

## COUNCIL MEETING 8<sup>th</sup> NOVEMBER 2018

### REGISTERED SPEAKERS

- Andrew Dickens  
Re: Lower Common East Allotment Association
- Paul Roles  
Re: Mopeds
- David Redgewell, South West Transport Network  
Re: Public transport service delivery
- Andrew Jones  
Re: Council's Planning website
- Keith Russell  
Re: Gulls
- Fiona Edwards  
Re: Keynsham Plastic Reaction
- Sarah Moore  
Re: Bath Studio School
- Angie Sowton  
Re: School Funding in B&NES
- Jane Riekemann  
Re: Brexit/People's Vote
- Pam Richards  
Re: Virgin Care Contract
- Dave Dixon  
Re: Love our High Street
- John Drake  
Re: Care Services in B&NES

**[Statements supplied in advance are attached]**

## QUESTIONS AND ANSWERS - PUBLIC

<b>P 01</b>	<b>Question from:</b>	Andrew Jones
<p>When should fines (surcharges) be applied for the Infrastructure Levy?</p> <p>I would like to ask the Council if as a matter of process to consider the circumstances when the surcharge (fine) is applied. The levy should be paid within 3 months of the commencement of the works. Provided payment is received within 3 months, the Council has suffered no loss. Could the Council consider instructing its offices as a matter of process not to apply the surcharge unless payment is received late, in the interest of fairness?</p>		
<b>Answer from:</b>		Councillor Bob Goodman
<p><i>The ability to impose surcharges is set by central government, rather than the Council and is enshrined in the Community Infrastructure Levy Regulations, 2010 (as amended) and the Council is not able to amend, modify or deviate from primary legislation. The level of surcharges is also set by the Government and is designed to ensure developers/builders adhere to the regulations.</i></p> <p><u><i>[Following a query from Mr Jones about the content of the response, some notes of clarification were added;</i></u></p> <p><i>Surcharges may be levied in circumstances where there is a failure to notify of the commencement date before work commenced (regulation 83).</i></p> <p><i>Regulation 85 stipulates the criteria for late payment surcharges and the regulations are clear that this applies after 30 days from the date on which payment was due. The Council is not able to extend the period for payment to 3 months, as this would require a change in legislation.</i></p> <p><i>The request being made at P01 is not at the Council's discretion to make or change as the dates for payments and levels of surcharges are set by the Regulations.</i></p> <p><i>The Regulations do state that the council "may" impose a surcharge. The ability to impose surcharges is at the Council's discretion and B&amp;NES consistently exercises this discretion as it is entitled to do.]</i></p>		

<b>P 02</b>	<b>Question from:</b>	Andrew Jones
<p>P02 - Should fees charged to discharge planning conditions that are successfully</p>		

appealed be refunded? Where an individual successfully appeals planning conditions should the Council, as a matter of process, not refund any fees paid by the applicant to discharge the conditions?

**Answer from:**

Councillor Bob Goodman

*The Town and Country Planning Fees Regulations set out the process for charging fees for discharge of condition applications. The Regulations do set out some limited circumstances whereby a refund may be issued however that does not include where an appeal in relation to either an application or a condition has been made and succeeded. To make refunds on the basis suggested would not only be contrary to the relevant Regulations but would add an additional cost burden upon the Council that would adversely affect the Service delivery.*

*It is worth noting that many planning conditions require discharge before the building is occupied and the time lag in receiving a decision on an appeal is such that it is not practical or desirable to delay the development and so application for discharge until the decision is known.*

*The Planning Inspectorate are responsible for timescales associated with appeal decisions.*

*With regard to conditions, the responsibility rests with the developer to ensure they have satisfied all conditions before undertaking any work on site. To act in breach of condition is an offence and at the developers own risk. If a case is at appeal and the developer chooses to commence development that is a significant risk that only they can bear. In the event of an unsuccessful appeal this could result in formal enforcement action being taken so the Council could not advocate any form of premature commencement.*

*[Following a query from Mr Jones about the content of the response, some notes of clarification were added;*

*An application for discharge of a condition must be accompanied by the statutory fee. As explained, there is no mechanism for the council to refund the fee even if an appeal inspector later finds that the condition should not have been included on a permission.*

*There is a totally separate process whereby an appellant can submit a claim for costs at a planning appeal if someone involved in the appeal behaves unreasonably and incurs unnecessary costs. This includes if they:*

- fail to co-operate with you or others*
- miss deadlines*
- fail to turn up to a site visit, hearing or inquiry*
- gave information that was wrong or declared after the deadline]*

<b>P 03</b>	<b>Question from:</b>	<b>Pam Richards</b>
<p>In the interests of transparency and the huge investment of public money in the delivery of the community services contract, does the Council agree that the quarterly reports on Quality and Performance should be published on the Council and CCG websites? Are councillors satisfied that sufficient progress is being made in all key areas of the transformation plan?</p>		
<b>Answer from:</b>		<b>Councillor Vic Pritchard</b>
<p><i>Detailed performance and quality information is reviewed monthly as part of formal Contract Quality and Performance Management meetings and a specific quality sub-group of CQPM as the case for other key providers of health and social care services. Actions to address areas of poor performance are undertaken in line with contractual provisions, this can include the issue of a Contract Performance Notice. A report on performance and quality and progress against the transformation plan will be provided and published in the Cabinet Member update to Health and Wellbeing Select Committee regularly with the next update to be provided to the November meeting of Select Committee.</i></p>		

<b>P 04</b>	<b>Question from:</b>	<b>Pam Richards</b>
<p>Are councillors aware of the dissatisfaction of staff with the Virgin Care organisation and the impact this is likely to have on service delivery?</p>		
<b>Answer from:</b>		<b>Councillor Vic Pritchard</b>
<p><i>The Council and CCG are concerned about the results of the Virgin staff survey. Virgin Care has also expressed concern about these results.</i></p> <p><i>Issues such as staff turnover, vacancy and sickness levels are monitored as part of formal Contract Quality and Performance Management meetings and in light of the staff survey there has been a particular focus in these formal meetings on actions being taken by Virgin Care.</i></p> <p><i>In response to concerns raised by commissioners with Virgin Care about the staff survey Virgin has provided the following comments:</i></p> <p><i>In looking at the score for recommending Virgin Care as an employer it is important to note that 65% would recommend Virgin Care as a place for care.</i></p> <p><i>As leaders of Virgin Care Community services in B&amp;NES we were also concerned to receive the Have Your Say results and improving them going forward is a priority for all of us. We have implemented an action plan to improve the scores across all the findings but in particular for recommending Virgin Care as an employer on the Have Your Say</i></p>		

*Survey. Some of the steps in the action plan include:*

- Using focus groups and workshops across all our staff groups to explore what were the key issues for colleagues*
- Developing key actions to improve staff perception, specifically including work around health and wellbeing and career progression*
- Improve communications on areas of positive progress including regular 'you said, we did' updates*

*Our senior leaders and each individual team will use the feedback to continuously improve colleagues' and service users' experiences and to ensure that they are being supported.*

*In addition, staff turnover in B&NES is relatively low at 1.58 per cent in August*