

# Audit Committee

## Agenda



**Date:** Monday, 28 September 2020

**Time:** 2.00 pm

**Venue:** Remote Access - Remote Access

### **Distribution:**

**Councillors:** Nicola Bowden-Jones, Chris Jackson, Olly Mead, Liz Radford, Clive Stevens, Tim Kent, Adebola Adebayo, Simon Cookson and Mark Brain

**Copies to:** Simba Muzarurwi (Chief Internal Auditor), Mike Jackson (Chief Executive), Denise Murray (Director - Finance & Section 151 Officer), Nancy Rollason (Head of Legal Service), Alison Mullis, Tony Whitlock, Lucy Fleming (Head of Democratic Engagement) and Michael Pilcher

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**Date:** Friday, 18 September 2020



# Agenda

## 6. Public Forum

Up to 30 minutes is allowed for this item.

**(Pages 3 - 11)**

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on Tuesday 22 September.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on Friday 25 September.



# Public Forum

Audit Committee

27 August 2020



## 1. Members of the Audit Committee

Questions		
Number	Name	Title
PQ1	Suzanne Audrey	Committee Access to Information
PQ2	Suzanne Audrey	SIRO Assurance Report
PQ3	Joanna Booth	Bristol Energy
PQ4	Joanna Booth	Bristol Energy Minutes
PQ5	Joanna Booth	SIRO Assurance Report
CQ1	Cllr Clive Stevens	Committee Access to Information





**PQ01 Suzanne Audrey: Access to Information**

Following recent discussions about members of Audit Committee not being given appropriate access to information in order to perform their role, it is not clear to me whether sufficient measures are now in place to ensure that members are given the same access as Cabinet and the Overview and Scrutiny Management Board.

**Question**

Have formal measures now been put in place to ensure that members of the Audit Committee have timely access to reports and information required to undertake their role, at least on a par with members of Cabinet and the Overview and Scrutiny Management Board?

**Answer:**

The legal framework in which the rights of councillors to access information is set out in legislation. These rules are incorporated into the Council's Constitution and provide the framework within which the Council must operate. Officers advise the Council, Cabinet and committees on the scope and extent of the legal framework within which the Council operates, including the rights of councillors to access information. Officers are satisfied that the application of the legal rules set out in legislation relating to access to information is applied lawfully at Bristol City Council.

## **PQ02 Suzanne Audrey: SIRO Assurance Report**

My understanding is that comments on social media, in relation to the Mayor and Council, are being collected and analysed through a contract with Impact Social Ltd. The purpose of the information is described as helping the council to "listen to the city, inform policy decisions and understand citizen needs". I had assumed, because this is being paid for by public funds, that outputs would be available to the public and local councillors. Reports for 2018 have been published on the Council website. However, the reports for the whole of 2019, and for 2020 to date, are not being made available.

A response to a FOI request

[[https://www.whatdotheyknow.com/request/social\\_impact\\_analysis\\_output?nocache=incoming-1628455](https://www.whatdotheyknow.com/request/social_impact_analysis_output?nocache=incoming-1628455)] stated:

"Section 22 states that information is exempt from disclosure if it is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not) and in all the circumstances it is reasonable to withhold the information until its planned publication. As provided in our original response, there is a settled intention to publish the analysis on the Council's website. As you have noted in your email dated 18 August, the Council has since moved the reports from its [opendata.gov.uk](https://www.bristol.gov.uk/opendata) site and the 2018 reports are now published here: <https://www.bristol.gov.uk/dataprotection-foi/council-and-mayor-social-media-analysis>. In order to engage the exemption, the Council is not required to have a determined publication date; we only have to demonstrate that there was a settled intention to publish the requested information at the time of the request."

### **Question**

Why are the reports from Impact Social Ltd not being made available to the public and members of council in a timely manner?

### **Answer:**

The staggered release of reports has been upheld in 2 internal reviews by the FOI team (see FOI 9314401 and FOI 5688904). Reports will be released to the public at regular intervals. Last year's reports will be reviewed and redacted by the end of the year.

**PQ03 Joanna Booth: Bristol Energy**

1. Have the Audit Committee seen the expenses for Bristol Energy's directors and other staff?

2. Since the director's expenses are not in the Statement of Accounts that the council have published, how can members of the public see those expenses and question them?

**Answer:**

1. As far as we are aware Audit Committee has not seen details of Bristol Energy expenses. This information would be considered by Bristol Energy's auditors as part of their audit of Bristol Energy's annual accounts.
2. In the Senior Officers remuneration note in BCC's group accounts any expenses are included in "salaries, fees and allowances" and not shown separately. The disclosure note is shown differently in the individual company accounts, in that directors' remuneration is shown as a total cost and not split by employee. The difference in presentation is because we are required to present the information in line with the Accounts and Audit Regulations 2015, whereas company accounts are prepared in accordance with Financial Reporting Standard 102. Members of the public can see directors' total remuneration (including expenses) in Bristol Energy's accounts which are filed publicly at Companies House. If you would like to see further detail you could make a Freedom of Information request to Bristol Energy, which will hold this information.

