

Strategy and Resources Policy Committee

18 November 2024

Public Forum



Public forum questions have been received as listed below (full details are set out on the subsequent pages):

Q1. Suzanne Audrey: Public questions and statements

Q2. Suzanne Audrey: Public questions and statements

Q3. Suzanne Audrey: Freedom of Information requests

Q4. Dan Ackroyd: Agenda item 11 - Confidential report

Q5. Dan Ackroyd: Agenda item 11 - Confidential report

Q6. Dan Ackroyd: Agenda item 8 - Period 6 Finance outturn report - reference to slippage in stock condition surveys in Appendix A2

Q7. Joanna Booth: Agenda item 8 - Period 6 Finance outturn report - reference to Modulous project at Romney Avenue in Appendix A2

Q8. Joanna Booth: Agenda item 8 - Period 6 Finance outturn report - reference to Modulous project at Romney Avenue in Appendix A2

Q9. Joanna Booth: Agenda item 11 - Confidential report

Public forum statements have been received as listed below (full details are set out on the subsequent pages):

1. Suzanne Audrey: Public questions and statements

2. Dan Ackroyd: Use of resources / culture change at the council

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



PUBLIC FORUM - QUESTIONS

Q1. QUESTION FROM SUZANNE AUDREY

Public questions and statements

Please provide the full criteria, including definitions used, to decide whether a public question or statement is defamatory, frivolous or offensive? (For example, it is my understanding that something cannot be declared defamatory if it is true.)

Response:

Any decisions on such matters are taken by the Monitoring Officer in consultation with the relevant Committee Chair. The Council's website confirms that questions, statements and petitions should be factually based and should not contain anything that could be construed as being defamatory, frivolous or offensive and the Council reserves the right to reject any submission it deems defamatory, frivolous or offensive at its sole discretion.

Q2. QUESTION FROM SUZANNE AUDREY

Public questions and statements

Please describe the process, including personnel involved (e.g. officer or member, role at Bristol City Council or elsewhere), through which public questions or statements are judged to be defamatory, frivolous or offensive?

Response:

The process is set out in the Committee Procedure Rules. CMR9.5 confirms that the chair in consultation with the proper officer may reject a question, statement or petition if it:

- (i) is not about a matter for which the committee has a responsibility;
- (ii) is defamatory, frivolous or offensive, or
- (iii) requires the disclosure of confidential or exempt information

Rejected questions will be resent to the questioner and include reasons for rejection.

Q3. QUESTION FROM SUZANNE AUDREY

Freedom of Information requests

The Information Commissioner's Office recommends that local authorities use the most recent quarter's data when calculating their response rate for Freedom of Information (FOI) requests. I have been unable to find information about recent FOI response rates on the Bristol City Council website. Please provide Bristol City Council's most recent FOI response rates, together with the Council's publication policy relating to FOI response rates?

Response:

This information can be accessed at this link:

[Freedom of information \(FOI\): published information](#)

Q4. QUESTION FROM DAN ACKROYD

Agenda item 11 – Confidential report

Why has the decision been taken to fully exempt the reports for agenda item 11, rather than redacting only the parts of the reports that would need to be redacted to keep confidential details secret?

Response:

As indicated on the agenda, this report seeks the committee's decision on a matter that is commercially sensitive in accordance with the Council's Access to Information Procedure Rules (APR) 10.2 and 10.3 as set out in the Council's constitution, i.e. information relating to the financial or business affairs of the authority and has been approved as exempt by the Proper Officer under APR 11. The view of the Proper Officer is that this report was approved as fully exempt given the particular commercial nature of this matter which would otherwise identify the matter to be considered by the Committee.

Q5. QUESTION FROM DAN ACKROYD

Agenda item 11 – Confidential report

It is incredibly unusual for a committee item to be totally exempt to the extent that not even the subject of the item is disclosed.

My understanding is that there needs to be a public interest test to maintain the exemption.

*Information which-(a)falls within any of paragraphs 1 to 7 above; and (b)is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information **if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.***

What were the specific public interest factors considered and what was the weighting given to them to determine whether the information should be exempt or not?

To be clear, I am looking for an answer similar in format to the answer given when I asked a similar question at the Audit committee earlier this year:

<https://democracy.bristol.gov.uk/documents/s99407/Action%20Sheet%20PDF.pdf>.

Response:

In considering the public interest test as part of this decision, the Proper Officer considered that the disclosure of the report would impact on the council's ability to compete in a commercial environment and create detrimental impact on its negotiating position. On that basis, the public interest in disclosing the information was outweighed by the public interest in maintaining the exemption.

Q6. QUESTION FROM DAN ACKROYD

Agenda item 8 – Period 6 Finance outturn report – reference to slippage in stock condition surveys in Appendix A2

For agenda item 8 "Period 6 Finance outturn report 2024/25" in Appendix A2 "Homes & Housing Committee 2024/25 – P6 Budget Monitor Report" it says: "£0.4 million slippage on Stock Conditions Surveys (for Damp & Mould) on account of reduction in current year work programme owing to QA concerns."

Please can you provide a narrative that explains what the QA concerns are, how many surveys have "QA concerns", and what is the time period for those affected surveys?

