSION - BABCOCK 4S LTD (Item 14)

That, in principle, the contract on the existing contractual terms and conditions for the permitted 4 year extension term be extended, subject to, any final variations in the shareholders agreement and approval through delegated authority by the Strategic Director of Children, Schools and Families, the Cabinet Member for Business Services, Cabinet Member for Schools and Learning, the Leader of the Council, and the Section 151 Officer.

Reasons for Decisions:

Extending the existing contract will enable the joint venture to continue to deliver the "every school a "Good" school" project by 2017. The stability of this work is crucial and is one of the key reasons for the extension.

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

• LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS TAKEN SINCE THE LAST CABINET MEETING (Item 15)

That the decisions taken by Cabinet Members since the last meeting, as set out in Annex 1 of the submitted report, be noted.

Reasons for Decisions:

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

EXCLUSION OF THE PUBLIC (Item 16)

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.

• ST PETER'S CATHOLIC PRIMARY SCHOOL, LEATHERHEAD (Item 17)

- 1. That the business case for the project to expand St Peter's Catholic Primary School by 210 places, at a total estimated cost, as set out in the submitted report, be approved.
- 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, in consultation with the Cabinet Member for Schools and Learning, the Cabinet Member for Business Services and the Leader of the Council 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 Leatherhead 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]

• HILLCROFT PRIMARY SCHOOL, CATERHAM (Item 18)

- 1. That the business case for the expansion of Hillcroft Primary School from a 1.5 form of entry primary (315 places) to a 2 form of entry primary (420 places) creating 105 additional places at a total estimated cost, as set out in the submitted report, be approved.
- 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, in consultation with the Cabinet Member for Schools and Learning, the Cabinet Member for Business Services and the Leader of the Council be approved.

Reasons for Decisions:

The proposal supports the Authority's statutory obligation to provide sufficient school places to meet the needs of the population in the Caterham 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]

• HURST PARK PRIMARY SCHOOL, WEST MOLESEY (Item 19)

1. That the business case for the project to build a brand new 2 form of entry primary school, at a total estimated cost, as set out in the submitted report, be approved.

 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, in consultation with the Cabinet Member for Schools and Learning, the Cabinet Member for Business Services and the Leader of the Council 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 West Molesey 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]

WOKING TOWN CENTRE REGENERATION (Item 20)

- 1. That the increase in the Phase 1 loan funding provided to Bandstand Square Developments Ltd, as set out in the submitted report, be approved.
- 2. That the Strategic Director for Business Services, in consultation with the S151 officer, be authorised to approve appropriate contractual amendments to extend the loan facility.

Reasons for Decisions:

The increase in the loan facility provided by SCC is required in order to fully complete Phase 1 of the Woking regeneration project. The first phase of the project will deliver the land acquisition required for the development, all necessary planning consents and the construction of a new Fire Station to enable relocation from the existing site.

The full project will deliver a large scale regeneration of the town centre, improving the long-term viability of the existing retail offer in the town.

SCC's financing costs associated with providing the Phase 1 loan facility will be offset by interest payments received from the Joint Venture.

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

ESTABLISHMENT OF A TRANSPORT RELATED LOCAL AUTHORITY TRADING COMPANY (Item 21)

- That the business case for the creation of a Local Authority Trading Company to be owned by Surrey County Council and five other local authorities be approved.
- 2. That the governance arrangements for the Company, as set out in paragraphs 13 to 17 of the submitted report, and as described in memorandum of terms form in a Shareholders Agreement between the local authorities and the Articles of Association for the company be approved.
- 3. That the provision of equity finance to the Company, as described in paragraphs 29 to 31 of the submitted report, be approved.

4. That the Cabinet Member for Business Services and New Models of Delivery and the Strategic Director for Business Services be authorised to agree appropriate contractual arrangements on behalf of the County Council following completion of appropriate due diligence.

Reasons for Decisions:

The creation of a Local Authority Trading Company, to be owned by six local authorities, will ensure that the commercial activities of the consortium are delivered in an appropriate manner and will enable the growth potential of the database to be fully exploited. Subject to the company being able to declare a dividend, the recommended delivery model will produce an ongoing income for the council to support future service provision.

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

• LEGAL SERVICES FRAMEWORK (Item 22)

That a Legal Services Framework for Lot 1 General and Commercial Panel (General Advice), Lot 2 General and Commercial Panel (Specialist and Advocacy), Lot 3 Environment and Infrastructure Panel (General Advice), Lot 4 Environment and Infrastructure Panel (Specialist and Advocacy), Lot 5 Care Panel (General Advice), and Lot 6 Care Panel (Specialist and Advocacy) be approved.

Reasons for Decisions:

A full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders has been completed, and the recommendations provide best value for money for the Council following a thorough evaluation process.

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

• SURREY COUNTY COUNCIL HOME BASED CARE SUPPORT SERVICES (Item 23)

That a flexible block contract be awarded to the providers, for the provision of Home Based Care support services, for a total value, as set out in the submitted report, to commence on 1 October 2014.