**PQ04 Joanna Booth: Bristol Energy Minutes**

I asked for copies of Bristol Energy meeting minutes in August of 2019. These have still not been made available and I would like the audit committee to see if this information is available please. See FOI request here: [https://www.whatdotheyknow.com/request/full\\_copies\\_of\\_minutes\\_from\\_bris#outgoing-1063414](https://www.whatdotheyknow.com/request/full_copies_of_minutes_from_bris#outgoing-1063414) -- are we allowed to see minutes of the meetings?

**Answer:**

Thank you for providing us with the detail of the Freedom of Information requests you have submitted. We can confirm that your latest request is being handled by relevant teams within the Council and a response will be provided through those channels.



## **PQ05 Joanna Booth: SIRO Assurance Report**

I note that in your meeting, there is a report on data protection and the SIRO assurance report. In an FOI, December 2019, I asked for the purpose of the Impact Social contract that costs Bristol tax payers £90,000 a year. I was told that a company is paid to collect social media information about Bristol residents for the mayor. I searched for a GDPR notice on the council's website but could not find it. I reported this to the press team at the council but had no response. I lodged a complaint with the ICO about this use of personal data with no appropriate notice. I now see that the council has ways of dealing with this as well. Could someone update me as to why this practice has been carrying on since 2018 without an appropriate GDPR notice?

I have written about this data collection at the following link:

<https://medium.com/@jo.stillawake/has-the-bristol-mayor-learnt-the-wrong-lessons-from-cambridge-analytica-a17b26421ff1>

As you can see, the council already has a few processes available to inform him and whoever he chooses to share the information with, about what people think of policies and practices. I would like to know why an additional £90,000 was paid to gather information in a time of millions of pounds of cuts, and why was it necessary to include people's Twitter handles in the analysis?

### **Answer:**

We note that your complaint to the ICO has been withdrawn by you.

With regards to the lack of a 'GDPR notice' on the BCC website, our privacy statement can be found here: <https://www.bristol.gov.uk/about-our-website/privacy>

Our pages on Data Protection and FOI, which include links to the data protection policy, can be found here: <https://www.bristol.gov.uk/data-protection-foi>

This contract went through a procurement exercise and the cost of the services provided by Impact Social in analysing the sentiment of Bristol's citizens was deemed good value for money.

We are proud to be a council that invests in listening to what people have to say and we work hard to provide opportunities for people to share their views. Listening to the needs, concerns and views of people living, working, studying and visiting Bristol is an important part of our decision-making process, as are our consultation exercises and media monitoring.

In recent years there has been a huge increase in the number of conversations about the council and our services taking place on social media. With anywhere between five and six thousand Twitter mentions and hundreds of Facebook comments a month to consider it's necessary to condense this valuable feedback into digestible reports to inform policy and decision-making.

The chart containing the Twitter handles of the users who have publicly posted the most content containing the search terms is a standard part of Impact Social's monthly social media reports. It helps us easily see who the biggest Bristol content

creators are that month. This is a minor element of the reports and is not included in the council's analysis of the data.

## **CQ01 Cllr Clive Stevens: Access to Information**

It is a very sad day when the Vice Chair of this Committee has to file formal questions to get straight answers. But that day has come.

Regarding the written answer provided to Suzanne Audrey's question PQ01 of August 27th about Audit Committee's need for equal access to documents as Cabinet and Scrutiny. The answer given to PQ01 stated it is a priority for resolution (for the year 20/21). The paper that came to Full Council (that we didn't see on 28th August, it was released the next day) stated that "Equal Access" was a priority for this municipal year 20/21.

And regarding the paperwork at Full Council on 8th Sept 2020 (Pages 51 & 52), states:

6.1 "Ensuring the committee has potential access to all papers without restriction to enable it to operate effectively. Audit Committee is a key part of the Council's governance arrangements and must have access to papers equal to that of other members of the Council. The Committee should have access equal to that of scrutiny and cabinet."

So my two questions...

Q1 - Will officers prepare a paper recommending Audit Committee be granted access rights to all papers equal to those rights granted to Cabinet and Scrutiny?

Q2 - If so will this be enacted please so that Full Council can vote through the change at its next meeting (which I believe is 10th November 2020)?

### **Answer:**

Q1 The legal framework in which the rights of councillors to access information is set out in legislation. These rules are incorporated into the Council's Constitution and provide the framework within which the Council must operate. Officers advise the Council, Cabinet and committees on the scope and extent of the legal framework within which the Council operates, including the rights of councillors to access information. Officers are satisfied that the application of the legal rules set out in legislation relating to access to information is applied lawfully at Bristol City Council. Officers cannot prepare a report which would make a recommendation that would result in Full Council conferring additional rights of access to information on the Audit Committee that go beyond the legal framework within which the Council must operate. Such a recommendation, if adopted, would be ultra vires (i.e. unlawful). The Monitoring Officer will write to all members of the Audit Committee setting out the detail of the legal and constitutional framework relating to access to information so that all members of the committee are aware of the extent of their rights to access information.

Q2 For the reasons set out in the response to Q1, any vote of Full Council which approved conferring additional rights of access to information on members of the Audit Committee would be ultra vires.