

**MINUTES OF THE MEETING OF THE CABINET  
HELD ON 18 DECEMBER 2018 AT 2.00 PM  
AT ASHCOMBE SUITE, COUNTY HALL, KINGSTON UPON THAMES,  
SURREY KT1 2DN.**

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

Members:

*Mr Tim Oliver (Chairman)	*Mr Mike Goodman
*Mr Colin Kemp (Vice-Chairman)	*Mrs Mary Lewis
Ms Charlotte Morley	*Mrs Julie Iles
*Mrs Sinead Mooney	*Mr Matt Furniss
*Mr Mel Few	*Ms Denise Turner-Stewart

Deputy Cabinet Members:

*Mrs Natalie Bramhall	*Mr Wyatt Ramsdale
*Mr Cameron McIntosh	*Miss Alison Griffiths

\* = Present

**PART ONE**  
**IN PUBLIC**

**198/18 APOLOGIES FOR ABSENCE [Item 1]**

An apology was received from Ms Charlotte Morley.

**199/18 MINUTES OF PREVIOUS MEETING: 27 NOVEMBER 2018 [Item 2]**

The Minutes of the meeting held on 27 November 2018 were approved as a correct record.

**200/18 DECLARATIONS OF INTEREST [Item 3]**

There were no declarations of interest.

**201/18 PROCEDURAL MATTERS [Item 4]**

**1 MEMBERS' QUESTIONS [Item 4a]**

There were no Member questions.

**202/18 PUBLIC QUESTIONS [Item 4b]**

There were no public questions.

**203/18 PETITIONS [Item 4c]**

There were no petitions.

**204/18 REPRESENTATIONS RECEIVED ON REPORTS TO BE CONSIDERED IN PRIVATE [Item 4d]**

No representations were received.

**205/18 REPORTS FROM SELECT COMMITTEES, TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL [Item 5]**

There were no reports to consider.

**206/18 LEADER / DEPUTY LEADER / CABINET MEMBER DECISIONS/ INVESTMENT BOARD TAKEN SINCE THE LAST CABINET MEETING [Item 6]**

**RESOLVED:**

To note the decision taken by the Cabinet Member for Environment & Transport.

**Reason for decision:**

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

**207/18 CHILDREN'S IMPROVEMENT PLAN [Item 7]**

The Cabinet Member for Children, Young People & Families introduced the Children's Improvement Plan and explained how the plan aligned with the Council's Vision that 'no one is left behind' and how every child matters. She explained that a solid plan was in place and had been agreed by the Children's Services Commissioner. She also explained some of the work that had taken place since the appointment of the Executive Director for Children, Families & Learning including changes to governance arrangements and the consultations taking place. The Ofsted Priority Board had an independent chairman that brought rigor to the Board. It was also smaller with key, high level membership. She also stressed that to ensure delivery of the plan openness, honesty and partnership working were essential.

There was some discussion about the timings of reports and Cabinet requested a report prior to the Commissioner's visit expected in April 2019. Thanks were extended to staff for the work undertaken.

**RESOLVED:**

1. That the significant improvement required across children's services in Surrey was acknowledged and the delivery of improvement work wherever it was needed fully supported.
2. That the development of the Children's Improvement Plan, in response to the 2018 inspection of Children's Services was noted and the governance arrangements that have been put in place to oversee its delivery endorsed.
3. That the progress made on the delivery of the Children's Improvement Plan be reviewed by Cabinet prior to the Commissioner's visit. The Commissioner will visit Surrey and review progress in April 2019 – an

update to Cabinet will follow this visit and publication of the Commissioner's report to the Secretary of State.

4. That Children's Services performance data be shared with the Children and Education Select Committee.

**Reason for decision:**

The Children's Improvement Plan outlined the work needed in key operational areas that were reviewed during statutory inspections from Ofsted. Improving practice in these areas was essential to ensure the needs of children and families in Surrey were being met with the right services being provided in the right way and at the right time.

The Department for Education (DfE) appointed Children's Commissioner would review progress and report to the Secretary of State in April 2019.

