

COUNTY COUNCIL

COUNTY COUNCIL MEETING – 25 NOVEMBER 2008

MINUTES of the Meeting of the County Council held at the County Hall, Kingston upon Thames on Tuesday 25 November 2008 commencing at 10:30am, the Council being constituted as follows:

Mrs Angela Fraser DL – Chairman
Mr Geoff Marlow – Vice-Chairman

Mr Victor Agarwal	Yvonna Lay
Mrs Mary Angell	Mr R A N Lowther
Mr Timothy Ashton	Mr Ernest Mallett
Mr Cyril Baily	* Mrs Sally Ann B Marks
Mr W D Barker OBE	Mr Peter Martin
Ian Beardsmore	Mrs Jan Mason
Mr Mike Bennison	Mrs D M Mitchell
* Mr Laurie Burrell	Mrs Marsha J Moseley
Mr Fred Chipperfield (left 3pm)	Mr D J Munro
Mrs Helyn Clack	Marian Myland
* Mrs Carol Ann Coleman	* Mike Nevins
Mrs Elizabeth Compton	Tim Oliver
Mr Stephen Cooksey (left 3pm)	Eddie Owen
Mr Andrew Crisp	Mr Alan Peirce
Frank Davies	Mr Nigel Petrie MBE
Mr David Davis	Mr Tom Phelps-Penry
Sarah Di Caprio	Chris Pitt
Mr Terry Dicks	* Dr Andrew Povey
Mr John Doran	Mr Kenneth Rimington (left 3.40pm)
Mr John Farmer	Mr Tony Rooth (left 3.10pm)
Mr Chris Frost	Mrs Dorothy Ross-Tomlin
* Mrs Pat Frost	Mrs Denise Saliagopoulos
Mr David Goodwin	Mrs Lavinia Sealy
Mr Michael Gosling	* Mrs Pauline Searle
Dr Lynne Hack	Mr N W Skellett CBE
Tim Hall	* Chris Slyfield
Mrs K Hammond	Mrs Diana Smith
* Mr Simon Harding	Mr James E Smith OBE
Mr David Harmer	Jean Smith
Mr Nick Harrison	Mrs Christine Stevens
Ms Marisa Heath	* Mr Shamas Tabrez
Mr Peter Hickman	Mr Roy Taylor
Mrs M A Hicks	Mr Colin Taylor
Mr David Hodge	Mrs Val Tinney
Mr David Ivison (left 3.30pm)	Denise Turner-Stewart
Mr Daniel Kee	Mrs Hazel V A Watson
Frances King	Mrs Fiona White
Mr Ian R Lake	Mrs Elise S Whiteley
Mr Peter Langham (left 3.40pm)	

*absent

111/08 **MINUTES (ITEM 1)**

The minutes of the meeting of the County Council held on 14 October 2008 were submitted, confirmed and signed.

112/08 **APOLOGIES FOR ABSENCE (ITEM 2)**

Apologies for absence were received from Mr Burrell, Mrs Coleman, Mrs Frost, Mr Harding, Mrs Marks, Mr Nevins, Dr Povey, Mrs Searle and Mr Slyfield.

113/08 **CHAIRMAN'S ANNOUNCEMENTS (ITEM 3)**

The Chairman made the following announcements:

- (i) With deepest regret, the Chairman reported the death of Maurice Neighbour on Wednesday 19 November 2008. Mr Neighbour had served as County Councillor for Camberley East since 1997. Members stood in silent tribute.
- (ii) She also reported the death of former County Councillor, Douglas Simpson.
- (iii) She made a statement concerning the retirement of the Chief Executive, Richard Shaw and publicly thanked him and his wife, Poorna, for their service to the people of Surrey.
- (iv) She said that this year marked the 60th Anniversary of the adoption of the United Nations Universal Declaration of Human Rights and that to mark the occasion civic leaders nationwide had been asked to rededicate their communities to the principles of the Declaration and therefore duly signed the document before Members.
- (v) She reminded Members about the special Council meeting at 10.00am on Tuesday 9 December 2008, to discuss the new Governance Arrangements that would be adopted following the County Council elections.
- (vi) Finally, she invited Mr Skellett to make a statement regarding the recent data security breach. (Appendix A)

114/08 **DECLARATION OF PERSONAL AND PREJUDICIAL INTERESTS (ITEM 4)**

There were none.

