

CABINET

The following decisions were taken by the Cabinet on Tuesday, 26 April 2016 and will take effect on 05/05/2016 unless the call-in procedure has been triggered. **CALL-IN DEADLINE: 04/05/2016.**

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 April 2016 considered the following matters and resolved:

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

Questions were received from five members of the public. The responses are attached as Appendix 1.

- **YEAR END BUDGET OUT TURN REPORT 2015/16** (Item 6)

RESOLVED:

1. That it be noted that the Council achieved -£7.1m underspend for 2015/16 (Annex 1, paragraph 1 of the submitted report). 2015/16 is the sixth year in succession, the Council has achieved a small underspend or balanced outturn
2. That it be noted that requests to carry forward £3.9m of the underspend for spending on planned service commitments that continue beyond 2015/16, leading to a net underspend of -£3.2m. This is less than 0.2% of the Council's full year gross expenditure budget of £1,675m (Annex 2 of the submitted report)
3. That it be that services achieved £65.8m efficiencies and savings (Annex 1, paragraph 57) against the planned target of £67.4m
4. That it be noted that the Council invested £251.7m through its capital programme in 2015/16 (Annex 1, paragraph 68)
5. the Council's balance sheet, year end reserves and balances, debt analysis and treasury management report (Annex 1, Appendix 1, paragraphs App 6 to App 21).
6. That £3.9m revenue carry forward requests and transfer funding to the Budget Equalisation Reserve (Annex 1, paragraph 3 and Annex 2 of the submitted report) be approved
7. That £3.2m transfer of remaining revenue underspend to the Budget Equalisation Reserve also (Annex 1, paragraph 4 of the submitted report)

be approved

8. £4.3m draw down from the waste sinking fund to offset higher waste management costs in 2015/16 (Annex 1, paragraph 31)
9. That £18.0m additional funding to enhance existing 2015/16 Highways and Environment schemes (Annex 1, paragraphs 69 to 73 of the submitted report) be approved
10. That £0.5m transfer of Revolving Infrastructure and Investment Fund net income back into the fund (Annex 1, paragraph 47 of the submitted report) be approved
11. That £13.0m net capital programme re-profiling (Annex 1, paragraph 74 and Annex 2 of the submitted report) be approved
12. That £2.1m to be earmarked from the capital programme efficiencies for future SuperFast Broadband initiatives, subject to robust business case proposals and subsequent Cabinet approval (Annex 1, paragraph 76 and Annex 2 of the submitted report) be approved
13. That a £40,000 contribution to commemorate the bicentenary of the artist G F Watts in 2017 (Annex 1, paragraph 77 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 2015/16 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 Board]

- **LEADERSHIP RISK REGISTER** (Item 7)

That the content of the Surrey County Council Leadership risk register (as set out in Annex 1 of the submitted report) be noted and that 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 Board]

- **SURREY SAFEGUARDING CHILDREN BOARD ANNUAL REPORT 2014-2015** (Item 8)

1. That the [SSCB Annual Report](#) be noted and that the Cabinet be conscious of the time period of the report.
2. That the appointment of a new independent chair, who is a member of the Council's Improvement Board be noted and that the Cabinet looks forward

to receiving the Annual Report for 2015-2016

Reasons for Decisions

The Cabinet has a responsibility to ensure the safety and wellbeing of children and young people in Surrey.

- **EDUCATION PERFORMANCE OUTCOMES** (Item 9)
 1. That the 2015 Education Outcomes as set out in the submitted report be noted, and in particular that the Surrey School Improvement Strategy – Every School a Good School – had resulted in year on year improvements in outcomes for children and young people at each key stage and in Ofsted outcomes.
 2. That improving outcomes of disadvantaged and vulnerable pupils continued to be a key priority for the Local Authority.
 3. That the recently published White Paper – Educational Excellence Everywhere – indicated that Local Authorities would cease to have a role in school improvement from August 2017.

Reasons for Decisions:

To ensure that Cabinet is fully informed of the latest education outcomes and the success of schools in Surrey and likely implications of changes to school improvement.

[The decisions on this item can be called in by the Education and Skills Board].

- **DRAFT PUBLIC SAFETY PLAN 2016-2025** (Item 10)

That the draft Fire and Rescue Authority Public Safety Plan for 2016-2025 be approved to proceed to public and stakeholder consultation.

Reasons for Decisions:

Public consultation led by the Service will benefit residents as it will help them to better understand the choices we have to make to manage the service and give them the opportunity to comment on the plan.