**208/18 COMMISSIONING OF PERSONAL SUPPORT SERVICES FOR CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES [Item 8]**

The Cabinet Member for Children, Young People & Families introduced the report explaining the different lots to the contract. She stated that this formed part of the Transformation Programme, widening the offer of the personal support element of short breaks to include better provision for the range of complex needs of the children and young people entitled to the service. Furthermore, the framework agreement would reduce costs to the Council. She also explained that this was a framework agreement which would reduce costs to the Council.

She also explained how Family Voice had expressed concerns about the effects of this service with the Children's and Adolescent Mental Health Service (CAMHS). The concerns had been acknowledged and work was being undertaken to improve mental health services for children. In response to Member queries it was stated that Family Voice had been involved in identifying issues with the contract and their contributions would be welcomed going forward, along with other groups.

**RESOLVED:**

That the setup of a Light Touch Dynamic Purchasing System (DPS) for the commissioning of Personal Support for Children, Young People and their Families be approved. This would enable call-off placements to be made under the Light Touch DPS from 1 April 2019 – 31 March 2022. (If both extension years are used the Light Touch DPS end date will be 31 March 2024.)

**Reason for decision:**

The current arrangements end on 31 March 2019 and the Council had statutory duties to provide these services. The Council needed to ensure spend on personal support was compliant with procurement regulations and addressed current overspend.

Feedback from professionals and families had indicated that there were limitations to the previous framework in terms of choice, flexibility and overall

availability. Therefore a different approach was required. The new specifications would support improved outcomes for children and families.

The Light Touch DPS provided the opportunity to improve choice and flexibility for families through a dynamic list of approved suppliers. Support will be called off through the lifetime of the Light Touch DPS, therefore limiting spot-purchases and, as a result, the new approach should offer better value for money.

## **209/18 APPROVAL TO AWARD A CONTRACT FOR THE PROVISION OF YOUNG PEOPLE SUBSTANCE MISUSE SERVICE [Item 9]**

The Leader of the Council introduced this report and highlighted that the new contract would support 120 more people and the age range had been extended from 21 to 25 years of age. The contract would also provide evidence based interventions and accessibility to the service would be improved.

There was some discussion about the use of and the carrying of illegal drugs. County Lines, a project including the Metropolitan Police, had performed an operation at Woking Station and the numbers either carrying or found with traces of drugs was shocking. The Leader explained that the Health & Wellbeing Board were looking at health priorities for the next 10 years and that alcohol/substance misuse was one of them.

### **RESOLVED:**

That the award of contract for the provision of Surrey's Young People's Substance Misuse Service to Catch 22 be approved. The contract will be for a period of three years from 1 April 2019, with an option to extend for a further three years in one year intervals.

### **Reasons for decision:**

The existing contract will expire on 31 March 2019. A competitive tender process, in compliance with the requirements of Public Contract Regulations and Procurement Standing Orders, had been completed. The recommended suppliers offered overall best value for money in the procurement process.

The Council's statutory responsibilities for public health services were set out in the Health and Social Care Act 2012 in which the provision of substance misuse services was mandated. This service had been funded via the ring-fenced Public Health Grant and supported the Council's duty to improve public health and provide facilities for the prevention or treatment of illness.

The award of this contract would enable uninterrupted provision of the service and would contribute towards the Council's Vision for Surrey in 2030 by supporting young people to have a positive start in life and addressing issues affected by their substance misuse as early as possible in order for them to lead healthy and fulfilling lives.

Each of Surrey's ambitions for people are supported within this contract:

- children and young people are safe and feel safe and confident;
- everyone benefits from education, skills and employment opportunities that help them succeed in life;

- everyone lives healthy, active and fulfilling lives, and makes good choices about their wellbeing;
- everyone gets the health and social care support and information they need at the right time and place; and
- communities are welcoming and supportive, especially of those most in need, and people feel able to contribute to community life

In addition, this service would fulfil key priorities within Surrey's Health and Wellbeing Strategy, including:

- improving children's health and wellbeing;
- developing a preventative approach;
- promoting emotional wellbeing and mental health; and
- safeguarding the population

This service would generate a number of benefits for Surrey's residents by supporting the Early Help and Family Resilience models, resulting in anticipated financial savings for Surrey. Based on Public Health England's Return on Investment Tool in which 'for every £1 spent on young people's drug and alcohol interventions brings a [cost avoidance] benefit of £1.93 within two years and up to £8.38 in the long term', there could be cost avoidance savings made of approximately £3.7million in the long term and £211,392 in Social Value.

