

Overview & Scrutiny Management Board

27 July 2022

Public Forum – Statements & Questions



Statements

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Public Forum - Statements

Statement 1: Councillors Kent, Townsend, Bailes, Massey, Stone, Weston & Wye

Topic: SEND - allegations of Council officer involvement in collecting social media information

As lead members on People Scrutiny, we have been very concerned to read the accusations in the media that Bristol City Council has been engaged in monitoring, collecting, and sharing information on SEND parents social media posts and photos internally and externally.

Such actions raise serious questions under the Regulation of Investigations Act 2000 (RIPA) and whether this activity, the motivation, and then the sharing of the information to external organisations was allowable.

Secondly, there is a question over use of scarce resources. Do we think it is acceptable that the council are using scarce resources (officers time) to carry out such activity?

Thirdly, there is an issue of reputation and trust. In engaging in such activity, the council risks its reputation and trust not only with parents and residents of this city but partners as well.

Fourthly, the Written Statement of Action constructed in response to the 2018 Ofsted inspection of SEND services highlighted relationships, trust and confidence of parents as a key area that needed improvement – People Scrutiny and members as a whole have received monitoring reports from our senior officers that state this element of improvement was taking place.

We have now been informed by the Bristol Parent Carer Forum that they did not request that Bristol City Council officers monitor SEND parents in such a way.

We feel that this issue, given its damage to reputation and trust, does warrant an investigation by an external investigator who can report back to OSMB. We would hope such an investigation will look at the extent of any monitoring, whether this had any breach of RIPA and what external organisations such monitoring was shared with and why.

As you will be aware, People Scrutiny does not meet until September; we feel that is too late to start to address this issue and that such an investigation should be started as soon as possible.

We make this request as the lead members of the Scrutiny Commission but also make the request as a Councillor Call to Action under the Local Government and Public Involvement in Health Act 2007, and the Police and Justice Act 2006. As there are no other opportunities for us to raise this in a public domain before September, we hope that our request as a Call to Action and that this issue be investigated externally and reported back to OSMB with urgency is met.

Statement 2: Councillors Weston & Morris**Topic: SEND - allegations of Council officer involvement in collecting social media information**

We write to convey our own concerns in relation to this latest controversy involving the Authority and how it engages with the parents, families, and friends of SEND children and the provision of this service.

The Chairman of the People Scrutiny Commission has also submitted representations to you on this matter the content of which we wholeheartedly endorse. If media reports concerning this surveillance activity are correct, then we support Cllr Kent's invoking of the Councillor Call for Action (CCfA) mechanism to have it investigated at the earliest possible juncture.

To be frank, if the reported facts of this case are to be believed, it seems extraordinarily ill-judged for council officials to be involved in this manner. This is a waste of their time and energy when resources are necessarily limited. Any enquiry must uncover who approved this strategy and to what end any information garnered covertly was to be put?

It seems to us that these actions are not only completely inappropriate behaviour for local government employees but also entirely counterproductive when this Council and The Bristol Parent Carer Forum was meant to be working with SEND community groups *"to build trust and better relations with all stakeholders"*.

In any event, one must also ask – and have answered – why were public servants acting in this way as agents for this charity in the first place? Of course, we have since been told via the press that the BPCF denies ever having made this request to collect or compile data on some of their own members.

To date, no satisfactory explanation for this discrepancy has been forthcoming. In our view, the official account simply fails to pass the so-called hypothetical 'smell test' of acceptability or trustworthiness.

There is clearly an important distinction or difference between someone being active on social media platforms where they are sharing news, views and ideas to others and 'officialdom' collecting, harvesting, or cataloguing this information for an undefined purpose.

Accordingly, we recognise that there is a pressing need for an investigation to take place here to definitively establish the facts and motives of all those involved. We trust OSMB will be receptive to this request. A failure to do so in this instance will only result in further reputational damage to the Authority and feed suspicions that it has something to hide. When in a hole, it is always best to stop digging.

Statement 3: Alan Morris, Liveable Neighbourhoods for Bristol

Topic: Agenda item 9 – Liveable Neighbourhoods Inquiry Day – scrutiny report

Liveable Neighbourhoods for Bristol is a group of people keen to see Liveable Neighbourhoods implemented across Bristol. We are supported by almost 40 organisations across Bristol, which are listed at <https://liveablebristol.org.uk/>.