[The decisions on this item can be called in by the Resident Experience Board].

- **PROPOSED CHANGES TO THE GOVERNANCE AND OBJECTS OF THE TULK BEQUEST** (Item 11)
 1. That an application to the Charity Commission for a new Scheme be drawn up and submitted which amends the Objects so both 'county maintained secondary schools' and 'secondary academies' can benefit from the funds available in the bequest.
 2. That the the Director of Legal, Democratic and Cultural Services prepares amendments to the Scheme of Delegation and to the Constitution to reflect the changes arising from this report and submits them for approval by the Leader.
 3. That the application to the Charity Commission for a new Scheme will include a provision to enable the Trustees to allocate the permanent endowment (£15,502) in future.
 4. That, following Charity Commission advice, decisions relating to any final amendments to the Scheme be delegated to the Director for Children's Services (or alternative appropriate officer) in consultation

with the Cabinet Member for Schools, Skills and Educational Achievement.

Reasons for Decisions:

Inclusion of secondary academies in the Scheme would mean that all state funded secondary schools in Surrey were once again in scope, as they were in 2006.

To ensure there are clear and proportionate governance arrangements in place to enable the effective administration of the Fund.

The remaining permanent endowment would most effectively be spent on future projects alongside the accumulated interest, as the value of the permanent endowment is insufficient to fund any significant project along or to generate any significant interest in the medium term.

[The decisions on this item can be called in by the Education and Skills Board].

• **HIGHWAY WINTER MAINTENANCE DEPOT AND SALT BARN REPLACEMENT PROGRAMME (Item 12)**

1. That the business case for the provision of new/refurbished highway winter maintenance facilities at Beare Green, Lyne Lane (Chertsey) and Merrow be approved.
2. That approval be delegated, to proceed to appoint consultants and contractors to undertake the design and construction of the proposed works, to the Chief Property Officer, in consultation with the Cabinet Member for Business Services, subject to the following pre-conditions: receipt of planning consent and confirmation that agreed contracts do not exceed the total capital investment identified in paragraph 2 of Agenda Item 18.
3. That it be noted that following the completion of works at Beare Green and Lyne Lane, the depot accommodation included in Agenda Item 18 will be surplus to requirements.

Reasons for Decisions

The provision of a new depot in east Surrey and the relocation of an existing depot in west Surrey, both on existing council land, will ensure that the Council's resilience to effectively respond to snow events is enhanced. The new depot will increase the salt stock stored locally in east Surrey from 4,500 to 7,100 tonnes. The revised network of depots will also be better located to maintain the pre-treatment of highways routes during icy weather within the agreed response times.

The replacement of the life expired barn at Merrow will provide additional salt storage capacity, reduce the stock loss through erosion and minimise potential leachate contamination.

[The decisions on this item can be called in by the Economic Prosperity, Environment and Highways Board]

- **REIGATE PARISH CHURCH INFANT SCHOOL - BASIC NEED EXPANSION PROJECT** (Item 13)

That, subject to the agreement of the detailed financial information for the expansion set out in Part 2 of this agenda, the business case for the provision of an additional 2 Forms of Entry (240 places) of junior places in Reigate be approved.

Reasons for Decisions:

The proposal supports the Authority's statutory obligation to provide sufficient school places, relative to demand.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **ST JOHN THE BAPTIST CATHOLIC SCHOOL, WOKING - BASIC NEED EXPANSION PROJECT - PHASE 2** (Item 14)

That subject to the agreement of the detailed financial information for the expansion set out in agenda item 20 in Part 2 of this agenda, the business case for phase 2 of the expansion for the provision of an additional 240 places in Woking be approved.

Reasons for Decisions:

The Local Authority has a statutory duty to ensure there are sufficient school places in the County and Woking is an area where school demand has increased significantly. St John the Baptist is an Ofsted rated 'outstanding' secondary school and has been oversubscribed even at existing levels of demand for many years. Expansions at St Dunstan's and the Marist Catholic Primary School (who are both direct feeders to St John the Baptist) increase this demand, which needs to be met with relevant increases in Secondary provision. The Cabinet approved phase 1 of the expansion works at the School on 25 February 2014 to provide 60 places, this approval included programme agreement for phase 2 to provide a further 240 places. Cabinet can now be provided with details of the phase 2 elements to complete the agreed programme.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **SAXON PRIMARY SCHOOL, SHEPPERTON - SCHOOLS BASIC NEED EXPANSION PROJECT** (Item 15)

That, subject to the agreement of the detailed financial information for the expansion set out in agenda item 21 in Part 2 of this agenda, the business case for the provision of an additional one form of entry (210 places) primary places in Shepperton be approved.