115/08 **MEMBERS' QUESTION TIME (ITEM 5)**

Notice of 15 questions had been received. The questions and replies are attached as Appendix B.

A number of supplementary questions were asked and a summary of the main points is set out below:

(Q4) Mr Mallett considered that the reply was unhelpful and that the County Council's views had not been adequately represented by Elmbridge Borough Council. He acknowledged that most objectors were looking for some development of the Jolly Boatman / Hampton Court station site but felt that the borough had watered down Surrey County Council's response in their report. He asked the Executive Member for Environment for his views and was advised that the role of the County Council in this matter was as a statutory consultee. Consideration of this planning application was entirely a matter for Elmbridge Borough Council.

(Q5) Mr Ashton said that there should be a clear policy concerning the funding of maintenance for Vehicle Activated Signs. The Executive Member for Transport responded by stating that there was no budget for this provision. However, it could be considered in future but any budget for this maintenance would mean funding being reduced in other areas.

(Also, Q5) Mr Rooth asked the Executive Member for Transport to ensure that there was proper and regular employment of Vehicle Activated Signs. The Executive Member for Transport confirmed that procedures were already in place and that the Authority worked closely with the Police and local committees. However, he considered that as these signs had been in place for two / three years, it may be timely to conduct a review.

(Q6) Mrs Angell explained that in Runnymede, due to the number of level crossings, two separate fire crews were dispatched for emergency calls and that it was important that the views of the Fire and Ambulance services were obtained as part of the consultation process on the Heathrow Airtrack proposal. The Executive Member for Transport said that the Executive would be forming a view on the proposal when the matter was considered at its meeting on 2 December 2008. He also said that, currently the officer report did not include the responses from Spelthorne and Runnymede Local Committees, which would be tabled at the meeting. He reassured Mrs Angell that her concerns on the 'fire factor' would be taken into account.

(Also, Q6) Ms Heath said that there were currently four manually operated level crossings in the Egham area and asked the Executive Member for Transport if he had any influence with

Network Rail to get the signalling technology updated. The Executive Member said he would be inviting the Executive to agree that this, and other concerns raised, could be mitigated by an area solution that Surrey County Council would be urging BAA to adopt.

(Also, Q6) Mr Lowther wanted to reiterate what he had already mentioned at the local committee, concerning the short platforms at Chertsey station, which resulted in trains drawing up twice. This could be a problem for eight carriage trains. The Executive Member thanked him for bringing this issue to his attention.

(Also, Q6) Mr Beardsmore endorsed the concerns of other Members and said that both Spelthorne and Runnymede Boroughs had serious concerns with Airtrack. He said that he was concerned that more frequent use of level crossings would prevent people coming to Staines and he would be urging BAA to look at the shopping impact. The Executive Member for Transport acknowledged that Airtrack could affect shopping in Staines. He also said that the Staines 'chord' would have an additional impact on Staines because some car parking spaces would be removed.

(Also, Q6) Mrs Lay expressed concern about the implications in her division – given the number of level crossings, there would be disruptions to journeys and more traffic jams, which could affect air quality in the area. She urged the Executive Member for Transport not to ignore the views of local residents. The Executive Member said that he had received other complaints about the consultation process and informed Members that he was hoping that BAA would be attending the Transportation Select Committee on 3 December 2008. He also said that, following the end of the consultation period, Surrey County Council would continue to be involved with BAA in devising the scheme. The Leader of the Council said that the Regional Transport Board had given support to Airtrack. However, he would ensure that the concerns raised by Members were taken into account by the Regional Transport Board.

(Q8) Mr Doran referred to the risk register from 15 October and said that the key indicator was 'amber'. He asked the Executive Member for Children and Families whether she was satisfied with this result because he considered that mitigating action could be required. She responded by stating that the service was working on improving this indicator and that she hoped that it would be 'green' by February / March 2009.

