



How to cut the County's cake?

29 March 2023



A Surrey MP challenges the cuts the County makes to supporting children with special educational and disability needs (SEND), in a classic how to cut the County Council's cake dilemma. Chris Caulfield LDRS reports.

Surrey County Council "may be in breach" of statutory duties over its decision to cut respite breaks for parents of children with special educational needs. The county council redesigned its short breaks services and has been able to maintain its provision of overnight care but, with the budget frozen at 2017 levels, cuts had to be made elsewhere.

It wrote to care providers saying it was freezing payments from April this year and issued a statement saying it was only "able to fund two-thirds of the current capacity in community-based play and youth schemes for children with disabilities".

Parents left furious and on the brink as they struggled to find ways to balance full-time care needs and work have been given a glimmer of hope by Runnymede and Weybridge MP Ben Spencer.

Dr Ben Spencer, MP for Runnymede and Weybridge, has written to Surrey County Council. Credit SurreyLive/Grahame Larter.

In a letter to a constituent, he said: "I have now written to Surrey County Council regarding their new policy on short breaks. I share your concerns about the impact the new policy will have on families. I understand the importance of short breaks and am grateful for you taking the time to raise these issues with me.

"Since receiving the response from Surrey CC and doing some research I am concerned that Surrey CC's new policy may be in breach of their statutory duties. "These duties are set out in the Children Act of 1989 include specific references to breaks for carers."

A spokesperson for Surrey County Council said the decision to freeze - rather than cut- funding was an "important decision" given the "real challenge for public finances" and that the authority understood the importance of these services for children, young people and their families.

They said: "We have a statutory duty to deliver a balanced budget and this means we have not been able to increase the budget for short breaks services at this time, in line with inflation.

"We understand the concern this may cause families and we are pleased to announce that we have been successful in securing £907k of Short Breaks Innovation funding for 2023/24 from the Department for Education.

"This will enable us to deliver some enhanced short breaks services for children and families with more complex needs in 2023/24, which we believe will make a real difference. Whilst there will still be changes to services, we hope this additional funding will be welcome news to families.

"This funding will be allocated to services that meet the highest level of need. In particular, we are committed to maintaining current capacity of overnight respite services for children who have been assessed as needing them, so that we fulfil statutory commitments in children's care plans."

Waking to Woking's woeful debt

29 March 2023



Epsom and Ewell Times has followed the finances at this sister Surrey borough. We all should perhaps be concerned and learn lessons from a County borough that can get in such a mess. In contrast Epsom and Ewell Borough Council has been balancing its books for years. At the end of the day where will the money come from to save Woking? Local Democracy Reporter Chris Caulfield reports:

The dire financial future of Woking Borough Council was laid bare with senior figures warning of the "significant risk" of it effectively going bankrupt as its cash reserves run dry.

The council's executive committee met on Thursday March 23 to hear an update on its financial strategy. It was told of the budgeted shortfall of £9.5m for the next financial year and the swingeing cuts coming as it moved to provide only the minimum levels of services - those it must provide by law.

Woking Borough Council's financial disaster is the product of years of heavy borrowing to pay for a failing investment portfolio. The previous administration had hoped this would generate income but instead it has saddled the local authority with annual interest repayments of more than £60m a year while only generating £38.5m.

Councillor **Dale Roberts** is now the portfolio holder for finance on the council. He said it had gone to the government seeking to lower the minimum amount it can set aside to repay its loans and has been searching for further "restrictions on expenditure necessary to address the budgeted shortfall of £9.5m for 24/25. He added: "Both of which relate to the ongoing and significant risk of issuing a section 114 notice."

Councils can not go bankrupt. Instead, they enter what is known as being under section 114 notice and means they cannot make new spending commitments.

He also said the council would seek to try to fund "transformational projects" through any capital receipts. Cllr **Ian Johnson** (Lib Dem, Mount Hermon) said: "It shows a stark issue, the deficit next year is £9.5million based on current numbers, and yet our services expenditure is just under £45m. So that's a 20 per cent difference. So we need either cost savings or revenue generation to be able to cover that gap of 20 per cent. Because the £62million interest payments we are making at the minute could well go up given today's interest rate rises.