We have a number of comments on the papers presented to OSM:

Omissions from the Handbook:

We note the Scrutiny Report's recommendations for additions to the content of the Draft Liveable Neighbourhoods Handbook that was shown to attendees.

- Parking management
- Health and wellbeing
- Application across Bristol
- Funding

If these points are indeed missing from the Handbook, we support their inclusion

Expert views: we note the points made by invited experts that are recorded in the Report:

- **Measurements:** "Measurements including network impact (reduction in vehicle numbers), mesh density (distance to quality active travel options), and permeability (movement from one Liveable Neighbourhood to another), were outlined to demonstrate criteria that projects should consider."
- **Parking management:** "During the Question and Answer Panel, Speakers expanded on the impact of free parking close to local facilities which has the potential to undermine active travel efforts. Parking management would be a key factor in a successful Liveable Neighbourhood."

Delivery of the schemes:

- **The East Bristol scheme:** The development timetable for the East Bristol Liveable Neighbourhood has slipped, partly because of the volume of first-round consultation responses. If the slow careful delivery of the co-working approach facilitates the success of this first pilot, that is a good thing.
- **Political support:** "It was warned that Liveable Neighbourhoods can be controversial schemes, and that a degree of pushback could be expected. Councillor Clyde Loakes emphasised how strong political support is needed to deliver these schemes." However careful the engagement approach is, political support is still needed. The experience with such schemes is usually that, once implemented, the resistance falls away.
- **Further Liveable Neighbourhood schemes:** We note that the second pilot has yet to be announced, but is promised for delivery by 2024. We support Scrutiny's comment on the draft Handbook that: "It should be made clear that Liveable Neighbourhoods could be applied anywhere across Bristol. The use of pictures may support this."

Statement 4: Ian Pond, Bristol Cycling Campaign**Topic: Agenda item 9 – Liveable Neighbourhoods Inquiry Day – scrutiny report**

Having reviewed the public record documentation, Bristol Cycling Campaign (BCyC) restates its support for well implemented Liveable Neighbourhoods as schemes that can bring significant benefits to residents' health and wellbeing, enabling active travel for short trips and the first/last leg of longer trips.

We welcome that scrutiny councillors have taken the opportunity to listen to officers present the council's plans and the views of recognised experts and councillors who have successfully delivered similar schemes.

Parking Controls

As stated in the report of the inquiry day "Parking management would be a key factor in a successful Liveable Neighbourhood". We have some concern that the present scheme does not cover the need for parking controls as a key part of a successful scheme and nor does the existing pilot cover any form of parking control. Free and unhindered parking is likely to undermine the scheme as it:

- retains the car as the obvious first choice for very short trips for residents;
 - creates issues with morning commuters searching for parking on filtered streets;
 - will decrease perceived and actual safety for active travel modes, further discouraging the choice of these options due to the increase motor traffic volume from the first two points;
- and,
- reduces potential benefits to residents with limited mobility, pushchairs etc from better control over parking obstructions, e.g. on pavements.

It also puts the whole scheme in jeopardy as it is unlikely to secure funding if it directly goes against the advice of Active Travel England's Director of Inspections.

The removal of a small number of parking spaces to create modal filters, public realm spaces and cycle hangars should be expected as part of a Liveable Neighbourhood and this dynamic should be transparent but managed carefully.

Engagement

Engagement is also an area of some concern. The council's approach to engagement with a well set out co-design process is welcome and it appears that Clyde Loakes noted the need for strong political support for the success of these projects and that pushback should be expected. We note that the Waltham Forest mini holland also went through a thorough co-design process and yet still saw protests and delaying calls for more consultation once it came to making the final decisions and early implementation.

We have a particular concern over scrutiny's recommendation that "it should be possible for residents to reject becoming a Liveable Neighbourhood". Any such rejection would have to be supported in a statistically robust manner, i.e. via separate polling of a representative sample. It could not be supported from consultation responses which, as an open and uncontrolled sample, can never be taken as representative of the local population. To do so would damage the Council's reputation with ATE and jeopardise current and future funding.