Reasons for Decisions

The proposal supports the Authority's statutory obligation to provide sufficient school places, relative to demand.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS TAKEN SINCE THE LAST CABINET MEETING** (Item 16)

That the delegated 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.

- **HIGHWAY WINTER MAINTENANCE DEPOT AND SALT BARN REPLACEMENT PROGRAMME** (Item 18)

1. That the business case for the provision of new/refurbished highway winter maintenance facilities at Beare Green, Lyne Lane (Chertsey) and Merrow be approved.
2. That approval be delegated, to proceed to appoint consultants and contractors to undertake the design and construction of the proposed works, to the Chief Property Officer, in consultation with the Cabinet Member for Business Services, subject to the following pre-conditions: receipt of planning consent and confirmation that agreed contracts do not exceed the total capital investment identified in paragraph 2 of Agenda Item 18.
3. That it be noted that following the completion of works at Beare Green and Lyne Lane, the depot accommodation included in Agenda Item 18 will be surplus to requirements.

Reasons for Decisions

The provision of a new depot in east Surrey and the relocation of an existing depot in west Surrey, both on existing council land, will ensure that the Council's resilience to effectively respond to snow events is enhanced. The new depot will increase the salt stock stored locally in east Surrey from 4,500 to 7,100 tonnes. The revised network of depots will also be better located to maintain the pre-treatment of highways routes during icy weather within the agreed response times.

The replacement of the life expired barn at Merrow will provide additional salt storage capacity, reduce the stock loss through erosion and minimise potential leachate contamination.

[The decisions on this item can be called in by the Economic Prosperity, Environment and Highways Board]

- **REIGATE PARISH CHURCH INFANT SCHOOL - BASIC NEED EXPANSION PROJECT** (Item 19)

1. That the business case for phase 2 of the proposal to expand Reigate Parish Church Infant School from a 2 Form of Entry (180 places) infant school to a 2 Form of Entry (420 places) primary school, creating an additional 240 places at a total 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 in consultation with the Cabinet Member for Schools, Skills and Educational

Achievement, the Cabinet Member for Business Services and Resident Experience 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 Reigate area.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **ST JOHN THE BAPTIST CATHOLIC COMPREHENSIVE SCHOOL, WOKING - BASIC NEED EXPANSION PROJECT - PHASE 2 (Item 20)**

1. That the business case for the phase 2 of the project to expand St John the Baptist Catholic School by 240 places, at a total 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 in consultation with the Cabinet Member for Schools, Skills and Educational Achievement, the Cabinet Member for Business Services and Resident Experience 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 Woking area.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **SAXON PRIMARY SCHOOL, SHEPPERTON - SCHOOLS BASIC NEED EXPANSION PROJECT (Item 21)**

1. That the business case for the project to expand Saxon Primary School by 210 places, at a total 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 in consultation with the Cabinet Member for Schools, Skills and Educational Achievement, the Cabinet Member for Business Services and Resident Experience 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 Shepperton area.

[The decisions on this item can be called in by the Council Overview Board or the Education and Skills Board]

- **PROPERTY TRANSACTIONS - ACQUISITION (Item 22)**

1. Surrey County Council provides equity investment and a long-term loan to its wholly owned property company, Halsey Garton Property Group as outlined in paragraphs 11 to 13 of the submitted report.
2. That Legal Services be authorised to agree appropriate contractual

arrangements for the provision of financing on behalf of the Council, with funds to be released upon the completion of appropriate due-diligence in relation to the property acquisition.

3. That HGP be authorised to acquire the freehold interest in the property detailed in the submitted report for a purchase cost, including associated costs of purchase, also detailed in the submitted report.

Reasons for Decisions

The provision of financing to the Council's property company to facilitate the proposed investment acquisition is in accordance with the Council's Investment Strategy and provides an asset that will contribute to the creation of a diversified portfolio over time to spread risk.

The investment will deliver an ongoing income to the Council, enhancing financial resilience in the longer term.