"It's unaffordable at the present level. We know that DLUHC (the Department for Levelling up, Housing and Communities) have been in the office talking to us for the last couple of months. Until we get their report as well we won't be able to be definitive in where we're progressing with any of the business we've got including talking to the government about our debt levels and how we might be assisted in reducing the interest payments we make."

DLUHC was not expected to return any decision until the start of the new political year in May. Cllr Dale Roberts said: "The enormity of the task ahead of us for next year, the affordability of the borrowing, the degree that we have to find savings are deeply concerning."

Cllr **Stephen Dorsett** (Con. Pyrford) asked about the possibility of future savings if council was already operating at "statutory spend only" - that is for services the council is legally obligated to provide. Cllr Roberts said: "Even costs savings cost".

Leader of the council **Anne Marie Barker** said: "We're having to put controls on day to day spend and just keep a very tight rein on everything. We've got our balanced budget for the year by using reserves but going forward that £9.5m next year, and more than that the following year, we do need to do a fundamental review of what we're doing and how we're doing it. It's the only way we can make those budgets balance, the reserves aren't going to last forever."

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Breaking the mould for Ukrainian refugees

29 March 2023



Families fleeing war-torn countries such as Ukraine should not be placed in "derelict" and "mouldy" homes run by a Surrey council's housing association partner, a councillor has claimed.

Mole Valley District Council's scrutiny committee met to discuss the Department for Levelling Up, Housing and Communities £500million funding for local authorities to provide homes to Ukrainian and Afghan families via the resettlement and relocation schemes.

Councillor Paul Potter. Image credit: Surrey Live - Grahame Larter

If fully progressed, the council would receive about £1.5m to help deliver up to nine properties for families seeking refuge. These would then become part of the area's long-term affordable housing stock - available on a rental basis of 80 per cent market value.

The move was widely supported by members at the March 7 meeting but the council's main social housing provider, **Clarion** was criticised by councillors.

The housing association said it was investing £5m and "hiring 100 new staff" to tackle the problem.

Councillor **Paul Potter** (LD, Brockham, Betchworth and Buckland) said: "Great that we are helping people less fortunate than ourselves but I did have a couple of concerns, the first was that affordable rent was not actually affordable. My bigger concern is Clarion, if you are going to pick someone to do houses we should be doing it ourselves because my dealings with Clarion over the last God knows how many years has been a nightmare. It has got better, the chap they got now he's done more in seven days than they have in 10 years - so something is happening there. But to put someone in the houses I've seen, in the state they're in.

"I had a family actually move into Tanners Meadow from a house that was quite frankly derelict, mouldy, the kids area all on inhalers. These people have come from a war zone. They really don't want to be going into a damp house, like that young kid last year. So I do have a big concern that Clarion is taking over."

Cllr Potter was referencing the decision reached at Rochdale Coroner's Court which said two-year-old boy Awaab Ishak died following prolonged exposure to mould - three years after his parents first complained about damp in their one-bed Rochdale Boroughwide Housing association flat.

It also follows a statement issued in December 2022 when district leader, Cllr **Stephen Cooksey**, said he would write to Clarion Housing to address "widespread issues of mould and damp problems" and urged the association to give the problem "higher priority".

He said he was "fully supportive" of the **Housing Ombudsman's** report - where Clarion Housing was one of the six housing associations highlighted for multiple failings of damp and mould, complaint handling and record-keeping.

Cllr **Caroline Salmon** who presented the local authority housing fund report to the committee agreed that there has been an issue with damp and that efforts were underway to remedy the situation in Mole Valley.

The Lib Dem member for Beare Green said: "Clarion have been trying to improve damp, and we've been working with them too. There have been some really good changes."

The meeting was wound up with the select committee chairperson, Cllr **Joanna Slater**, recommending that cabinet moves forward with the proposals with a preference for freehold housing and a discussion over the choice of partners.

A Clarion Housing spokesperson said: "Members of our senior management team recently met with cabinet members of Mole Valley District Council to outline Clarion's strategy to address the conditions of a small number of our properties in the region, including issues with leaks, damp, condensation, and mould. Housing for refugees was part of the discussion and we look forward to working closely with the council to provide essential housing for those in need. We at Clarion are determined to resolve condensation, damp and mould in our homes promptly and effectively.

"As part of this effort, we have increased the ways residents can get in touch with us to report it and are investing an additional £5 million annually to tackle the issue, including hiring 100 new staff - which will include specialist surveyors and new Resident Liaison Officers to deal specifically with leaks, condensation, damp and mould cases."

