

Council 10th July 2014
Public statements & questions

List of registered public speakers

Items not listed on the agenda – taken at item 7

1. Guy Matthews
2. Susan Charles
3. David Redgewell

Core Strategy – item 8

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|-----------------------|-----------------------------------|
| 4. Jan Fletcher | – Residents Protecting Peasedown |
| 5. Bob Elcome-Thorpe | – Friends of Breaches Gate |
| 6. Peter Duppa-Miller | – Combe Hay Parish Council |
| 7. Robert Hellard | – South Stoke Parish Council |
| 8. Colin Webb | – South of Bath Alliance |
| 9. Mary Walsh | – Whitchurch Village Action Group |
| 10. Peter Holland | – Friends of Breaches Gate |
| 11. Representative | – Protect Bath |
| 12. Caroline Kay | – Bath Preservation Trust |
| 13. Brian Huggett | – Englishcombe Parish Council |

Petition for debate – item 9

14. Tim Newark

- **Statements, when supplied in advance, are attached at the end of the document.**

Public Questions for Council 10th July 2014

(NOTE: The following questions and answers will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)

1. Question from George Riley (Batheaston Parish Councillor)

The pavement in front of the shops in London Road East comprises a narrow gully and too many accidents are happening. The Parish Council has been pursuing a refurbishment for some 25 years now and in the B&NES Capital finances for 2013 - 2014 some £40,000 monies were set aside.

Your Mr Kelvin Packer emailed the Parish Council in February this year stating that the Consultants - Halcrow - are progressing the necessary drawings. We have telephoned the Council on numerous occasions without success; the silence is deafening.

When will the Pavement refurbishment commence, with an estimated completion time please?

Answer from Cabinet Member for Transport

This Council remains committed to improving the footway fronting Batheaston shops. The scheme proposed by the Parish Council is however more costly than the scheme funded and approved in this Council's capital programme.

Initially it had been proposed to deliver a jointly funded scheme but, as the Parish Council is no longer willing to contribute to costs, this Council will have to make a greater contribution from our budgets. In order that we may identify and approve the additional funding required, I have asked officers to bring forward proposals that establish funding options and the consequences of this for other schemes.

There is a considerable capital programme of schemes to deliver in 2014/15. I regret there has been a delay in progressing the Batheaston scheme whilst officer resources have been deployed to emergency schemes and projects.

2. Question from Nicolette Boater

To inform the Council's consideration of Item 10 on this agenda ("Appointment of Committees, political proportionality and constitutional issues"), and in particular its decision as to whether to agree to recommendation 2.2, please can the Leader of the Council and/or relevant officer clarify;

1. By whom and how agendas for PDS meetings are currently determined;
2. The extent of discretion allowed the PDS Chair in allocating profile and airtime at PDS meetings to external contributors and Member participants;
3. Whether recommendations 2.1 and 2.2 and the table in appendix 1 jointly imply that Council is being asked to accept the current allocation to the

Political Groups of Chairs to the 6 PDS Panels, or as suggested by resolution 5 under item 8 of the 8.5.14 Council meeting, Members are being asked to decide whether our local democracy might be better served by a more politically proportionate allocation of these roles?

[In this regard, please note that the quality of democratic service is determined by a number of factors, including;

- Political proportionality i.e. the extent to which political parties are mandated by the electorate*
- Transparency i.e. the extent to which the electorate can see how decisions are being influenced and made*
- The effectiveness and rigour of decision making i.e. extent to which it addresses the short and long term needs and interests of the electorate as a whole*
- Efficiency i.e. the benefits arising from the service (or a change to the service) relative to its use of scarce resources (or the additional resources required to effect the change).*

The current ratio of Conservative to Independent to Labour Members is 73:16:11 whereas the current ratio of Conservative to Independent to Labour PDS Chairs is 50:0:50]

Answer from the Leader of the Council

- 1. Agendas for Policy Development & Scrutiny meetings are determined with reference to the Cabinet forward plan to enable scrutiny to undertake their policy development role, and also in response to significant issues that may arise via officers and scrutiny members. Discussion takes place between Chairs and Vice-Chairs of Panels about allocation of items to Panels, and any resourcing implications. There is also liaison with the relevant Cabinet member to ascertain if they are available/needed to provide an update on particular items.*
- 2. External contributors are allowed time at a Panel meeting if they have registered via the relevant procedural rules in the Constitution or if the Chair/Panel consider their ad-hoc contribution would be helpful. The Chair has discretion to manage this. The Chair will manage the debate on the day with a view to enabling adequate discussion of the issue whilst having regard to other items on the agenda and management of the timetable as a whole.*
- 3. The May Council deferred consideration of the allocation of chairing rights until this meeting. It will be a matter for Council to decide whether to approve them as currently allocated, or re-allocate them.*

3. Question from Guy Matthews

When is this Council going to allow a single parent with proper legal parental responsibility for a child/children the ability to claim for a two (or more) bedroomed property and will the 'bedroom tax' be abolished for this class of person.