#### **210/18 PREPARATION OF THE NEW SURREY WASTE LOCAL PLAN: SUBMISSION PLAN [Item 10]**

Three Members stated that they would be abstaining from the vote of this decision even though the advice from the Monitoring Officer had been that they did not have a prejudicial interest.

The Cabinet Member for Environment & Waste introduced the report and the background to this very big piece of work. 200 sites had been assessed and five sites had been allocated, four of which were in the green belt. Planning authorities had been requested to remove these sites from their Local Plans as green belt sites. He described how the plan was being challenged for legality and soundness. He also stressed that this was at a very early stage and allocation did not mean planning consent and there was still a very long way to go to get to that stage.

#### **RESOLVED:**

1. That the Council submits the Surrey Waste Local Plan (Submission Plan) to the Secretary of State following its publication for representations under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. That delegated authority be given to the Executive Director of Highways, Transport & Environment to approve any non-material changes to the Plan in consultation with the Cabinet Member for Environment & Waste prior to its publication and during its Examination.
3. That the Council's revised Minerals and Waste Development Scheme December 2018 was agreed.

4. That the Council publishes an updated draft Statement of Community Involvement for consultation in Spring 2019 was agreed.

**Reasons for decision:**

It was a statutory requirement for Surrey County Council to have a Waste Local Plan and the National Planning Policy Framework (NPPF) emphasised that Local Plans should be kept up to date. A new Surrey Waste Local Plan (the Plan) was being prepared that would replace the 2008 Surrey Waste Plan (SWP) and would cover the period from 2018 to 2033. The Plan would ensure that planning policy for the management of waste reflected a more recent assessment of the need for waste management in Surrey as well as the current and likely future opportunities and constraints for such development. Regulations governing the plan-making process require that such plans are submitted to the Secretary of State following a period for representations on soundness and compliance with relevant legislation.

The Plan included a vision for Surrey to be sustainable in terms of waste management. This meant encouraging communities to prevent waste and to manage waste that was produced in the most sustainable way by provision of recycling and recovery facilities in the right locations at the right time. The Plan expected facilities to maximise the resource potential of waste by managing waste as high up on the waste hierarchy as possible.

Waste data was published annually in November and the published Plan would include the latest available 2017 data and any consequent non-material changes to the Plan. Such changes, and any other minor changes considered desirable, would be made by the Executive Director, in consultation with the Cabinet Member, prior to the Plan publication in mid-January 2019.

The associated timetable for preparing the Plan and statement on how communities were involved in the preparation of planning policy and consultation on planning applications also required updating to ensure they reflected the current programme for preparing the Plan and new legislative requirements.

*Mr Mel Few, Mr Tim Oliver and Mr Matt Furness abstained from voting on this item.*

**211/18 UPDATED HIGHWAY ASSET MANAGEMENT STRATEGY AND POLICIES  
[Item 11]**

The Cabinet Member for Highways introduced a report which detailed the updates to policies and strategies for Highways. He explained how prioritising road repairs had been modified to take account of evidence from officers and Members. Local Committee feedback had been taken into account that the policies now meant a more flexible approach and were fit for purpose.

A few Members mentioned the noticeable improvement in roads around Surrey and thanked the Highways Team.

**RESOLVED:**

1. That the following policies and strategy be approved:
  - a) the Capital Scheme Prioritisation Policy;
  - b) the Skid Resistance Policy;
  - c) the Hierarchy Definition Policy;
  - d) the Highway Safety Inspection Policy; and
  - e) the revised Highway Asset Management Strategy
2. That delegated authority be given to the Cabinet Member for Highways to review and update Policies as set out in a) to e) in response to changes in legislation, guidance or practice in the future.

