

CABINET – 26 APRIL 2016

PROCEDURAL MATTERS

Public Questions

Question (1) David Beaman:

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

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

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

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

Reply:

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

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

Following feedback from passengers regarding timekeeping issues and after monitoring of the service by Stagecoach staff, the company proposed some timetable revisions to improve the current reliability of the service. Buses were taking longer than scheduled to run from one end of the route to the other, due to increasing traffic congestion at certain points. In order to improve the reliability standard of service for their customers, within existing resource costs, Stagecoach consulted in early February with the County Council on their proposals. It was felt beneficial to introduce the changes as soon as practicable, in view of the fact that in a Local Transport Review consultation in 2014/15, residents highlighted that the most important issue for them and for the Council to address, was reliability of bus services.

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

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

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

Question (2) Audrey Gachen:

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

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

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

In his opening statement at the public meeting on March 9th 2016 Cllr Goodman said, "Firstly I want to apologise that we didn't engage you earlier" Cllr Goodman also said that the March 9th meeting had been called, "To explain to everybody properly what we plan to do". The opportunity for the public to comment on the proposed play structures at Newlands Corner ended one week later on March 16th

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

Reply:

Having regard to the case law, and the fact that no statutory consultation was required in relation to the changes at Newlands Corner, the Council designed and carried out a

proportionate consultation with relevant stakeholders including local councillors, Surrey Hills AONB, SWT volunteers and user groups.

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

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Question (3) from Andrew Norris:

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

Question (3) Sally Blake:

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

Question (4) Kathryn Kilner:

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

Question (6) Julie Brown:

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

Question (7) John Oliver:

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

The Newlands Corner Project Team has confirmed that this figure is based on 334 vehicles

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

Could the Lead Member:

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

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

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

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

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

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

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

The figures used in the business plan, for the number of vehicles using the car park, were the best ones available at the time and were based on a count undertaken by the County Council, which was reduced to allow for some loss of numbers in the early years to give the figure of 122,000. The recent count on the number of cars confirms that between Feb 2015 and Jan 2016, 255,000 vehicles used the car park, this information and other actual costs

are being worked into the business plan, again adjusted using assumptions about numbers in the early years.

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