

Strategy and Resources Policy Committee

14 October 2024

Public Forum



Public forum questions have been received as listed below:

- Question 1 – Dan Ackroyd: Corporate risk register
- Question 2 – Dan Ackroyd: Legal basis for refusal to answer
- Question 3 – Dan Ackroyd: FOI enforcement notice



QUESTION 1 - FROM DAN ACKROYD

Subject: Corporate Risk Register

I have previously attended a couple of meetings where the corporate risk report has been presented. I think the choice to only present a current snapshot of the 'mitigating actions' makes it difficult to see how they have changed over time. Here are the mitigating actions for CRR 52 and CRR 60 with their 'Due Dates' and 'Progress' alongside the values given for the Corporate Risk Report for March 2024, June 2024 and August 2024

Apologies in advance if I have made any mistakes while compiling the data. I have highlighted entries where there has been no increase in 'Progress', or the "Due date" has been pushed back significantly, or an item has been removed despite the estimated completion date being years in the future.

CRR52 – Mitigating Actions	March 2024		June 2024		August 2024	
	Due Date	Progress	Due Date	Progress	Due Date	Progress
Building Safety – Appoint a competent team to manage and deliver building safety act obligations	Dec 23	30%	August 24	35%	31-Dec-24	75%
Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. – Phase 3 (building safety cases)	April 23	3%	August 2026	11%		Removed?
Implement an evidenced risk-based approach to building safety management which ensures buildings which have a higher risk have more robust/intensive management.	April 23	20%	Sept 2024	20%		Removed?
Building/Fire Safety– develop plan for data, mandatory occurrence reporting, golden thread of information–strategy, data ownership, data storage and reporting software/systems under BSA	March 24	25%	Sept 2024	25%	29-Nov-24	70%
Building safety, Fire Safety – Comprehensive strategy for both building safety and fire safety for >11-18m stock due to very limited knowledge of 200+ mid-rise buildings	May 24	30%	August 2024	30%	30-Sep-24	30%
Building safety – Finalise and implement overarching resident engagement strategy	March 24	30%	Sept 2024	30%	31-Dec-24	60%
Building safety – Finalise and implement per block resident engagement strategy	March 24	30%	Sept 2024	30%	31-Dec-25	30%

CRR60 – Mitigating Actions	31st March 2024		June 2024		August 2024	
	Due Date	Progress	Due Date	Progress	Due Date	Progress
	Asb. Safety – New revised Corporate Safety Policy for asbestos	May 2024	80%	Oct 2024	80%	
Building Safety – Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. – Phase 3 (building safety cases)	Aug 2026	9%	Aug 2026	11%		Removed?
Building Safety – Appoint a competent team to manage and deliver building safety act obligations	Aug 2024	35%	Aug 2024	35%	31-Dec-24	75%
Building Safety – Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. – Phase 3 (building safety cases)	Aug 2026	9%	Aug 2026	11%		Removed?
Building Safety – Implement an evidenced risk-based approach to building safety management which ensures buildings which have a higher risk have more robust/intensive management.	Apr 2024	20%	Sept 2024	20%		Complete?
Building safety – Address interim posts in key positions of building safety team	Mar 2024	25%	Sept 2024	25%	30-Sep-24	50%
Building safety – Finalise and implement overarching resident engagement strategy	Mar 2024	30%	Sept 2024	30%	31-Dec-24	60%
Building safety – Finalise and implement per block resident engagement strategy	Mar 2024	30%	Sept 2024	30%	31-Dec-25	30%
Building safety, Fire Safety – Comprehensive strategy for both building safety and fire safety for >11-18m stock due to very limited knowledge of 200+ mid-rise buildings	May 2024	30%	August 2024	30%	30-Sep-24	30%