**Reason for decision:**

To ensure that these policy documents were updated to accurately and clearly explain to elected Members and the public how Surrey County Council Highways:

- Prioritises its capital highway works,
- Monitors and reviews skid resistance of the highway
- Defines its network hierarchy
- Undertakes Highway Safety Inspections, and
- Manages its Highway Assets with consideration to risk and value for money.

**212/18 WATER AND WASTE WATER SERVICES [Item 12]**

The Leader of the Council introduced this report that set out recommendations arising from work on options for the provision of water and waste water services to premises owned or operated by the County Council and outlined a competitive tender procurement process in order to select a supplier to deliver the service.

**RESOLVED:**

That the award of a two Year plus one Year optional contract to Castle Water Limited for the provision of water and waste water services to Surrey County Council be approved.

**Reason for decision:**

Water and waste water services were essential in order for the Council to continue operating its premises in a way which was compliant to relevant standards of health and safety.

The award of this contract would enable uninterrupted provision of the service while reducing the current number of providers and the processing of multiple invoices. It would also generate pricing reductions of an estimated £26,000 per annum for the Council against current costs.

A mini-competition and e-auction process in compliance with the requirements of Public Contract Regulations and Procurement Standing Orders had been completed. The recommended supplier offered overall best value for money in the procurement process which was carried out by Crown Commercial

Services on behalf of Orbis partners: Surrey County Council, East Sussex County Council and Brighton and Hove City Council.

### **213/18 FEES AND CHARGES POLICY [Item 13]**

The Cabinet Member for Finance explained how the review of fees and charges was part of the Council's transformation programme. The proposed policy provided guidance on the setting of new charges and the policy context within which existing charges are to be reviewed. It confirmed the Council's approach to cost recovery and income generation and the governance processes.

#### **RESOLVED:**

1. That the proposed fees and charges policy be adopted.
2. That any discretionary services, whether currently provided free of charge or with some element of subsidy, will be subject to a full review including appropriate consultation before a decision is taken on whether the subsidy was to continue.

#### **Reason for decision:**

The Council was facing a serious financial situation which meant that its approach to the delivery of discretionary services, for which a charge is permissible, needed to be appropriate. The fees and charges policy ensured that a consistent, transparent and policy based approach was adopted by the Council in order to eliminate unintentional subsidies or reconsider subsidies that may no longer be supportable within the current financial context.

### **214/18 LOCAL GOVERNMENT OMBUDSMAN REPORT [Item 14]**

The Monitoring Officer presented her report and gave background details to the complaint, which arose from the Council's failings in dealing with a previous complaint about educational provision for a child with special educational needs. She explained that a number of changes to processes had been put in place to ensure that this particular issue did not reoccur. The Local Government Ombudsman (LGO) was fully satisfied that appropriate assessments had been carried out to ensure that there had not been any significant impact on the child's educational attainment. Statutory notices had been published in two newspapers and all Members of the Council would receive a copy of the Ombudsman's report.

The Leader of the Council extended his apologies for the failings in the handling of the original complaint and was pleased that changes had now been put in place and the child was receiving support. It was requested that all complaints that involve the LGO are also sent to the relevant Cabinet Member in order that they can keep track of it.

#### **RESOLVED:**

1. That the Ombudsman's report and the steps taken by the service to address the findings was noted.



2. That no further action should be taken.
3. That the Monitoring Officer would bring her report to the attention of all councillors was noted.
4. That all future complaints raised with the Ombudsman be notified to the relevant Cabinet Member.

**Reason for decision:**

There was a statutory requirement for the Monitoring Office to bring to Members' attention any Ombudsman report on the Council that identified it is at fault and has caused injustice as a result.

**215/18 MONTHLY BUDGET MONITORING REPORT [Item 15]**

The Cabinet Member for Finance reported highlights from the Government's budget announcements. He explained that Surrey had not been chosen to be part of the Business Rate Retention scheme for 2019/20, the Council Tax levy had not changed and there had been no comment on the fair funding formula and the Green paper on Adult social care was also delayed.

He went on to introduce the report and drew Cabinet's attention to the S151 commentary and the Equalities and Impact Statement in the report.

The Leader of the Council reinforced the message that the Council needed to get into a financial sustainable position and that difficult decisions would need to be taken. However, the Council was a long way towards identifying and delivering savings.

