



Surrey Heath Local Area Committee
11 December 2014

Annex B

Written Public Questions, Responses and Supplementary questions

Q. Written question from Mr Murray Rowlands, Local Resident

In view of Brooklands College dropping its contract to manage Adult Education for Surrey Heath at France Hill what plans does Surrey CC have to boost Adult continuing education in the Borough? Isn't there a genuine need to for the first time to provide systematic training here?

What is the reasoning behind Surrey's decision to place a technical institute in Guildford (University, Technical College, Business Park) and not here?

A. Response from Chairman on behalf of the Committee:

All providers with contracts with the Skills Funding Agency to deliver training to adults are free to choose the delivery location for their programmes. With the decreased levels of funding and more emphasis on Apprenticeships and less classroom based delivery many FE Colleges are doing less course delivery from third party premises. It is not the County Councils role to fund vocational education. Notwithstanding, it does provide substantive infrastructure to enable its Community Learning and Skills Service to do so. The County is reliant on the Skills Funding Agency to provide sufficient resources to sustain skills development in the adult population.

The University Technical College (UTC) in Guildford is a proposed new school for 14-18 year olds, specialising in engineering and computing. The UTC proposal has been developed by a trust including: CGI, Royal Holloway University of London, Guildford College, Guildford Education Partnership and Surrey County Council. Significant work was undertaken to look at potential locations for the first UTC in Surrey. This included consultation with local partners and education providers.

Following this work the trust proposed Guildford as the preferred location for the UTC over other areas based on support from local partners, good rail links to the area, high local concentration of technology companies, demographic growth and fit with school planning and the local education offer.

Q. Written question from Murray Rowlands, Local Resident

Why are so many of the Borough's footpaths like ploughed fields? Is it because utilities and cable companies have unlimited rights to dig up our footpaths and that they are not being required to replace them in an acceptable manner?

A. Response from Chairman on behalf of the Committee:

It is correct that utility companies have a statutory right to undertake work on the public highway. However, these works are regulated by Surrey Highways as the highway authority, and we have a permit system in place to control these works. Utility companies are required to undertake reinstatements to acceptable standards, and Surrey Highways carry out checks of these works to ensure that this is the case. If there is concern about a specific footpath or footpaths, I would suggest that these are raised through the Surrey Highways reporting system on the County Council website so that these sites can be reviewed and more quickly responded to.

Q. Written question from Mr Murray Rowlands, Local Resident

It is recognised that the care sector pays very low wages. What steps does Surrey take to insure that firms employed for care of the County's elderly are paying the minimum wage?

B. Response from Chairman on behalf of the Committee:

Please see attached a statement Surrey County Council made in October 2014 about the National Minimal Wage in the care sector.

Q. Written question from SHBC Cllr Judith Trow

Why has Lovelands Lane in Chobham not already been closed to cars, vans and lorries?

The Highways Act 1980 makes clear the reasons for permanent road closures and several of these reasons apply directly to Lovelands Lane.

For example:-

- 1) To prevent damage to the road itself. Severe damage is being caused on a daily basis to the ford which is part of the lane and several hundred thousand pounds worth of damage per year is caused by vehicles being written off by insurers and recovery vehicles attempting to rescue them.
- 2) For the safety of those persons who wish to travel the lane e.g. pedestrians, cyclists, horse riders and young children. There is no footpath and the verges have been completely destroyed by heavy goods vehicles.
- 3) Preservation of the amenity value of the lane and the environmental quality of the adjacent areas. The lane has become a "no go area" for all members of the public who should have the right to enjoy its location and travel through it in relative safety.

Not mentioned in the 1980 act but important to this particular situation is the fact that a safer and more appropriate route takes TWO MINUTES by car and avoids travelling through any part of the lane. No argument can therefore be made that the lane is a vital transport link for commuters and to close it would lengthen journey times.

A. Response from Chairman on behalf of the Committee:

Although the ford in Lovelands Lane can make the road impassable at times of the year, this is no different to other fords on the network. Fords are relatively common in rural areas of the network and they are used frequently by highway users without incident. The depth gauge allows drivers to assess the situation and determine whether to proceed or not at their own risk. In addition, warning signs are located on both Pennypot Lane and Castle Grove Road to warn those who do not use the route regularly that there is a ford ahead.

Closure of any road forming part of the public highway is a last resort action. The highway is not specifically for the benefit of pedestrians, cyclists or horse riders, but for the benefit of the public as a whole. Although closing Lovelands Lane has been considered, it has not been determined necessary based on any of the points raised. However, given the number of vehicles that are reportedly stuck in the ford, we are looking at providing additional warning signage at the Pennypot Lane end. We are also looking at the possibility of providing passing points along Lovelands Lane to reduce the amount of rutting at the edge of the road. Widening the full length of the road was considered, but as this could potentially increase average vehicle speeds and lead to safety concerns this was discounted. The measures proposed will address the issues of concern without the need to close the road. Funding sources are yet to be identified, and these measures will have to be considered in the context of the many other demands for infrastructure improvements we receive.

