

CABINET

The following decisions were taken by the Cabinet on Tuesday, 28 April 2015 and will take effect on 08/05/2015 unless the call-in procedure has been triggered. **CALL-IN DEADLINE: 07/05/15.**

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 April 2015 considered the following matters and resolved:

Members' Questions (Item 4a)

A question was received from Mr Essex. The question and response is attached as Appendix 1.

• **PUBLIC QUESTIONS** (Item 4b)

Questions from Mr Crews and Mr Catt were received. The questions and the responses are attached as Appendix 2.

• **AMENDMENT TO WASTE CONTRACT TO DELIVER THE WASTE STRATEGY** (Item 6)

1. That all the necessary preconditions identified in the Cabinet report of 23 July 2013, as outlined in paragraphs 3 - 34 of the submitted report, have now been met.
2. That the assessment of the Director of Finance is that the cost of proceeding with the Waste Strategy, including the Eco Park, meets the value for money criterion and is the most affordable option available to the council.
3. That the council proceeds to issue the second Notice To Proceed (NTP2) in accordance with the contractual processes approved by Cabinet on 30 October 2013.
4. That the corporate revenue budget refresh in July 2015 will take into account the budgetary effect of delivering the Waste Strategy, including the Eco Park.
5. That the Strategic Director of Environment and Infrastructure puts in place the governance arrangements described in Annex 2 of the submitted report, and provides quarterly reports to the Cabinet Member for Environment and Planning and reports to Cabinet at key milestones by agreement between the Cabinet Member for Environment and Planning and the Leader of the Council.

Reasons for Decisions:

To authorise development of the Eco Park, an essential part of the Waste Strategy and a priority for the council.

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

- **YEAR END FINANCIAL BUDGET OUTTURN 2014/15** (Item 7)

The report be noted, including the following:

1. That the council achieved £13.0m underspend for 2014/15, as detailed in Annex 1, paragraph 3 of the submitted report. This includes £8.0m of carry forward requests for spending on planned service commitments that continue beyond 2014/15. Excluding the carry forward requests, the underspend was £5.0m (less than 1% of the council's total expenditure budget of £1,675m).
2. That services achieved £74.1m efficiencies and savings, as detailed in Annex 1, paragraph 85 of the submitted report, up from £73.9m forecast at 28 February 2015 and the planned target of £72.3m.
3. That the council invested £199.3m through its capital programme in 2014/15, as set out in Annex 1, paragraphs 88 and 89 of the submitted report.
4. The council's year end: balance sheet, reserves and balances and debt analysis, as detailed in Annex 1, Appendix 1, paragraphs App17 to App 21 of the submitted report.
5. That £1.8m school virement requests, reflecting grant adjustments, as set out in Annex 1, paragraph 12 of the submitted report, be approved.
6. That £8.0m revenue carry forward requests and transfer funding to the Budget Equalisation Reserve, as detailed in Annex 1, paragraph 4 and Annex 2 of the submitted report, be approved.
7. That £5.0m transfer of the remaining revenue underspend to the Budget Equalisation Reserve, as set out in Annex 1, paragraph 4 of the submitted report, be approved.
8. That a £30,000 allocation from the Central Income & Expenditure budget to Surrey Arts, as detailed in Annex 1, paragraph 60 of the submitted report, be approved.
9. That a £0.4m transfer of Revolving Infrastructure and Investment Fund net income back into the fund, as detailed in Annex 1, paragraph 76 of the submitted report, be approved.
10. That £17.8m of capital programme adjustments, comprising £17.5m net effect of schemes brought forward and carried forward and £0.3m of extended schemes, as detailed in Annex 1, paragraph 88 and Annex 2 of the submitted report, be approved.

Reasons for Decisions:

This report is presented:

- to review and manage the budget outturn for the 2014/15 financial year in the context of a multi-year approach to financial management; and

- to approve final carry forwards to enable on-going projects to continue.

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

- **LEADERSHIP RISK REGISTER** (Item 8)

That the content of the Surrey County Council Leadership Risk Register, as set out in Annex 1 of the submitted report, be noted and the control actions put in place by the Statutory Responsibilities Network be endorsed.

Reasons for Decisions:

To enable the Cabinet to keep Surrey County Council's strategic risks under review and to ensure that appropriate action is being taken to mitigate risks to a tolerable level in the most effective way.

