

# Bristol City Council Minutes of the Overview and Scrutiny Management Board



27 July 2022 at 2.30 pm

## Members present:-

**Councillors:** Tony Dyer (Chair), Mark Bradshaw (Vice-Chair), Geoff Gollop, Brenda Massey, Barry Parsons, David Wilcox and Andrew Brown (substituting for Cllr Tim Kent)

## 7 Welcome, Introductions and Safety Information

The Chair welcomed members and other attendees to the meeting. The Chair also advised attendees about the emergency evacuation procedure.

## 8 Apologies for absence

Apologies were received from Cllrs Kent, Morris and Pearce. It was noted that Cllr Brown was substituting for Cllr Kent.

## 9 Declarations of Interest

None.

## 10 Minutes of previous meetings

### OSMB RESOLVED:

1. That the minutes of the meeting of OSMB held on 29 March 2022 be confirmed as a correct record.
2. That the minutes of the meeting of OSMB held on 7 June 2022 be confirmed as a correct record subject to noting (in relation to the list of attendees) that Cllr Parsons had attended the meeting.



## 11 Chair's Business

The Chair advised that he had noted that two statements had been received (that would be considered during the public forum part of this meeting) from several councillors, in particular from members of the People Scrutiny Commission, setting out concerns about an issue in relation to Special Educational Needs and Disabilities (SEND) and social media. Within these statements, there was a suggestion that OSMB be asked to request an investigation. He had been advised that officers were looking into this matter in order to establish the facts and that he would like them to conclude this piece of work before OSMB considered whether any additional action was necessary. Once he had been advised of the outcome of officers' inquiries, he intended to discuss next steps with the other OSMB lead members.

The Chair added that clearly this was a matter that had caused considerable distress to many parents and concern amongst councillors; it was important that, as a whole council, every effort was made to ensure that the full facts were established as soon as possible. In addition, although this matter had been raised at OSMB, clearly members of the People Scrutiny Commission had specific knowledge and expertise within this topic area and would also need to be consulted regarding any further action.

## 12 Public Forum

OSMB noted that public forum items had been received as follows (copies of all public forum items had been circulated to OSMB members in advance of the meeting and published on the Council website alongside the OSMB agenda papers):

### Statements:

The following statements were received and noted:

1. Statement from Cllrs Kent, Townsend, Bailes, Massey, Stone, Weston, Wye and Bradshaw  
Topic: SEND - allegations of Council officer involvement in collecting social media information  
This statement was presented by Cllr Massey on behalf of the councillors named above.
2. Statement from Cllrs Weston & Morris  
Topic: SEND - allegations of Council officer involvement in collecting social media information
3. Statement from Alan Morris, on behalf of Liveable Neighbourhoods for Bristol  
Topic: Agenda item 9 – Liveable Neighbourhoods Inquiry Day – scrutiny report
4. Ian Pond, on behalf of Bristol Cycling Campaign  
Topic: Agenda item 9 – Liveable Neighbourhoods Inquiry Day – scrutiny report

Discussion then took place in relation to Statements 1 and 2 regarding SEND and allegations of Council officer involvement in collecting social media information.



Clrs Gollop, Brown and Bradshaw expressed the view that in light of the seriousness of the issues raised through these statements, it would be appropriate for an independent investigation to be instigated by OSMB.

Whilst noting these views, the Chair referred to his comments under Chair's business about the work currently taking place to first establish the full factual position in relation to this matter. The Chief Executive confirmed that this work was being undertaken as a matter of urgency, recognising the seriousness of the issues raised.

Following further discussion, on the motion of Cllr Gollop, seconded by Cllr Massey, OSMB

**RESOLVED:**

To note that members feel that an independent inquiry into these allegations is essential but to also recognise the need to gather further factual information (as referred to in the Chair's statement under Chair's business). Once that process is concluded, OSMB agree to delegate to the OSMB Chair and Vice-Chair the decision on the way forward and whether to instigate an independent investigation.

**Questions:**

OSMB noted that the following questions had been received:

1. Question from Suzanne Audrey

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

2. Question from Cllr Christine Townsend

Topic: Agenda item 8 – Local Government and Social Care Ombudsman report

3. Questions from Rob Bryher

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

It was noted that written replies had been sent to each of the individuals who had submitted questions.

### **13 Annual Business Report**

OSMB considered the annual business report.

**OSMB RESOLVED:**

1. To note the membership of the Board for 2022/23.
2. To note the position regarding dates and times of meetings for 2022/23.
3. To note the Scrutiny terms of reference.
4. To note the Mayoral question time arrangements.
5. To establish the Call In Sub-Committee and confirm the chairing arrangements as per the details set out in the report.