Building/Fire Safety– develop plan for data , mandatory occurrence reporting, golden thread of information– strategy, data ownership, data storage and reporting software/systems under BSA	Mar 2024	25%	Sept 2024	25%	29– Nov– 24	70%
CS Transformation Project – BAU teams undertaking review of initial high priority data anomalies	Apr 2024	25%				Complete?
CS Transformation Project – Complete the external compliance reviews and develop compliance evidence maps	Mar 2024	80%				Complete?
CS Transformation Project – Deliver improvement actions identified in the external review evidence maps and Transformation Project Plan	Sep 2025	5%	Sep 2025	5%		Removed?
CS Transformation Project – Implement and adequately resource the Consumer Standards Transformation Project	Apr 2024	75%	July 2024	85%		Complete?
CS Transformation Project – Implementation of the NEC Housing IT system to support the HRA to meet the requirements of the Consumer Standards	Dec 2024	3%	Dec 2024	3%	28– Mar– 25	25%
Elec Safety – Control in managing electrical colleagues & records where delivered by other teams compliance of existing homes	June 2024	40%	June 2024	40%		Complete?
Elec safety – Develop and implement electrical safety procedures	June 2024	98%	June 2024	98%		Complete?
Elec Safety – Improve access rates and ability to undertake electrical tests in tenants’ properties.(as per statutory obligations to complete electrical test every 10 years)	Mar 2024	40%	June 2024	40%	30– Sep– 24	40%
Elec Safety – Review approach around remedials including reviewing existing outstanding remedials, actioning and identifying a defined period for resolution	Mar 2024	20%	June 2024	50%		Complete?
Fire Safety – Assurance that 3rd party landlords (managing agents and freeholders) are completing FRAs in order to meet their compliance obligations	June 2024	15%	June 2024	15%	07– Nov– 24	15%
Fire safety – Carry out outstanding FRAs prioritising those most overdue	Mar 2024	60%	July 2024	99%	26– Sep– 24	99%

Fire Safety – Complete a review of fire safety policies and processes	Mar 2024	20%	Dec 2024	20%	31-Dec-24	90%
Fire safety – Demonstrate full compliance with The Fire Safety (England) Regulations 2022	Mar 2024	50%	Sept 2024	50%	30-Sep-24	80%
Fire Safety – Ensure all FRA remedial actions are captured and managed – Implement IT system to control FRA remedial actions	June 2024	30%	June 2024	50%	06-Sep-24	80%
Fire Safety – Commission and implement comprehensive fire door inspection programme (only partially in place)	Mar 2024	10%	Sept 2024	10%	30-Sep-24	10%
Fire Safety – Fire evacuation strategy identified per building	May 2024	80%	June 2024	80%	31-Mar-25	22%
Housing & Consumer Standards Programme – Deliver improvement plan actions					30-Jun-28	15%
Housing & Consumer Standards Programme – Implement and adequately resource the programme team					29-Nov-24	90%
Housing & Consumer Standards Programme – The implementation of the enhanced performance management pack and a performance managed framework.					31-Mar-25	25%
Housing & Consumer Standards Programme – Training and support to senior leaders and the governing body (H&HDC Cllrs) to understand and discharge their oversight responsibilities under the Consumer Standards & other landlord related statutory requirements					31-Mar-25	10%

When the reports are presented with only the current "Due date" and "Progress", it is hard to compare to the previous reports.

What I would propose is that every 'Mitigating action' should be listed with:

- * the "Due date" and "progress" from the first risk report it appeared in.
- * the values of the "Due date" and "progress" from the previous quarter.
- * the values of the "Due date" and "progress" from the current quarter.

And when "mitigating actions" are no longer being worked on, they should appear one final risk report with a progress of "completed" or "moot" or other appropriate status, as that would allow people to see the hard work that has been done.

Will this committee ask for the reports to be presented in this way, so that they are easier for both councillors and members of the public to read?

Response:

Below is the response to your questions on the Corporate Risk Register and the confirmation of the actions being followed up:

Background on completed actions: Mitigation Actions Update in CRR Report.

