

Cabinet



Date & time
Tuesday, 1 June
2021 at 2.00 pm

Place
Council Chamber,
Woodhatch Place,
11 Cockshot Hill,
Reigate, Surrey,
RH2 8EF

Contact
Vicky Hibbert or Huma
Younis
Tel 020 8541 9229 or
020 8213 2725

Chief Executive
Joanna Killian



We're on Twitter:
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Membership:

To be confirmed following the County Council AGM.

If you would like a copy of this agenda or the attached papers in another format, e.g. large print or braille, or another language please either call 020 8541 9122 or write to Democratic Services, Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF or email vicky.hibbert@surreycc.gov.uk or huma.younis@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Vicky Hibbert or Huma Younis on 020 8541 9229 or 020 8213 2725.

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If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting.

1 APOLOGIES FOR ABSENCE

2 MINUTES OF PREVIOUS MEETING: 27 APRIL 2021

(Pages 1
- 10)

To agree the minutes of the last meeting as a correct record of the meeting.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 PROCEDURAL MATTERS

a Members' Questions

The deadline for Member's questions is 12pm four working days before the meeting (25 May 2021).

b Public Questions

The deadline for public questions is seven days before the meeting (25 May 2021).

c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

d Representations received on reports to be considered in private

To consider any representations received in relation why part of the meeting relating to a report circulated in Part 2 of the agenda should be open to the public.

5 REPORTS FROM SELECT COMMITTEES , TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL

To consider any reports from Select Committees, Task Groups, Local Committees and any other Committees of the Council.

6 LEADER / DEPUTY LEADER / CABINET MEMBER/ STRATEGIC INVESTMENT BOARD DECISIONS TAKEN SINCE THE LAST CABINET MEETING

To note any delegated decisions taken by the Leader, Deputy Leader, Cabinet Members, Strategic Investment Board and Committees in Common Sub-Committee since the last meeting of the Cabinet.

7 COVID-19 DELEGATED AND URGENT DECISIONS TAKEN

(Pages
11 - 18)

To ensure transparency of decisions taken in response to Covid-19, Cabinet are asked to note the attached decisions taken since the last meeting.

8 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN PUBLIC REPORT REGARDING THE END OF LIFE CARE PROVIDED BY A COMMISSIONED CARE HOME

(Pages
19 - 34)

This report concerns the findings of the Local Government and Social Care Ombudsman in response to a complaint concerning a Surrey funded care home and the end of life care received by the complainant Mrs X's late mother, Mrs Y. As the Ombudsman has found maladministration causing injustice has occurred under Section 31 (2) of the Local Government Act 1974, the report must be laid before the authority concerned.

9 PENDELL GYPSY ROMA TRAVELLER (GRT) CAMP, MERSTHAM

(Pages
35 - 50)

This report is asking Cabinet to approve capital programme funding for the development of ten transient pitches for the Gypsy Roma Traveller (GRT) community at the south site of Pendell GRT Camp, Merstham.

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

N.B There is a Part 2 annex at Item 12.

10 2020/21 OUTTURN FINANCIAL REPORT

(Pages
51 - 66)

This report reviews the County Council's 2020/21 financial performance for revenue and capital. It also includes the year end Treasury Management and Debt outturn.

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

11 EXCLUSION OF THE PUBLIC

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 the relevant paragraphs of Part 1 of Schedule 12A of the Act.

PART TWO - IN PRIVATE

12 PENDELL GYPSY ROMA TRAVELLER (GRT) CAMP, MERSTHAM (Pages 67 - 72)

This Part 2 report contains information which is exempt from Access to Information requirements by virtue of paragraph 3 – Information relating to the financial or business affairs of any particular person (including commercially sensitive information to the bidding companies).

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

13 PUBLICITY FOR PART 2 ITEMS

To consider whether the item considered under Part 2 of the agenda should be made available to the Press and public.

**Joanna Killian
Chief Executive**

Published: Friday 21 May, 2021

QUESTIONS, PETITIONS AND PROCEDURAL MATTERS

The Cabinet will consider questions submitted by Members of the Council, members of the public who are electors of the Surrey County Council area and petitions containing 100 or more signatures relating to a matter within its terms of reference, in line with the procedures set out in Surrey County Council's Constitution.

Please note:

1. Members of the public can submit one written question to the meeting. Questions should relate to general policy and not to detail. Questions are asked and answered in public and so cannot relate to "confidential" or "exempt" matters (for example, personal or financial details of an individual – for further advice please contact the committee manager listed on the front page of this agenda).
2. The number of public questions which can be asked at a meeting may not exceed six. Questions which are received after the first six will be held over to the following meeting or dealt with in writing at the Chairman's discretion.
3. Questions will be taken in the order in which they are received.
4. Questions will be asked and answered without discussion. The Chairman or Cabinet Members may decline to answer a question, provide a written reply or nominate another Member to answer the question.
5. Following the initial reply, one supplementary question may be asked by the questioner. The Chairman or Cabinet Members may decline to answer a supplementary question.

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, Surrey County Council has wifi available for visitors – please ask at reception for details.

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Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

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**MINUTES OF THE MEETING OF THE CABINET
HELD ON 27 APRIL 2021 AT 2.00 PM
VIA MS TEAMS, REMOTE MEETING.**

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

Members:

(* present)

*Mr Tim Oliver (Chairman)	*Mrs Natalie Bramhall
*Mr Colin Kemp (Vice-Chairman)	*Mrs Mary Lewis
*Mr Mark Nuti	*Mrs Julie Iles
*Mrs Sinead Mooney	*Mr Matt Furniss
*Mrs Becky Rush	*Ms Denise Turner-Stewart

Deputy Cabinet Members:

*Miss Alison Griffiths	
*Mr Edward Hawkins	*Miss Marisa Heath

* = Present

Members in attendance:

Mr Will Forster, Local Member for Woking South

**PART ONE
IN PUBLIC**

77/21 APOLOGIES FOR ABSENCE [Item 1]

There were none.

78/21 MINUTES OF PREVIOUS MEETING: 30 MARCH 2021 [Item 2]

The Minutes of the Cabinet meeting held on 30 March 2021 were approved as a correct record of the meeting.

79/21 DECLARATIONS OF INTEREST [Item 3]

There were none.

80/21 PROCEDURAL MATTERS [Item 4]

The Leader made a short announcement before the start of the formal meeting agenda. The following key points were made:

- Explained that this would be the final Cabinet meeting before the elections on 6 May.
- The Leader recognised the incredible work undertaken by staff and partners to keep people safe through such challenging times.

- With the lifting of restrictions, residents were reminded of 'hands, face and space' ensuring people followed guidance. Over 600,000 people in Surrey had received their first dose of the vaccine.
- It was explained that a number of members would not be seeking re-election. The Leader thanked all members for their contributions to their local communities. A special thanks was paid to Mary Lewis, Cabinet Member for Children, Young People and Families who was standing down and had delivered many positive changes for children and young people in Surrey.
- It was expected that Ofsted would be re-visiting Surrey at the end of the year for a full inspection and had confirmed improvements during their recent visits.
- Some key highlights from the council term included more in county places for children and young people with special education needs and disabilities, more supported living places for older people, 94% of schools in Surrey being rated as good or outstanding and a modern agile fire service.

80/211 MEMBERS' QUESTIONS [Item 4a]

There was one member question. The question and response were published as a supplement to the agenda.

Mr Forster thanked the Cabinet Member for the response to his question and queried that if the booking system at Epsom CRC had worked well why it had not been rolled out across all the CRC's in Surrey. The Cabinet Member for Environment and Climate Change explained that although the booking system had worked well at Epsom there were a number of no shows when the booking system was being used. The situation with bookings at CRC's across Surrey would be reviewed once lockdown had been lifted. The Cabinet Member added that there had been a reduction in visits to CRC's since the lifting of restrictions on 12 April.

81/21 PUBLIC QUESTIONS [Item 4b]

There were no public questions.

82/21 PETITIONS [Item 4c]

There were no petitions.

83/21 REPRESENTATIONS RECEIVED ON REPORTS TO BE CONSIDERED IN PRIVATE [Item 4d]

There were none.

84/21 REPORTS FROM SELECT COMMITTEES , TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL [Item 5]

There were no reports to consider.

85/21 LEADER / DEPUTY LEADER / CABINET MEMBER/ STRATEGIC INVESTMENT BOARD DECISIONS TAKEN SINCE THE LAST CABINET MEETING [Item 6]

There were two decisions for noting.

RESOLVED:

That the delegated decisions taken since the last meeting of the Cabinet be noted.

Reason for decision:

To inform the Cabinet of decisions taken by Cabinet Members, Strategic Investment Board and the Committee in Common subcommittee under delegated authority.

86/21 COVID- 19: DELEGATED AND URGENT DECISIONS TAKEN [Item 7]

The Cabinet Member for All-Age Learning explained that the Covid Winter Support Grant had been extended. The original scheme was due to end on the 31 March 2021 and had been extended to 16 April 2021.

RESOLVED:

1. That the decision taken by officers since the last meeting be noted.

Reason for decision:

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

[This decision is subject to call-in by the relevant Select Committee Chairman dependent on the recommendation.]

87/21 COVID 19: SURREY COUNTY COUNCIL UPDATE [Item 8]

The Leader introduced the report explaining that now the immediacy of the Covid crisis had started to recede, the Recovery Coordinating Group (RCG) had worked with the Strategic Coordinating Group (SCG) to look at how the remaining work could either be stopped or transitioned to business as usual/new business, to enable the major incident and the SCG to be stood down. It was the intention that the major incident would be stood down at the end of April 2021, although the CMG will meet in line with the national lockdown easing stages. The Local Outbreak Control Plan for Surrey had been updated and republished to reflect the Covid 19 response, local progress and developments. In Surrey over 500,000 people had received their first dose of the vaccine and 150,000 had received their second dose. The Leader highlighted that the number of children subject to Child Protection Plans continued to rise for the ninth consecutive month to 901 at the end of March. This compares with 693 at the same time last year. There was hope that this number would reduce as lockdown eased and restrictions lifted.

The Cabinet Member for Communities thanked volunteers for their energy, enthusiasm and support during the pandemic, explaining that there were lots of volunteering opportunities available especially within the vaccine centres.

RESOLVED:

1. That the latest public health situation with regard to Covid-19, nationally and in Surrey be noted.
2. That the actions being delivered through Surrey's Local Outbreak Control Plan, including the vaccination roll out, and the ongoing support to vulnerable residents, including through the council's Community Helpline and the Covid Winter Support Grant scheme be noted and endorsed.
3. That the latest impacts on Adult Social Care and Children, Families, Lifelong learning services be noted.
4. That the ongoing preparation for the local elections in May 2021 and associated risks be noted.
5. That the work and planning going on in respect of the transition into recovery from the pandemic be noted and endorsed.
6. That the intention to stand down the Major Incident from the end of April 2021 be endorsed.
7. That the continued use of Covid Bus Service Support Grant to support contracted bus services which have continued to operate through the pandemic be noted and endorsed.

Reasons for Decision:

The county and council continue to face unprecedented challenges due to the Covid-19 crisis. We are simultaneously managing response activity and work with our partners to enable recovery within the county, looking ahead to a return to day-to-day life for communities following the end of national lockdown.

The recommendations set out in this report ensure Cabinet are appraised of the most recent work going on across the council to protect, sustain and support residents and communities and the economy of Surrey.

[Where necessary a waiver for call-in will be sought from the relevant Select Committee Chairman]

88/21 DIGITAL INFRASTRUCTURE STRATEGY AND DELIVERY UPDATE [Item 9]

The report was introduced by the Deputy Leader who explained that the report provided an update on the Council's Digital Infrastructure strategy and plans for delivery. It sets out the objectives of the next phase of the strategy and highlights the multiple investors and influences involved in digital deployment across the region. The report introduces an initial set of projects to be included in an emerging programme plan and identifies associated resourcing options. In light of the timing of national developments and opportunities, it proposes that Cabinet receive a further update in the Autumn.

Members were supportive of the proposals highlighted in the report recognising the positive impacts of digital infrastructure in a virtual and digital world. The Cabinet Member for Adult Social Care, Public Health and

Domestic Abuse welcomed the report and the drive for increased digital connectivity which would support a number of council services including adult social care and childrens services. It was agreed that it would be useful for both these services to be involved in the Council's Digital Infrastructure Steering Group.

RESOLVED:

1. That the update on Surrey's Digital Infrastructure strategy, the external drivers and different investments and influences be noted.
2. That the steps being taken to accelerate delivery of certain key and relevant 'enabling' projects and to identify associated resourcing options be noted.
3. That an update be brought to Cabinet in the Autumn to include:
 - Assessment of Building Digital UK (BDUK) plans, aligned to commercial rollout
 - Update on delivery against the Digital Infrastructure strategy programme plan 'immediate actions'
 - Identification of gaps (geographical and funding) and possible measures to address them

Reason for decision:

Achieving the Council's objectives around digital deployment and connectivity is critical to the well-being and prosperity of Surrey's residents and businesses. A digitally connected Surrey will ensure that our residents and businesses can benefit from new and emerging technology enablers, i.e. virtual and augmented reality (VR & AR) which will drive the next generation of innovation at home and in the workplace; for example, autonomous electric vehicles and transport, hyper-automation, drone delivery services and digital healthcare provision. Delivering these benefits for Council service outcomes requires a step change in digital capability and connectivity. Surrey's economic growth also requires a hyper-connected environment to facilitate its innovation eco-system.

[The decisions on this item can be called in by the Resources & Performance Select Committee]

89/21 SURREY'S ECONOMIC FUTURE: PROGRESS UPDATE [Item 10]

The Leader stated that work to deliver on Surrey's economic ambitions was underway and progress was central to Surrey's economic recovery as we emerged from the constraints and impacts of the COVID 19 Pandemic. The report sets out the emerging priority actions within the Delivery Programme, highlights areas where action has already begun and proposes a further update, including performance indicators, is brought back to Cabinet in six months. It was important to upskill people with a clear focus on youth unemployment. Going forward there would be job opportunities in the green

economy and health and social care sector. The report sets building blocks for reimagining the high street and Surrey's towns for the future.

A member commented that even though there had been a decline and closures on the high street smaller traders had seen an increase in business because of this.

RESOLVED:

1. That the progress being made in delivering on the ambitions of Surrey's Economic Future Strategy be noted.
2. That a progress update be received in six months.

Reason for decision:

Work to deliver on Surrey's economic ambitions is underway and progress is central to Surrey's economic recovery as we emerge from the constraints and impacts of the COVID 19 Pandemic. The actions being taken will drive economic recovery and embed resilience for Surrey businesses and residents, with a particular emphasis on ensuring that everyone is able to benefit from economic growth and therefore it is important that Cabinet have oversight of progress.

