

Committee Model Review Group Public Forum



Date: Thursday, 19 December 2024

Time: 10.00 am

Venue: Council Chamber, City Hall, College Green, BS1 5TR

Members of the public attending or taking part in Public forum are advised that Full Council meetings are filmed for live or subsequent broadcast via the council's [webcasting pages](#).

The whole of the meeting would be filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

Please note that the views and information contained within these public statements are those of the individuals concerned and not of the Council.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded, published online and within the minutes.

Issued by: , Democratic Services

E-mail: democratic.services@bristol.gov.uk

Date: 19/12/2024



Public Forum

5. Public Forum

Up to 30 minutes is allowed for this item.

(Pages 4 - 14)

Any member of the public or councillor may participate in Public Forum. Public Forum items must relate to the remit of the Review Group and should be addressed to the Chair of the committee.

Members of the public who plan to attend a public meeting at City Hall are advised that you will be required to sign in when you arrive. Please note that you will be issued with a visitor pass which you will need to display at all times.

Questions

1. Written public questions must be received by 5.00 pm, at least 3 clear working days prior to the meeting. For this meeting, this means that questions must be received at the latest by 5.00 pm on Friday 13th December. Please email questions to democratic.services@bristol.gov.uk
2. Any individual can submit up to 3 written questions.
3. Written replies to questions will be available on the Council's website at least one hour before the meeting.
4. At the meeting, questioners will be permitted to ask up to 2 oral supplementary questions.

Statements

1. Written statements must be received at latest by 12.00 noon, at least 2 working days prior to the meeting. For this meeting, this means that statements must be received at the latest by 12.00 noon on Tuesday 17th December. Please email statements to democratic.services@bristol.gov.uk
2. Statements, provided they are no more than 1,000 words in length, will be circulated to all group members and will be published on the Council's website at least one hour before the meeting.

Petitions

1. Details of the wording of any petitions, and the number of signatories to petitions must be received at latest by 12.00 noon, at least 2 working days prior to the meeting. For this meeting, this means that petition details must be



received at the latest by 12.00 noon on Tuesday 17th December. Please email petition details to democratic.services@bristol.gov.uk

2. At the meeting, individuals presenting petitions may be required to read out the objectives of the petition.

When submitting a question or statement please indicate whether you are planning to attend the meeting to present your statement and/or ask your question.



Committee Model Review Group Thursday 19th December 2024 Agenda item - Public Forum



Procedural note:

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Questions

Ref No	Name
PQ01	Suzanne Audrey
PQ02	Dan Ackroyd
PQ03	Mike Oldreive
PQ04	Joanna Booth

Statements

Ref No	Name
PS01	Suzanne Audrey
PS02	Dan Ackroyd



QUESTION PQ 01

Question submitted by: **Suzanne Audrey**

1. Please provide the definitions of defamatory, frivolous and offensive as used in the Council policy to reject public forum.
2. How many public forum statements and questions have been rejected during the period covered by Appendix 4?

Response

1. Decisions on these matters are made on a case-by-case basis by the Lord Mayor or relevant committee Chair, in consultation with relevant officers. While there is no formal definition, in the spirit of answering the question fully, the definitions I would use are:
 - Vexatious: causing frustration without reasonable basis.
 - Frivolous: falls outside the purview of the body concerned
 - Offensive: critical without reasonable basis
2. This information is not routinely available. I have asked officers to compile the relevant data (including the figures for Full Council) and will provide it in writing as soon as possible.



QUESTION PQ 02

Question submitted by: Dan Ackroyd

1. Does it make any difference to Democratic Services if the deadline for question is "5pm three clear working days in advance" vs either "6am of the third working day before the meeting" or "11:59pm three clear working days"? A good example of why I'm asking is this meeting.

The papers were published on Wednesday, and the deadline for questions is 5pm Friday, which gives members of the public a whole two evenings to read the papers and formulate questions. Pushing the deadline back to just before midnight would give the working public 50% more time to send questions in.

Pushing the deadline to "6am of the third working day before the meeting" would give even more time, particularly for those meetings that fall on Thursdays. But obviously, if this put even more pressure on Democratic Services, then it probably wouldn't be feasible.

2. After a councillor was (in my opinion) abusive to members of the public in the Council chamber, I registered a complaint about that Cllr.

[REDACTED]

[REDACTED]

For the Audit committee on the 30th May 2024, I asked why this wasn't mentioned in the 'Draft Annual Governance' This question was ruled out as 'frivolous'. For the Audit committee of 25th November 2024, I submitted a statement that included a reference to this matter, and other matters.