This part of the corporate risk report refers to the latest completed actions or progress made with existing risk related. These updates are often part of broader mitigation plans developed by officers to deal with the causes or impact of a potential threat or opportunity to the council. For example, the Council's Q2 Report highlighted that there were 19 new 'mitigation' actions created during the reporting period which, when completed, will result in improved risk assurance and improvement towards our tolerance levels. Over 15 risk mitigation actions were successfully completed.

Normally, when a mitigation action is completed, it is deleted from the list of risk actions in the Appendix 1A report and it is added to the total number of actions completed in the main report.

Point 1: Update on CRR 52 and CRR 60 with their 'Due Dates' and 'Progress'

Response: Please see the attachment with detailed feedback regarding the highlighted actions. Also, please note that where we are unable to provide immediate reason(s) for a lack of action or incomplete risk assessment, the Risk service investigate and obtain feedback from the responsible risk owner.

Point 2: The Council's risk service proposes that every 'Mitigating action' should be listed with:

- * the "Due date" and "progress" from the first risk report it appeared in.
- * The values of the "Due date" and "progress" from the previous quarter.
- * The values of the "Due date" and "progress" from the current quarter.

Response: The risk service will explore the best way to present the suggested approach, indicated by the questioner in Q3 Corporate Risk Report

Point 3: Relates to when "mitigating actions" are complete. Completed actions should appear on the final risk report with a progress note confirming "completed" or "moot" or other appropriate status, as that would allow Members to see the work that has been done to complete the action

Response: The Council's risk service will explore the best way to present the suggested approach above in Q3 Corporate Risk Report

QUESTION 2 - FROM DAN ACKROYD

Subject: Legal basis for refusal to answer

At the previous Strategy and Resources committee I asked two questions about the apparent appeal by BCC against the enforcement notice from the ICO, after the ICO found that BCC was in breach of the Freedom of Information Act 2000 (FOIA).

Those questions were "Who is responsible for choosing to appeal the enforcement notice?" and "What are the grounds that the appeal is based on?".

The answer given was "This question relates to an ongoing appeal, therefore it is not appropriate to comment."

I understand the legal principle against commenting on judicial proceedings, as it could prejudice a fair trial.

But the ICO enforcement notice isn't a trial, so there isn't a proceeding to prejudice.

What is the legal basis that the council is basing its refusal to answer questions about its appeal of an enforcement notice on?

Response:

The appeal is a legal dispute and the position remains that it is not appropriate to comment further.

QUESTION 3 - FROM DAN ACKROYD

Subject: FOI enforcement appeal

Earlier this year BCC received an enforcement notice from the ICO, after the ICO found that BCC was in breach of the Freedom of Information Act 2000 (FOIA). It appears that BCC has chosen to appeal this enforcement notice. I would like to know:

- i. Who is responsible for choosing to appeal the enforcement notice?
- ii. What are the grounds that the appeal is based on?

There is no ongoing litigation so I do not believe there is a lawful reason to refuse to answer this question.

Response:

The appeal is a legal dispute and the position remains that it is not appropriate to comment further.

CRR52 - Mitigating Actions	Mar-24		Jun-24		Aug-24		Comment(s)/Feedback
	Due Date	Progress	Due Date	Progress	Due Date	Progress	
Building Safety - Appoint a competent team to manage and deliver building safety act obligations	Dec-23	30%	Aug-24	35%	31-Dec-24	75%	Q2 Comment: Compilation of job paperwork to enable recruitment continues, albeit slow progress whilst undertaking BAU work. The team has been able to stabilise some roles recently through two interim staff joining the team on a permanent basis this month. Whilst it was previously reported that specialist HR support has been secured to support the team in resourcing to permanent roles, this is not in the vein required to enable roles to be advertised. The end date has been extended as the team remain smaller than the proposed establishment, and creation of job paperwork is progressing gradually alongside completing BAU work.
Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. - Phase 3 (building safety cases)	Apr-23	3%	Aug-26	11%		Removed?	Action completed 3 July 2024, therefore did not appear in Q2 report. Completed earlier than planned.
Implement an evidenced risk-based approach to building safety management which ensures buildings which have a higher risk have more robust/intensive management.	Apr-23	20%	Sep-24	20%		Removed?	Action completed 22 August 2024, therefore did not appear in Q2 report. Completed earlier than planned.