[The decisions on this item can be called in by the Resources & Performance Select Committee]

**90/21 SURREY STREET DESIGN GUIDE: HEALTHY STREETS FOR SURREY
[Item 11]**

The report was introduced by the Cabinet Member for Highways who explained that the Council has commissioned 'Create Streets' to refresh and update the Council's street design guidance. The existing guidance is incorporated as one of the chapters and Technical Appendix of 'Surrey Design', which was produced to promote the high-quality design of new developments in the County. The new guidance will primarily be used to notify the Council's street design expectations in respect of new developments; however, it will also be used to guide works on existing highway infrastructure, where relevant. The report consists of a progress update in respect of the ongoing work and also seeks permission from the Cabinet to undertake stakeholder engagement. The refreshed approach to street design will support active travel and movement, seek to enrich the County's biodiversity and to support happy, healthy and sustainable lives. In doing so, this work will help to deliver the 'tackling health inequality' and 'enabling a greener future' dial up areas.

RESOLVED:

1. That the work undertaken by Create Streets - the latest draft of 'Healthy Streets for Surrey' be noted.
2. That the aims and objectives of the draft guidance be supported.
3. That stakeholder engagement be authorised.

Reason for decision:

Surrey County Council has a significant role in the design and implementation of new development, particularly in respect of streets specifically and transportation in general. As such, the County Council as the local Highway Authority advises the county's Boroughs and Districts on the transportation implications of applications for planning permission. The Surrey Street Design Guide, 'Healthy Streets for Surrey,' is being produced in order to assist developers, the Boroughs and Districts and the community to understand what the County Council will be seeking when considering proposals. The aim is to deliver high quality, attractive, safe, accessible and sustainable development.

Before the County Council finalises this approach, it wishes to share it with stakeholders to give them the opportunity to comment on and to influence the guide, with the ultimate aim of achieving well-designed places.

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

**91/21 ACQUISITION OF LAND IN SUPPORT OF THE RIVER THAMES SCHEME
[Item 12]**

The Cabinet Member for Environment and Climate Change explained that the decision recommended in the report would contribute to enabling the Council, in partnership with the Environment Agency, to progress the River Thames Scheme. A financial contribution of £237m had been invested in the scheme. The purchase of the land in advance of submission of a Development Consent Order (DCO) application provides the opportunity for Surrey County Council and the Environment Agency to obtain land through agreement for the scheme. Forward purchasing also averts the risk of land disposal by current landowners possibly into small parcels that would make future purchase potentially more complex and expensive. The purchase of this land provides an opportunity to provide green infrastructure for the enjoyment of residents in Spelthorne, which is underserved by the Council's Countryside Estate.

The impacts from the flooding in Surrey in 2014 had been devastating so the proposals in the report were strongly supported. Members were in support of the purchase of the land adding that the Scheme would not only benefit people living close to the river but also have wider benefits for all Surrey residents. The Leader added that the investment in the Scheme had been the single largest investment the council had made.

RESOLVED:

1. That the freehold purchase of land off Chertsey Road, Shepperton, as outlined in the Part 2 of this paper for the purposes of the River Thames Scheme be approved.

Reason for decision:

The decision recommended by this report will contribute to enabling the Council, in partnership with the Environment Agency, to progress the River Thames Scheme – a major infrastructure project that will reduce the risk of flooding from the Thames for communities in Runnymede and Spelthorne. It will achieve this through the construction of two new channel sections to divert water away from the Thames and additional capacity improvements to Sunbury, Molesey and Teddington weirs.

To construct the channel sections, it will be necessary to purchase land and to formalise agreements with third party landowners.

A forward purchase of land, in advance of submission of a Development Consent Order (DCO) application provides the opportunity for Surrey County Council and the Environment Agency to obtain land through agreement for the scheme. Forward purchasing also averts the risk of land disposal by current landowners possibly into small parcels that would make future purchase potentially more complex and expensive.

In addition, the purchase of this land provides an opportunity to provide green infrastructure for the enjoyment of residents in Spelthorne, which is underserved by the Council's Countryside Estate which provides 10,000 acres of high-quality landscape and recreational space across the county but in Spelthorne, is limited to Sheepwalk Lake. The area known as Chertsey Meads on the opposite side of the river, complements the site linked on both sides to the Thames Path, a 184 mile long national walking trail, which provides an opportunity for a circular route within the site and an additional attraction for visitors to explore along the river.

Since the landscape quality of the site is currently low, there is a high net biodiversity value to be gained from managing the site to maximise value delivered by new wetland, woodland and grasslands.

Approving the purchase of the land will allow Surrey County Council to support both the River Thames Scheme project and the Greener Futures priority objective.

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

92/21 2020/21 MONTH 11 (FEBRUARY) FINANCIAL REPORT [Item 13]

As at February 2021 the Council was forecasting a full-year £3.3m underspend, an improvement of £1.1m from the previous month. The £3.3m underspend consists of a projected £2.3m overspend on Covid-19 and a projected £5.6m underspend on Business as Usual. The Cabinet Member highlighted some of the budgetary achievements made throughout the year including council tax being kept to a minimum and reserves increasing. As of 9 April, the council had produced a balance budget for the year. Huge thanks was given to the finance team for their hard work throughout the year.

RESOLVED:

1. That the Council's forecast revenue and capital budget positions for the year be noted.

Reason for Decision:

This report is to comply with the agreed policy of providing a monthly budget monitoring report to Cabinet for approval of any necessary actions.

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

93/21 EXCLUSION OF THE PUBLIC [Item 14]

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 the relevant paragraphs of Part 1 of Schedule 12A of the Act.

94/21 ACQUISITION OF LAND IN SUPPORT OF THE RIVER THAMES SCHEME [Item 15]

The purchase price for the freehold land was agreed by Cabinet and the purchase of the land via the means detailed in the report was agreed as most suitable.

RESOLVED:

1. That the purchase of the freehold land at a price of [E-10-21], plus stamp duty costs of [E-10-21], and legal, surveying and site transaction costs be approved.

Reason for decision:

See Minute 91/21.

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

95/21 PROPOSAL FOR THE FUTURE PROVISION OF TEMPORARY RESOURCE [Item 16]

The Leader introduced a Part 2 report containing information which was exempt from Access to Information requirements by virtue of paragraph 3 – Information relating to the financial or business affairs of any particular person (including commercially sensitive information to the bidding companies).

RESOLVED:

See Exempt Minute [E-11-21]

Reason for decision:

See Exempt Minute [E-11-21]

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

96/21 PUBLICITY FOR PART 2 ITEMS [Item 17]

It was agreed that non-exempt information may be made available to the press and public, where appropriate.

Meeting closed at 03:12pm

Chairman

SURREY COUNTY COUNCIL**CABINET****DATE:** 01 JUNE 2021**REPORT OF:** N/A**LEAD OFFICER:** JOANNA KILLIAN, CHIEF EXECUTIVE**SUBJECT:** SURREY COUNTY COUNCIL RESPONSE TO COVID 19 – URGENT DECISIONS TAKEN BY OFFICERS UNDER STANDING ORDER 54 AND COVID RELATED DELEGATED DECISIONS**SUMMARY OF ISSUE:**

To note the officer delegated decisions taken in response to COVID-19.

RECOMMENDATIONS:

It is recommended that Cabinet note the decisions taken by officers as set out in the annex.

REASON FOR RECOMMENDATIONS:

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

DETAILS:

1. The Council is responding to the COVID-19 major incident and therefore needs to make urgent decisions to ensure that residents are protected. Urgent decisions taken under Standing Order 54 are attached.
2. Delegated decisions will be reported to the next available Cabinet meeting for information.
3. The Audit and Governance Committee will monitor the use of the new meetings protocol and make recommendations on any required amendments to the protocol to ensure that Members remain informed in relation to council decision making.

Contact Officer:

Huma Younis, Committee Manager, huma.younis@surreycc.gov.uk

Annexes:

Annex – Delegated Decisions taken

Sources/background papers:

None

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Record of decision taken under delegated powers by a council officer



Title:	Surrey County Council Response to Covid: COVID Local Support Grant
Divisions Affected:	All divisions
Key Decision:	Yes
Reason Key:	Affects two or more Divisions
Decision taken under delegation by virtue of:	Cabinet decision 31 March 2020 Min ref: 41/20

Summary

1. On 14 April 2021, the government announced a further extension of the COVID grant to support vulnerable families. The grant is now to continue until 20 June 2021, with a further £40m of support.
2. Renamed the COVID Local Support Grant (CLSG), it has the same eligibility criteria, and uses the same reporting frameworks, as the previous COVID Winter Support Grant Scheme.
3. The CWG Scheme, originally announced in November 2020, provided £170 million to councils to support those most in need across England with the cost of food, energy and water bills and other associated costs during the Coronavirus pandemic. The original scheme was due to end on the 31 March 2021, in February this was extended to the 16 April 2021, with further funding of £59m announced. This second extension provides support to 20 June 2021, reflecting the timing of planned further easing of lockdown restrictions as outlined in the Government's roadmap in February.
4. The £40m CLSG will be allocated to LAs on the same basis as the previous CWGS, using the population of each authority weighted by a function of the English Index of Multiple Deprivation. Surrey County Council are due to receive £500,327. This is in addition to the £2.8m allocated in previous announcements. Funding is paid in instalments and is dependent on the Council returning reporting on how the funding is being spent, in line with specific grant conditions.
5. DWP guidance on the grant is summarised below:
 - At least 80% of the grant must be allocated to households with children; up to 20% may be allocated to households without children or individuals. Care leavers up to the age of 25 are not classified as children for the purposes of this grant.
 - At least 80% of the grant must be allocated for food or utility bills; up to 20% of the grant can be allocated for other financial needs.
6. Local authorities may determine the groups they consider most vulnerable and the thresholds for support, however feeding children is a key aim of the grant. The funding is not means tested.

7. Proposals were developed and approved in November/December 2020 for tranche 1 funding, through consultation throughout the Council, with the LRF, the Welfare Cell and Headteachers. Allocations for tranches 2 & 3 and the first extension were agreed in March based on further consultation and the positive impact made by the initial allocations.
8. This paper seeks approval for the allocation of the further extension funding of £500,327.

Proposals:

9. There was strong support from school leaders and welfare rights leads for food vouchers for children in receipt of benefit related free school meals. They considered these a very effective means of targeting and distributing food support for children in very financially vulnerable households during the school holidays.
10. In addition, for low income families with children in early years (2 years old receiving Funded Early Education Provision and 3 & 4 year olds on EY Pupil Premium) SCC holds data on these children and can target support via Early Years providers.
11. The previous support offered have provided vouchers to in excess of 20,000 children during the Christmas, February half term and Easter holidays. It is proposed that this additional funding is used to continue to offer this support over the upcoming May half term period.
12. Recognising that there are other families who will not benefit from extra targeted support for children on FSM and that the Council continues to see increased demand and calls to the Crisis Fund. It is proposed that additional funding is provided to the Crisis Fund to manage this increased demand and continue with the widened criteria implemented at the outset of the pandemic.
13. The Council also continue to work closely with a number of foodbanks who continue to see significant demand increases. Providing additional financial contributions to these foodbanks will widen the impact of this funding and ensure we reach the most vulnerable across the County.

Decision made

Decision made:

It was AGREED that:

The following allocations would be made from the COVID Local Support Grant announced in April 2021:

Children entitled to Free School Meals	£0.3m
Low income families with children in early years settings	
Surrey Crisis Fund	£0.1m
Contribution to food banks	£0.1m
	£0.5m

Reasons for Decision:
 To assist those most in need of assistance with the purchase of food and other essential items during the winter months, with a particular focus on families with children, in line with the DWP grant conditions.

Decision taken by:	Leigh Whitehouse – Executive Director for Resources Rachel Wardell – Executive Director for Children, Families & Lifelong Learning. Becky Rush – Cabinet Member for Resources Mary Lewis – Cabinet Member for Children, Young People & Families
Decision taken on:	29 March 2021
To be implemented on:	One-off payments to be made to the organisations/individuals, as set out above.

Alternative options considered

The alternative is to not accept the funding allocation from DWP which would reduce the ability of the Council to support those in the County most in need, of assistance with the purchase of food and other essentials, particularly families with children.

A number of allocation mechanisms were considered, but the proposal above was deemed to provide the most impact and coverage across the County.

Summary of any financial implications

The DWP grant allocation amounts to £3.36m, including all extensions. This is due to be received by the Council in 4 tranches, dependent on the submission of accurate allocation management information. Allocations were made to organisation/individuals in December, February & March with further allocations due by 20 June.

Declarations of conflicts of interest

None

Consultation/Process Followed

Decisions taken in consultation with colleagues in the LRF Welfare Cell, the Education Cell of school phase council headteachers, the Surrey Crisis Fund, Twelve15 (SCC school catering), Surrey Welfare Rights Unit, SCC finance, children’s services, the virtual school, adult social care, schools relationships service and EMT, and are based on the grant guidance issued by from DWP.

Background Documents

Exempt:

Cabinet report 31 st March 2020 setting out the council’s response to Covid-19 and regular COVID update reports to Cabinet throughout 2020/21.	
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Record of decision taken under delegated powers by a council officer



Title:	Surrey County Council Response to Covid - providing a temporary body storage facility until March 2022
Divisions Affected:	All Boroughs and Districts
Key Decision:	Yes
Decision taken under delegation by virtue of:	Cabinet decision 31 March 2020 Min ref: 41/20

Summary

Surrey County Council (SCC) has a statutory responsibility to provide the support required by Surrey’s Coroner to fulfil their function. This includes administrative support and all necessary infrastructure, including court buildings and mortuary provision.

At the start of the Covid-19 pandemic in March 2020 body storage within Surrey was experiencing high pressures with hospital mortuaries having insufficient capacity during winter months. There was also a significant backlog in post-mortems. Similar pressures have happened in previous years when due to increases in death in the winter and other staffing issues, body storage capacity had been stretched and post-mortems had not been conducted in a timely manner. This issue has been recognised by SCC and pipeline provision has been made for a new public mortuary within the capital programme.

During the pandemic, emergency mortuary provision was created at Headley Court in Epsom. In previous winters it has been provided on an ad hoc basis, utilising temporary hospital storage and funeral director’s facilities. This required the constant movement of the deceased around the county. The latter is not sustainable moving forwards, and the continued use of temporary storage has been flagged by Human Tissue Authority as a risk.

To address the immediate risk of lack of capacity it is proposed to retain the temporary facility at Headley Court until March 2022. This will allow contingency to mitigate any risk of additional COVID-19 deaths during the winter months as well as provide for winter pressures. In the meantime work will continue on the provision of a medium term interim facility and the longer term public mortuary.

This option assumes that central government will continue to meet the costs of leasing the portacabins.

Decision madeDecision made:

It was AGREED that:

1. Headley Court body storage facility will be retained until the end of March 2022, subject to continued Government support.

Reasons for Decision:

To enable the continuation of additional body storage capacity to respond to the risk generated by the Covid-19 pandemic and winter pressures experienced by the Coronial Service.