In addition to the above proposals, Surrey County Council is also looking at the possibility of a separate path on common land adjacent to Lovelands Lane, to give pedestrians, cyclists, and horse riders an alternate route along the road and away from traffic. However, where common land is involved, any changes can be legally complex, and there can be no guarantee of outcome.

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Written Member Questions, Responses and Supplementary questions

Q. Written Member Question from SHBC Cllr Rodney Bates

Surrey County Council are currently undertaking a consultation into the proposed closure of 6 residential care homes including Pinehurst in Camberley which was built less than 25 years ago. This has caused a great deal of concern and anxiety for all those affected and especially older and vulnerable residents.

What measures are therefore being undertaken to ensure that every resident is being fully consulted and especially those residents without family support or close friends?

Is there an independent advocate in place for every affected resident such that their views and needs are taken into account in order to comply with County responsibilities under safeguarding and specifically the Mental Capacity Act and Deprivation of Liberty Safeguards?

Finally, is this a genuine and meaningful consultation such that those in favour of keeping Pinehurst can have confidence in the process or as many people believe, a sham process

with the Council deliberately running down the home over recent months?

A. Response from Chairman on behalf of the Committee:

In planning and delivering the consultation, officers have carefully considered how to inform and engage with residents who have different levels of capacity, and may not have support from family or friends. We have designed specific guidelines to support staff engaging with residents, which takes account of Mental Capacity Act principles, and on which we have sought advice from the council's lead practitioners and legal advisors.

Staff have kept records of discussions with residents and have offered individual support to help people express any opinions that can be taken into consideration as part of the consultation. We are at the stage of consultation only, not actually making a decision about an individual's care as such, which means there is no 'best interest' decision to be made and as such Independent Mental Capacity Advocates have not been engaged to support residents who lack capacity - this would come at a later stage if a decision is made to close a home, and there would be a full assessment of each individual's needs and preferences. The consultation process is inviting feedback from a wide range of people and organisations, including family, friends, carers and significant others - as well as organisations such as Alzheimer's Society and Healthwatch.

While the council has been open about its preferred option, this is a genuine consultation and all feedback will be considered as part of the decision-making process. All consultation responses will be published in full as an attachment to the report back to the council's cabinet in February 2015.

National Minimum Wage (NMW) and Surrey County Council Adults Social Care

The National Minimum Wage Act 1998 creates a minimum wage across the United Kingdom, currently £6.50 per hour for workers aged over 21. The hours that are used in a national minimum wage calculation are dependent upon work type as defined within the National Minimum Wage Regulations 1999. The NMW is enforceable by HM Revenue & Customs (HMRC).

Surrey County Council standard Terms and Conditions of Contract for Residential Care, Residential Care with Nursing, Supported Living Services, Community Opportunities and Short Breaks Services Spot Orders require that –

The Provider shall in all matters arising in the performance of this Agreement comply with all Acts of Parliament and with all Orders Regulations Statutory Instruments and By-laws made with statutory authority by Government Departments or by local or other authorities that shall be applicable to this Agreement and shall indemnify and keep indemnified the Council against the consequence of any breach of its obligations under this Clause.

This contractual obligation includes compliance by the Provider with the National Minimum Wage Act 1998, monitored and enforced by HMRC.

For information, on 1 October 2013 the Department for Business, Innovation and Skills introduced new rules for publicly naming and shaming employers who fail to comply with NMW legislation. The revised scheme removed previous restrictions so that any employer who breaks minimum wage law can be named. The new criteria for naming applies to enquiries that HMRC began on or after 1 October 2013. To date no Surrey County Council social care provider has been named.

Surrey County Council does not condone or encourage payments below the National Minimum Wage. We try in earnest to ensure all providers of social care services comply with appropriate legislation and do not make payments below the National Minimum Wage contrary to that legislation. We take all practical steps to ensure that providers comply with relevant legislation and endeavour to monitor performance of services rendered at all times insofar as is reasonably possible.

In regard to the last tender for Home Based Care, which was undertaken jointly with Surrey Clinical Commissioning Groups in June 2014, we would make the following points –

- In evaluating the tendered rates weighting was given to sustainable pricing (including ensuring that care staff were paid above the UK Living Wage), not simply to the cheapest, in order to ensure that framework contracts were not awarded at untenably low prices.
- Tenderers were required to advise the proportion of their rates that was applicable to care staff. With this element counting for between 60-75% and with an average rate of £15.06 per hour this indicated care staff payments of £9.04 - £11.30 per hour. This compares with the National Minimum Wage of £6.50.

Additionally officers from Adults Social Care further address this issue through discussions with the Surrey Care Association, who act as a single reference point for all Surrey Adult Social Care Providers, with whom we are in regular contact, consultation and joint working through joint Provider Network meetings.

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