Response:

The Stock Condition survey contract re-commenced in July with Ridge & Partners after a 4-year period of no surveys being completed by BCC. The onsite elements of the contract are predominantly being resourced using agency surveyors as is normal for this type of work. The supervision and management is completed by permanent Ridge staff. Ridge started the contract with 16 surveyors. The BCC quality assurance system was quick to identify errors in the Housing Health and Safety Rating System (HHSRS), photos and other data not being provided to the required specification. In response, in order to address the concerns highlighted, a joint decision was taken by BCC and Ridge to reduce their team from 16 to 8 surveyors so that additional controls could be put in place. This culminated in the stock condition surveys being paused in October in order for Ridge to be able to address the quality assurance concerns highlighted by BCC during our contract management. Additional cost safeguards remain in place as we are only paying for surveys where the data supplied by Ridge passes our audit process. At the end of October 24, 2,935 surveys have been completed. We don't have the number of surveys with QA concerns as we are monitoring the number of completed surveys that have passed our QA checks. Surveys have now recommenced from the 3rd November and Ridge have been set the objective to complete a total of 8,000 surveys by the 31st March 2024.

Q7. QUESTION FROM JOANNA BOOTH

Agenda item 8 – Period 6 Finance outturn report – reference to Modulous project at Romney Avenue in Appendix A2

In Appendix A2 "Homes & Housing Committee 2024/25 – P6 Budget Monitor Report" it states:

"£1.8 million write off – Modulous project at Romney Avenue Write off since contractor has gone into liquidation."

Please provide the process of due diligence the council undertook for this contractor as it would have surely noticed that Modulous had zero income in the year to December 2021, and £92k in the year to December 2022, whilst having costs of almost £10 million in each of those years?

Response:

The appointment of Modulous was identified through the Innovate UK grant funded project, Enabling Housing Innovation and Inclusive Growth (EHIG); a research, development and innovation programme aimed at trialling the use of Modern Methods of Construction (MMC) for affordable housing delivery.

The original Innovate UK bid, particularly supplier selection and engagement, was subject to internal audit and oversight from BCC Legal and their appointment was agreed prior, no formal competitive procurement was undertaken, and a direct award was approved in line with the Council's procurement regulations.

The HRA development team as part of due diligence once a contract is awarded, ensures that regular financial checks are obtained; one before contract signing and one shortly after, which include a credit report and a Dun and Bradstreet report, neither report flagged anything to suggest BCC should not proceed and both report a low or below average risk.

Q8. QUESTION FROM JOANNA BOOTH

Agenda item 8 – Period 6 Finance outturn report – reference to Modulous project at Romney Avenue in Appendix A2

For the 'statement of affairs' for Modulous Limited published on 06 Apr 2024 on Companies House, BCC is listed as a creditor but with only £1 (one pound) of debt.

Noting that BCC is only listed as a creditor for a single pound, please provide the itinerary of works delivered by Modulous for which they were paid £1.8 million?

Response:

It appears that the initial £1 listing was done to ensure BCC was listed at an early stage in the administration process. The council has subsequently sent the required proof of full debt to the administrators in June this year, stating the full debt to BCC.

The significant bulk of costs associated with the claim is to cover the construction of the off-site modular units that were partly constructed and the subsequent dismantling of these units which could not be re-used. Some of the elements have been salvaged and will be re-used in the new development (windows and doors). There are some other ancillary costs such as legal and design costs that have been spent on the project up to the point of receivership, which is included in the write-off sum.

Q9. QUESTION FROM JOANNA BOOTH

Agenda item 11 – Confidential report

I would like to know whether all the councillors in the committee agree to the confidential report that is being decided on which is so secret no one can even know its name?

Response:

Under the Access to Procedure Rules APR11 - If the proper officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with APR 10 (exclusion of press and public to meetings), the meeting is likely not to be open to the public.

PUBLIC FORUM - STATEMENTS

STATEMENT 1 – SUZANNE AUDREY

The Strategy and Resources Policy Committee is responsible for democratic engagement. I would, therefore, like to express concern to the Committee about public statements and questions being disallowed at Full Council and at various committees.

When submitting a question or statement to Full Council, through the Bristol City Council website, the following 'warning' is given:

- Questions, statements and petitions should be factually based and should not contain anything that could be construed as being defamatory, frivolous or offensive
- Any submission including anything that could be considered as being defamatory, frivolous or offensive shall be redacted prior to publication without notice to you
- The council reserves the right to reject any submission it deems defamatory, frivolous or offensive at its sole discretion

In the interests of democratic engagement, I would like to know the full criteria used to decide whether a public question or statement is defamatory, frivolous or offensive; what is the decision-making process, and; who is involved in making this judgement.

STATEMENT 2 – DAN ACKROYD

There needs to be a culture change at this Council.

I know the urgent problem is to avoid the council going 'bankrupt' and having to declare a Section 114 notice, but we need to change how people who work at this council think.

Millions upon millions of pounds are being spent on emergency measures because officers, apparently, just did not feel the need to prepare the council homes for the new Fire Safety legislation, or to maintain it to an adequate quality.

More millions are being spent on sending kids to schools far away from where they live as not enough planning was done for how to provide enough special needs places in schools.

The ICO found that this Council is breaking the law, as this council apparently feels that the public doesn't have the right to access documents that the law in this country says we have a right to access.

I have very little confidence that it is actually in the interest of the public for agenda item 11 to be exempt.

Why should I when I can see how this council has been acting?

To effect a culture change, people, including officers, members of the public and politicians, all need to have a good understanding of how such poor decisions came to be made. There needs to be a reckoning.