Decision taken by:	Steve Owen Hughes – Director Community Protection Group Tim Oliver – Leader of Surrey County Council
Decision taken on:	15/05/2021
To be implemented on:	Backdated to 09/06/2020

Alternative options considered

The alternative is to provide contingency at another location but there is a significant risk that this would not be operational in time and/or of sufficient capacity.

Summary of any financial implications

Retaining a body storage facility at Headley Court until the end of March 2022 is expected to cost c.£0.5m, subject to the outcome of ongoing discussions with the landowner and other providers, and the Government's continued provision of portacabins. Costs will be met within existing budget envelopes, including Government grant provided to meet the costs of responding to Covid-19.

Declarations of conflicts of interest

None

Consultation/Process Followed

Decision taken in consultation with Leader & Chief Executive of Surrey County Council

Background Documents

None

Exempt:

SURREY COUNTY COUNCIL**CABINET****DATE: 01 JUNE 2021****REPORT OF CABINET MEMBER: MRS SINEAD MOONEY, CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND DOMESTIC ABUSE****LEAD OFFICER: SIMON WHITE, EXECUTIVE DIRECTOR, ADULT SOCIAL CARE****SUBJECT: LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN PUBLIC REPORT REGARDING THE END OF LIFE CARE PROVIDED BY A COMMISSIONED CARE HOME****ORGANISATION STRATEGY PRIORITY AREA: TACKLING HEALTH INEQUALITY/EMPOWERING COMMUNITIES****Purpose of the Report:**

This report concerns the findings of the Local Government and Social Care Ombudsman (the Ombudsman) in response to a complaint concerning a Surrey funded care home and the end of life care received by the complainant Mrs X's late mother, Mrs Y. The identity of the family in question is not made publicly available and the Ombudsman refers to the daughter as Mrs X and her late mother as Mrs Y.

The Council remains responsible for its commissioned services and the actions of those services. Any fault identified as a result of the actions of the commissioned service is fault by the Council.

The Ombudsman's investigation has found fault with the quality of care and service provided by the care home which resulted in injustice and avoidable distress to Mrs X and Mrs Y.

As the Ombudsman has found maladministration causing injustice has occurred under Section 31 (2) of the Local Government Act 1974, the report must be laid before the authority concerned.

The Council has accepted the recommendations of the Ombudsman. The Council has made a payment of £500 to Mrs X for the distress caused. It has also apologised to Mrs X for the fault identified and for her avoidable distress.

Recommendations:

It is recommended that Cabinet:

1. Consider the Ombudsman's Report and the steps that have been taken by the Service to address the findings, and
2. Consider whether any other action should be taken.
3. Ensure the implementation of all actions listed under 'What Happens Next'.
4. Note that the Monitoring Officer will be bringing his report to the attention of all Councillors.

Reason for Recommendations:

There is a statutory requirement for the Monitoring Officer to bring to Members' attention any public report issued by the Ombudsman about the Council which identifies it is at fault and has caused injustice as a result.

Executive Summary:

1. The Local Government and Social Care Ombudsman has investigated a complaint made by Mrs X in respect of her late mother, Mrs Y's care by a commissioned care home on the day she died. A report into the investigation was published by the Ombudsman on 23 March 2021.
2. Mrs X complained about Mrs Y's care on the day she died. Surrey County Council arranged and funded Mrs Y's care. Mrs X said that Puttenham Hill Care Home, owned by Bupa, delayed in calling the emergency services, did not have appropriate staff, did not protect Mrs Y's dignity when she was dying or provide appropriate care and did not communicate with the family adequately. This caused Mrs X avoidable distress.
3. The care provider investigated a complaint by Mrs X in March 2020 and apologised for the nurse's conduct and advised that the nurse would no longer be used by the Home and had appropriate arrangements for nurse staffing.
4. The Ombudsman makes clear that when a Council commissions another organisation to provide services on its behalf, it remains responsible for those services and for the actions of the organisation that provides them. The care provider acted on behalf of the Council when providing services to Mrs Y so any fault that Mrs Y received in the care of the provider is fault by the Council.
5. The Ombudsman's findings were that there was fault as Mrs Y was alone in her final moments of life with no support from care staff or the nurse, potentially suffering avoidable distress. Mrs X also suffered avoidable distress because she was left in the waiting area and missed the opportunity to be with Mrs Y before she died.
6. The Council has accepted the Ombudsman's recommendations. The Council has apologised to Mrs X for the fault and for her avoidable distress and has made a payment of £500 to her. The Council's Quality Assurance Team continues to regularly monitor the Care Home to ensure adequate staffing is in place and appropriate training is being delivered to the staff in line with the recommendations.
7. In accordance with section 30 Local Government Act 1974, which requires the Council to place two notices in local newspapers, the Council placed public notices about the Ombudsman's public report in local newspapers (The Surrey Mirror and Surrey Comet) on 13 May 2021.

Consultation:

8. The Chief Executive and S151 Officer have been consulted on this report in accordance with the statutory requirements.

Risk Management and Implications:

9. The Ombudsman findings highlight failures with the care provider that caused injustice to the service user, Mrs Y. The Council is working closely with the care provider to ensure it reviews its staffing arrangements and provides appropriate training to all its care staff.

Financial and Value for Money Implications:

10. The Council made a payment of £500 to Mrs X, as recommended by the Ombudsman.

Section 151 Officer Commentary:

11. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook is uncertain. The public health crisis has resulted in increased costs which may not be fully funded in the current year. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected from next year onward, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.
12. Although the financial implications specifically relating to the resolution of this dispute are not material for the Council's budget, the Section 151 Officer recognises the importance of taking the issues highlighted by this case into account in reviewing the Council's Adult Social Care commissioning and quality assurance practices. The Section 151 Officer confirms that if any material financial implications were to arise from this review then these will be factored into the Council's Medium-Term Financial Strategy.

Legal Implications – Monitoring Officer:

13. The Ombudsman has made a finding of fault (described in law as maladministration) causing injustice. The Local Government and Housing Act 1989 places a duty on the Monitoring Officer to report these findings to the Cabinet and draw his report to the attention of each Member of the Council.
14. Ombudsman's recommendations are not legally enforceable although it is extremely unusual for any authority not to accept them. In this instance, Officers have accepted all the findings of the Ombudsman's report.

Equalities and Diversity:

15. As a vulnerable older person, Mrs Y was protected under the Equality Act 2010. Adult Social Care services have completed the Ombudsman's recommendations detailed in this report. As learning, the services are working closely to support our Commissioned providers to ensure their policies and practices are safe, fair and effective for adult care users, including the older people they support.

Other Implications:

16. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	None
Safeguarding responsibilities for vulnerable children and adults	As part of our commitment to continuous improvement, Adult Social Care are working closely to support our commissioned providers

	to ensure that their procedures, policies, and practices are safe, well led, caring and effective.
Environmental sustainability	None
Public Health	None

What Happens Next:

- An apology letter was sent to Mrs X on 3 March 2021 and the recommended financial redress has been paid.
- The Council's Quality Assurance team is working closely with the care provider through regular quality monitoring visits, to ensure the care home is regularly assessing staff capacity and requirements so there are enough appropriately qualified staff at the care home and all its care staff receives training in communication skills around bereavement.
- The Council has established a more systematic and strategically robust approach to commissioning social care services through the creation of a centralised commissioning, contract management and quality assurance function within Adult Social Care.
- The Council continues to develop and embed new approaches to the commissioning of care services for adults, in collaboration with colleagues in health.
- Going forward, the Council will build on these changes through implementing more robust methods for the contracting of care services. This will include improved mechanisms for monitoring quality and using a new provider database and dashboard. Having better information, including staffing levels and agency use in individual care homes, will allow for more proactive approaches and for providers to be supported before concerns arise.
- A report of the Cabinet's response to the Ombudsman recommendations will be produced and sent to all Members and to the Ombudsman.

Report Author:

Harminder Dhillon, Adults Customer Relations Manager, 01483 518300

Consulted:

See paragraph 8 above.

Annexes:

Annex 1 - Report of the Local Government Ombudsman – Reference Number 19 020 69

Sources/background papers:

None

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Surrey County Council
(reference number: 19 020 697)**

10 February 2021

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names

Mrs X	The complainant
Mrs Y	Her late mother

Report summary

Adult care services

Mrs X complained about her late mother's (Mrs Y's) care on the day she died. Surrey County Council (the Council) arranged and funded Mrs Y's care in Puttenham Hill Care Home (the Care Home). Mrs X complained the care home:

- delayed in calling emergency services;
- did not have appropriate staff; and
- did not protect Mrs Y's dignity when she was dying, provide appropriate care or communicate with the family adequately.

Mrs X says this caused her avoidable distress. She found her mother's body unexpectedly, causing her significant shock at the time and alarm that such a situation could have occurred.

Finding

Fault causing injustice and recommendations made.

Recommendations

The care home no longer uses the member of agency staff and it has discussed the events of this complaint with current staff at meetings and apologised to Mrs X for the fault. This is a partial remedy.

To remedy the distress to Mrs X and minimise the risk of future injustice to others, the Council will, within one month of the date of this report:

- work with the Care Home through regular quality monitoring visits, to ensure the Care Home is regularly assessing staffing capacity and requirements so there are enough appropriately qualified staff at the care home;
- apologise to Mrs X for the fault identified and for her avoidable distress; and
- make Mrs X a symbolic payment of £500.

Within three months of the date of this report, the Council should ensure all care staff (nurses and care assistants) at the Care Home receive training in communication skills around bereavement.

The complaint

1. Mrs X complained about her late mother's (Mrs Y's) care on the day she died. Surrey County Council (the Council) arranged and funded Mrs Y's care. Mrs X said Puttenham Hill Care Home (the Care Home), owned by BUPA (the Care Provider):
 - delayed in calling emergency services;
 - did not have appropriate staff; and
 - did not protect Mrs Y's dignity when she was dying, provide appropriate care or communicate with the family adequately.
2. This caused Mrs X avoidable distress. She found her mother's body unexpectedly, causing her significant shock at the time and alarm that such a situation could have occurred.

Legal and administrative background

The Ombudsman's role and powers

3. We investigate complaints about councils and certain other bodies. Where an individual, organisation or private company is providing services on behalf of a council, we can investigate complaints about the actions of these providers. (*Local Government Act 1974, section 25(7), as amended*)
4. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. We normally name care homes in our decision statements and reports. However, we will not do so if we think someone could be identified from the name of the care home. (*Local Government Act 1974, section 34H(8), as amended*)

The law, policy and guidance

6. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (the 2014 Regulations) set out the requirements for safety and quality in care provision. The Care Quality Commission (CQC) issued guidance in March 2015 on meeting the 2014 Regulations (the Fundamental Standards). We consider the 2014 Regulations and the Fundamental Standards, as well as a provider's policies and procedures, when determining complaints about poor standards of care. The following regulations are relevant to this complaint.
 - Regulation 10. This requires a care provider to treat people with dignity and respect. Guidance explains people must be treated in a caring and compassionate way.
 - Regulation 12(i). This requires care providers to provide care and treatment in a safe way, including by working with health professionals to ensure the health and welfare of residents.
 - Regulation 17. This requires a care provider to keep accurate, complete and contemporaneous records of care and treatment.

- Regulation 18. This requires a care provider to have sufficient qualified, competent, skilled and experienced staff who have received appropriate support and training to enable them to carry out their duties.
7. The Care Provider has a policy for staff dealing with expected and unexpected deaths. In the case of an unexpected death:
 - staff must immediately contact emergency services to attend and must inform the service manager in charge;
 - staff should not make any assumption about life being extinct until verified by the emergency responders. Staff must leave everything as they find it until the emergency services and senior manager have reviewed the area;
 - staff must keep accurate contemporaneous records of an unexpected death including the time the resident was found;
 - staff must inform the police immediately of an unexpected death and must also contact the GP as soon as possible;
 - family will be informed as soon as possible;
 - after death, staff must ensure the person receives dignity, privacy and respect in the care they receive; and
 - staff need to have the relevant skills and knowledge to provide bereavement care. Appropriate communication skills are required at the time and after a death in order to have sensitive conversations.
 8. The Care Provider has a procedure in place for staff when dealing with 'last offices' or 'laying out'. This covers procedures for preparing the deceased (by washing and dressing them) before taking them to a funeral home. The aim is to enhance the way the body appears to relatives who wish to pay their last respects in the care home, providing dignity and respect. The guidance to staff says:
 - unexpected deaths must be confirmed by a doctor;
 - in cases of unexpected death, do not complete last offices until this has been discussed with the doctor;
 - refer to care planning documents to see what the person's wishes were and adhere to those wishes where it is possible;
 - explain all procedures to relatives with sensitivity; and
 - ensure the room is tidy, make the bed and ensure the floor is clean and free of clutter.
 9. If a council has reasonable cause to suspect abuse of an adult who needs care and support, it must make whatever enquiries it thinks is necessary to decide whether any action should be taken to protect the adult. (*Care Act 2014, section 42*)
 10. The Human Rights Act 1998 brought the rights in the European Convention on Human Rights into UK law. Public bodies, including councils, must act in a way to respect and protect human rights. It is unlawful for a public body to act in a way which is incompatible with a human right. 'Act' includes a failure to act. (*Human Rights Act 1998, section 6*)
 11. Care providers regulated by the Care Quality Commission are public bodies for the purposes of the Human Rights Act, if care is arranged and provided under a council's statutory duties in the Care Act 2014. (*Care Act 2014, section 73*)

12. It is not our role to decide whether a person's human rights have been breached. That is for the courts. We decide whether there has been fault causing injustice. Where relevant, we consider whether a council has acted in line with legal obligations in section 6 of the Human Rights Act 1998. We may find fault where a council cannot evidence it had regard to a person's human rights or if it cannot justify an interference with a qualified right.
13. Article 8 of the European Convention on Human Rights says everyone has a right to respect for their private and family life, home and correspondence. This right is qualified which means it may need to be balanced against other people's rights or those of the wider public. A qualified right can be interfered with only if the interference is designed to pursue a legitimate aim, is a proportionate interference and is necessary. Legitimate aims include:
 - the protection of other people's rights;
 - national security;
 - public safety;
 - the prevention of crime; and
 - the protection of health.

How we considered this complaint

14. We considered:
 - the complaint to us;
 - the Care Provider's response to the complaint; and
 - documents from the Council and Care Provider described later in this report.
15. We discussed the complaint with Mrs X.
16. Mrs X, the Care Provider and the Council received a draft of this report. We considered their comments before issuing the final report.