Surrey MPs oppose each other on drills in the hills

29 March 2023



Jeremy Hunt MP has said it is "disappointing" that plans to drill for oil and gas in Dunsfold have not been "formally shelved" altogether. The Chancellor of the Exchequer issued the statement after the High Court ruled the government-approved exploratory drilling in his South West Surrey constituency would go to Judicial Review.

The High Court ordered the review on the grounds that there was "inconsistency in decision-making" by Secretary of State **Michael Gove**, and that Dunsfold bordered the Surrey Hills Area of Outstanding Natural Beauty - where great weight should be placed on "conserving and enhancing landscape and scenic beauty".

Mr Hunt, who has campaigned against the planning application in Dunsfold before, said: "Despite the latest judicial review, it is again disappointing that plans for this potential gas exploration have not been formally shelved. The idea of drilling on this beautiful area continues to be inappropriate - what's more UKOG's data and mapping of the sub-surface is sparse, old and simply not detailed enough. I hope to meet with Protect Dunsfold again later this month to continue discussions."

The Conservative MP has form in the matter. In June 2022 he wrote that DLUHC's decision to overturn Surrey County Council's initial refusal was "bitterly disappointing and wrong both economically and environmentally".

He also wrote a letter to Housing Secretary **Michael Gove** that said the project had been strongly opposed by both county council and "the entire local community", going as far as accusing DLUHC of "ignoring the strength of local opinion".

After news of the judicial review broke, UK Oil & Gas (UKOG) issued a statement to the London Stock Exchange.

It said: "Mr Justice Lane, dismissed five of the opponent's grounds seeking to reverse the Secretary of State's grant of planning consent as being unarguable. Two remaining grounds were given leave to be argued at a further hearing at some time in the future, as yet unknown."

It added that full planning and environmental consents remain in force.

Stephen Sanderson, UKOG's chief executive, said: "The company's legal team remains robustly confident that following the extensive Loxley public inquiry, the secretary of state's decision to grant planning consent was thoroughly considered and entirely lawful. Consequently, we will continue to move our project ahead."

Can you beat the ULEZ charge?

29 March 2023



Established in **Epsom** in 1904 **Wilsons** car dealership still keeps ahead with the times. LDRS reports on its efforts to stay ahead of ULEZ expansion to Epsom and Ewell's London borders

A quick-thinking car dealership in Surrey is advertising ULEZ compliant cars to drivers looking to make the switch before the zone expands to the Surrey border later this year.

Wilsons Epsom car dealership, in Kiln Lane, has placed a huge advert emblazoned with "beat the ULEZ charge" and its marketing team said they have been thinking of going large as the expansion was "something that's been in the news a lot lately".

Last year, London mayor Sadiq Khan announced the expansion of the Ultra Low Emissions Zone (ULEZ) which would bring it right up to the county's border with the capital in areas such as Epsom and Ewell, Elmbridge and Spelthorne from August 2023.

The scheme will slap motorists of most petrol cars registered with the DVLA before 2005 with a £12.50 daily charge to enter the ULEZ zone after August 29. Diesel cars must be much newer and will have had to have been registered after September 2015 to enter the zone free of charge.

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The car dealership told the LDRS : "It's at the forefront of people's minds and there is a lot of confusion still around with councils looking to challenge the expansion or to comply with the new zones." they added: "The situation was still at an early stage given the zone is only scheduled to come into force in August. People who have got older vehicles are considering electric or hybrid. ULEZ directly impacts our business and we want to be helping all of our customers as much as possible. We have a large range of ULEZ compliant stock and we want to show that off to customers."

According to the Mayor of London's office, five million more Londoners will breathe cleaner air as a result of the zone expanding.

A scrappage scheme exists for Londoners, but those on the outside are currently unable to apply despite requests from Mr Khan to the Prime Minister to include Surrey residents.

Surrey County Council was one of five local authorities to announce a legal challenge to the scheme.