(Also, Q8) Mrs White referred to the recent seminar on 'Pushy Parents' and asked the Executive Member for Children and Families whether she could provide assurance about the level of workload for social workers in Surrey and also if it was reduced when cases became more complicated. She was advised, by the Executive Member, that that social workers in Surrey currently were

responsible for about 15 –20 cases each. She acknowledged that this number was on the high side but efforts were being made to reduce it and that the County Council was making a concentrated effort to recruit experienced social workers.

(Also, Q8) Mrs Turner-Stewart asked about the timescales attached to the self-reporting Audit and the Workforce Development Programme and was advised by the Executive Member for Children and Families that the Audit was going through the Safeguarding Children's Board. She said that, with effect from this month, the County Council would be working in partnership with the Police, Primary Care Trust and schools to safeguard children. She also informed Members that, as part of the self-reporting Audit, all staff, including those working with children in the Police and Primary Care Trust, had been asked to complete a questionnaire in which they were asked about their training needs, supervision and familiarity with procedures.

(Also, Q8) Mr Farmer considered that a Project Manager was required and asked the Executive Member for Schools, Children and Youth Services if the County Council had taken into account the work of the Children's Trust. The Executive Member said that new guidance (to ensure that all agencies worked together seamlessly) recently issued by the Trust would be shared with Mr Farmer. He also informed Members that his portfolio had the statutory responsibility for safeguarding children and that it was essential to remain vigilant.

(Q9) Mrs Watson asked the Executive Member for Resources what action had been taken to address the failings identified by the Independent Auditor and was advised that this report had been a snapshot of the Authority as at 31 March 2008. Since then, action had been taken and procedures were in place to address the identified weaknesses.

(Q10) Mrs Di Caprio reminded Members that local allocations could be used to introduce 20 mph zones in residential areas and asked the Executive Member for Transport for clarification about financial resources and the assessment of these schemes. He responded by stating that their introduction was also subject to officer resources being available to progress the schemes. However, he agreed that local allocations could be used, providing that the necessary council policies were adhered to.

(Also, Q10) Mr Bennison said that it was important that the Highways Service ensured that there was consistency across Surrey concerning 20mph zones. The Executive Member for Transport offered to investigate any specific problems in Elmbridge, with Mr Bennison, outside the meeting.

(Q11) Mrs Diana Smith considered that it was not clear that the booklet 'Joint Area Review for Young People' had been written by young people. She also said that it was difficult to find the booklet on Surrey County Council's website and asked the Executive Member for Children and Families for her views. She was advised that the Executive Member would take up the website issue with the Communications Service. The Executive Member also said that the young people were proud of their achievement and that it was their interpretation of the Joint Area Review Inspection report.

(Q12) Mr Dicks asked the Leader of the Council for clarification concerning Members' contribution to improvements in the Children's Service, following the Ofsted inspection report. Whilst the Leader acknowledged that the embargo of the inspection report had complicated matters, he considered that, since the embargo had been lifted, select committees had been given every opportunity to monitor the progress of the actions identified in the improvement plan and that the County Council was doing everything possible to mitigate this damaging report. He continued by stating that the External Improvement Board was an important part of this improvement programme.

(Also, Q12) Mrs Angell said that an improvement notice had also been served on the Primary Care Trust and this was being monitored by the Strategic Health Authority. She asked the Leader if the Government Office for South East (GOSE) would be scrutinising the Surrey County Council's action plan and received confirmation from both the Leader and the Executive Member for Schools, Children and Youth Services that GOSE would be doing this on a regular basis.

(Also, Q12) Mr Hodge expressed concern about the Improvement Board not meeting in public and therefore not subject to scrutiny. He considered that the County Council was losing an opportunity for select committees to become involved in monitoring the improvements. The Leader of the Council said that the Board would be scrutinising the Authority and reporting back to Government and GOSE on any lack of progress.

(Q13) Mr Rooth said that a school in his division had experienced similar problems with 'flashing lights' and requested that the Executive Member for Transport reviewed the warranties on the equipment.