What we found

What happened

Background

17. Mrs Y had a lung condition which caused breathlessness. She moved into the Care Home in 2018 after living with Mrs X for many years. Mrs Y used oxygen all the time. She needed help from one carer to move around and used a walking frame to walk short distances. Mrs Y did not have an end of life care plan. She had a 'do not attempt resuscitation' notice in place, which she had signed. This meant Mrs Y was not to receive resuscitation if her heart stopped.
18. Mrs Y died in August 2019, suddenly, of a brain haemorrhage, confirmed by the coroner. The coroner's officer said *'it would be difficult for staff to predict this type of event unless they are routinely monitoring the person's blood pressure and pulse and even then it can be spontaneous and catastrophic. When the event starts to happen if it starts to present as a headache and feeling a bit wobbly, it is not automatic to think the person is having a brain haemorrhage. It could be a cold or a virus.'*

19. Mrs Y's death was not suspicious, but it was unexpected. Mrs X's complaint is about the nurse in charge on the day Mrs Y died, the way the nurse cared for her mother and about how the nurse communicated with her, with Mrs Y and with other staff. The nurse was employed by an agency.
20. Our role is not to adjudicate on the competence of professionals, but we do consider the actions of staff to assess whether a body in our remit is at fault. Our findings are against the Council, which was responsible for commissioning Mrs Y's care and not against the individual members of staff mentioned in this report.

The nurse's daily notes on the day Mrs Y died

21. The nurse made the following notes in Mrs Y's care record.
- *“15:30: Mrs [Y] took her due medication at 09:00. Continued with oxygen. Fluid tolerated. Checked, appeared breathless though on oxygen.*
 - *16:10: Was called to check Mrs [Y]... care staff was worried with her breathing....I took the BP [blood pressure] machine. [The nurse recorded the readings of Mrs Y's blood pressure, temperature, and oxygen levels.]*
 - *16:20: Checked again then went to get her paracetamol as she was complaining of a headache. I asked her to try and transfer to bed so I could check her observations while she was in bed. She stood up then lost her balance then she slid on to the floor she then scratched the side of her face sustained a small skin tear. Raised the emergency alarm, staff responded then she was assisted to bed.*
 - *16:30: While she was in her bed she took paracetamol and had her inhaler. [The nurse recorded the readings of Mrs Y's blood pressure, temperature, and oxygen levels again and for a third time at 16:45.]*
 - *16:50: Called the out of hours doctor about Mrs [Y's] breathing and chest.*
 - *17:10: Daughter informed of Mrs [Y's] critical condition which appeared to be deteriorating.*
 - *17:20: Mrs [Y] appeared not to be responding to verbal stimuli. Called the paramedics and informed them Mrs [Y] was not breathing. When the relatives came they said she had a pulse.*
 - *17:45: Called the paramedics as the relatives asked me to call them again. While I was on the phone the paramedics arrived. Went to Mrs [Y] and applied the leads and monitors.....*
 - *18:50: Informed the home manager.*
 - *18:50: Out of hours doctor called.*
 - *19:10: Had an interview with the police”*
22. The nurse also gave a written statement to the agency which employed her. This is similar to the record set out above, with some extra details.
23. Mrs X told us there were some differences between what the nurse put in Mrs Y's care records and what the nurse told her on the day. Mrs X told us on her arrival at the Care Home, she was left in reception, there were care assistants running around and the nurse ignored her. Mrs X also told us:
- the nurse did not say on the phone that Mrs Y's condition was critical, only that she had a headache and breathing difficulties;

- the nurse said she had accidentally scratched Mrs Y's face during the fall;
- she did not ask the nurse to call the paramedics; and
- the home manager told her she only found out Mrs Y had died after receiving an email from Mrs X the following day.

Mrs X's complaint to the Care Provider

24. Mrs X emailed the Care Provider and the Council the day after Mrs Y's death saying:

- the nurse called her at 17.11 saying she had put Mrs Y to bed as she was having breathing difficulties;
- she (Mrs X) arrived at the Care Home at 17.30. One carer told her to wait in reception. Another carer said he could not say what was happening. The nurse came, she appeared agitated and was unclear. The nurse said Mrs Y's breathing was not good and she had a headache. She talked about not having enough time. She said Mrs Y had taken paracetamol and she had called 111;
- she (Mrs X) went to Mrs Y's room after 15 minutes. Mrs Y was alone, lying on the bed and there was dried blood on the floor and oxygen pipes to her nose. It was apparent Mrs Y had died. Nobody prepared her for this. Two other carers came into the room;
- the paramedics arrived and said Mrs Y had died. The paramedics told her they received two calls at 17.32 and 17.46 and this was in their report;
- the nurse told the paramedics what had happened; and
- the nurse went past her a few times and did not speak to her or offer her any support or empathy.

The Care Provider's investigation report

25. Senior staff at the Care Provider carried out an investigation. This concluded:

- the nurse followed the correct procedure by contacting 111 first. Then Mrs Y's breathing worsened and so the nurse called 999. This action was also correct;
- the manager checked all agency nurses' profiles before hiring them. The nurse completed an induction before starting work and would have had a full handover;
- the cause of death was a brain haemorrhage which is difficult to spot. The nurse correctly gave pain relief for a headache, assisted Mrs Y by trying to support her to lie down and rest. Mrs Y lost her balance and fell, causing a small cut to her face. The nurse's actions were all appropriate and did not suggest concerns about her competence or knowledge;
- the care assistants were familiar with Mrs Y and so it was appropriate for the nurse to pay some attention to their advice, while also relying on her nursing assessment of Mrs Y and clinical judgement;
- all agency nurses should be reminded of BUPA's internal procedures including contacting the on-call manager in the event of an emergency;
- all agency nurses who cover shifts in the home on a regular basis should continue to attend nurses' team meetings and to have access to the communication book and any internal communication; and

- the Care Home should continue to ensure agency staff profiles including their training and competency should be reviewed to ensure up to date detail is in place.

The Council's safeguarding investigation

26. The Council carried out a safeguarding investigation under section 42 of the Care Act 2014 (see paragraph 9). The safeguarding officer obtained information from the Care Provider, the agency, statements from carers and the nurse and records from the ambulance service. The report of the safeguarding investigation concluded:

- having only one nurse on duty was not sufficient;
- the ambulance service confirmed the first call to them was at 17.32 and this was classified as life threatening. This call was then downgraded to urgent as the nurse told the operator Mrs Y had died and this was an expected death with a do not attempt resuscitation notice in place. There was then a second call at 17.47 where the ambulance service recorded the nurse said Mrs Y had been taking irregular breaths, so the call was re-classified as life threatening;
- it was unclear if the nurse called an ambulance soon enough or gave accurate information to the operator;
- other staff and Mrs Y's family had to prompt the nurse to check on her and call 999 again;
- the nurse didn't fully consider the opinions of other staff who knew Mrs Y better and whether they could have done more to support Mrs Y;
- the nurse didn't fully communicate to other staff how she was managing the situation or how they could assist;
- the nurse didn't contact the Care Home's manager soon enough;
- Mrs Y likely died alone;
- the Care Home's protocol for maintaining dignity at the end of life wasn't followed;
- record-keeping of the incident was not adequate; and
- the nurse did not conduct herself professionally towards the family.

27. Recommendations from the safeguarding investigation were: the Care Home should review staffing ratios and should consider how care assistants could raise concerns apart from to the nurse on duty.

28. The Council's safeguarding manager raised queries with the Care Home's manager in December 2019. The manager said the nurse did not follow the Care Provider's procedure after death because:

- Mrs Y was still attached to oxygen which was switched on, the monitor was still attached to her finger, there was blood on the floor and her eyes were open; and
- she left Mrs X with the paramedics and there should have been another member of staff present to offer support.

The Care Provider's response to the complaint

29. The Care Provider responded to Mrs X's complaint in March 2020. It apologised for the nurse's conduct and said:

- it was sorry for the delay in responding, but it needed to wait for the Council to finish the safeguarding investigation;
- it accepted the nurse did not consider care assistants' opinions and she did not manage the situation appropriately. She did not communicate with others how she was managing the situation or how they could assist. She should have contacted the Care Home's manager sooner;
- the nurse would no longer be used. The agency agreed the nurse should have contacted the manager;
- the manager tried to avoid using agency staff at the weekends or nights. Staff reflected on the incident in a staff meeting; and
- the nurse said in a statement that she rang 999 at 17.20. The paramedics automated system reported a call at 17.32. Mrs Y's emergency bell went off at 17.28. This supported a call to the emergency services after 17.28 (so at 17.32).

Comments from the Care Provider

30. The Care Provider told us:

- there were enough staff on duty: four carers and one nurse for 16 residents;
- there is always an on-call manager at weekends, either the Care Home's manager or the deputy. The managers always telephone the Care Home in the morning to check everything is ok and to remind the nurse on duty to call if they have any concerns. There is always a manager on call when there is not a manager present in the home, day or night. There is always a notice up in the nurses' station and in the front of the allocation folder, for all the staff to see who is on call and the correct contact number for them to call. On the day of the incident, the manager had called the care home in the morning as always and reminded the nurse to call her if she had any concerns; and
- the manager minimises the use of agency nurses at nights and weekends, but this is not always possible where staff are sick. The manager currently uses a regular agency nurse at night (he has worked there for two years) and he attends all nurses' meetings and staff training and is one of the team.

Was there fault?

31. When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, any fault in the care Mrs Y received at the Care Home is fault by the Council. The Care Provider acted on the Council's behalf when providing services to Mrs Y.

There was a delay in calling emergency services

32. There is conflicting evidence about the timing of the nurse's calls to the emergency services. In Mrs Y's care records, the nurse noted she made two calls to 999: the first at 17.20 and the second at 17.45. This information is unlikely to be accurate because the NHS's automated system recorded the first call at 17.32 and a second call at 17.47. Regulation 17 of the 2014 Regulations requires care providers to keep accurate records. The record keeping fell below expected standards and this was fault.

33. We note the nurse also wrote in the care records that Mrs Y's condition was 'critical' at 17.10 so she called Mrs X. The nurse however did not call 999 at the same time as calling Mrs X. According to the care records she called 999 at

17.20, however, the NHS records indicate the first call was not until 17.32. As set out in the previous paragraph, we consider the NHS record is likely to be the accurate one as it is an automated system. This means there was probably a delay of 22 minutes in contacting 999 after the nurse decided Mrs Y was in a critical condition. Care to Mrs Y fell below expected standards: it was not in line with Regulation 12(i) of the 2014 Regulations. There was no effective way of working with the NHS to ensure Mrs Y received timely medical care from the paramedics.

34. The Council's safeguarding investigation concluded it was 'unclear' whether the nurse called 999 soon enough or gave accurate information to the emergency services because the call priority was downgraded then upgraded. There is not enough evidence to conclude the nurse's information to the 999 operator was inaccurate. We note the nurse is reported to have told the operator Mrs Y had stopped breathing and it was an expected death. While it later turned out that Mrs Y had a brain haemorrhage, the nurse could not have known this at the time and she may have reasonably believed Mrs Y had stopped breathing due to a deterioration in her pre-existing lung condition. We note comments from the coroner's officer that the haemorrhage was difficult to spot and could have been misidentified for various non-fatal medical conditions.
35. In any event, the outcome for Mrs Y would not have been any different had there not been a delay in summoning the paramedics because she had signed a 'do not attempt resuscitation' notice which the paramedics treating her respected.

The Care Home did not have appropriate staff

36. The Council's safeguarding enquiry concluded having only one nurse on duty was not sufficient. And the Council recommended the Care Home considered staffing ratios. The Care Provider told us four carers and one nurse on duty was sufficient. We cannot say whether one nurse for 16 residents is an appropriate ratio because it depends on the profile and needs of all the residents living in the Care Home at the time and we do not have this information. However, the Council, as commissioner of the placement, needed to be satisfied the service met the needs of those it placed there. The Council identified a lack of qualified staff. We are not satisfied the service to Mrs Y met the requirements of Regulation 18 of the 2014 Regulations and this was fault. Nor are we satisfied appropriate action has since been taken in response to an identified problem.

Staff did not protect Mrs Y's dignity when she was dying, provide appropriate care or communicate with the family adequately

37. The Council's safeguarding enquiry and the Care Provider's complaint response upheld Mrs X's concerns about the nurse's conduct including her communication with staff, with Mrs X and her lack of communication with the on-call manager, which was a breach of the Care Provider's procedures.
38. Communication and support was inadequate, especially with Mrs X. Mrs X should not have found her mother alone in her bedroom, with no forewarning of Mrs Y's presentation. Mrs Y should not have been alone when she died; she should have had staff present in the room with her to support her. Mrs X should also not have had to speak to the paramedics on her own without any support from staff at the Care Home.
39. The failings above were in breach of the Care Provider's procedures as we have described in paragraphs 7 and 8. And, Mrs Y's care in the final moments of life

did not meet the standards set out in Regulation 10 of the 2014 Regulations because it was neither compassionate nor dignified.

40. Mrs Y's care was arranged and funded by the Council and so by section 73 of the Care Act 2014, the Care Home acts as a public authority for the purposes of the Human Rights Act. We do not consider the Care Provider, which acted on behalf of the Council, provided services in a way which had regard to Mrs X or Mrs Y's right to respect for family and private life.

Did the fault cause injustice?

41. Because of the fault identified above, Mrs Y was alone in her final moments of life with no support from care staff or the nurse, potentially suffering avoidable distress. Mrs X also suffered avoidable distress because she was left in a waiting area, knowing only her mother was critically unwell, but not that she was dying or very close to death. Mrs X suffered further avoidable distress when entering Mrs Y's room because the body was unprepared. While it may have been necessary to preserve the body untouched as this was a sudden death, staff should have spoken to Mrs X before she entered the room so she would have been better mentally prepared and perhaps less shocked. Sadly, Mrs X also missed the opportunity to be with Mrs Y before she died. This is a further avoidable distress.

Agreed action

42. The Care Provider no longer uses the nurse and it has discussed the events of this complaint with staff at meetings and apologised to Mrs X for the fault. This is a partial remedy.
43. To remedy the distress to Mrs X and minimise the risk of future injustice to others, the Council will, within one month of the date of this report:
- work with the Care Provider through regular quality monitoring visits, to ensure the Care Home is regularly assessing staffing capacity and requirements so there are enough appropriately qualified staff at the Care Home;
 - apologise to Mrs X for the fault identified and for her avoidable distress; and
 - make Mrs X a symbolic payment of £500.
44. Within three months of the date of this report, the Council should ensure all care staff (nurses and care assistants) at the Care Home receive training in communication skills around bereavement.
45. The Council has accepted the above recommendations, which we welcome.
46. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

Final decision

47. We uphold Mrs X's complaint about her late mother Mrs Y's care on the day she died. The Council will apologise and make a symbolic payment to recognise Mrs X's avoidable distress. The Council will also work with the Care Home to ensure the Care Home (1) has enough nurses and (2) provides training to all staff in communication around bereavement.