Reasons for Decisions:

A full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders has been completed, and the recommendations provide best value for money for the Council, Clinical Commissioning Groups (referred to as the Commissioners), Surrey residents and individuals who receive HBC support services (service users).

[The decisions on this item can be called in by either the Council Overview and Scrutiny Committee or the Adult Social Care Select Committee]

• SERVICES TO SCHOOLS AND SCHOOLS IMPROVEMENT CONTRACT EXTENSION - BABCOCK 4S LTD (Item 24)

As per Part 1 report - item 14.

Reasons for Decisions:

Education provision has changed considerably since the start of the joint venture agreement, with the greatest changes being in recent years with the roll out of academy schools nationally. As the contract extension will be largely based on the current terms and conditions, this will provide the greatest level of flexibility to respond to the growing academisation of Surrey's schools. As the Education Services Grant (ESG) funding reduces with more money being paid direct to academies, there is the continuing need to be able to vary the services covered by the Service Delivery Agreement (SDA) under the B4S contract throughout the extension period.

The associated risk of these reducing services remains with B4S whilst the current contract and the proposed extension remains in place.

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

Public Questions

Question (1) from Jenny Desoutter to ask:

My question relates to permission granted by SCC for Road Closures on 10 August.

Background

The right to use public highways, together with freedom of movement, is a universal right. It is also essential in order that people may discharge commitments and meet responsibilities and live safely and independently.

SCC have adopted a policy of such disproportionate discrimination in favour of those who enjoy cycling as a sport, that all others, including Surrey residents, are prevented for a whole day from access to an extensive network of roads in order that a spree for cycling enthusiasts can take place. This not only causes inconvenience and disruption, but also aggravates anxiety, isolation and risk.

SCC claim that they are entitled to take this action under section 16A of the Highways Act 1984. In spite of much opposition last year, and many untoward incidents, SCC have decided to continue with this divisive and discriminatory policy.

SCC have, however, repeatedly stated that they will do all they can to minimise disruption to residents: as might be expected from a body whose powers are necessarily linked to an inalienable statutory duty of care.

It is with some surprise therefore that I note that this year's route will leave most residents in Dorking with no means of egress or ingress for the entire day between 5.00am and the evening. This particularly affects those who are vulnerable, or unable to walk long distances, and those who live where there are no pavements. This has occurred largely because of the addition of Ranmore Road and Denbies Vineyard to the route, perhaps at the request of the event organiser whose main concern is the fun of the event, rather than the interests of people who live here. It is also with surprise that I note that the Prudential Ride London booklet claims to offer "Important information to help you plan your travel around Surrey on 10th August" when the reality is that in many areas no travel will be possible.

Question

Section 16A contains references to circumstances relevant to closure of "a road". (Until recently events did generally involve just that - closure of <u>a</u> road.) Section 16A also requires (Clause 8) that, "When considering the making of an order under this section, an authority shall have regard to the safety and convenience of alternative routes suitable for the traffic which will be affected by the order."

This would suggest that the Act did not envisage paralysing entire essential networks for a recreational event.

- (i) Can SCC state whether they consider that in permitting communities such as western parts of Dorking to be cut off completely, with no safe or convenient alternative route, they have met the requirements of this clause, and if so, how?
- (ii) Since SCC has stated repeatedly, including during the consultation, that

they would seek to minimise disruption to residents, why did SCC agree to an event route that increases disruption and stress to residents who live in the areas affected, instead of insisting on a route which would, as they had assured us, minimise disruption, for example by provision of rolling closures or by ensuring the availability of alternative routes for essential travel?

Reply:

The legislation does envisage the closure of <u>a</u> road for events. The legislation has allowed for the United Kingdom to deliver a number of world ranking sporting events including the London Marathon and visits of the Tour de France to the country. The Prudential London-Surrey 100 and Classic are part of a wider weekend festival which is becoming recognised as a world class event that shows the very best of Surrey on a global stage.

While recognising the benefits that the Prudential Ride London-Surrey 100 and Classic have brought to the County, in particular to our local and national charities, it is acknowledged that events of this scale will cause some level of disruption. The needs of residents, both those who are taking part in either the Prudential London-Surrey 100 or the celebrations connected to the event and those residents who live on or near to the route, have been a key consideration in the planning for the event.

While we would encourage local residents to support this legacy for the Olympic events of 2012 by taking part in the event itself, or in the community events planned for the 10 August, arrangements have been made to allow residents access across and away from the event route. Both Surrey County Council officers and the event organiser have reviewed arrangements following the 2013 event to look at improvements that can be made. The event organiser has been making arrangements with residents and communities in the west of Dorking and all areas to allow for access across the route where possible, or to make alternative arrangements to ensure that as far as possible residents can go about their normal business.

If any resident has an access requirement we would encourage them to contact the event organiser who will provide all possible support regarding access, while ensuring the safety of the event is not compromised.