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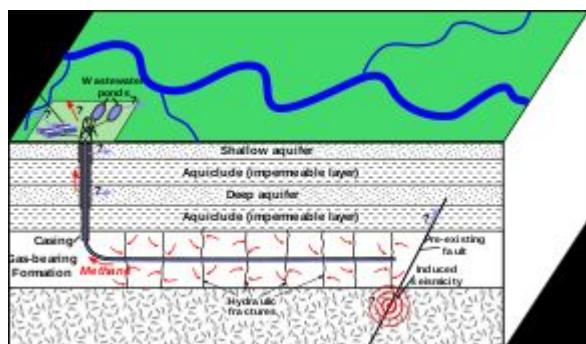
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[Council's last minute opposition to ULEZ extension.](#)



Fractious Court case anticipated

29 March 2023



Anti-fracking campaigners are celebrating after the High Court granted a judicial review into the exploratory drilling of £123 million of oil near the **Surrey Hills Area of Outstanding Natural Beauty**.

The **UK Oil and Gas** (UKOG) was refused planning permission to search for fossil fuels at Loxley Well in Dunsfold in December 2020 by Surrey County Council's planning committee.

But UKOG, which describes itself as an energy company focused on oil and gas exploration, appealed in June 2022 after a public inquiry. It was granted permission by the Department of Levelling Up, Housing and Communities, led by Surrey Heath **MP Michael Gove**.

Almost immediately, **Waverley Borough Council** challenged the appeal decision in the High Court with £13,000 set aside for the legal challenge. Yesterday, the High Court ruled the matter would be examined again - by Judicial Review.

Responding to the court decision was **Frack Free Surrey**. They said: "We are delighted by the news. Allowing exploration for fossil gas during a climate emergency, and in an Area of Outstanding Natural Beauty, was an appalling decision by the government. We need to rapidly wean ourselves off gas, not look for more of it. It will be good to hear the arguments tested in the High Court."

The legal challenge has been supported by the **Goodwill Law Project**. The group's director, **Jo Maugham**, said: "No Secretary of State who cared about the natural environment, or climate change, would have ignored the wishes of local people to grant planning permission for a huge new fracking project next to an Area of Outstanding Natural Beauty. We are pleased the High Court has given **Protect Dunsfold**, who we are supporting, permission to bring a judicial review challenge to a decision made under Michael Gove."

According to lawyers, the Protect Dunsfold campaign succeeded for two reasons. The first was the "inconsistency in decision-making" by Secretary of State Michael Gove, who gave the Dunsfold drilling site the go-ahead on the same day he refused permission for a comparable site.

The second is that Dunsfold sits on the edge of an Area of Outstanding Natural Beauty and there should be great weight to "conserving and enhancing landscape and scenic beauty".

Jeremy Hunt, now Chancellor and whose constituency covers Dunsfold, has previously campaigned against the drilling site going ahead. He was approached for comment.

UK Oil and Gas (UKOG) and DLUHC were approached for comment.

Paul Follows, leader of Waverley Borough Council has been approached for comment.

No date has been set for the review.

Mole Valley Local Plan paused: official

29 March 2023



Inspectors have agreed to pause the examination of Mole Valley's 6,000 home blueprint amid attempts to remove all green belt sites for development.

Mole Valley District Council had written to the Planning Inspectorate asking to remove all green belt sites from its draft local plan in anticipation of government changes to the planning system. But these hopes have been dashed by the inspector on the grounds it could not prejudge any prospective changes. Despite the setback, the inspector said they would be happy to delay hearings until May - when any new rule changes become clearer - and that is where things stand.

Local plans are the basis for planning decisions in an area. They outline the type, location and density of development that is likely to be permitted. Without one, developers have much freer range to chance their arms.

The council also does not have a five year housing land supply, which again tips the favour towards developers and increases the urgency with which Mole Valley District Council needs to get its local plan signed off.

Mole Valley District Council's leader member for planning, Councillor Margaret Cooksey, said that, while disappointed the local plan has been delayed yet again it is a better outcome than having to start the process from scratch. She said: "I am disappointed we are having to pause and delay. The longer we are without an adopted plan the more at risk our green sites are. If we carry on we have to work on current National Planning Policy Framework rules and greenfield sites we have in the plan. That is what we are trying to prevent. But if we just abandon the current plan we would have to start from scratch and that would take a lot longer. We don't want to lose the good parts of the draft plan."

She said they have already received an application to build on one of the green belt sites they are trying to remove from the local plan.

The planning inspector agreed to delay examination of the local plan until May 25 at which time there should be greater clarity around future national planning policy and will also accommodate the implications of the council's all out local elections in May.