SURREY COUNTY COUNCIL**CABINET****DATE:** 01 JUNE 2021**REPORT OF CABINET MEMBER:** MR TIM OLIVER, LEADER OF THE COUNCIL**LEAD OFFICER:** LEIGH WHITEHOUSE, EXECUTIVE DIRECTOR – RESOURCES**SUBJECT:** PENDELL GYPSY ROMA TRAVELLER (GRT) CAMP, MERSTHAM**ORGANISATION STRATEGY PRIORITY AREA:** TACKLING HEALTH INEQUALITY/ENABLING A GREENER FUTURE/ EMPOWERING COMMUNITIES**Purpose of the Report:**

This report is asking Cabinet to approve capital programme funding for the development of ten transit pitches for the Gypsy Roma Traveller (GRT) community at the south site of Pendell GRT Camp, Merstham.

There is an urgent need to increase the provision of transit GRT facilities, particularly in the east of the county, to meet seasonal demand, enable Surrey Police to manage unlawful encampments, address accommodation standards currently provided for the GRT community and reduce Surrey County Council's repeated annual expenditure on resources associated with unlawful encampments.

The proposed scheme will be delivered in conjunction with District and Borough Councils; it aligns with Surrey County Council's vision to create strong partnerships across all sectors, and provides a provision that addresses inequality and creates community cohesion within the GRT community along with local residents and businesses.

Recommendations:

It is recommended that Cabinet:

1. Approves £1.2m of the £3.8m capital funding identified within the Capital Programme Medium Term Financial Strategy (MTFS) Pipeline allocation for GRT Transit Site/Pendell Camp for consultant design, planning fees and preparatory works to deliver the proposed transit pitches. The remaining £2.6m allowance will remain in the MTFS pipeline for further GRT Transit Site projects/works subject to future Cabinet approvals.
2. Approves procurement of appropriate supply chain partners for the delivery of all associated services required, in accordance with the Council's Procurement and Contract Standing Orders.
3. Agrees that, regarding the procurement of supply chain partners, within the +/-5% budgetary tolerance level, the Executive Director of Resources and the Director of Land and Property are authorised to award such contracts.

Reason for Recommendations:

The decisions recommended in this report will contribute to enabling the Council to:

- i. Provide much-needed, suitable accommodation for transit GRT communities in Surrey.
- ii. Reduce repeated annual expenditure on resources associated with unauthorised seasonal transit encampments.
- iii. Make an essential contribution towards the Council's strategic objective to tackle health inequality, in line with the 2030 Community Vision to ensure no-one is left behind.
- iv. Support the partnership between the Council and District and Borough Councils to improve and provide accommodation and facilities for the transit GRT community.

Executive Summary:

Background

1. The Gypsy, Roma and Irish Traveller culture and traditions have developed through a nomadic way of life over centuries. Gypsy, Roma and Irish Travellers are recognised as ethnic groups under the Race Relations Act 1976 and are protected by the Equality Act 2010.
2. Historically there has been a lack of data in relation to GRT communities. The Census data in 2011 enabled data to be collected on Gypsy, Roma and Irish Travellers for the first time and 63,000 people in the UK identified as members of these groups, although this is widely accepted to be an underestimate and a figure of around 300,000 is often used.
3. In 1994 the Criminal Justice and Public Order Act 1994 abolished statutory obligations on local authorities to provide accommodation and discontinued Government grants for sites. As a result, nationally, the provision of sites and places to "stop on" for the GRT communities has not kept pace with demand, leading to increasing homelessness and forcing families into permanent "bricks and mortar" accommodation.
4. Numerous national reports carried out over the last two decades have highlighted the inequalities faced by GRT communities. These include education attainment, attendance and exclusion, employment, health, criminal justice including over-representation in both the youth justice system and prison estate, hate crime/incidents, domestic abuse, bullying and a lack of suitable stable and safe accommodation.
5. In 2015 the Equalities and Human Rights Commission concluded that the life chances of Gypsies, Roma and Irish Travellers have declined since 2010 and the complex contributory factors may include deprivation, social exclusion and discrimination.
6. The statutory responsibility under Section 8 of the Housing Act 1985 for meeting the housing needs of those within the District/Boroughs boundaries rests with the District and Borough Councils as the Housing Authority and not Surrey County Council.

7. Surrey County Council is the freeholder of 15 GRT sites across the county. Site management has deferred to the Council following a series of District and Borough lease expiries. As the landowner and for a consistent approach, the Council has also taken responsibility for repairs, maintenance and improvement of the local authority provision. The Council and District and Boroughs will be undertaking a comprehensive review of the current approach, including funding, to develop a common, robust strategy for the future provision of GRT facilities in Surrey.

Business Case

8. This proposal addresses an urgent need to increase transit facilities, particularly in the east of the county, to improve the accommodation provision for the GRT community, meet seasonal demand, and ease the ongoing financial burden on Surrey County Council and its resources to manage unauthorised encampments and associated environmental damage caused by large-scale or criminal fly-tipping.
9. The Council's Land and Property officers carried out a Sift Review on land across Surrey and concluded that Pendell Camp, Merstham is the optimum location for additional transit facilities; it's an existing GRT site, is in East Surrey and has the space to accommodate ten new transit pitches.
10. Pendell Camp has four permanent pitches at the north of the site which are understood to have been occupied since the late 1970s. A feasibility study of the camp concluded that ten transit pitches can be developed at the south of the site.
11. The Pendell Camp transit site scheme is being developed in partnership with District and Borough Councils. To assist District and Borough Councils meet their statutory obligations, Surrey County Council has agreed to fund the design, remediation works and site infrastructure to deliver the ten transit pitches; the District and Borough Councils (except Tandridge District Council, as the host authority) have committed funding to the construction costs.
12. An Agreement in Principle is in place with District and Borough Councils, and it is expected that they will enter into a formal Project Agreement with Surrey County Council by the end of September 2021. The completion of the Pendell Camp scheme is dependent on District and Borough Councils committing to providing capital funds required for construction.
13. The District and Borough Councils are aware of the timescales and funds required for the scheme to be completed. Surrey County Council is currently working with the District and Borough Councils to draft and define the Project Agreement for formal agreement by the end of September 2021.
14. The provision of transit sites will greatly assist the work of the Council's staff and collaborative partners as well as Surrey residents and visitors in the respect of unauthorised encroachments on both public and private land.

Options considered

15. Three options have been considered to provide facilities in East Surrey for the transit GRT community:

- A. Do nothing
- B. Develop the north site of Pendell GRT Camp to deliver ten transit pitches
- C. Develop the south site of Pendell GRT Camp to deliver ten transit pitches

16. The recommended option is Option C to fulfil community needs, satisfy the statutory duty under Section 8 of the Housing Act 1985 and reduce the Council's maintenance liabilities and costs.

17. Please see Annex 1 for the full descriptions, pros and cons for each option.

9

Scope of works

18. The scope of works is as follows:

- a. Planning applications and submissions
- b. Site clearance as necessary
- c. Land remediation as required
- d. Drainage works
- e. Installation of boundary treatments and CCTV to segregate the permanent and transit pitches
- f. Installation of utilities
- g. Construction of ten new transit pitches
- h. Construction of five ancillary amenity blocks
- i. Construction of a Manager's Block
- j. Construction of a refuse store

19. All necessary pre-application engagement, stakeholder group and member consultation will be carried out ahead of planning submission.

Consultation:

- 20. The consultation for this proposal builds on the previous discussions around the need to identify suitable sites for transit seasonal encampments.
- 21. Relevant teams within Surrey County Council, namely Environment, Transportation and Infrastructure (ETI) and Land and Property (L&P), have been consulted and had input into the proposal.
- 22. Initial planning engagement has taken place with Tandridge District Council and Surrey County Council.
- 23. District and Borough Councils are consulted and updated on a monthly basis.
- 24. The residents of the four permanent pitches on the site will be advised of the scheme as part of the planning consultation process.
- 25. The initial proposals have been shared with Cllr Tim Oliver, Leader of Surrey County Council, Bob Gardner (former councillor for Merstham & Banstead South) and Katie Stewart, Executive Director for ETI.

Risk Management and Implications:

26. The table below summarises the key project risks at this stage.

	Risk description	Mitigation action/strategy
i.	Site constraints – ecology, levels, flood risk and land remediation restrict scheme proposals and / or impact costs.	<ul style="list-style-type: none"> Initial surveys undertaken to establish ecology impacts. Further site surveys / investigations ongoing. Industry level risk allowances included in cost forecast. Project Management and Cost Consultant appointed to manage overall development.
ii.	Protected Species (bats, badgers and slow worms) identified on site. Design, programme and cost impact.	<ul style="list-style-type: none"> Ecology reports and sensitives analysis being undertaken to identify next steps. However, no indications thus far raise concern other than a small proportion of Japanese knotweed. The knotweed costs are included within the remediation costs.
iii.	Failure to obtain Planning Approval – impacts of site designations (Reg 3, Greenbelt, Area of outstanding natural beauty) on design.	<ul style="list-style-type: none"> Planning, Heritage and Landscape consultants form part of the professional design team appointments which form part of the current Consultant Appointment, to undertake the necessary assessments and inform the overall design which is sympathetic and mitigates any potential harm to the locality. Early discussions and involvement of Surrey County Council Reg3 and Tandridge District Council Planning officers commenced Nov-Dec 2020. Service-led statements of need being developed for site. Consultant appointed to manage stakeholder and community planning engagement process in line with Surrey County Council communications.
iv.	Procurement	<ul style="list-style-type: none"> Via established frameworks, using robust Invitation to Tender (ITT) assessment and evaluation criteria to secure appropriately skilled consultants/contractors with relevant experience. This will be procured within our current Contractor ITT Procurement process.
v.	Programme	<ul style="list-style-type: none"> Timely management of deliverables and client approvals to maintain critical path. Project Management and Cost Consultant appointed to manage overall development and site coordination.
vi.	Reputational – communications and approvals	<ul style="list-style-type: none"> Clear and precise project plan include key dates and deliverables communicated regularly with partners, members, service and local residents. Surrey County Council Communications specialist is developing a communication strategy in partnership with Surrey Police Force, GRT Estates Team and Tandridge District Council.
vii.	Change in laws/governance e.g. health and safety, Brexit, elections	<ul style="list-style-type: none"> Project team and stakeholders to keep up to date on all legal matters and forward plan.

	Risk description	Mitigation action/strategy
viii.	District and Borough Councils do not commit to the Capital funding required to complete the scheme	<ul style="list-style-type: none"> • Ongoing communications and regular contact with the District and Borough Councils to ensure all commit to the Project Agreement and financial deliverables are met. • Development of partnership between Surrey County Council and District and Borough Councils to deliver and complete the scheme.

Financial and Value for Money Implications:

27. The cost of the proposed works is estimated at £2.6m, which is financed jointly by Surrey County Council and the District and Borough Councils. Surrey County Council's contribution of £1.2m will be transferred from existing Capital Pipeline funding included in the MTFS, subject to confirmation from the District and Borough Councils and other third-party funding contributions to the remaining £1.4m. Further details are in the Part 2 paper as part of the stage 2 Cabinet approval.
28. As a direct result of creating transit site facilities, Surrey Police will be able to use Section 62a of the Criminal Justice and Public Order Act 1994 to direct Unauthorised Encampments (UEs) and to prohibit offenders from returning to a UE anywhere within the borough for a period of three months. As a result, the Council anticipates a reduction in the current expenditure incurred on unauthorised GRT encampments and fly-tipping costs by an estimated £30k for every incidence.
29. It is therefore anticipated that this investment will not only reduce disruption and improve outcomes but will reduce ongoing expenditure sufficiently to cover the revenue costs of borrowing the £1.2m investment required (£51k per annum). These costs will be covered if the efficiencies outlined above are achieved on two unauthorised encampments. Any efficiencies achieved over and above these costs will contribute to efficiency targets already built into the MTFS.
30. The running costs of the site will be mitigated by rental income raised from those using the site, in line with how existing GRT sites are operating. There is a commitment from District and Borough Councils to contribute £7.5k per annum towards any additional running costs in excess of what can be recovered. The requirement and value of these contributions will be assessed annually to ensure it remains appropriate and necessary.

Section 151 Officer Commentary:

31. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

- 32. As such, the Section 151 Officer supports the proposal to develop a transit site in Pendell Camp and the transfer of £1.2m of capital from the existing capital pipeline to the capital programme to fund this, dependent on the confirmed commitment of the District and Borough Councils to provide additional capital for the site's construction costs. The ongoing revenue implications of this investment are expected to be containable within existing revenue budget envelopes due to the anticipated reduction in expenditure on fly-tipping and unauthorised encampments, whilst the ongoing maintenance of the site will be covered by the revenue commitment made by Districts and Boroughs.

Legal Implications – Monitoring Officer:

- 33. This paper seeks approval for the contribution of capital programme funding to complete the design, necessary planning approvals and to deliver the site remediation and infrastructure elements to facilitate accommodation to the GRT community which are to the appropriate standards. Cabinet is asked to note and agree the financial details set out in the business case for delivery of the Pendell Camp proposals.
- 34. At this stage there are no specific legal implications to report on, however, as detailed site information is made available advice can be provided. Surrey County Council has extensive powers under legislation to facilitate the proposals set out in this paper which include but are not limited to the power to dispose of, acquire or develop land. Under Section 2(1) of the Local Authorities (Land) Act 1963, a local authority may for the benefit or improvement of its area, erect, extend, alter or re-erect any building and construct or carry out works on land also.
- 35. When considering the recommendations in this paper, in particular approval for funding, Cabinet should have regard to its fiduciary duties to local residents in respect of utilising public monies. Accordingly, Cabinet Members will want to satisfy themselves that the proposals represent an appropriate use of the Council's resources in light of the risks set out in this paper. Noting that the business case relates to delivery of the proposals set out in collaboration with District and Borough Councils, adequate safeguards need to be in place to protect Surrey County Council's expenditure such as ensuring that the parties enter into the required form of 'Project Agreement'.

Equalities and Diversity:

- 36. Under the Race Relations Act 2000, Surrey County Council must recognise the Gypsy traveller community as an ethnic group that should be treated as equals to the settled population of Surrey.
- 37. The Equality Act 2010 says you must not be discriminated against because of your race. If you are a Gypsy or Traveller, you may be protected against race discrimination.
- 38. Romany Gypsies have been travelling around England since the 16th century, but over time their traditional "Stopping Places" have been gradually erased. In parallel to the disappearance of land to stop on, the law has become increasingly hostile towards nomadic people over the years. Until 1994, councils had to provide sites and the eviction of unauthorised encampments was restricted. Now, councils still have a legal obligation to assess need and identify potential land for sites, but do not have to provide sites by law.
- 39. Gypsies and Travellers experience some of the worst outcomes of any group, across a wide range of social indicators. The Equality and Human Rights Commission

(EHRC) has published a number of reports highlighting the multiple inequalities experienced by Gypsies and Travellers. An EHRC review in 2015 concluded that the life chances of Gypsies and Travellers had declined since the Commission's previous review in 2010. The contributory factors are complex and often inter-related, but may include deprivation, social exclusion and discrimination.