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

- **YOUTH JUSTICE STRATEGIC PLAN 2015 - 20** (Item 9)

1. That the Youth Justice Strategic Plan for 2015 – 2020 be endorsed and recommended to full County Council for approval.
2. That Surrey Youth Support Service and the wider partnership be congratulated on the outstanding performance and outcomes achieved in the youth justice arena.
3. That the exceptional political support and leadership provided be acknowledged, in particular by the Cabinet Member for Children and Families and the Leader of the Council, and which has contributed to the above performance and outcomes.

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.

The Youth Justice Strategic Plan 2015-2020 is designed to deliver a sustainable and effective youth justice system that enables improved outcomes and value for money for Surrey residents.

- **REVISION OF STATEMENT OF COMMUNITY INVOLVEMENT (SCI)** (Item 10)

That Cabinet recommends to full County Council the adoption of the revised Statement of Community Involvement (SCI).

Reasons for Decisions:

It is a statutory requirement to produce the SCI and to keep it up to date. The current SCI was adopted in 2006 and this revision takes account of changes in legislation and policy and the county planning authority's commitment to making best use of electronic communication.

- **CUSTOMER PROMISE - THE COUNCIL'S COMMITMENT TO DELIVERING EXCELLENT SERVICE** (Item 11)

That the new Customer Promise and the proposed steps to embed it into the organisation to improve 'Resident Experience' be endorsed.

Reasons for Decisions:

To maintain and improve customer service across the Council for the benefit of Surrey residents.

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

- **PROCUREMENT OF ELECTRICITY AND GAS SUPPLIES FOR 2016 - 2020** (Item 12)

1. That Surrey County Council commits to the energy purchasing contracts through the LASER Flexible Framework for the provision of electricity and gas supplies to commence on 1 October 2016 and to run until September 2020 on a rolling 2 year basis for the energy requirements of the council and in respect of participating schools following the receipt of appropriate warranties.
2. That SCC adopts, as part of the LASER framework, a mixed basket of Purchase in Advance (PIA), Purchase within Period (PWP), Fully Managed Service, Procurement Only Service and other purchase options as may be deemed suitable to manage energy price risk as appropriate to the needs of the end users and the nature of the energy supply.
3. That authority be delegated to the Head of Procurement and Commissioning and Chief Property Officer, in consultation with the Cabinet Member for Business Services to take necessary procurement decisions and award new contracts from 1 October 2016 to September 2020 on a rolling two year basis through the framework agreement for the supply of electricity and gas under a flexible procurement.
4. That SCC makes use of the added value services available from framework suppliers to LASER customers, such as data collection from automated meters, where it is cost effective to do so.

Reasons for Decisions:

A compliant Official Journal of the European Union (OJEU) tender process has recently been completed by LASER, resulting in 2 new contracts being awarded for Electricity and Gas supplies, permitting access by other public sector organisations from 1 October 2016 to 30 September 2020. The suppliers on the framework are Npower for electricity and Total Gas & Power Ltd for gas. Using the LASER framework for 2016-2020 will provide continuity for sites and best

value for money for the council following a thorough options appraisal. A rolling two year commitment is preferred to a four year commitment as it affords the council more flexibility.

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

- **ESTABLISHING A DYNAMIC PURCHASING SYSTEM AND ACCEPTANCE OF INDICATIVE TENDERS FOR THE PROVISION OF SOCIAL CARE AND ACCREDITED LEARNING TRAINING** (Item 13)

1. Following receipt of indicative tenders, the suppliers named in the report be accepted onto the Dynamic Purchasing System (DPS) for Social Care and Accredited Learning Training Services.
2. That authority be given to establish the DPS for an initial period of two years, with a possible extension of up to a further two years if the procurement approach continues to demonstrate value for money.
3. That authority be delegated to the Head of Procurement, together with the Cabinet Member for Business Services to further admit new suppliers, in accordance with the criteria laid out in the terms of the DPS, during the life of the agreement, which will not exceed four years in total.
4. Individual contracts be awarded through the DPS following a further competition, at which stage suppliers will have the opportunity to refine their offer and costs within the terms and conditions already agreed.

Reasons for Decisions:

The implementation of the Care Act is having a significant impact in the way Social Care staff work, and on their training needs to ensure compliance with the Act. In order to support its staff, the Council must provide innovative and flexible training ensuring they have the skills and knowledge to meet these challenges.

The existing contracts under which Social Care and Accredited Learning Training are delivered will expire on 7 June 2015. A full tender process, in compliance with the requirements of Public Contracts Regulations 2006 and the Council's Procurement Standing Orders has been completed, and the recommendations provide best value for money and will ensure that contracts are awarded that meet the need.