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Would you want to live in Woking?

29 March 2023



A Surrey Borough Council steeped in debt: In 2022 the Liberal Democrats seized control of Woking, inheriting a debt mountain after 14 years of Conservative Party control. At the annual budget meeting of the Full Council of Epsom and Ewell Borough Council on 14th February the debts of Croydon Council were cited when Cllr **Jan Mason** (RA Ruxley Ward) asked "Who wants to live in Croydon?" In Croydon in 2022 the Conservatives won the Mayoral election and the Council is now evenly split between Labour and Conservative representation, after years of Labour majority rule when Croydon's £1.3 billion debt grew. In contrast the Residents Association Epsom and Ewell Borough Council has been consistently "balancing the books".

The woes of Woking are reported by our BBC LDRS reporter.

Annual servicing of Woking Borough Council's massive £2 billion debt is set to hit an unsustainable £62 million a year, according to its own budget forecasts. The figures were published ahead of its full meeting on Thursday, February 24, where members are expected to sign off a council tax increase of 2.99 per cent.

The financial crisis at the local authority is such that the borough's leader said the council needed government support following years of failed borrowing plans under the previous administration.

According to budget papers the council borrowed about £1.8 billion for investment purposes but is only bringing in £38.5 million - rising to £43.3 million next year, far below the £62 million in annual interest payments - leaving the council in a financial black hole and under investigation by the Department for Levelling up Housing and Communities (DLUHC).

DLUHC has confirmed that no immediate decision is pending, while borough leader Councillor Will Forster thinks the government is unlikely to put the council in special measures, given the recent changes both in its senior officers and political make up.

DLUHC's report into the council's finances, investments and related governance will be made available on the government's website. Councils can not go bankrupt. Instead, they enter what is known as being under section 114 notice and means they cannot make new spending commitments. They can also lose control of their day to day running,

That does not mean Cllr Forster thinks the council can get out of its mess without help. He said: "We are still waiting for a report from the government inspection team which we will check for accuracy and information and it's too early to predict what it will find. However, Woking needs government support, there's not a problem with decision making and we have full faith in the officers. But the council can't afford to pay off its debt, not even service the debt. The papers are quite stark. £60 million a year just to service the debt - repaying the debt is even more. We need help."

Cllr Forster said the council would be in section 114 by the 2024/25 financial year, "at this point I can not see how it can make a sustainable budget, which is terrifying," he said.

As a comparison, Surrey County Council's capital borrowing requirement is about £2.4 billion. By 2026/27 Woking Borough Council is expected to reach the same level. The difference is that Surrey has an annual budget of about £2 billion, while Woking Council's is closer to £55 million.

To put it another way, Woking has the equivalent of a £2 million mortgage, on an annual salary of £10,000.

Related report

Epsom and Ewell Council raises tax 2.99%

Pays to get your Council's audit done

29 March 2023



As we reported here: Epsom and Ewell Council raises tax 2.99% Epsom and Ewell Borough Council was proud of the fact its auditors passed its last set of accounts without any qualification. Another Borough Council of Surrey is not having such a happy time over audits. Our BBC LDRS reporter reports:

Surrey Heath councillors want Michael Gove to sack the Government appointed investigating the local authority's finances. A motion has been put forward by Councillor Robin Perry, portfolio holder for finance, to let the local authority appoint a different firm of inspectors with the "capacity and capability to complete the outstanding audit of accounts".

It will be discussed at Full Council on Thursday, February 23, as part of Surrey Heath's budget meeting - where council tax is also expected to rise by 2.99 per cent. The motion comes as the council's accounts from 2019/20 to present have yet to be signed off and approved.



According to the tabled motion, the problems stem from "much publicised pressures across the whole local government audit system that are the result of staffing and capacity issues within those audit firms" and as such "many councils like Surrey Heath are experiencing significant delays in the completion of the audits on their accounts". Cllr Perry says this "falsely and unnecessarily undermines confidence in the finances of all those councils, including Surrey Heath."

Auditors were appointed in 2020 through the Public Sector Audits Appointments but the 2019/2020 accounts have still to be completed. Audit work has not even begun on any of the council's later accounts. This, the motion says, has impacted preparation of the 2021/22 accounts and has "incurred significant expenditure retaining temporary staff with the historic knowledge and experience required to respond to queries relevant to the outstanding annual accounts".