Health and Wellbeing

We agree with the recommendations on focusing on the health and wellbeing benefits of these schemes, it should be noted that these fall most on the poorest who mostly cannot afford to own

cars and are faced with urban environments that are hostile and inaccessible. Children are also major beneficiaries of these schemes through increased travel independence. However, where scrutiny notes that “The benefits for those with mobility constraints (e.g. dropped kerbs) should be highlighted” we would stress that a scheme with mini-holland levels of funding would be expected to implement continuous footways across all side roads providing further benefits to those with mobility issues. Framing Liveable Neighbourhoods as public health projects and highlighting the benefits for children may be better received than framing them as an air quality or ‘net zero’ projects.

Other Points

There is no mention of cycle parking in the inquiry day report (and it is unknown to us as to whether this is mentioned in the Draft Handbook). The lack of sufficient, secure cycle parking is a key barrier to the choice of cycling for local trips. Specifically in the pilot area cycle parking is both scarce along key destinations Church Road and likely to be an issue for many residents. These are issues that are common across most parts of the city and upgraded destination parking facilities as well as the significant roll out of cycle hangars should be considered in any LN scheme.

Overall

Bristol Cycling Campaign encourages the Council and politicians to take an ambitious approach to the pilot scheme. They should expect some resistance but the health and accessibility benefits, which are particularly felt by poorer residents who can not afford to own a car and are faced with a hostile urban environment, along with the political rewards are clear. Active Travel England will be expecting ambitious and uncompromised bids for funding and have shown that they will not fund measures that do not meet their standards.

PUBLIC FORUM - QUESTIONS

QUESTION 1 – SUZANNE AUDREY

Topic: Agenda item 12 - Mayor's Forward Plan – Temple Quarter update – scrutiny involvement

Background: The Mayor's Forward Plan includes: Temple Quarter Update - To approve the Mead Street Development Brief & note the update on the Temple Quarter Regeneration Programme funding; Meeting date - Cabinet 2 Aug 2022; Decision taker – Mayor. For this item, the scrutiny remit is listed as the Growth & Regeneration Scrutiny Commission.

Question: Please can you provide information about the process and results of scrutiny that the Mead Street Development Brief has undergone by the Growth & Regeneration Scrutiny Commission?

Officer response:

An update report on the Temple Quarter and St Philips Marsh regeneration programme was submitted to and discussed at the Growth and Regeneration Scrutiny Commission on 28 February 2022. That report included the following update in relation to the development of Mead Street:

- *Engagement took place in November 2021 in relation to Mead Street seeking early feedback on guiding principles and concepts for developing the Mead Street area to inform a future Development Brief (discussed below). The engagement activities included an online meeting with community organisations, face to face events with local residents and businesses and an online survey. The formal consultation for the Mead Street Development Brief is anticipated to take place during March and April 2022.*
- *Mead Street – There has been early interest from the private sector in developing the majority of the Mead Street area. As such, a Development Brief is being prepared in relation to Mead Street to inform its future development of the area and guide forthcoming planning applications. The Development Brief will provide guidance on, amongst other things, future land uses, active travel requirements and public open space requirements. It is anticipated the Development Brief will be presented to cabinet in summer 2022.*

There has been no formal scrutiny engagement since the February 2022 update. The Mead Street development brief public consultation subsequently ran from 20 May – 4 July 2022; all councillors were of course able to submit comments as part of this consultation.

QUESTION 2 – CLLR CHRISTINE TOWNSEND**Topic: Agenda item 8 – Local Government and Social Care Ombudsman report**

I note this report is for 'noting' only and that no senior officers from Education are in attendance today. Please can OSMB request a direction that People Scrutiny have this report as an agenda item in its next Scrutiny meeting in September, where responsible officers for this area of the council's statutory work will be in attendance?