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

- **PROVISION OF SPECIAL EDUCATIONAL NEEDS HOME TO SCHOOL TRANSPORT - AWARD OF CONTRACT** (Item 14)

1. 'Sole Provider' contracts for home-to-school transport, commencing on 1 August 2015, be awarded for provision of transport to the following school by the named supplier:
 - Portesbery School – AMK Chauffeur Drive Ltd (11 routes)
2. 'Individual' contracts for home-to-school transport, commencing on 1 August

2015, be awarded for provision of transport to the following school by the named suppliers:

- Gosden House School – AMK Chauffeur Drive Ltd (15 routes)
- Gosden House School – Waverley Hoppa Community Transport (4 routes)

The proposed contracts will be for a five year period, with the option to extend for further for two years if deemed necessary.

Reasons for Decisions:

Pupils with special educational needs often want consistency from their operator – the same driver, same escort and same vehicle, on time, each day. Parents want to know the driver will show compassion, patience and care towards their child, and know how to deal with their child’s specific needs (anything from autism and severe learning or behavioural difficulties, to physical disabilities). Both schools have reported these benefits from the current Sole Provider contracts, of which AMK Ltd. is one of the incumbent providers.

The forecast savings for Financial Year 2015/16 are £127,000. The full year forecast savings are £184,000.

To summarise the objectives:

- Consistency of service delivery and operator accountability
- Strong relationship between the school and its transport provider
- Quality of service provision, as performance monitoring will be made easier with two operators
- Ensuring value for money for Surrey County Council.

[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 10 f 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)

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.

● **ESTABLISHING A DYNAMIC PURCHASING SYSTEM AND ACCEPTANCE OF INDICATIVE TENDERS FOR THE PROVISION OF SOCIAL CARE AND ACCREDITED LEARNING TRAINING (Item 17)**

1. Following receipt of indicative tenders, the suppliers named in the report be accepted onto the Dynamic Purchasing System (DPS) for Social Care and Accredited Learning Training Services.
2. That authority be given to establish the DPS for an initial period of two years, with a possible extension of up to a further two years if the procurement approach continues to demonstrate value for money.
3. That authority be delegated to the Head of Procurement, together with the Cabinet Member for Business Services to further admit new suppliers, in accordance with the criteria laid out in the terms of the DPS, during the life of the agreement, which will not exceed four years in total.
4. That individual contracts be awarded through the DPS following a further competition, at which stage suppliers will have the opportunity to refine their offer and costs within the terms and conditions already agreed.

Reasons for Decisions:

The implementation of the Care Act is having a significant impact in the way Social Care staff work, and on their training needs to ensure compliance with the Act. In order to support its staff, the Council must provide innovative and flexible training ensuring they have the skills and knowledge to meet these challenges.

The existing contracts under which Social Care and Accredited Learning Training are delivered will expire on 7 June 2015. A full tender process, in compliance with the requirements of Public Contracts Regulations 2006 and the Council's Procurement Standing Orders has been completed, and the recommendations provide best value for money and will ensure that contracts are awarded that meet the need.

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

● **PROVISION OF SPECIAL EDUCATIONAL NEEDS HOME TO SCHOOL TRANSPORT - AWARD OF CONTRACT (Item 18)**

1. That a 5 year fixed term and annual fixed price contract be awarded to AMK Chauffeur Drive Ltd at an estimated annual value, as set out in the submitted report, for the provision of home-to-school transport, to commence on 1 September 2015, for 26 routes to the following schools:
 - PORTESBERY SCHOOL
 - GOSDEN HOUSE SCHOOL

For years six and seven, the contract may be extended annually at the discretion of the Council, at pricing to be agreed between the parties.

2. That a 5 year fixed term and annual fixed price contract be awarded to

Waverley Hoppa Community Transport Ltd at an estimated annual value, as set out in the submitted report, for the provision of home-to-school transport, to commence on 1 September 2015, for 4 routes to the following school:

- GOSDEN HOUSE SCHOOL

For years six to seven, the contracts may be extended annually at the discretion of the Council, at pricing to be agreed between the parties.

Reasons for Decisions:

A full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders, through Lot 2 of the Client Service Dynamic Purchasing System has been completed, and the recommendations ensure the continuation of valued services for the children, their families and the schools as well as delivering increased value for money to the council.

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

- **PROPERTY TRANSACTIONS (Item 19)**

1. That the sale of the property and land, as outlined on the attached plan in Annex 1, and as detailed the submitted report be approved.
2. That a 5% variation in the agreed sale price to reflect possible changes and circumstances as a result of the ongoing due diligence process be delegated to the Strategic Director for Business Services, in consultation with the Cabinet Member for Business Services and the Leader of the Council.