[The decisions on this item can be called in by the Council Overview Board]

CABINET – 26 APRIL 2016

PROCEDURAL MATTERS

Public Questions

Question (1) David Beaman:

Surrey County Council is currently in the process of undertaking public consultation on a number of changes to local bus services proposed to be implemented from September which includes service 46 between Aldershot and Guildford on which I understand all journeys are operated on a subsidised basis under contract for Surrey County Council. One would not, therefore, expect any changes to be made to this service until the consultation process was completed. It was, therefore, very surprising that passengers using this service discovered that a revised timetable was introduced without any notice on 14th March which withdrew one journey and retimed virtually every other journey. On checking the website of the Office of the Traffic Commissioners it is recorded that a variation to the service registration was received on 10th February for implementation on 13th March.

As far as I am aware there was no advance notice given by either Surrey County Council or Stagecoach of these changes and indeed at the time of writing although the information given on SCC's website has been updated neither the timetable pages on the Stagecoach website nor the publicity at bus stops has been updated.

Both Stagecoach and SCC are normally quite good at providing information in advance to passengers of any changes proposed - what went wrong this time?

Whatever justifiable reason there might be for making any change at all and especially a change that includes a reduction in level of service operated whilst a public consultation process has still not been completed regarding the future of local bus services in this area can also only result in an increasing belief that the consultation process itself is superficial and meaningless.

Reply:

As part of Surrey County Council's ongoing Local Transport Review, a public consultation was conducted between January and 14 March this year, on some initial proposals for changes to certain bus services from September 2016. Service 46 Guildford-Godalming-Farnham-Aldershot was included.

However, the revised timetable introduced on service 46 from 14 March was unconnected with the Local Transport Review and its introduction was coincidental to the consultation period mentioned above.

Following feedback from passengers regarding timekeeping issues and after monitoring of the service by Stagecoach staff, the company proposed some timetable revisions to improve the current reliability of the service. Buses were taking longer than scheduled to run from one end of the route to the other, due to increasing traffic congestion at certain points. In order to improve the reliability standard of service for their customers, within existing resource costs, Stagecoach consulted in early February with the County Council on their

proposals. It was felt beneficial to introduce the changes as soon as practicable, in view of the fact that in a Local Transport Review consultation in 2014/15, residents highlighted that the most important issue for them and for the Council to address, was reliability of bus services.

Although the new timetable has slightly wider intervals between each journey, the Council has had to recognise Stagecoach's business need and in the circumstances, felt it necessary to agree to the revision.

The new timetable was placed in the "forthcoming bus changes" section of the Council's website and roadside timetables changed within Surrey, in advance of the implementation. Roadside timetables within Hampshire are the responsibility of the bus operator. Stagecoach produced printed timetable leaflets and we are advised by them that they also were available in advance.

Mr Mike Goodman
Cabinet Member for Environment and Planning
26 April 2016

Question (2) Audrey Gachen:

My question is about whether correct procedures have been followed in the Council's consultation about the proposed changes at Newlands Corner.

In Oct 2014 the Supreme Court (*Moseley v Haringey*) stated that in carrying out consultations, public authorities must be mindful of both their common law duty of fairness, and their obligations under statute. The judgment endorsed six general principles: the four "Sedley criteria" plus two additional principles arising from wider case law.

1. "a consultation must be at a time when proposals are still at a formative stage"
2. "the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response"
3. "adequate time must be given for consideration and response"
4. "the product of consultation must be conscientiously taken into account in finalising any statutory proposals"
5. "the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting."
6. "the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit."

In his opening statement at the public meeting on March 9th 2016 Cllr Goodman said, "Firstly I want to apologise that we didn't engage you earlier" Cllr Goodman also said that the March 9th meeting had been called, "To explain to everybody properly what we plan to do".

The opportunity for the public to comment on the proposed play structures at Newlands Corner ended one week later on March 16th

Being mindful of the possibility of future legal challenge, can the Council provide evidence that the six principles outlined by the Supreme Court have been met in

relation to the Newlands consultation?

Reply:

Having regard to the case law, and the fact that no statutory consultation was required in relation to the changes at Newlands Corner, the Council designed and carried out a proportionate consultation with relevant stakeholders including local councillors, Surrey Hills AONB, SWT volunteers and user groups.

As I made clear at the meeting on the 9 March 2016, the meetings which took place following the Cabinet meeting in October 2015, were not designed to be part of a consultation, but to engage and inform the public.