Where possible rolling road closures have been put in place for the 2014 event. This will particularly benefit residents to the west of Dorking where only the mass participation event in the morning will be undertaken under road closures and the professional race will be facilitated by rolling road closures. The event organiser is continuing to work with residents and communities to provide access to alternative routes in numerous ways and we should acknowledge the flexibility our communities and residents have shown to support the delivery of the event. We will ensure that we continue to learn from the event in the coming years to further support access for residents on the event day.

As previously stated, any resident that has access requirements should contact the event organiser who will work with them to provide all possible support.

Mrs Helyn Clack Cabinet Member for Community Services 22 July 2014

ENVIRONMENT & TRANSPORT SELECT COMMITTEE

Item under consideration: INTERIM REPORT OF THE FLOODING TASK GROUP

Date Considered: 17 July 2014

Key points raised during the discussion:

- The Committee strongly supported the view of the report in that firmer
 decisions needed to be made by the relevant planning authorities in relation
 to planning permission on flood plains. It was noted that Local Planning
 Committee decisions to refuse applications were often overturned on appeal
 as a result of Environment Agency advice as to the predicted likelihood of
 flooding taking place in certain areas.
- 2. Members were also concerned at the fact that a number of utility companies' sewage systems struggled to cope with the volume of water flowing through them during the flooding, and were particularly supportive of the Task Group's recommendation that utility companies be encouraged to keep up to date plans of their networks, but also of other protocols.
- 3. It was felt that issues around road closures during the recent flooding were a significant problem, with residents frequently ignoring road closure notices and confusion around which roads were closed and by whom. It was suggested that in future communication of this matter be improved, and clarification sought as to who had the authority to close roads during flood events.
- 4. The Repair and Renew Grant was discussed and concern raised around the fact that businesses were not eligible to apply, as this increased the risk of consequential loss of business.

Recommendations:

- a) That a review of the communications arrangements between the County Council, Districts and Boroughs and relevant partner organisations be carried out, with a view to avoiding duplication of effort and to improve communication as perceived by residents. This should include keeping County and District & Borough Councillors informed.
- b) That the County Council determines how the River Thames Scheme can be implemented as soon as possible.
- c) That, in order to reduce the quantity of water entering the fluvial system, priority be given to the clearance of all ditches and soakaways in the County, and, where appropriate, the reinstatement or creation of ponds.
- d) That utility companies be encouraged to keep up to date plans of their networks and other protocols.
- e) That the County Council explores alternatives to the use of sandbags in flood defences.

David Harmer

Chairman of the Environment & Transport Select Committee

CABINET RESPONSE TO ENVIRONMENT AND TRANSPORT SELECT COMMITTEE

INTERIM REPORT OF THE FLOODING TASK GROUP (considered by E&TSC on 17 July 2014)

SELECT COMMITTEE RECOMMENDATIONS:

- a) That a review of the communications arrangements between the County Council, Districts and Boroughs and relevant partner organisations be carried out, with a view to avoiding duplication of effort and to improve communication as perceived by residents. This should include keeping County and District & Borough Councillors informed.
- b) That the County Council determines how the River Thames Scheme can be implemented as soon as possible.
- c) That, in order to reduce the quantity of water entering the fluvial system, priority be given to the clearance of all ditches and soakaways in the County, and, where appropriate, the reinstatement or creation of ponds.
- d) That utility companies be encouraged to keep up to date plans of their networks and other protocols.
- e) That the County Council explores alternatives to the use of sandbags in flood defences.

RESPONSE:

Generally Environment and Infrastructure are supportive of the recommendations of the Task Group, and we look forward to working with them to support the development of their final report. A few comments on each recommendation are provided below:

- a) Communication between the various organisations involved in flood risk management has been reviewed as part of the lessons learned exercise undertaken by the Local Resilience Forum (LRF). However, I understand from the discussion at the select committee that this recommendation covers wider communication issues. Whilst the LRF will consider communications improvements relevant to them, we will ensure that the communications issues raised by the Task Group relevant to Environment and Infrastructure are also reviewed.
- b) We are working very closely with the Environment Agency, and the other Local Authorities affected, to support this scheme. We can provide further information to the Task Group on the details of this support, if required.
- c) As part of the County's £23m flood recovery programme, we are undertaking work to highway drainage systems, including ditches and soakaways, to restore them, following the flooding. As part of our longer term 'Highways for the Future' programme, we are reviewing service levels for our highways, and will consider the investment into drainage assets as part of this review. We are working with a Member Reference Group (comprising members of the Environment and Transport Select Committee) on this programme.
- d) We agree that this is important, however our powers in this area are quite

limited. We do have some powers, as Highway Authority and Lead Local Flood Authority, and we will review how effectively we are using these powers to get information from statutory undertakers. We believe that lobbying Government on this issue may be beneficial, and would ask that the Task Group consider this.

e) We are looking at options for temporary flood defences, and will make recommendations to the Task Group and Select Committee.

John Furey Cabinet Member for Highways, Transport and Flooding Recovery 22 July 2014

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