However, Councillor Rodney Bates, Labour opposition member for Old Dean, said it was just a "desperate attempt" by the Conservative-run council to blame "others for their own financial failures." He said: "The main reasons why our external auditors have taken longer than expected to complete the 2019/20 accounts is because they were left in a dreadful mess after the council's speculative property investments needed updated valuations. In addition, we have had repeated financial governance issues where the council made very large payments outside their own regulations. The external auditor is also hardly to blame for the fact that many of the Council financial files from that time were surprisingly deleted or for the poor handover records when key finance staff left. It is frankly ridiculous for the Conservative Portfolio Holder for Finance to complain about the auditors when it was his own Government that appointed them in a contract less than three years ago.

"Whilst there are customer service questions for our external auditor to answer, these are best addressed through the non-political audit committee at the council. This receives regular reports on the progress of the audits from both our officers and from our external auditor. The committee has a Conservative, Cllr Ratiram, as the vice chair and it is therefore surprising that Cllr Perry seems to have such a lack of confidence in his own colleague to address this issue."

Should the council vote in favour of the recommended tax increase, bills for average band d home in the borough would rise from £2,155.62 per year to £2226.30, a jump of £70.68.

This figure, the papers say, includes the county council and Surrey Police and Crime Commissioner increases, but not the parish councils.

Related reports

Epsom and Ewell Council raises tax 2.99%

Surrey County failed SEND boy

29 March 2023



Surrey County Council has been ordered to apologise and pay a family £7,400 after failing a young boy with special educational needs. The local government and social care ombudsman published its finding today. It found Surrey County Council failed to provide the boy his full entitlement of education and therapy for 18 months and fined the local authority due to the frustration, distress, and lost education it caused.

The boy's mother raised the complaint in June 2021. As part of his education, health, and care plan, the boy should receive 15 hours of tutoring a week, along with speech, language and occupational therapy. Between September 2020 and January 2021 "he received just four hours a week. This rose to six hours a week in February 2021."

In April 2021 a special educational needs and disabilities (SEND) tribunal ordered the council to increase this to 25 hours a week, including weekly therapeutic provision, and animal therapy. Full speech and language therapy did not begin until September 2021. Animal therapy, despite the mother alerting the council that sessions had not started in May 2021, did not begin until March 2022 - as the council did not follow up her complaints, the ombudsman found.

In December 2021, the boy's relationship with his occupational therapist was said to have broken down but Surrey County Council did not put in an alternative until March 2022.

Michael King, local government and social care ombudsman, said: "Councils cannot delegate their duties to ensure provision laid out in young people's EHC Plans are delivered. After councils issue these plans we expect them to ensure all the provision included is in place - and if it is not, it should act to secure it without delay. In this case the boy missed out on a significant amount of tuition and therapies for a prolonged period, despite a previous investigation by us which found the son did not get education between 2018 and 2020. It is disappointing that the council did not learn from the issues raised in my first investigation."

Mr King said he had further concerns over the way Surrey County Council dealt with the mother's complaints, which at one stage took 11 months to handle. The council's own policy states it should have taken a maximum of 30 days.

Following the investigation Surrey County Council must now write to the mother and apologise for its faults and the injustice it caused. It must also pay £5,400 for the boy's lost hours of education and therapy, £1,000 to the boy's mother for the prolonged frustration and distress it caused which it compounded with poor complaint handling, and a further £1,000 to the boy in recognition of the distress caused to him.

It must also carry out a review of how it arranges and monitors its provisions and complaint handling for its children and young people services.

Mr King added: "The council has accepted my recommendations to improve its processes and I hope the better oversight this will bring will ensure other children and young people in Surrey do not miss out on the education and therapy they are entitled to in the same way."

Surrey County Council now has three months to consider the report and confirm its actions. A spokesperson for the county council said: "The Local Government and Social Care Ombudsman has issued a report following its investigation of a complaint about Surrey County Council. The complaint was about education and children's services. The Ombudsman found that there had been fault on the part of the council, and this had caused injustice to the complainant. Surrey County Council takes the findings very seriously and apologises for any distress the family experienced, and has agreed to take action which the ombudsman regards as providing a satisfactory remedy for the complaint."

The council must now consider the report and tell the ombudsman within three months (or such longer period as the ombudsman may agree) what it proposes to do.