Building/Fire Safety- develop plan for data, mandatory occurrence reporting, golden thread of information-strategy, data ownership, data storage and reporting software/systems under BSA	Mar-24	25%	Sep-24	25%	29-Nov-24	70%	Q2 COMMENT - Plans and processes are in place for data management within the Building Safety Team for mandatory occurrence reporting, use of the golden thread for building safety cases. The discussions around reporting software/systems have been picked up by the Consumer Standards programme. An update has not been provided at the time of this comment being added. Previously noted that the method to progress this had not been decided on, hence extending the end date to allow the HCS programme to respond.
Building safety, Fire Safety - Comprehensive strategy for both building safety and fire safety for >11-18m stock due to very limited knowledge of 200+ mid-rise buildings	May-24	30%	Aug-24	30%	30-Sep-24	30%	Q2 COMMENT - The due date for this action has been extended to 30th September 2024. This will enable time to understand the requirements for this action - this appears to be a duplication of the risk surrounding prioritising and evidencing priority of buildings and associated works.
Building safety - Finalise and implement overarching resident engagement strategy	Mar-24	30%	Sep-24	30%	31-Dec-24	60%	Q2 COMMENT - This has been delayed. The team responsible are aiming for consultation on the strategy in October, sign off by December 2024. This is because whilst the strategy is drafted and has been to HSLT, they did not sign off. A resource plan showing any gaps is required.
Building safety - Finalise and implement per block resident engagement strategy	Mar-24	30%	Sep-24	30%	31-Dec-25	30%	Q2 Comment - Building level resident engagement strategy work has now begun. This is happening one building at a time. There is one building specific strategy under review, with a further building to be visited and engaged with over the coming weeks, thus creating the second building specific strategy. The end date has been extended to be realistic with completing 57 building specific resident engagement strategies, and to also discuss staffing resource to take ownership and accelerate this task.

CRR60 - Mitigating Actions	31st March 2024		Jun-24		Aug-24		Comment(s)/Feedback
	Due Date	Progress	Due Date	Progress	Due Date	Progress	
Asb. Safety - New revised Corporate Safety Policy for asbestos	May-24	80%	Oct-24	80%		Complete?	Action completed 3/7/24. Q2 Comment: New policy approved by HSLT on 3 July 2024.
Building Safety - Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. - Phase 3 (building safety cases)	Aug-26	9%	Aug-26	11%		Removed?	Action completed 3 July 2024, therefore did not appear in Q2 report. Completed earlier than planned.
Building Safety - Appoint a competent team to manage and deliver building safety act obligations	Aug-24	35%	Aug-24	35%	31-Dec-24	75%	Q2 Comment: Compilation of job paperwork to enable recruitment continues, albeit slow progress whilst undertaking BAU work. The team has been able to stabilise some roles recently through two interim staff joining the team on a permanent basis this month. Whilst it was previously reported that specialist HR support has been secured to support the team in resourcing to permanent roles, this is not in the vein required to enable roles to be advertised. The end date has been extended as the team remain smaller than the proposed establishment, and creation of job paperwork is progressing gradually alongside completing BAU work.
Building Safety - Evidence that all Building Safety Bill obligations are being met by ensuring all in scope buildings are registered and key building information supplied. - Phase 3 (building safety cases)	Aug-26	9%	Aug-26	11%		Removed?	Action completed 3 July 2024, therefore did not appear in Q2 report. Completed earlier than planned.
Building Safety - Implement an evidenced risk-based approach to building safety management which ensures buildings which have a higher risk have more robust/intensive management.	Apr-24	20%	Sep-24	20%		Complete?	Action completed 22 August 2024, therefore did not appear in Q2 report. Completed earlier than planned.