Answer from the Cabinet Member for Community Resources

The under-occupancy ruling was introduced under the Welfare Reform bill on 01/04/2013.

Although the reduction is administered via a tenants Housing Benefit (which is assessed by the Local Authority) we are unable to change this legislation unless it is revised by The Secretary of State.

Following the under-occupancy ruling being introduced, there have been a few caveats that exempt certain situations. These are;

- People who have a 'spare room' specifically set aside for overnight care;
- Parents with adult children in the Armed Forces who continue to live with their parents will continue to be considered as living at home when whilst away on operational duty;
- Approved foster carers whether or not they have a child placed with them or are between placements will be allowed an extra room, as long as they have fostered a child within the last 12 months or become a registered foster carer within the last 12 months;
- People who receive care, support or supervision from their landlord in supported exempt accommodation will not be affected;
- If a student's main residency is their parents' home, then their bedroom will not be considered as spare;
- Where under-occupancy arises due a death we allow a year's grace so that bereaved families have some time to come to terms with their loss and are able to make the right decisions about their finances and size of accommodation.

4. Question from Guy Matthews

When a policy is 'not fit for purpose' how long will it take this Council to adapt it to make workable? The fairer rate of contribution policy leaves disabled younger people on the breadline because of their varying special needs and even when one of your financial officers visited me at home they were unable to answer questions on incorrectly worded parts of this policy. This policy is unfair to younger disabled people as it is biased strongly towards the elderly.

Answer from the Cabinet Member for Wellbeing

The Council does not accept Mr Matthews' statement that the current Fairer Contributions Policy is not fit for purpose, leaves disabled younger people on the breadline or is unfair to younger disabled people as it is biased strongly towards the elderly.

The Fairer Contributions policy was introduced in May 2010 for all new service users entering the social care system. The policy replaced an array of different policies which had previously been in operation with the aim of increasing transparency and reducing confusion for both staff and services users.

The policy was rolled out to existing service users (i.e. those already in receipt of a social services funded package of care & support) in April 2011 in line with the single member decision of 28/05/2010 to extend a year's protection to those who might see an increase in their assessed contribution. Before a decision was taken, the policy was the subject of extensive consultation with service users and carers, Elected Members and the Older People & Healthier Communities Overview & Scrutiny Panel.

The revised financial assessment process under the new policy aims to bring a greater degree of equality to the charging system and to ensure that anyone in receipt of a social care service, regardless of age, need or disability is treated consistently and fairly on the basis of their individual financial circumstances

The financial assessment process is fully compliant with Department of Health guidelines and with the national minimum income thresholds prescribed by central government. These thresholds are set to reflect the same level of income that someone on basic state benefits could expect to receive. In addition, government guidelines require that a 25% income buffer is applied to the minimum thresholds so that a reasonable level of income is protected from charging and B&NES' policy does include this 25% income buffer.

Before implementing the new Fairer Contributions policy Bath & North East Somerset received the lowest proportion of income from personal contributions to social care services in the South West. Aside from ensuring equity and compliance with the new national framework, the revised policy has enabled Bath & North East Somerset to increase income to fund adult social care services. This has had the effect of reducing the level of savings that would otherwise have had to be made and has meant that the Council has not needed to reduce levels of service or, indeed, cut services in the way that some other Councils have done.

In relation to Mr Matthews' experience of the Financial Officer's visit and provision of advice and information; the Assessment Officer who visited Mr Matthews along with a Social Worker did explain that the purpose of the meeting was to explain how the financial figures were used in the calculation to reach the final assessed contribution rate and to ensure the figures the Council had recorded for income and expenditures were correct.

Mr Matthews had detailed queries and questions about the Council's Fairer Contributions Policy, which the Assessment Officer was not in a position to answer having not been involved in the development of the national Policy or, indeed, the local Policy. Another Council Officer, who was involved in the establishment of the Policy, did respond to these queries and questions.

5. Question from Guy Matthews

Why is it when you are owed money under the fairer rate of contribution policy (because of erroneous overcharging) that the money is not repaid to yourself directly but goes into your 'care pot' with no 'free weeks' of your contributions, and then if not used up in 3 months is clawed back to the Council?

Answer from the Cabinet Member for Wellbeing

A person's care assessment establishes the maximum level of funds that may be required to meet their care needs. All Personal Budgets allow an element of funds to accrue in their accounts up to a maximum of 4 weeks to allow for some fluctuation in weekly care needs. Any money unspent at the time of audit over the allowable 4 weeks accumulated figure is clawed back and utilized to fund adult social care services for other eligible individuals. A review as to the care required and the level of assessed funds required to meet a person's care needs is completed when regular or excessive funds are accrued. This is to ensure that the Personal Budget reflects the required care needs and that the assessed, eligible, care needs are being met.

All individuals are financially assessed to make a weekly contribution towards their care costs. The assessed contribution is based on the Department of Health's Fairer Contributions Policy and is based on individual financial circumstances and not the amount of service a person receives. The amount the person will be asked to contribute will depend on their financial circumstances and not the number or frequency of different services a person receives/purchases.