40. The GRT community is entitled to the same services as those in the housed community, including the right to occupy premises that are fit for use. This includes accessible accommodation and facilities. By offering a transit site in Surrey, the transit GRT population will have the opportunity to address issues such as access to healthcare and social services. The provision of power and hot water facilities will help to provide essential temporary respite from the rigours of lives spent on the road.

Other Implications:

41. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Environmental sustainability	Set out below under Item 36.
Public Health	The proposals seek to provide purpose-built transit pitches with dedicated refuse facilities to reduce the risk and financial burden created by fly-tipping and waste management on Surrey County Council and the Borough Council.

42. An Environmental Sustainability Assessment (ESA) is required, as the subject matter requires a Cabinet decision and the primary subject matter relates to property development proposals (Annex 2). The key points from the ESA are:
- The layout of the proposed transit pitches has been factored into the design and ensures these are sited away from the flood zone area.
 - Addressing the lack of available transit GRT pitches in the area with purpose-built facilities to reduce this risk and financial burden on Surrey County Council and the District and Borough Councils.

What Happens Next:

43. Next steps and timescales:

Item	Timescale
Surveys: Ecology, Drainage, Ground Investigation	Complete by end Jun 2021
Planning: Interim planning meetings and recommendations to draft Certificate of Lawful Existing Use of the Development (CLEUD) and planning submissions	Complete by end Jun 2021

Item	Timescale
CLEUD submission <i>Subject to agreement by Tandridge District Council</i>	Submit May 2021 Anticipate approval Jun 2021
Drainage Remediation Works	Commence May 2021 Complete by end Jun 2021
Project Agreement in place with District and Borough Councils, confirming funds required for construction	Complete by end Sep 2021
Planning submission <i>Subject to approval of CLEUD and determination by Surrey CC</i>	Submit Jun 2021 Complete by end Sep 2021
Reg 3 Application submission	Submit Jun 2021 Complete by end Sep 2021
Technical Design, studies and survey to inform Planning	Complete by end Sep 2021
Building contractor tender to maker and award <i>Subject to delegated decision</i>	Commence Sep 2021 Complete by end Oct 2021
Site works and Practical Completion <i>Subject to planning approval, and remediation works</i>	Commence mid-Nov 2021 Completion end May 2022

Report Author:

Dominic Barlow, Assistant Director – Corporate Landlord, Land and Property, 07973 768904

Darren Humphreys, Contract Manager – Capital Delivery, Land and Property, 07815 994124

Consulted:

Cllr Tim Oliver, Leader of Surrey County Council, Cabinet Member for Property Portfolio

Cllr Edward Hawkins, Deputy Cabinet Member for Property

Bob Gardner, former councillor for Merstham & Banstead South

Tandridge District Council Planners

District and Borough Councils

Surrey Police

Katie Stewart, Executive Director, Environment Transportation and Infrastructure

Patricia Barry, Director, Land and Property

Surrey County Council Planning Department

Annexes:

Annex 1: Options considered

Annex 2: Environmental Sustainability Assessment (ESA)

Annex 3: Site map

Part 2 report

Sources/background papers:

Initial Recommendations for the creation of a Strategy Document for the Management of Gypsy, Roma and Traveller provision in Surrey, 2022 – 2027.

[Commonslibrary.parliament.uk](https://commonslibrary.parliament.uk)

Annex 1

Pendell GRT Camp, Merstham

Options considered

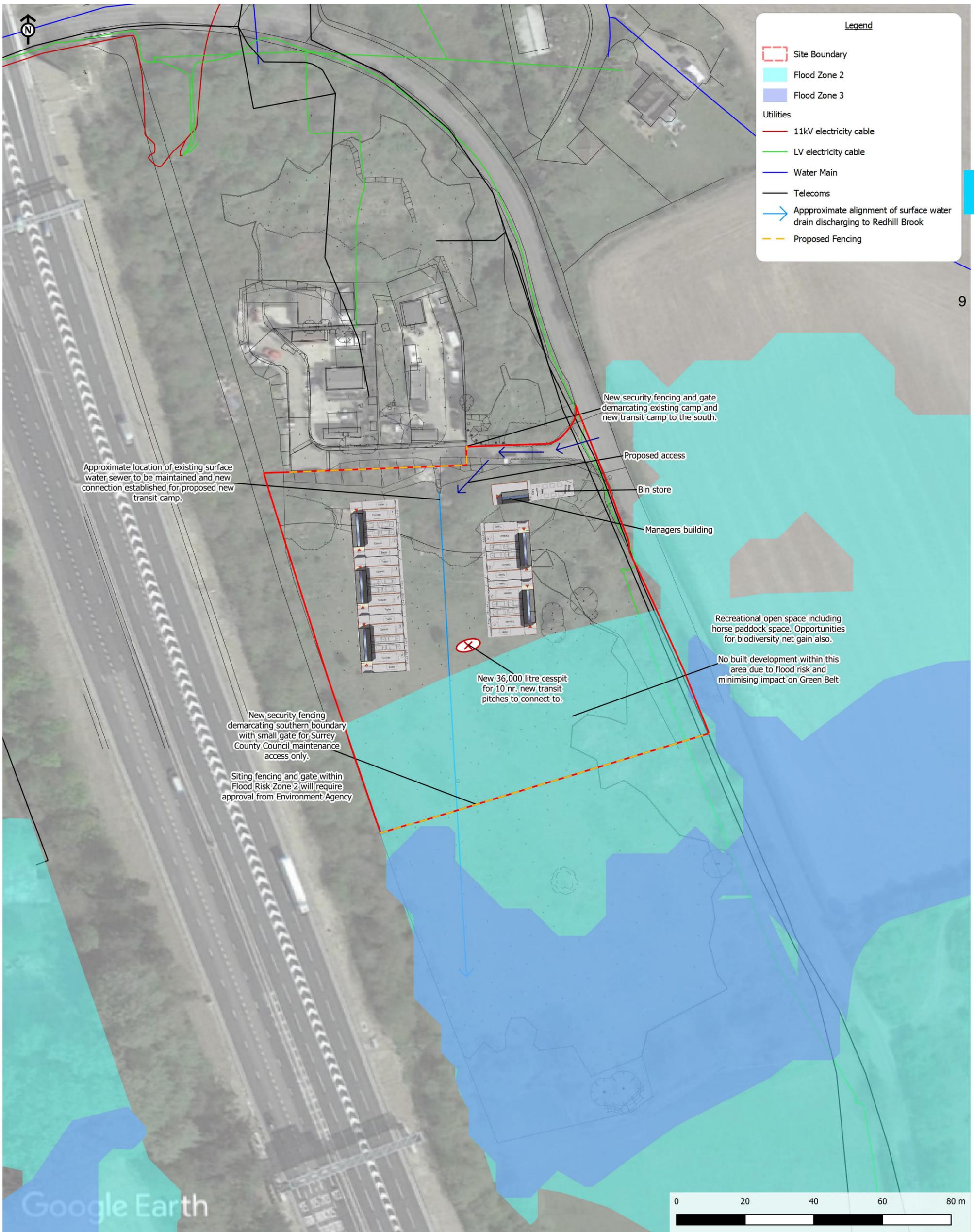
OPTION	A	B	C
Description	Do nothing.	Deliver proposed transit pitches in north of the site alongside existing encampment.	Deliver proposed transit pitches in south of the site.
Pros	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Expand and improve existing facilities • Remediate existing site 	<ul style="list-style-type: none"> • Reduces significant maintenance liabilities / financial burden • Aligns with Surrey County Council's Community Vision • Land and Property Capital Delivery Team resourced to deliver the project
Cons	<ul style="list-style-type: none"> • Unable to meet service / community need • Unable to satisfy statutory duty under Section 8 of the Housing Act 1985 for meeting the housing needs • Significant maintenance liabilities / financial burden • Does not align with Surrey County Council's Community Vision 	<ul style="list-style-type: none"> • Unable to increase capacity due to requirement for Certificate of Lawful Existing Use of the Development (CLEUD) • Substantial remediation costs • Implication of Japanese Knotweed on site • Legal charge on north of the site • Significantly higher cost 	<ul style="list-style-type: none"> • Objection from local community and neighbouring site

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**Pendell GRT Camp
Annex 2 – Environmental Sustainability Assessment (ESA)**

Area	Relevant Topic Y/N	Issue	Possible Action	Taken forward?
Resilience to risks posed by the environment to service delivery	Y	Part of the site falls within a flood zone.	The proposed transit pitches are sighted away from the flood zone.	
Designated conservation sites, protected species and biodiversity	Y	The site falls within the Surrey Hills AONB. Further environmental investigation of the site will be undertaken to confirm that there are no issues. No species protection issues have been currently identified.	Further environmental assessments / sensitivities analysis will be carried out, as appropriate, as part of the development and planning processes.	
Materials and water	N			
Energy	N			
Waste	Y	Fly-tipping and waste management issues are linked with the use of unauthorised encampments.	The proposals seek to provide purpose-built transit pitches with dedicated refuse facilities to reduce this risk and financial burden on Surrey CC and the Borough Council.	
Transport	N			
Landscape and trees	N			
Heritage	N			
Education / raising awareness	N			

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Pendell Camp, Merstham
 Client: Surrey County Council

Initial Transit Pitches Development Plan

Scale: 1:1000@A3
 CampbellReith OS Copyright: © Crown copyright. All rights reserved. Licence number 100020027
 Image provided courtesy of Google 2021 via Google Earth Pro. ©Google; Surrey County Council Topo Survey, drg no CM 1842 (Sep 2010)
 Job Number: 13538
 Drawn by - Checked by: RP/RLF - GP
 Drg No - Status/Revision: 13538-CRH-XX-XX-FG-G-7010 - P2
 File location: N:\13500 - 13749\13538 R - Pendell Camp Merstham\Project_Workspaces (pdf in Outputs)
 Date (Revision History): 25/03/2021 (P1, First Issue, 03/03/21, RP/RLF; P2, Boundary Amendments, 25/03/21, RP)

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SURREY COUNTY COUNCIL

CABINET

DATE: 01 JUNE 2021



REPORT OF CABINET MEMBER: MRS BECKY RUSH, CABINET MEMBER FOR RESOURCES AND CORPORATE SUPPORT

LEAD OFFICER: LEIGH WHITEHOUSE, EXECUTIVE DIRECTOR- RESOURCES

SUBJECT: 2020/21 OUTTURN FINANCIAL REPORT

ORGANISATION STRATEGY PRIORITY AREA: GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT/ TACKLING HEALTH INEQUALITY/ENABLING A GREENER FUTURE/EMPOWERING COMMUNITIES

10

Purpose of the Report:

This report reviews the County Council's 2020/21 financial performance for revenue and capital. It also includes the year end Treasury Management and Debt outturn. Further details on Service budgets are to be found in Annex 1.

Key Messages – Revenue

- The Council has achieved a £3.9m surplus outturn for the year after transferring £3.9m to reserves and contingencies (less than a 1% variance to budget), without the need to rely on reserves, despite the extraordinary impact of CV-19.
- The Council incurred costs, lost income and suffered disruption to the delivery of efficiencies, with a total impact of £137m during 2020/21 as a result of CV-19, offset by a combination of specific funding and general emergency funding from MHCLG. Further details are set out in paragraphs 10-11.
- The Council achieved £29.4m (c77%) of the £38.1m target of efficiencies, including transformation programmes, set out at the beginning of the financial year. The total efficiencies achieved over the last three years amounts to £207m.
- The revenue outturn shows an improvement of £4.5m from M11, mainly relating to:
 - **£1.3m ASC** – reduction in care package expenditure largely linked to the pandemic, offset by increased costs of hospital discharges;
 - **£1.3m ETI** – a number of small reductions, the largest being an increase in general income and recharges, and a reduction in CV-19 income pressures;
 - **£3.1m CFL** – reduced external agency placement costs and outturn expenditure on Children with disabilities and supported accommodation block contract within Corporate Parenting (£1.4m), lower CV-19 Early Years provider support

payments (£0.8m) and lower CV-19 expenditure in early intervention due to objectives being delivered through other work (£0.5m); and

- **£0.7m Resources** – minor improvements across the Directorate.

Offset by:

- **£2.1m Central Funding and Expenditure** – An increase in the bad debt provision of £1.6m and contribution to CFL staff retention of £0.5m. Two specific budgets that have not been used in-full during the year are recommended to be transferred to reserve; £4.5m unused redundancy allocation transferred to reserves to meet future risks, as flagged at M11, and £2.4m released from the Capital Feasibility budget due to rephasing of feasibility spend and subsequent capitalisation of expenditure. These transfers are included in the outturn position.

Key Messages – Capital

- The Council set a capital budget for 2020/21 of £176m in February 2020. The budget was reset during the year to reflect the impact of CV-19 and for the purchases of Woodhatch and the Dakota office accommodation. As a result, the 2020/21 capital budget was revised to £244m. Capital spend for the year against this budget is £241.3m, which has resulted in slippage of £2.7m (1%). This is a decrease in slippage of £5.4m since M11 and represents a significant improvement on programme delivery by comparison to previous years. Details are set out in **Table 5**.

Recommendations:

It is recommended that Cabinet:

1. Note the Council's revenue and capital positions for the year.
2. Approve the following transfers to reserves planned as part of the revenue budget:
 - £4.5m unspent redundancy budget in order to mitigate risks associated with delivering Transformation in future years
 - £2.4m to meet future feasibility costs of capital schemes
3. Approve the following transfers to and from reserves from the outturn position as set out in paragraphs 4-5 in the Executive Summary below:
 - £3.7m from the Covid-19 reserve to meet the outturn position on Covid-19
 - £4.0m to add to contingency to cover expected continued turbulence in our operating environment and future risks
 - £3.0m to establish a Future Thinking Reserve
 - £0.6m to the Interest Rate Risk Reserve
4. Note that the remaining £3.9m surplus will be added to the General Fund balance to improve our financial resilience.

Reason for Recommendations:

This report is to comply with the agreed policy of providing a monthly budget monitoring report to Cabinet for approval of any necessary actions.

Executive Summary:

Revenue Budget

1. **Table 1** below shows the revenue financial position for the year by Service. Annex 1 (attached) provides a more detailed service outturn.