(Q14) Mrs Watson asked the Executive Member for Support Services whether, in view of the increasing large energy bills, the Authority had received advice from the Carbon Trust and if so, had it acted on any recommendations. The Executive Member said that an Energy Efficiency Manager had been appointed and would be looking at potential areas for savings.

(Q15) Mrs Watson asked the Leader of the Council what recommendations had been received from the Information Commissioner and whether they had been acted upon. She was advised that the commissioner had been contacted by email and that he had received a telephone call, which had confirmed that all actions being taken by Surrey County Council were satisfactory.

(Also, Q15) Mr Harrison asked the Leader of the Council to ensure that letters were also sent to IT companies who spend less than £500K pa to ensure that they met necessary levels of data security. The Leader agreed to take this matter up with the Head of Information Management & Technology.

116/08 **SURREY POLICE AUTHORITY (ITEM 6)**

No questions had been received for the Surrey Police Authority.

117/08 **REPORT OF THE SURREY POLICE AUTHORITY (ITEM 7)**

A written statement on the work of the Surrey Police Authority had been included in the agenda.

118/08 **STATEMENTS BY MEMBERS (ITEM 8)**

There were 2 statements from Members:

- Mr Farmer reminded Members that he was organising a Quality Assurance seminar, which would be held on 13 January 2009.
- Mr Ivison made a statement concerning the recent publication of the best top 10 areas to live in this country, which had included Elmbridge and Surrey Heath.

119/08 **ORIGINAL MOTIONS (ITEM 9i)**

Under Standing Order 11.3, the Council agreed to debate this motion.

Under Standing Order 10, Mr Stephen Cooksey moved the motion standing in his name, which was formally seconded by Mrs Fiona White, as follows:

'This Council notes that the present Parliament has approved the Identity Card Act 2006.

This Council believes that:

- the use by government of the ID card and database will have a detrimental effect on the relationship between the individual and the state;

- the scheme will impose wholly disproportionate costs on the Council and other public bodies which will include both implementation and operational costs;
- this will have a damaging effect on all residents of Surrey.

This Council resolves, unless required to do so by law, to:

- (1) take no part in any pilot scheme or feasibility work in relation to the National Identity Card Scheme;
- (2) establish as Council policy that National Identity Cards will not be required in order to obtain Council benefits or services;
- (3) refuse to participate in the national database.'

After 9 Members had spoken on the motion, it was put to the vote.

Mr Agarwal requested a recorded vote. 10 Members stood in support of this request.

The following Members voted for:

Mrs Angell, Mr Beardsmore, Mrs Clack, Mr Cooksey, Mr Crisp, Mr Davis, Mrs Di Caprio, Mr Dicks, Mr Doran, Mr Farmer, Mrs Fraser, Mr Frost, Mr Goodwin, Mr Gosling, Dr Hack, Mr Hall, Mrs Hammond, Mr Harmer, Mr Harrison, Ms Heath, Mr Hickman, Mrs Hicks, Mr Hodge, Mrs King, Mr Lake, Mrs Lay, Mr Mallett, Mr Marlow, Mrs Mitchell, Mrs Moseley, Mrs Myland, Mr Owen, Mr Petrie, Mr Phelps-Penry, Mr Pitt, Mr Rooth, Mrs Ross-Tomlin, Mrs Saliagopoulos, Mrs Sealy, Mr Skellett, Mrs Diana Smith, Mr Colin Taylor, Mrs Turner-Stewart, Mrs Watson, Mrs White and Mrs Whiteley.

The following Members voted against:

Mr Agarwal, Mr Ashton, Mr Barker, Mr Bennison, Mr Chipperfield, Mrs Compton, Mr Davies, Mr Ivison, Mr Kee, Mr Langham, Mr Lowther, Mr Martin, Mrs Mason, Mr Munro, Mr Oliver, Mr Rimington, Mr Smith, Mrs Jean Smith, Mrs Stevens and Mr Roy Taylor.

The following Members abstained:

Mr Baily and Mrs Tinney.