Reasons for Decisions:

The sale of the land and property is required to contribute towards the County Council's Investment Strategy and to dispose of land no longer required for service delivery nor capable of generating significant income.

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

Member's Question

Question from Mr Jonathan Essex (Redhill East) to ask:

Could you please provide a breakdown of the Value for Money assessment summary included in Annex 1 of Agenda Item 6, as follows:

1. Details of the breakdown that leads to the summary presented in the report, to the level of detail able to be released into the public domain.
2. A breakdown of the Value for Money assessment based on the allocation of costs that relate to the three main elements of the Eco park: (i) the bulking waste facility, (ii) anaerobic digestion plant, and (iii) the gasification plant.
3. Details of the methodology employed for the Value for Money assessment. Please confirm what the difference in Value for Money for the 'terminate the waste contract and re-procure a contract to develop infrastructure' refers to and whether this was for waste disposal infrastructure or whether it could be for material recycling facilities in Surrey.
4. An explanation of each item in the 'total movement in Value for Money margin' that is included in the table under paragraph 9 of Annex 1.
5. A breakdown of the summary of the 'quantified risk adjustment' in the table in paragraph 19, including to the key areas of uncertainty identified in the report.
6. Confirm the extent to which the items listed in the sensitivity analysis have been included in either the quantified risk assessment or overall Value for Money assessment.

Reply:

The responses are in the same orders of the questions:

1. Officers are currently working with Deloitte to produce the information in a form that can be released into the public domain. I expect that to be available within days.
2. The structure of the contract payment mechanism means that the council pays one unitary charge for all the capital infrastructure. The contract with SITA is a fully integrated contract and Value for Money assessment is based on the total cost of managing waste over the 25 year evaluation period. However, Annex 1 identifies the overall capital cost of the Eco park.
3. The Value for Money analysis has been performed using an accounting model developed by our financial advisors Deloitte. This involves taking base assumptions on waste flows over a 25 year period and applying costs directly from SITA's contract financial model or as agreed with the council's technical advisors in order to generate a 25 year cost. Discounting has been applied to generate a Net Present Value cost. Risk adjustments have been made in accordance with Treasury Green Book Guidance.

The option to 'terminate the waste contract and re-procure a contract to

develop infrastructure' which was considered in 2013, involved terminating the existing contract with SITA and re-procuring a new contract for delivery of an Eco Park at Charlton Lane. Given the historical difficulties of obtaining planning consent for Energy from Waste plants and the fact that planning consent had already been granted for an Eco Park in 2012, we considered this to be the most likely and viable option for the infrastructure element of any new contract.

4. See explanations below

'Waste treatment site operating and capital costs'

This item is the cost of capital repayment and the cost of operating all of the contract facilities including the Eco Park, waste transfer stations and community recycling centres.

'SITA contract termination costs (allowing for capital development to date and other costs)'

This item relates to contractor liabilities for capital expenditure for redevelopment of CRC's and waste transfer stations as well as capital expended to date under the first phase of the Eco Park development, agreed by Cabinet in October 2013. It also includes costs incurred by the delay in developing the Eco Park and the claw back of SITA discount which was predicated on the development of the Eco Park.

'Other changes including updated assumptions'

This item is the net effect of changes in assumptions since October 2013, for example as a result of updated tonnage projections, changes to landfill cost projections as a result of Government announcements on landfill tax since October 2013 and updated information on the costs of dealing with process residues.

'Merchant EfW and AD site costs.'

This item is the net effect of changes to gate fee assumptions for merchant AD and energy from waste facilities. The gate fee information is based on updated market intelligence and advice from the council's technical advisors.

5. The main areas to which a risk adjustment was applied related to operating costs, landfill costs, including gate fee and tax, merchant energy from waste gate fee, merchant AD gate fees, termination costs and APCR disposal costs.
6. The quantitative Value for Money analysis includes the base case assumptions as stated in this section of the report. The sensitivity analysis has been included to provide the Cabinet with transparency in respect of areas of further specific areas of risk so that they can be taken into account in the decision making process.

Mr Mike Goodman
Cabinet Member for Environment and Planning
28 April 2015

Public Questions

Question (1) from Peter Crews:

The Value for Money assessment for the Charlton Lane project considers only two options:

1. To build the Eco Park.
2. To terminate the contract with SITA and procure a new contract using merchant energy from waste capacity outside of Surrey.