Table 1 - Summary revenue financial position as at 31 March 2020

Directorate	Full Year Budget £m	Outturn £m	Variance £m	M11 Forecast £m	Change in forecast since M11 £m
Adult Social Care	382.2	372.6	(9.7)	(8.4)	(1.3)
Public Health	32.2	32.2	0.0	(0.0)	0.0
Children, Families & Lifelong Learning	201.1	213.4	12.3	15.4	(3.1)
Environment, Transport & Infrastructure	136.8	135.1	(1.6)	(0.3)	(1.3)
Community Protection	37.2	38.0	0.8	0.7	0.1
Community & Transformation	15.6	15.2	(0.3)	(0.1)	(0.2)
Strategy & Commissioning	55.2	49.1	(6.1)	(6.3)	0.2
HR & Communications	8.3	7.8	(0.5)	(0.3)	(0.2)
Deputy Chief Executive	2.3	2.2	(0.1)	(0.1)	0.0
Resources	74.6	72.0	(2.6)	(1.9)	(0.7)
Central Funding and Expenditure	(945.6)	(945.4)	0.1	(2.0)	2.1
Directorate Position	0.0	(7.8)	(7.8)	(3.3)	(4.5)
Proposed Contributions to Reserves / Contingencies					
Covid-19 Reset for the outturn CV-19 deficit		(3.7)	(3.7)		
Contingency to cover general turbulence and future risks		4.0	4.0		
Future Thinking Reserve		3.0	3.0		
Interest Rate Risk Reserve		0.6	0.6		
Outturn Surplus		(3.9)	(3.9)		

Note: Numbers have been rounded which might cause a difference.

2. 2020/21 commenced in exceptional circumstances in the midst of the first national CV-19 lockdown. A budget of £968.4m provided a stable base to tackle CV-19, however the year started with significant uncertainty. In May, we forecast a balanced Business as Usual budget and a £21m deficit was expected on CV-19. Since the £968.4m budget was approved it has increased by £55.0m to £1,023.4m as set out in the table below. Details of the revised budget are set out in Annex 1:

Budget Movement	£m
Original Budget	968.4
Covid Budget Reset	52.5
Increase to Public Health Grant	1.7
Adjustment to New Homes Bonus and Corporate DSG funding	0.8
Net Movements	55.0
Final Budget	1,023.4

3. The final outturn shows a surplus of £7.8m before transfers to reserves and contingencies. This consists of a £3.7m overspend against CV-19, funded from MHCLG emergency grant held in reserve, and an £11.5m surplus on Business as Usual.

Building Resilience for 2021/22 and the Future

4. As a result of the positive outturn position, our finances are in a strong place to ensure the continued delivery of organisational priorities, as well as increasing financial resilience in 2021/22.
5. Retention of the Council's reserves is essential in order to mitigate risk, including future funding uncertainties and the delivery of planned budget efficiencies. Maintaining reserves is a key indicator of sound financial governance and has been at the heart of our recent medium-term plans. In building resilience to address the level of risk, we have focussed on building our earmarked reserves and contingencies.
6. We can contribute to reserves to help manage risks and address the challenges required to meet a projected £200m gap over the period covered by the MTFs. Reserves and contingencies have been reviewed and noting the general future financial turbulence over the medium term we are proposing to contribute to and establish the reserves set out below:
 - a. £4m addition to Contingency to cover uncertainty and risks in the operating environment, such as growth in demand for Adults and Children's Social Care, and the projected £200m gap over the Medium-Term
 - b. £3m to establish a Future Thinking Reserve to provide towards the costs of transforming the Council and close the budget gap
 - c. £0.6m to the Interest Rate Risk Reserve to guard against continuing volatility and uncertainty in interest rates; particularly with a growing Capital Programme
 - d. This leaves £3.9m contribution to the General Fund balance and represents a key element of financial resilience and a mark of the success of our financial strategy that we can increase our reserves despite the pandemic.
7. The outturn position and recommendations set out above will increase the General Fund by £3.9m to £28.1m. The Council's external auditors are now explicitly expressing the view that General Fund reserves should be at least 5% of the net budget and ideally up to 10%. Despite growing from 2.5% in 2018 to 2.8% now, the current balance remains low and we should continue to look to increase the General Fund towards 5%.

8. In addition to the General Fund, we hold earmarked reserves and contingencies specifically intended to manage short and medium-term risk. Going into 2021/22, these are held at £53.8m, growing to £57.8m as a result of the recommendations in this report. Combined with the General Fund, the Council therefore holds a total of £85.9m general reserves and contingencies; 8.6% of the net budget.
9. Despite the extraordinary external circumstances, we have continued to hold a tight grip of our finances and risks and continue to build reserves in a way that is proportionate and allows us to ensure continued sustainability of the revenue budget. This enables us to commence 2021/22 with optimism that the budget set in February remains deliverable despite ongoing CV-19 uncertainty.

CV-19 Overview

10. The full impact of CV-19 began weeks after the Council had approved a budget of £968.4m on 4th February 2020. The financial impact of CV-19 began in March with national lockdowns, cessation of non-essential activities and rapid spread through the communities. Surrey County Council has played a key role in tackling the virus in Surrey by:

- Hosting the LRF Cells
- Minimising spread in care homes
- Helping to manage the spread of the virus in the Community
- Working with the NHS on hospital discharges
- Providing financial support to key service providers and partners
- Sourcing, storing, and distributing PPE
- Providing safe County facilities
- Managing increased Waste volumes
- Safely providing School Meals
- Providing free school meals vouchers over holiday periods to those families and children most in need

11. The financial impact of CV-19 in 2020/21 is set out below:

- Surrey County Council received £58.7m of MHCLG Emergency Grant and £4.6m of MHCLG Income Compensation Scheme; £63.3m total
- £0.9m was spent in 2019/20 and a further £56.2m deployed in 2020/21 through a series of budget resets
- A £6.2m balance will therefore be added to the CV-19 contingency in 2021/22
- In addition, £81m of specific grants were used to fund the CV-19 response, bringing total costs in 2020/21 to £137m (c.13% of the budget)
- The £137m total impact includes:
 - £41.7m of specific CV-19 grants to support infection control, rapid testing in ASC services and ASC workforce capacity
 - £25.2m additional costs of hospital discharge, care package expenditure and ASC staffing costs
 - £9.0m ASC provider support
 - £10.1m Contain Outbreak Management Fund and Rapid Test Fund
 - £6.6m Local Resilience Forum Cells expenditure
 - £4.9m Increased costs of Waste Management

- £12.6m lost income

Adult Social Care (ASC) Directorate

12. The final outturn position was an underspend of £9.7m made up of a £14.3m underspend against ASC's original BAU budget and a £4.6m overspend against ASC's CV-19 budget allocation. The key budget variances that contributed to the £14.3m underspend were:

- £9.2m underspend on care package expenditure, primarily for Learning Disabilities/Autism and Older People. Much of this underspend was caused by the pandemic, in terms of underusage against care plans and sadly increased deaths.
- £2.6m staffing underspend against ASC's BAU budget. It is important to note though that £4.9m of additional ASC staffing costs were charged against Surrey's CV-19 funding.
- £1.8m underspend against other expenditure budgets that it had been anticipated may be required to fund for care packages but were temporarily not required for this purpose in 2020/21 due to the impact of the pandemic.
- £1.0m underspends for wider contracts & grants, in part due to circumstances caused by the pandemic.
- £0.6m lower than budgeted core Better Care Fund (BCF) income in line underspends against some ASC services funded by the BCF.

13. ASC incurred £57.9m of additional costs related to the CV-19 pandemic in supporting ASC providers, additional internal staffing costs and other additional costs, plus spent a further £19.3m on care for people supporting following hospital discharge. This combined gross ASC CV-19 expenditure of £77.2m was funded by £41.7m of specific ASC CV-19 grants, £16m of hospital discharge cost reimbursement from NHS England and £4.2m of other NHS CV-19 funding that ASC successfully bid for.

14. ASC's final year end position identified £14.2m of efficiencies to report against ASC's 2020/21 target of £12.3m.

15. Although significant temporary reductions in care package spending driven by the pandemic combined with additional CV-19 funding led to a significant underspend in 2020/21, the full year budget position is much more challenging with delivery of planned efficiencies necessary to achieve the 2021/22 budget.

Public Health

16. Public Health has delivered a balanced revenue outturn position. The Directorate's gross spend has increased by £8.8m, largely funded from specific grants relating to Covid-19, particularly Contain Outbreak Management and Targeted Community Testing. The increased activity will be maintained in 2021/22 as Public Health continues to play a key part in our response to the pandemic.

Children, Families and Lifelong Learning (CFL) Directorate

17. CFL reported a full year overspend of £12.3m. A key area of risk for the Council is in Special Educational Needs and Disabilities (SEND), which is funded through the Dedicated Schools Grant (DSG) High Needs Block (HNB). The Council was originally budgeting to overspend by £23.8m on the DSG HNB. The final spend was £34.5m, a full year overspend of £10.7m on the DSG HNB budget, largely due to higher volumes and unit costs than forecast as well as some aspects of the cost containment plan not being delivered.
18. Family Resilience staffing budgets were overspent by £2.3m. This was a result of the level of agency/locum workers and the increased costs associated, not including additional staff costs to respond to CV-19 which were covered by grant funding.
19. The overspends were partly offset by a number of the contingencies being released as part of outturn contributing to an underspend in Corporate Parenting of £1.2m.

2020/21 Schools Outturn

20. Surrey's final DSG allocation for 2020/21 was estimated at £488.2m net (£906.0m gross of academies and college SEND places). In total the DSG blocks overspent by £33.0m, which is summarised in Table 2 below:

Table 2 - Dedicated Schools Grant variances 2020/21

Block	Over(under) £m
Schools	(1.9)
(less planned use of previous year underspend)	1.2
Centrally managed schools block	(0.1)
High needs	34.5
Early years	(0.7)
	33.0

21. The underspend on schools was mainly due to the following:
 - a. Business rates changes related to academy conversions (£0.2m)
 - b. Local learning funds set aside for initiatives to improve inclusion (£0.2m); and
 - c. Sums set aside for growing schools (£1.0m); these budgets require specific annual approval from Schools Forum
 - d. School specific contingency not used (£0.2m): this is deducted from maintained primary schools' budgets by agreement with Schools Forum on the understanding that underspends are returned to schools in future years
 - e. Various miscellaneous services (£0.3m) eg travellers, SAFE schools support, behaviour support, exclusions.

The schools outturn will be discussed with the Schools Forum on 14 May 2021.

Note: the school's budget was supported by £1.2m of underspent funding brought forward from previous years, mainly to fund the local learning fund and support to schools from SAFE

22. The early years underspend was largely due to an underspend on the Early Intervention Fund, which is intended to support early years children with special educational needs and other disadvantaged children who might need additional support to access the free early years entitlement. This budget was increased by £2m in 2020/21 (from £1.4m to £3.4m). This was offset in part by overspends on basic hourly rate payments to providers, largely attributable to payment of protected funding and changes in the termly variation in take-up due to the impact of COVID-19.

Schools Balances

23. Surplus balances held by individual Surrey maintained schools have increased by £7.9m in 2020/21. Table 3 explains the reasons for this decrease:

Table 3 – Schools Balances

	£m
Surplus balances held by schools maintained by Surrey at 1 April 2020	39.1
Increase in year	8.5
Less balances transferred to Schools converting to Academies during the year	(0.8)
Add deficits funded by Surrey when inadequate schools converted to sponsored Academies	0.2
Surplus balances held by schools maintained by Surrey at 31 March 2021	47.0

Environment, Transport, and Infrastructure (ETI) Directorate

24. ETI reported an underspend of £1.6m. The Directorate saw £2.0m increased waste costs, £1.1m CV-19 increased costs and £0.6m non achievement of prior year efficiencies. These additional costs were offset by £4.5m Highways and Transport underspends including a refinancing of the street lighting PFI contract and £0.8m other underspends including Planning income.

Community Protection (CPG)

25. Community Protection Group reports a full year overspend of £0.8m. There have been additional costs in the Coroner Service (£1.0m) including increased pathology and hospital fees. There were also costs of managing a backlog of cases and increasing CV-19 costs totalling £0.6m. These costs are offset by underspends elsewhere in the Group totalling (£0.7m).

Strategy and Commissioning

26. The Directorate has reported a £6.1m underspend. There has been a £7.5m reduction in expenditure on Home to School Transport due a significant reduction in journey numbers following lockdown restrictions. Providers were paid at 50% of normal rates for these periods when journeys were not being undertaken which generated the underspend.
27. This saving has been offset by £2.0m non achievement of additional health income efficiency.

Resources Directorate

28. The Resources directorate underspent by £2.6m. A £0.5m pressure in Legal Services has been offset by an underspend in IT&D of £1.1m due to bringing contracts in-house and absorbing costs, in addition to a number of smaller variances. There has been a CV-19 related underspend of £1.4m due to an improvement in projected loss of income from school meals and reduced costs associated with re-opening operational buildings in a CV-19 compliant way. There were a number of smaller underspends across the Directorate of £0.4m.

2020/21 Efficiency Program Outturn

29. The 2020/21 budget included an efficiency requirement of £38.1m. At outturn, £29.4m (77%) has been achieved despite the impact of CV-19, with the remaining £8.7m (23%) unachieved. The unachieved elements are captured in the 2021/22 budget. Directorate efficiencies are shown in **Table 4** below.

Table 4 – Final Efficiency outcome

Directorate	Full Year Target	Outturn	Variance	Last Month
	£m	£m	£m	£m
Adult Social Care	12.3	14.2	(1.9)	(3.5)
Children, Families, Lifelong Learning	8.9	3.4	5.5	5.3
Public Health	0.3	0.3	(0.0)	0.0
Environment, Transportation & Infrastructure	2.5	1.1	1.4	1.6
Community Protection group	1.6	1.1	0.5	0.5
Strategy & Commissioning	2.0	0.0	2.0	2.0
Communities & Transformation	1.6	1.3	0.3	0.3
HR & Communications	0.2	0.2	0.0	0.0
Deputy Chief Executive	0.2	0.2	0.0	0.0
Resources	4.1	3.7	0.4	0.4
Central Income & Expenditure	4.4	3.9	0.5	0.0
TOTAL	38.1	29.4	8.7	6.6

30. The £8.7m non-delivery is comprised of the following:

- a. CFL (£5.5m): planned reduction in contribution to the High Needs Block (£5.1m) offsetting reserve not possible due to increased demand and unit costs causing an overspend, CV-19 closures and restrictions resulted in £0.2m additional SOLD income and £0.2m reduced costs of reunification not being achievable.
- b. £2m undeliverable from joint placement reviews with Health.
- c. £0.5m of CPG (Fire & Coroners), £0.4m of Resources (Business Ops), £0.3m of CT and, £0.3m of ETI (Environment) efficiencies flagged as non-deliverable due to CV-19).
- d. £0.7m in ETI for reallocation of parking surplus (reliant on changes to local committees) undeliverable, £0.4m delayed incl. bus lane enforcement, waste minimisation & recycling initiatives.

Offset by:

- e. £1.9m over achievement of target in ASC relating to temporary one-off factors in particular issues driven by the pandemic.