Therefore, it was:

RESOLVED:

This Council notes that the present Parliament has approved the Identity Card Act 2006.

This Council believes that:

- the use by government of the ID card and database will have a detrimental effect on the relationship between the individual and the state;
- the scheme will impose wholly disproportionate costs on the Council and other public bodies which will include both implementation and operational costs;
- this will have a damaging effect on all residents of Surrey.

This Council resolves, unless required to do so by law, to:

- (1) take no part in any pilot scheme or feasibility work in relation to the National Identity Card Scheme;
- (2) establish as Council policy that National Identity Cards will not be required in order to obtain Council benefits or services;
- (3) refuse to participate in the national database.

120/08 **ORIGINAL MOTIONS (ITEM 9ii)**

Under Standing Order 11.3, the Council agreed to debate this motion.

Under Standing Order 10, Mrs Hazel Watson moved the motion standing in her name, which was formally seconded by Mr Ian Beardsmore, as follows:

'In view of the downturn in the economy which is adversely affecting Surrey residents, businesses and the County Council itself, this Council calls for an urgent review of the Council's policies, priorities, budgets and plans to reflect these changed economic circumstances and changing demands for the Council's services; examples of which include

- higher energy prices,
- a downturn in the property market,
- lower interest rates,

- investments are less secure,
- fewer parents will probably be able to afford private education,
- fewer people are likely to be able to self-fund their own care,
- more people can be expected to seek advice and help.'

Mr Andrew Crisp proposed an amendment, standing in his name (circulated at the meeting) and formally seconded by Mr James Smith, which was as follows:

'This Council continues to review the Council's policies, priorities, budgets and plans to ensure best value, quality and effectiveness for its residents, taking into account the additional pressures of the economic downturn.'

After 9 Members had spoken on the amendment, it was put to the vote.

Only 10 Members voted against the amendment. Therefore, the amendment was carried and became the substantive motion.

One Member spoke on the substantive motion before it was put to the vote, with the majority of Members voting for it. (10 Members voted against it.)

Therefore, it was:

RESOLVED:

That this Council continues to review the Council's policies, priorities, budgets and plans to ensure best value, quality and effectiveness for its residents, taking into account the additional pressures of the economic downturn.

ADJOURNMENT

The meeting adjourned for lunch at 12.45pm, part-way through item 9(ii) and resumed at 2.00pm with all those present who had been in attendance in the morning session except for Mr Baily, Mr Dicks, Mr Goodwin, Ms Heath, Mrs Moseley, Mr Peirce, Mr Petrie and Mr Roy Taylor.

121/08 **ORIGINAL MOTIONS (ITEM 9iii)**

Under Standing Order 11.3, the Council agreed to debate this motion.

Under Standing Order 10, Mr David Harmer moved the motion standing in his name, which was formally seconded by Mr David Davis, as follows:

'This Council calls on the Secretary of State for Local Government to re-consider her unsustainable proposals to modify the South-East Plan, including those of the inspectorate following the Examination in Public. Specifically, this Council requests her to withdraw the proposals (i) that the housing numbers quoted should be treated as minima and (ii) that 'windfalls' should not contribute to the housing numbers quoted.

This Council believes that the effect of the two above provisions would make proper planning for infrastructure development impossible because the projected increase in housing could not be predicted. As a result, it would be very difficult, if not impossible, for any planning authority to produce a 'sound' Local Development Framework.

This Council fully supports the recommendations at Item 11 of the Executive meeting of 21 October.'

After 15 Members had spoken on the motion, it was put to the vote and carried by a large majority. Only one Member voted against the motion and there were two abstentions.

It was:

RESOLVED:

This Council calls on the Secretary of State for Local Government to re-consider her unsustainable proposals to modify the South-East Plan, including those of the inspectorate following the Examination in Public. Specifically, this Council requests her to withdraw the proposals (i) that the housing numbers quoted should be treated as minima and (ii) that 'windfalls' should not contribute to the housing numbers quoted.

This Council believes that the effect of the two above provisions would make proper planning for infrastructure development impossible because the projected increase in housing could not be predicted. As a result, it would be very difficult, if not impossible, for any planning authority to produce a 'sound' Local Development Framework.