Mr Mike Goodman
Cabinet Member for Environment and Planning
26 April 2016

Question (3) from Andrew Norris:

One would normally expect commercial proposals to be entirely self funding from very beginning, and without any subsidy from a Local Authority at any point. This includes not only building works, but also fit-out costs and all professional fees from inception of the prospect. Including any income derived from car parking charges should these be imposed at Newlands Corner, could you please confirm that SCC will not at any time contribute in any way to fund the commercial proposals for the site, such as the cafe and shop?

Question (3) Sally Blake:

Apart from the proposed changes at Newlands Corner, what other options has Surrey County Council considered for funding and maintaining their countryside estate and what other sites have been considered for commercial development?

Question (4) Kathryn Kilner:

With reference to Newlands Corner, after the last Cabinet meeting it was stated that the required ecological surveys of the area proposed for the play trails would commence in April and would be commissioned by Surrey Wildlife Trust. Have any surveys taken place as yet in relation to any protected species and if so who has done these surveys? If they are being carried out by Surrey Wildlife Trust, this could be perceived as a conflict of interest.

Question (6) Julie Brown:

What is the breakdown of the £400,000 investment for phase I - we know £210,000 for the play trail but what is the other £190,000 to be spent on? What are the costs for the feasibility study, design of the play trails, car parking payment machines, CCTV, planning consultation, PR campaign etc. and has it been considered in the business/financial plan that after 8/10 years the play trail may need replacing and how are SCC going to fund this?

Question (7) John Oliver:

The Lead Member for Environment and Planning, Cllr Goodman has said, on a number of occasions, that 122,000 vehicles visit Newlands Corner each year. This figure is important as it is being used as a base to measure the increase in

vehicle flow as a result of the policy proposals and to gauge the expected increase in income from the Newlands Corner site.

The Newlands Corner Project Team has confirmed that this figure is based on 334 vehicles per day on average visiting the site on each day of the year. The Team has also confirmed that this is an adjusted figure to take account of winter and poor weather. The figures are based on a statistically invalid vehicle survey carried out in 2007, which I have, and which must now be wholly out of date.

Could the Lead Member:

- Explain the calculation, on a step by step basis, to show exactly how the figure of 334 vehicles was derived from the 2007 survey?
- Tell me what the projected number of vehicle visits is for each year up to and including the 2020/21 financial year, if his proposals go ahead?
- Tell me what measures will need to be taken on-site to accommodate this increase, given that the car park is often full now?

Combined response to Questions 3, 4, 5, 6 and 7:

The County Council is only making the current investment to facilitate the improvement of the visitor facilities at Newlands Corner and this investment is expected to be repaid in full by year 8 of the business plan. There is no intention to invest in any further improvements unless there was a return on that investment for the County Council.

Funding for the Countryside Estate is currently very tight and a whole range of options are being looked at to fund the ongoing management and enhancements to both the visitor facilities and the conservation management. Much of the Estate is designated either for its landscape or for its conservation value and these factors will be balanced with any options that are taken forward. Some of those options will also require formal consent. There will be plans and business cases for the range of options being considered.

The two outstanding surveys have been commissioned. The SWT Ecology Services unit have undertaken a Preliminary Ecological Assessment, which will be completed in the near future. A Dormice assessment has been started, using Dormice tubes across the area where the play trails are to be sited. These checks are then undertaken during the next few months – the next one being due in June.

There is no conflict of interest in SWT Ecology Services conducting this work. SWT Ecology Services provide professional, independent and unbiased advice that is recognised as best practice. Members of that team being qualified practitioners and Members of the Chartered Institute of Ecology and Environmental Management - the professional body.

The business plan for the current improvements at Newlands Corner includes a sinking fund to cover the cost of repairs and maintenance of the playtrail including the surfacing of the trail. This will all be funded from income from the site. The breakdown of the investment costs is subject to change as the final costs are not yet agreed with the potential contractors. The design of the play trail and involvement in public engagement has cost just over £20,000. The remaining £190,000 is allocated to educational and play trail pieces, however final costs will be confirmed based on design solutions and contracted costs.

The figures used in the business plan, for the number of vehicles using the car park, were the best ones available at the time and were based on a count

undertaken by the County Council, which was reduced to allow for some loss of numbers in the early years to give the figure of 122,000. The recent count on the number of cars confirms that between Feb 2015 and Jan 2016, 255,000 vehicles used the car park, this information and other actual costs are being worked into the business plan, again adjusted using assumptions about numbers in the early years.

Mr Mike Goodman
Cabinet Member for Environment and Planning
26 April 2016

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