Building safety – Address interim posts in key positions of building safety team	Mar-24	25%	Sep-24	25%	30-Sep-24	50%	Q2 Comment: Deadline extended for resourcing Building Safety Team to 31.12.24. Recent resignation of Senior Building Safety Manager has extended the deadline for fully resourcing the team. Intention is for new permanent role paperwork to be formalised by the end of September, however recruitment outlook in an under-resourced market remains challenging. Internal training opportunities for existing staff are being maximised.
Building safety – Finalise and implement overarching resident engagement strategy	Mar-24	30%	Sep-24	30%	31-Dec-24	60%	Q2 Comment: This has been delayed. The team responsible are aiming for consultation on the strategy in October, sign off by December 2024. This is because whilst the strategy is drafted and has been to HSLT, they did not sign off. A resource plan showing any gaps is required. Once signed off by HSLT, the strategy needs to go to PCCB for approval to go to consultation. If approved, external consultation for 6 weeks.
Building safety – Finalise and implement per block resident engagement strategy	Mar-24	30%	Sep-24	30%	31-Dec-25	30%	Q2 Comment: Building level resident engagement strategy work has now begun. This is happening one building at a time. There is one building specific strategy under review, with a further building to be visited and engaged with over the coming weeks, thus creating the second building specific strategy. The end date has been extended to be realistic with completing 57 building specific resident engagement strategies, and to also discuss staffing resource to take ownership and accelerate this task.
Building safety, Fire Safety – Comprehensive strategy for both building safety and fire safety for >11-18m stock due to very limited knowledge of 200+ mid-rise buildings	May-24	30%	Aug-24	30%	30-Sep-24	30%	Q2 Comment: The due date for this action has been extended to 30th September 2024. This will enable time to understand the requirements for this action - this appears to be a duplication of the risk surrounding prioritising and evidencing priority of buildings and associated works. Head of Service to be consulted on this issue. It is noted that Head of Repairs & Maintenance may have

							created the action and transferred it to Business Development.
Building/Fire Safety- develop plan for data, mandatory occurrence reporting, golden thread of information- strategy, data ownership, data storage and reporting software/systems under BSA	Mar-24	25%	Sep-24	25%	29-Nov-24	70%	Q2 Comment: Plans and processes are in place for data management within the Building Safety Team for mandatory occurrence reporting, use of the golden thread for building safety cases. The discussions around reporting software/systems have been picked up by the Consumer Standards programme. An update has not been provided at the time of this comment being added. Previously noted that the method to progress this had not been decided on, hence extending the end date to allow the HCS programme to respond.
CS Transformation Project - BAU teams undertaking review of initial high priority data anomalies	Apr-24	25%				Complete?	Action Completed 3 July 2024 and was not included in the Q2 report but stated in the main report as part of number of mitigations completed.
CS Transformation Project - Complete the external compliance reviews and develop compliance evidence maps	Mar-24	80%				Complete?	Action Completed 5 June 2024 and was not included in the Q2 report but stated in the main report as part of number of mitigations completed.
CS Transformation Project - Deliver improvement actions identified in the external review evidence maps and Transformation Project Plan	Sep-25	5%	Sep-25	5%		Removed?	On 10 October 2024, the team informed us that this action was redundant because, the 'CS Transformation' is now called the 'Housing & Consumer Standards Programme'. The Programme contains around 100 tasks, and these are being reported separately to the Homes and Housing Delivery Committee reporting pathway. Hence why it was removed.