This Council fully supports the recommendations at Item 11 of the Executive meeting of 21 October.

122/08 **ORIGINAL MOTIONS (ITEM 9iv)**

Under Standing Order 11.3, the Council agreed to debate this motion.

Under Standing Order 10, Mr Nick Skellett moved the motion standing in his name, which was formally seconded by Mr Nick Harrison, as follows:

'In response to the Government's proposed debate on Adult Social Care and its funding, this Council agrees to call on Government:

- to fully fund a basic entitlement to social care free at the point of delivery;
- to set up an independent grants commission to take the politics out of the allocation of central government's funding to local authorities.'

Mr Stephen Cooksey proposed an amendment, standing in his name (circulated at the meeting) and formally seconded by Mrs Fiona White, which was to delete the last sentence of Mr Skellett's motion so that the amendment read as follows:

'In response to the Government's proposed debate on Adult Social Care and its funding, this Council agrees to call on Government:

- to fully fund a basic entitlement to social care free at the point of delivery'

After 8 Members had spoken on the amendment, Mr Cooksey agreed to withdraw his amendment, providing the Leader agreed to allow Members a separate vote on each part of the original motion.

The Leader agreed to this request and the original motion was put to the vote, in two parts.

Members voted unanimously for the first part of the motion.

On the second part of the motion, 8 Members voted against it and there was one abstention and therefore, the second part of the motion was also clearly carried.

It was:

RESOLVED:

In response to the Government's proposed debate on Adult Social Care and its funding, this Council agrees to call on Government:

- to fully fund a basic entitlement to social care free at the point of delivery;
- to set up an independent grants commission to take the politics out of the allocation of central government's funding to local authorities.

123/08 **REPORT BACK ON MOTIONS REFERRED (ITEM 10)**

Under Standing Order 11.6, the Council was required to consider the following report:

(a) Services for Vulnerable Children and Adults

The Chairman of the Adults and Community Care Select Committee presented the report of the Adults and Community Care Select Committee held on 3 September 2008.

RESOLVED:

That the report of the Adults and Community Care Select Committee held on 3 September 2008 be noted.

124/08 **REPORT OF THE EXECUTIVE (ITEM 11)**

Mr Skellett presented the report of the Executive's meetings held on 7 and 21 October and 4 November 2008.

(1) Statements/updates from Members

Apart from the statement from the Executive Member for Adults and Community Care on the Commission for Social Care Inspection of Adult Social Care, printed in the agenda papers, the following statement was made:

- The Executive Member for Children and Families on the recent inspection of the Fostering and Adoption service. (Copies of this statement were tabled at the meeting – Appendix C)

(2) Reports for Information / Discussion

The following reports were received and noted:

- Commission for Social Care Inspection: Independence, Wellbeing and Choice Inspection of Adult Social Care Services
- Surrey County Council's response to the Consultation on the Secretary of State's proposed changes to the draft South East Plan

(3) Minutes of the meetings of the Executive

Item 290/08 – School Admission Arrangements for September 2010 intake

Mr Barker expressed concern about school place planning and the transportation of pupils to schools further away.

Mrs Diana Smith asked the Executive Member for Schools, Children and Youth Services whether he could confirm that the Local Authority would adopt the recommendations of the Local Government Ombudsman concerning address checking and was given assurance that he hoped that these recommendations would be adopted.

RESOLVED:

That the report of the meetings of the Executive held on 7 and 21 October and 4 November 2008 be adopted.

125/08 **REPORTS OF COMMITTEES (ITEM 12)**

(a) Standards Committee

The Chairman of the Council presented the report of the Standards Committee held on 3 November 2008.

RESOLVED:

That the report of the meeting of the Standards Committee held on 3 November 2008 be noted.

(b) Health Scrutiny Committee

The Chairman of the Health Scrutiny Committee tabled a report of the work of the Health Scrutiny Committee (Appendix D). She also made a separate statement.

[The meeting ended at 3.50pm]

Chairman