That statement was "rejected as it makes unsubstantiated allegations about staff and discloses confidential information relating to a member complaint." I submitted a statement to the Full Council of 8th October which said [REDACTED]

[REDACTED] That statement was blocked on the grounds that "Your statement is considered "defamatory, frivolous or offensive" as per CPR 9.5 in the constitution." Do members of the public not have a right to point out that Bristol City Council is breaking the law?

3. It has come to my attention that a member of the public had three questions they submitted for the 10th of December rejected with the explanation: "*Please note that we are unable to accept either your statements or questions as they relate to your legal dispute with the council.*"

[REDACTED]



[Redacted]

[Redacted]

[Redacted]

[Redacted]

Why do members of the public who are in legal dispute with the council lose their right to ask questions and statements?

Response

1. The deadlines for public forum need to find the balance between enabling the public to read the papers and prepare their submissions, officers to process them and prepare draft responses (in consultation with the Chair), and Members to have time to read and properly consider them prior to the formal meeting. The Committee Model Review Group will be reviewing arrangements for public forum at a future meeting and will consider whether this balance has been appropriately struck in light of your feedback.

2. Note from Chair:

Parts of this question have been redacted. An explanation for this, and fuller response will be provided at the meeting, as well as a written response being provided in due course. Members of the public have the right to allege that Bristol City Council is breaking the law.



Members of council have a duty to consider these allegations, and the council is required to follow processes to ensure this.

However, the council also has obligations as an employer, and to take reasonable care to avoid publishing defamatory material.

The terms in CPR 9.5 must be read in a way which is compatible with these obligations. Members of the Committee Model Review Group have expressed a view that the terms in CPR 9.5 are in need of review and will be considering them at a future meeting.

3. Note from Chair:

Parts of this question have been redacted. An explanation for this, and fuller response will be provided at the meeting, as well as a written response being provided in due course. Members of the public who are in legal dispute with the council do not lose their right to ask questions and statements.

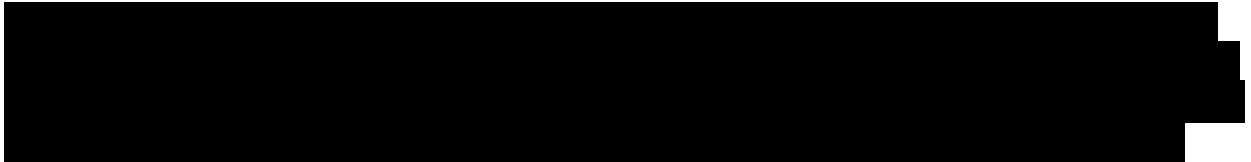
Decisions made in respect of excluding or redacting public forum items under CPR 9.5 must be made in adherence with the council’s constitution, and its wider legal obligations, including to follow processes prescribed in policy and law. Members of the Committee Model Review Group have expressed a view that the terms in CPR 9.5 are in need of review, and will be considering them at a future meeting.



QUESTION PQ 03

Question submitted by: Mike Oldreive

1. For each committee, Full Council etc where there is Public Forum: What summary records are kept for each of Public Forum questions and statements that have been withdrawn and/or censored by the Chair (For instances - items blocked, items redacted, reasons for these decisions, name of sender, subject/content of item withdrawn?)
2. Is there a formal, documented sign-off by the Chair for each item withdrawn or censored, and what does this include? (for example, sign off against any potential conflicts of interest, compliance with Nolan Principles, clear reasons for withdrawal/redaction cross-referenced to Constitution para, CMR9,5)
3. Who decides on how the terms "offensive, defamatory and frivolous" (which are the descriptions used in the Constitution (CMR 9.5) to allow the Chair to withdraw items from Public Forum) are defined and where are these items clearly defined?



The current system seems open to potential abuse from senior officers or members who wish to cover up sensitive items and exclude them from public scrutiny.

Response

1. The Chair will respond in due course, once officers have compiled the relevant information.
2. Decisions on these matters are essentially judgements made on a case-by-case basis by the Chair in consultation with the relevant officer. The Committee Model Review Group will be looking at public forum procedures early in the new year as part of its work programme.
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QUESTION PQ 04

Question submitted by: Joanna Booth

1. On March 25, 2024, A member of the public submitted the following question to the Audit committee:

"On the 8th of January 2024, in response to an FOI request, a member of the public was told that: "we appear to have identified apparent discrepancies in the figures published relating to all Members' expenses, compared to data held on the relevant systems. We will be able to update the relevant published documents, if required, and substantively respond to your request, once work to cross-reference the data has been completed. In the meantime, thank you for your continued patience. We now hope to be able to respond by Wednesday 31 January.

"Have these discrepancies been corrected, and the updated figures been audited? There hasn't been an update to that FOI request since the 8th of January."