Response from OSMB Chair:

In issuing this decision report, an action requested by the Local Government and Social Care Ombudsman (para. 57) was that the Council agree, within 3 months of the decision, to 'send a copy of the final decision to the relevant scrutiny committee so there is democratic oversight of the extent of the problems affecting children and families waiting for EHC assessments in Bristol.' As the Ombudsman's report was issued/published on 4 March, it was not practicable to formally report the decision to the 7 March meeting of the People Scrutiny Commission. The next meeting of the People Scrutiny Commission is on 12 September 2022. To avoid delay in meeting the Ombudsman's request, it was agreed with the Chair of the People Scrutiny Commission that it was appropriate for the Ombudsman's decision to be formally reported to this meeting of the OSMB.

The Ombudsman's decision can also be reported to the People Scrutiny Commission at their 12 September meeting. The People Scrutiny Commission have requested, in any event, that a position statement/update on progress in meeting the 20 week target for completing Education, Health and Care plans is submitted to the 12 September meeting, so it would be appropriate for the Ombudsman's report to be discussed then, bearing in mind the context of the update report that will also be considered at that meeting.

QUESTIONS 3.1 – 3.5 – ROB BRYHER**Topic: 5 questions submitted re: Agenda item 9 – Liveable Neighbourhoods Inquiry Day – scrutiny response**

Question 3.1: Why has the administration not implemented more Residents' Parking Schemes in the last 6 years when they have been shown to underpin successful active travel and liveable neighbourhoods strategies in all of the readily available academic research literature?

Response from OSMB Chair:

Whilst noting the point raised in your question, as OSMB Chair, I am not able to respond to a question which you are directing specifically to the administration. Please note that subject to the discussion at today's OSMB, the report is likely to be submitted to the Cabinet, at which point you will have an opportunity to ask questions of the administration.

Question 3.2: When will the public be able to view the draft Liveable Neighbourhoods handbook and provide feedback on its content to improve it?

Officer response:

Officers received extensive feedback on the draft Liveable Neighbourhood Handbook at the Scrutiny Inquiry Day. This included a steer that two documents were required – one public facing and one more technical. A re-draft is anticipated to be ready in the autumn given the new requirement to create two documents. Both are intended to be 'living' documents available on the council website with the opportunity for regular review.

Question 3.3: Does the administration or council believe that a necessary condition of liveable neighbourhoods strategic planning is to produce a circulation plan so that it is clear to all which are boundary roads for liveable neighbourhoods and, by extension, delineate those streets which are fine to have modal filters installed on them in principle?

Response from OSMB Chair:

Whilst noting the point raised in your question, as OSMB Chair, I am not able to respond to a question which you are directing specifically to the administration. Please note that subject to the discussion at OSMB, the report is likely to be submitted to the Cabinet, at which point you will have an opportunity to ask questions of the administration. Officer comments are set out below.

Officer response:

The council is intending to prepare a Liveable Neighbourhoods Strategy following the delivery of the East Bristol Pilot. This Strategy will set out in more detail how Liveable Neighbourhoods could work in a citywide context.

Question 3.4: Will the administration commit to creating a process for communities to request a parklet or pocket park on their local street?

Response from OSMB Chair:

Whilst noting the point raised in your question, as OSMB Chair, I am not able to respond to a question which you are directing specifically to the administration. Please note that subject to the discussion at OSMB, the report is likely to be submitted to the Cabinet, at which point you will have an opportunity to ask questions of the administration.

Question 3.5: My understanding is that community support is a prerequisite for a scheme. Please could the administration and/or council officers be more specific about whether this means they will be not delivering the East Bristol scheme if a substantial number of people take a negative approach to the scheme? In other words, will you have the courage to do something that has support, is good for the city, but has a vocal minority opposing it?

Response from OSMB Chair:

Whilst noting the point raised in your question, as OSMB Chair, I am not able to respond to a question which you are directing specifically to the administration. Please note that subject to the discussion at OSMB, the report is likely to be submitted to the Cabinet, at which point you will have an opportunity to ask questions of the administration. Officer comments are set out below.

Officer response:

As with any transport project, it is important that feedback received through consultation is considered alongside wider strategic objectives. Having only completed early engagement on the East Bristol Liveable Neighbourhood project, it is not possible to comment on whether or not officers would support a scheme that had objections as this would entirely depend on the nature of the objections, whether the scheme disproportionality impacted specific groups over others (e.g. those with protected characteristics) and whether officers felt the objections could be reasonably mitigated.