CS Transformation Project - Implement and adequately resource the Consumer Standards Transformation Project	Apr-24	75%	Jul-24	85%		Complete?	This action is the new title for the action stated in row 44. The title change was made on 17 July 2024 i.e. 'Housing & Consumer Standards Programme - Implement and adequately resource the programme team'.
CS Transformation Project - Implementation of the NEC Housing IT system to support the HRA to meet the requirements of the Consumer Standards	Dec-24	3%	Dec-24	3%	28-Mar-25	25%	The action was given a new name on 17 July 2024. The Q2 report used its new name, not the name in column A. 'Housing & Consumer Standards Programme - Implementation of the NEC Housing IT system to support the HRA to meet the requirements of the Consumer Standards.'
Elec Safety - Control in managing electrical colleagues & records were delivered by other teams' compliance of existing homes	Jun-24	40%	Jun-24	40%		Complete?	Action completed 9 August 2024 and therefore did not appear in Q2 report but stated in the main report as part of number of mitigations completed.
Elec safety - Develop and implement electrical safety procedures	Jun-24	98%	Jun-24	98%		Complete?	Action completed 9 August 2024 and therefore did not appear in Q2 report but stated in the main report as part of number of mitigations completed.
Elec Safety - Improve access rates and ability to undertake electrical tests in tenants' properties. (as per statutory obligations to complete electrical test every 10 years)	Mar-24	40%	Jun-24	40%	30-Sep-24	40%	Date change to 30 September 2024. we will feedback the reasons from the responsible officer as soon as possible.
Elec Safety - Review approach around remedials including reviewing existing outstanding remedials, actioning and identifying a defined period for resolution	Mar-24	20%	Jun-24	50%		Complete?	Action completed 9 August 2024 and therefore did not appear in Q2 report but stated in the main report as part of number of mitigations completed.
Fire Safety - Assurance that 3rd party landlords (managing agents and freeholders) are completing FRAs in order to meet their compliance obligations	Jun-24	15%	Jun-24	15%	07-Nov-24	15%	We will feedback the reasons from the responsible officer as soon as possible.

Fire safety - Carry out outstanding FRAs prioritising those most overdue	Mar-24	60%	Jul-24	99%	26-Sep-24	99%	<p>Q2 Comment: A lock replacement programme completed in August 2024 to ensure access to the remaining overdue buildings was possible. The FRA assessors have visited all, but 4 buildings (under BCC control) and the Housing teams have been notified to assist with access due to residents refusing entry.</p> <p>The end date has been extended to the end of September to allow time for colleagues to assist with entry to these buildings.</p>
Fire Safety - Complete a review of fire safety policies and processes	Mar-24	20%	Dec-24	20%	31-Dec-24	90%	Action is now 90% completed as of 22 August 2024.
Fire safety - Demonstrate full compliance with The Fire Safety (England) Regulations 2022	Mar-24	50%	Sep-24	50%	30-Sep-24	80%	Action is now 80% completed as of 22 August 2024.
Fire Safety - Ensure all FRA remedial actions are captured and managed - Implement IT system to control FRA remedial actions	Jun-24	30%	Jun-24	50%	06-Sep-24	80%	
Fire Safety – Commission and implement comprehensive fire door inspection programme (only partially in place)	Mar-24	10%	Sep-24	10%	30-Sep-24	10%	No progress or comment was provided in Q2. The action became overdue on 30 September 2023
Fire Safety – Fire evacuation strategy identified per building	May-24	80%	Jun-24	80%	31-Mar-25	22%	On 22 August 2024, the due date was changed to 31 March 2025. Q2 Comment 'This relates to a review in approach of a fire strategy for each building, and a decision to procure third party support to complete this task. This will entail the production of a bespoke fire strategy for each building, which will prioritise High Rise Residential Buildings (HRRB's) which have not yet had a fire strategy completed. Work continues to complete this task by the due date set.'
Housing & Consumer Standards Programme - Deliver improvement plan actions					30-Jun-28	15%	

Housing & Consumer Standards Programme - Implement and adequately resource the programme team					29-Nov-24	90%	This action is the new title for the action stated in row 30. The title change was made on 17 July 2024
Housing & Consumer Standards Programme - The implementation of the enhanced performance management pack and a performance managed framework.					31-Mar-25	25%	
Housing & Consumer Standards Programme - Training and support to senior leaders and the governing body (H&HDC Cllrs) to understand and discharge their oversight responsibilities under the Consumer Standards & other landlord related statutory requirements 31-Mar-25 10%					31-Mar-25	10%	