The response he received was: *"Thank you for your question, however, this isn't a matter for the Audit Committee and any queries about an outstanding FOI need to be raised with the Council's FOI team via foi@bristol.gov.uk."*

He did not have the presence of mind to insist that the Audit committee was the right forum for this question.

When I contacted Grant Thornton about this topic, they suggested that internal audit would be the right place to seek an answer about members expenses.

If the audit committee say they are not the right place to submit such a question, then where should questions about *"discrepancies in the figures published relating to all Members' expenses"* be sent to?

2. Members' registers of interest are not only published for the interest of the public. They need to be published so that the council complies with the relevant legislation; this protects members and the Monitoring Officer, who has a direct responsibility to comply with this legislation.

At the moment, I happen to be aware that members are not disclosing their interests in a comprehensive fashion, [REDACTED]

What is the relevant procedure and under which committee is it meant to fall to ensure that the council's members are complying with the law so that the public can trust in their elected representatives and council?



3. In 2022, I attempted to complain to the council about an executive decision taken, worth £1.35m as a land deal, where the executive member had a relationship with the organisation but did not disclose it in their register of interests. [REDACTED] the external auditors did find it important enough to publish the necessity of such publications of a member's interests to Audit in October.

Which committee could be empowered, and will be strengthened, with a little knowledge of its own terms of reference, to understand how to ensure democracy is maintained in terms of the council's constitution and the law governing local authority matters [REDACTED]?

Response

1. This matter has been raised with the Audit Committee in the context of a Freedom of Information request. I have asked officers to review urgently the status of the FOI and to provide their findings to the Council's internal auditors and the Audit Committee.
2. Note from Chair:

Parts of this question have been redacted. An explanation for this, and fuller response will be provided at the meeting, as well as a written response being provided in due course.

All members of the Council have a responsibility to ensure that their registers of interest are kept up to date. Changes to registers of interest are reviewed and signed off by the Monitoring Officer. The Value and Ethics Sub-committee has responsibility for the oversight of the Register of Members' Interests.

3. Note from Chair:

Parts of this question have been redacted. An explanation for this, and fuller response will be provided at the meeting, as well as a written response being provided in due course.

All committees of the Council are subject to the rules in the Council's Constitution and the legal framework governing local government.

The values expressed in the question are fundamental to this review. The answers will be key considerations for the working group in its discussions.



Statements

STATEMENT PS01

Statement submitted by: Suzanne Audrey

Appendix 4 policy committee data shows the totals for reports and public forum for each committee. However, some members of the public have submitted statements or questions that have been rejected. The Council website indicates that anything considered as being defamatory, frivolous or offensive will be rejected or redacted "without notice to you", and the council reserves the right to reject any submission it deems defamatory, frivolous or offensive at its "sole discretion". I asked for definitions of defamatory, frivolous and offensive at the Strategy and Resources Policy Committee on 18 November and the answer I was given did not provide definitions. I therefore asked two supplementary questions about the definitions, and have not received answers yet. I also asked for the definitions at Full Council on 10 December and am waiting for an answer. It is my understanding that the definitions should be provided by the Director of Legal and Democratic Service but he has not done so.



STATEMENT PS02

Statement submitted by: Dan Ackroyd

For the areas listed for discussion in the papers today, as far as I can see from my position as a member of the public, things seem to be going well, with two notable exceptions.

First, the paper proposing to sell off the Bottle Yard Studios presented to the Strategy and Resources committee caught a lot of councillors by surprise. Although there had been a general discussion to look at different ownership models that the paper came to committee with total sale as the only option, and with no consultation with members of the public seems to be a case of viewing a committee of a place where pre-made decisions are rubber stamped, rather than an actual decision making body.

Hopefully that won't be repeated.

Second, the Homes and Housing committee appears to be a shambles. At the last meeting alone:

- a councillor spoke very strongly against a money saving measure. They didn't seem to understand that a later paper in the meeting said that the HRA is basically out of funds.
- a different councillor wanted to address underlying economic issues, rather than the papers before the committee. Perhaps that councillor should join the Economy and Skills committee.
- a different councillor said that they didn't understand the "Risk Reports" and could they be simplified. I am appalled that a councillor isn't fully aware of details of the entries in the risk reports. It shows they are not aware of what is going on in the service they are meant to be managing.
- Councillors failed to get an answer to why some projects are going millions of pounds over budget. Given that the HRA budget is £50 million off where it should be, perhaps they should be more insistent on getting detailed answers.

I just lack any confidence that the Homes and Housing committee is governing effectively, and there is an on-going breakdown in oversight.

As this committee looks after a larger budget than most other committees, and there is a scarily high chance this council will go "bankrupt" (aka declare a 114 notice) in a few months, this seems quite a failure.