**RESOLVED:**

That the Council's overall revenue and capital budget positions as at 31 October 2018 be noted:-

- -£8m forecast reduction in the need to use reserves;
- £63m savings forecast against the £66m MTFP target;
- £29m completed actions towards achieving £40m in year cost reductions;
- The additional in-year government grant funding for winter pressures in adult social care (Annex 2 para 13), and
- £133m forecast service capital programme outturn against £135m budget.

**Reason for decision:**

This report was presented to comply with the agreed policy to provide a monthly budget monitoring report to Cabinet for approval and action as necessary.

## **216/18 AWARD OF FRAMEWORK AGREEMENTS AND CALL OFF CONTRACTS FOR THE PROVISION OF LEGAL SERVICES [Item 16]**

The Leader of the Council introduced this report that described the procurement process for a new framework agreement that would give access to external specialised legal advice and support, from solicitors and barristers in the form of both transactional case work and counsel/advocacy on a wide variety of areas of law for the Orbis Public Law authorities. He emphasised that there was no commitment on the Council.

### **RESOLVED:**

That Surrey County Council award the external legal services framework for three years, plus a three year optional extension period (total six year term) and any respective call off contracts, in conjunction with the Orbis Public Law authorities.

### **Reason for decision:**

The Council had a framework agreement in place for the provision of external legal services (Surrey Provision of External Legal Services (SPELS) Framework), which was due to expire on 28 February 2019.

The new framework agreement brought together the requirements of the Orbis Public Law (OPL) authorities and Surrey and Sussex District and Borough Councils. The potential value of spend across all the authorities (approximately £60m) meant that the tender offered an attractive opportunity for the market and greater economies of scale.

The framework agreement would enable the OPL authorities to:

- a. cover the provision of external legal services advice and support across Surrey, East Sussex, West Sussex and the city of Brighton & Hove;
- b. ensure an up to date specification that meets OPL's requirements;
- c. deliver a cost effective service and enable instructions to be issued to external legal providers much faster than if no framework existed;
- d. obtain up to date competitive rates;
- e. achieve savings through efficiencies and monitoring usage more closely;
- f. offer OPL staff more flexibility and access to a wider range of specialist expertise.

The new framework agreement had been procured through a full tender procedure with a thorough evaluation process, which had identified that to award framework agreement and call off contracts to a number of providers would provide Surrey County Council with the best value for money.

## **217/18 EXCLUSION OF THE PUBLIC [Item 17]**

**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.

**218/18 COMMISSIONING OF PERSONAL SUPPORT SERVICES FOR CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES [Item 18]**

The Cabinet Member for Children, Young People & Families introduced the Part 2 annex that contained 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).

There was discussion about how ‘quality’ was defined and requested that definitions be included in future reports.

**RESOLVED:**

See Minute 208/18.

**Reason for decision:**

See Minute 208/18.

**219/18 APPROVAL TO AWARD A CONTRACT FOR THE PROVISION OF YOUNG PEOPLE SUBSTANCE MISUSE SERVICE [Item 19]**

The Leader of the Council introduced the Part 2 annex that contained 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 Minute 209/18 and Exempt Minute [E-26-18].

**Reason for decision:**

See Minute 209/18.

**220/18 WATER AND WASTE WATER SERVICES [Item 20]**

The Leader of the Council introduced the Part 2 annex that contained 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 Minute 212/18.

**Reason for decision:**

See Minute 212/18.

**221/18 AWARD OF FRAMEWORK AGREEMENTS AND CALL OFF CONTRACTS FOR THE PROVISION OF LEGAL SERVICES [Item 21]**

The Leader of the Council introduced the Part 2 annex that contained 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).

It was commented that only 9% of providers were Surrey based and that this was far short of the Council target of 50%. Where this occurred in future it was requested that an explanation for this form part of the report. The social values detailed in this Part 2 annex should have been in the public report.

**RESOLVED:**

See Minute 216/18.

**Reason for decision:**

See Minute 216/18.

**222/18 PUBLICITY FOR PART 2 ITEMS [Item 22]**

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

Meeting closed at 3.25 pm

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**Chairman**