Transformation Programme

31. Of the £29.4m total efficiency, £18.9m was delivered through the Transformation Programme. In order to achieve this permanent efficiency, £13m of one-off funding was invested. This resulted in the achievement of £18.9m (78%) permanent efficiencies against the £24.2m transformation target. The investment was funded by a £7.5m revenue budget and the remainder by flexible use of capital receipts, as enabled by the MHCLG guidance and approved by full Council in February 2020. The costs incurred were less than the original allocation of £22.5m for 2020/21, due to changing requirements and reprofiling of planned expenditure against some of the transformation projects. £9.5m unused capital receipts will be available in 2021/22 to be drawn down if needed to progress the refreshed Transformation Programme.
32. A further £1.7m of capital receipt funding was used to meet the costs of the Agile Office Programme, including the relocation of the Council's Headquarters. This is reported separately from the Transformation Programme but is a key part of reducing office running costs and moving the Council's headquarters back into Surrey.

Capital Budget

33. The Capital Outturn for 2020/21 is £241.3m against a budget of £244.0m; resulting in slippage of £2.7m. Forecast slippage decreased by £5.4m from M11. This is as a result of the following variances:
- a. **Property schemes – increase of £2.3m** – mainly related to:
 - Schools Basic Need – increase of £1m
 - Capital costs transferred from the Joint Venture with Places for People of £1m
 - Woodhatch Master Planning – (approved in February) £0.3m
 - b. **Highways and Transport schemes – decrease of £1.3m** – mainly related to:
 - Surrey Flood Alleviation - slippage of £0.4m on Byfleet and Alfold schemes
 - A217 Reigate to Horley Safer Road Scheme £0.3m slippage
 - LEPS funded schemes slippage of £1.0m
 - Minor variations on a number of other schemes – slippage of £0.8m
 - The above decreases are partly offset by accelerated spend in Highways and Bridges (£1.2m)
 - c. **Community Protection – increase of £0.3m** – accelerated Vehicle & Equipment replacement spend
 - d. **Grant funded schools expenditure of £4.6m** – controlled by Schools, forming part of final outturn.

34. **Table 5** below provides a summary of the outturn for the 2020/21 Capital budget:
Table 5 - Summary capital spend for 2020/21

Strategic Capital Groups	Original Budget £m	Restated Budget £m	Full Year Outturn £m	Outturn Variance to Budget £m	Change from M11 £m	Increase / Decrease / Unchanged
Property						
Property Schemes	78.5	135.6	134.8	(0.8)	2.3	Increase
ASC Schemes	1.9	1.9	1.5	(0.4)	(0.2)	Decrease
CFLC Schemes	1.7	0.6	0.1	(0.5)	(0.1)	Decrease
Property Total	82.0	138.1	136.4	(1.7)	2.0	Increase
Infrastructure						
Highways and Transport	70.5	84.2	84.0	(0.2)	(1.3)	Decrease
Environment	2.6	2.1	2.0	(0.1)	0.0	Unchanged
Community Protection	3.8	3.9	3.7	(0.2)	0.3	Increase
Infrastructure Total	76.8	90.2	89.7	(0.5)	(1.0)	Decrease
IT						
IT Service Schemes	15.9	15.4	10.5	(4.9)	(0.1)	Decrease
CFLC - EMS	0.9	0.3	0.2	(0.2)	0.0	Unchanged
IT Total	16.8	15.7	10.6	(5.1)	(0.1)	Decrease
Total	175.7	244.0	236.7	(7.3)	0.8	Increase
Delegated School Expenditure	0.0	0.0	4.6	4.6	4.6	Increase
Total Inc. Schools	175.7	244.0	241.3	(2.7)	5.4	Increase

Note: All numbers have been rounded - which might cause a casting difference

Balance Sheet Indicators

35. The Council reports on a quarterly basis on the following key balance sheet indicators, which are presented in **Annex 2** (attached) and cover the following:

- a. Debt; and
- b. Treasury Management.

36. The Council's overdue debt stood at £25.5m at the 31 March 2021, a reduction of £0.6m over the year. **Annex 2** provides further details on this.

37. The Council has continued its policy of minimising cash balances and exposure to low interest rates on short-term investments by internal and short-term borrowing. **Annex 2** provides a further explanation of the impact of this policy on the Council's Balance Sheet.

Consultation:

38. Executive Directors and Cabinet Members have confirmed the forecast outturns for their revenue and capital budgets.

Risk Management and Implications:

39. Risk implications are stated throughout the report and each relevant director or head of service has updated their strategic and or service risk registers accordingly. In addition, the Leadership Risk Register continues to reflect the increasing uncertainty of future funding likely to be allocated to the Council and the sustainability of the Medium-Term

Financial Strategy. In the light of the financial risks faced by the Council, the Leadership Risk Register will be reviewed to increase confidence in Directorate plans to mitigate the risks and issues.

Financial and Value for Money Implications:

40. The report considers financial and value for money implications throughout and future budget monitoring reports into 2021/22 will continue this focus.

Section 151 Officer Commentary:

41. The Council has a duty to ensure its expenditure does not exceed resources available. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.
42. The Section 151 Officer confirms the financial information presented in this report is consistent with the Council's general accounting ledger and that forecasts have been based on reasonable assumptions, considering all material, financial and business issues and risks.

Legal Implications – Monitoring Officer:

43. The Council is under a duty to set a balanced and sustainable budget. The Local Government Finance Act requires the Council to take steps to ensure that the Council's expenditure (that is expenditure incurred already in year and anticipated to be incurred) does not exceed the resources available whilst continuing to meet its statutory duties.
44. Cabinet should be aware that if the Section 151 Officer, at any time, is not satisfied that appropriate strategies and controls are in place to manage expenditure within the in-year budget they must formally draw this to the attention of the Cabinet and Council and they must take immediate steps to ensure a balanced in-year budget, whilst complying with its statutory and common law duties.

Equalities and Diversity:

45. Any impacts of the budget monitoring actions will be evaluated by the individual services as they implement the management actions necessary. In implementing individual management actions, the Council must comply with the Public Sector Equality Duty in section 149 of the Equality Act 2010 which requires it to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
46. Services will continue to monitor the impact of these actions and will take appropriate action to mitigate additional negative impacts that may emerge as part of this ongoing analysis.

What Happens Next:

The relevant adjustments from the recommendations will be made to the Council's accounts.

Report Author:

Leigh Whitehouse, Executive Director of Resources, 020 8541 7246

Consulted:

Cabinet, Executive Directors, Heads of Service

Annexes:

Annex 1 – Detailed Revenue Outturn position

Annex 2 – Balance sheet Indicators – Debt and Treasury Management

Detailed Revenue Outturn position

Service	Cabinet Member	Prior year Outturn £m	Full year budget £m	Full Year Outturn £m	Full year net variance £m
Delegated Schools	J Iles	0.0	0.0	0.0	0.0
Education, Lifelong Learning & Culture	J Iles	98.7	50.8	60.5	9.6
Corporate Parenting	M Lewis	96.0	90.0	88.8	(1.2)
Family Resilience	M Lewis	38.0	41.0	43.8	2.8
Quality & Performance	M Lewis / J Iles	8.2	9.2	8.7	(0.4)
Directorate wide savings	M Lewis / J Iles	(1.0)	10.2	11.7	1.5
Children, Families, Learning		239.8	201.1	213.4	12.3
Public Health	S Mooney	30.0	32.2	32.2	0.0
Adult Social Care	S Mooney	362.6	382.2	372.6	(9.7)
Highways & Transport	M Furniss	54.6	58.1	53.6	(4.5)
Environment	N Bramhall	73.3	71.9	73.3	1.4
Leadership Team (ETI)	M Furniss /N Bramhall	0.9	1.5	2.0	0.4
ETI CV-19	M Furniss /N Bramhall	0.0	5.2	6.2	1.1
Environment, Transport & Infrastructure		128.9	136.8	135.1	(1.6)
Fire and Rescue	D Turner-Stewart	31.3	32.0	31.6	(0.5)
Trading Standards	D Turner-Stewart	1.8	2.3	2.0	(0.2)
Chief of Staff	D Turner-Stewart	0.1	0.0	0.0	0.0
Emergency Management	D Turner-Stewart	0.4	0.5	0.5	(0.0)
Coroner	D Turner-Stewart	2.5	2.1	3.0	1.0
Health & Safety	D Turner-Stewart	0.0	0.1	0.1	0.0
CP CV-19	D Turner-Stewart	0.0	0.1	0.7	0.6
Armed Forces and Resilience	D Turner-Stewart	0.1	0.1	0.1	0.0
Community Protection		36.2	37.2	38.0	0.8
Human Resources & Organisational	T Oliver	2.9	6.6	6.1	(0.5)
Communications	T Oliver	1.2	1.3	1.3	(0.1)
HR & Comm CV-19	T Oliver	0.0	0.4	0.4	(0.0)
HR & Communications		4.0	8.3	7.8	(0.5)
Transformation Support Unit	T Oliver	1.2	0.8	0.8	0.0
Customer Services	M Nuti	2.9	2.9	2.8	(0.2)
Community Partnerships	M Nuti	0.0	1.4	1.3	(0.0)
Libraries, Registrars & Culture	M Nuti	0.0	10.7	10.0	(0.6)
C&T CV-19	T Oliver / J Iles	0.0	(0.1)	0.3	0.5
Community & Transformation		4.1	15.6	15.2	(0.3)
Strategic Commissioning	M Lewis / J Iles	6.6	51.5	45.9	(5.6)
Insight, Analytics & Intelligence	D Turner-Stewart	2.6	2.0	1.8	(0.3)
S&C CV-19	J Iles	0.0	1.7	1.4	(0.3)
Strategy & Commissioning		9.2	55.2	49.0	(6.1)
Strategic Leadership	T Oliver	1.3	1.5	1.4	(0.1)
Economic Growth	C Kemp	0.7	0.8	0.7	(0.1)
DCEX CV-19	C Kemp	0.0	0.0	0.0	0.0
Deputy CEX		2.0	2.3	2.2	(0.1)
Joint Operating Budget ORBIS	B Rush	33.7	17.5	17.3	(0.2)
Land & Property	T Oliver	17.8	28.0	27.9	(0.1)
Information Technology & Digital	B Rush	9.8	10.7	9.5	(1.2)
Finance	B Rush	1.7	5.7	5.7	(0.1)
Legal Services	B Rush	4.2	4.1	4.7	0.6
Democratic Services	B Rush	3.0	3.2	3.0	(0.2)
Business Operations	B Rush	0.0	(0.3)	(0.3)	0.0
Resources Leadership	B Rush	0.0	0.8	0.8	0.0
Twelve15	B Rush	0.0	1.3	1.3	(0.1)
Resources CV-19	T Oliver/B Rush	0.0	3.4	2.0	(1.4)
Resources		70.2	74.6	72.0	(2.6)
Directorate Total		887.0	945.6	937.6	(7.9)
Central Income and Expenditure	B Rush	56.4	77.8	79.5	2.3
Central Funding	B Rush	(933.1)	(1,023.4)	(1,024.9)	(2.2)
Contributions to/from Reserves/Contingencies		(10.5)	0.0	3.9	3.9
Outturn surplus		(0.2)	(0.0)	(3.9)	(3.9)

Balance Sheet Indicators

Debt

1. For the year to March 2021, the Council raised invoices totalling £433m. At the year-end, the gross debt outstanding on these invoices was £58.3m (c13%), representing a reduction of £6.6m from quarter 3. At year-end 2019/20 gross debt outstanding was £49.4m. The overdue debt is the gross debt less those balances not immediately due (i.e. less than 30 days old). The Overdue debt has seen a reduction of £3.6m since quarter 3.
2. Work continues across ASC, Legal Services and Finance to review and address issues related to the recovery of income due from ASC assessed charges, which is a very complex area. As part of this an external legal firm has been engaged to help follow up some historic debts on a pilot basis and this has already had some success. This and other measures to improve debt recovery will continue to be considered.
3. Table 1 below shows the age profile of the debts as at 31st March 2021.

Table 1 – Age profile of the Council’s debt as at 31 March 2021

	<1 month	1-12 Months	1-2 Years	Over 2 Years	Gross Debt	Overdue Debt
Account Group	£m	£m	£m	£m	£m	£m
Care Debt - Unsecured	4.6	6.6	2.6	5.9	19.7	15.1
Care Debt - Secured	0.0	2.6	2.2	3.8	8.6	8.5
Total Care Debt	4.6	9.2	4.8	9.7	28.3	23.6
Schools, Colleges and Nurseries	0.5	0.0	0.1	0.0	0.6	0.2
Clinical Commissioning Groups	8.0	3.5	0.1	0.5	12.1	4.2
Other Local Authorities	8.0	1.1	0.0	0.0	9.1	1.2
General Debt	4.5	2.7	0.5	0.5	8.2	3.6
Total Non-Care Debt	21.0	7.3	0.7	1.0	30.0	9.2
Total Debt	25.6	16.5	5.5	10.7	58.3	32.8

Note: All numbers have been rounded - which might cause a casting difference

Borrowing

4. Surrey County Council borrows to finance its capital spending that exceeds receipts from grants, third party contributions, capital receipts and reserves. The Council's long-term debt stands at £433.6m a reduction of £2.6m from 31 March 2020
5. As at 31 March 2021, the weighted average interest rate of the Council's long-term debt portfolio was 3.88%. The Treasury Strategy, approved by County Council in February 2020, continued the policy of internal borrowing and where necessary, to borrow short term to meet cash flow liquidity requirements. Table 2 shows a net £53m increase in the Council's short-term borrowing activity since 1st April 2020.

Table 2 - Short-term borrowing as at 31 March 2021

	£m
Debt outstanding as at 31 March 2020	218.5
Net movement since start of year	53
Current balance as at 31st March 2021	271.5

Figures are for Surrey County Council only and do not include Surrey Police

6. The weighted average interest rate of the Council's short-term external debt is 0.09% at 31st March 2021.

Cash Investments

7. The Council's average daily level of cash investments was £57.1m during 2020/21, compared to an average of £41.5m during 2019/20. The Council invests temporary cash surplus exclusively through the use of money market funds (MMF). Other investment facilities are available, including brokers, direct dealing with counterparties through the use of call accounts or direct deal facilities, or with the government's Debt Management Office (DMO). No new fixed term deposits have been agreed during 2020/21 due to the low cash balances held and the need to maintain high liquidity.
8. Table 3 shows the weighted average return on all investments the Council received in the quarter to 31st March 2021 is 0.01%. This compares to the -0.09% average 7-day London Interbank Bid Rate (LIBID) for the same period.

Table 3 – Weighted average return on investments compared to 7-day LIBID

	Average 7- day LIBID	Weighted return On investments
2020/21 Quarter 4	-0.09%	0.01%
2020/21 Quarter 3	-0.08%	0.03%
2020/21 Quarter 2	-0.06%	0.14%
2020/21 Quarter 1	-0.04%	0.31%
2019/20 Quarter 4	0.43%	0.63%
2019/20 Quarter 3	0.57%	0.68%
2019/20 Quarter 2	0.57%	0.71%
2019/20 Quarter 1	0.57%	0.75%

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