As I understand it, the cost of each option is being estimated as the total cost of operating Surrey's waste disposal programme over the next 25 years, expressed at a net present value.

My questions are:

1. How can an assessment based on these two options alone demonstrate that the Eco Park represents Value for Money? Option 2 is not a proper yardstick against which to assess Value for Money because it includes the punitive costs associated with termination of a 25-year PFI contract. An assessment based on Options 1 and 2 can only come to one conclusion: it is better to build almost anything rather than terminate SITA's contract. That is not a meaningful Value for Money assessment for the proposed works.
2. Will Option 1 increase the current overall cost of Surrey's annual waste disposal programme (which has considerably reduced the amount of landfill)? Surely the only way the Charlton Lane project can provide Value for Money is if the cost of waste disposal using the plant is less than disposing of the same waste by any other means. In other words, the Value for Money assessment should demonstrate that the construction of the Eco Park will reduce the overall cost of Surrey's annual waste disposal programme. If this is not the case, Option 1 delivers negative value for money and the project should not be built.

Reply:

1. The assessment has focussed on the two lowest costs viable options identified in earlier assessments and has followed methodology approved by our external financial advisor.
2. The options available to the council are to build the Eco Park as part of the SITA contract or to terminate the SITA contract and re-procure a new contract including merchant waste treatment capacity. The annual cost of dealing with waste in both of these options is expected to increase compared with the current position as a result of market forces, inflation and waste volume pressures. However as set out in the Cabinet report, in quantitative terms, there is not considered to be any material difference in the value for money of the two options.

**Mr Mike Goodman
Cabinet Member for Environment and Planning
28 April 2015**

Question (2) from Brian Catt:

My question requires context, so this comes first:

The financial assessment, presented to you today, includes three assertions regarding the Eco Park that I question the fact of the DEFRA grant, the risk assessment and the conclusions from them.

The report states that we have real alternatives elsewhere, at a similar cost, with better energy recovery. I suggest this makes the safe and proven alternative clearly the best value at the lowest risk.

We simply do not need a risky gasifier to get the job done best.

Yet the risky option is recommended, with another £8.5m in ROC downsides undetermined, and without delivery risk as a serious consideration, rather the relative suitability of the provider.

It seems irrational to prefer untried experiments in municipal waste disposal to proven alternative solutions at a similar cost, solutions that can already deliver DEFRA approved energy recovery levels in safe and proven facilities, with no actual delivery risk, with qualifying energy recovery levels - at a similar NPV. This is your responsibility in this decision.

Why take such a large and avoidable financial risk that has no upside for Surrey County Council and a £8.5m possible downside TBD?

N.B. There is NO evidence that the Outotec design will be any safer or more functional than the former Dargavel design, also recommended to you by officers as "safe and proven".

Waste legislation, and SCC's own Waste Plan, justified this plan. This expects R1 qualifying energy recovery from the waste fuel to justify such an investment, not available from the inefficient disposal design proposed at Charlton Lane.

Secondly, it is stated that the rough NPV parity between options makes the retention of DEFRA's waste support grant a relevant "qualitative" matter in this decision.

In fact, appropriate waste treatment alternatives to the gasifier at the Eco Park ARE acceptable to DEFRA as a basis for paying the balance of their grant to Surrey, per DEFRA's own clear public and FOI statements on the matter, details recently supplied to you individually.

There is no hard connection between delivering the gasifier, or the Eco Park, and the DEFRA grant, only qualifying infrastructure. So:

QUESTION: As in paragraph 54, Councillors have a fiduciary responsibility to take a prudent and reasonable decision on this matter.

Will the Cabinet consider the best value for Surrey based on the report's relative cost and risks of delivering a safe, proven, risk free and technically superior service elsewhere to an equally expensive, risky and ultimately unnecessary experiment at the Eco Park, excluding the DEFRA waste grant from the judgement, and in the knowledge that the Eco Park carries an extra £8.5m in downside risk if ROCs are not awarded? This award yet to even be pre-

accredited, 2 years after the initial application. I suggest this loss is probable, in my professional opinion, based on OFGEM's specification.

Reply:

The Cabinet will consider best value for Surrey as set out in the report. As the report details the Eco Park is not significantly different in financial value for money terms to the other option considered when excluding the Waste Infrastructure Grant but is clearly the best option when taking into account other relevant qualitative factors and the risks associated with them. The report makes clear that there is a reasonable expectation of receipt of ROCS and that even if this were not the case this is unlikely to make a material difference to the Value for Money position .

Mr Mike Goodman
Cabinet Member for Environment and Planning
28 April 2015

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