## 14 Local Government and Social Care Ombudsman Report - to note

The Board received, for information, the final decision report of the Local Government and Social Care Ombudsman regarding a complaint against Bristol City Council in relation to delays in the Education, Health and Care (EHC) plan process (complaint reference 21 007 446).

Points raised/noted:

a. The Chair commented that in issuing this decision report, an action requested by the Local Government and Social Care Ombudsman (ref. 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 had not been practicable to formally report the decision to the 7 March meeting of the People Scrutiny Commission. The next meeting of the People Scrutiny Commission was on 12 September 2022, so to avoid delay in meeting the Ombudsman's request, it had been 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 OSMB.

The Chair added that the decision could also be reported to the People Scrutiny Commission at their 12 September meeting. The People Scrutiny Commission had, in any event, requested that a position statement/update on progress in meeting the 20 week target for completing EHC plans be submitted to the 12 September meeting - it would, in his view, be appropriate for the Ombudsman's report to be discussed then bearing in mind the context of the update report that would also be considered.

b. Councillor Gollop, with reference to the quarterly performance progress report (agenda item 10) noted that performance against the 20 week target for issuing EHC plans had been an area of concern for both OSMB and the People Scrutiny Commission for a significant period of time. In his view, it would be important for the People Scrutiny Commission, mindful of the case highlighted in the Ombudsman's report, to also receive assurance that longer term outstanding cases were being addressed / resolved; there was a potential danger that in focusing on achieving a 20 week compliance in new cases, there could be a risk of a loss in focus in the oversight of longer term cases.

c. Councillor Massey supported Cllr Gollop's above comments and also stressed the importance of scrutiny ensuring a focus on longer term, outstanding cases being resolved.

Noting and taking into account the above points, OSMB then **RESOLVED:**

- To note the decision report of the Local Government and Social Care Ombudsman as set at Appendix A, and to agree that the above comments of members from this meeting be forwarded to People Scrutiny Commission members and relevant officers.



## 15 Liveable Neighbourhoods Inquiry Day: Draft Scrutiny Report

The Board considered the outcomes/scrutiny report following on from the Liveable Neighbourhoods Inquiry Day held on 20 June 2022.

Cllr Don Alexander, Cabinet member for Transport, was in attendance for this item.

Points raised/noted:

a. The Chair introduced the report and also referred to the public forum items received in relation to this item.

b. Cllr Wilcox welcomed the report and stressed the importance of controlled parking measures (demand management) being necessary in delivering a successful liveable neighbourhood. In his view, it was vitally important that this element was included in the pilots.

c. Cllr Bradshaw commented as follows:

- The inquiry day had been very helpful in assisting members in understanding what had been achieved elsewhere and in the practical interpretation of what could be achieved in Bristol.
- It was important to recognise the differences between neighbourhoods and that there was no single way to achieve a liveable neighbourhood.
- It would be important to focus on the shared capacity available to deliver liveable neighbourhood schemes because delivery was both intensive and expensive, bearing in mind also the increasing costs (due to inflation etc.) of engineering/construction.
- Demand management/parking control was also an important consideration, as highlighted by Cllr Wilcox. To achieve effective liveable neighbourhoods, it was necessary, in his view, to include some degree of demand management and this applied across the whole range of options available.
- It would be necessary to ensure joint and shared working with WECA (as the recipient of much of the government funding and bearing in mind in that certain related powers flowed through WECA); ensuring an effective working relationship with WECA would therefore be fundamental to delivering these schemes.

d. The Chair commented that the East Bristol pilot scheme was being taken forward currently and his understanding was that this was now moving to a further stage. He also understood that Bristol had an allocation of £10m through City Region Sustainable Transport Settlement (CRSTS) funding plus £2m of match funding towards Liveable Neighbourhoods, but that this was time-limited in relation to spend. In response, officers confirmed that £12m resourcing was available for the 2 initial pilot areas - this included the existing pilot area in East Bristol; the second pilot area was yet to be identified. The timeframe for delivering CRSTS spend was 2027.

e. Cllr Brown endorsed the previous member comments. He also raised the issue of mitigation measures for people living on the edge of a Liveable Neighbourhood zone against real or perceived effects of schemes, for example in relation to traffic displacement. His overarching impression was that these



schemes would be expensive and needed to be substantial and comprehensive to be effective; there was therefore a concern about trials being taken forward with non-permanent solutions.

In response, officers confirmed that through the pilots, they would be looking at what the potential impacts might be around the edges of schemes although there would be a limit on the degree of mitigation measures that could be put in place around the edges of a zone in terms of major interventions.

f. Cllr Massey welcomed the discussion that had taken place through the inquiry day; she pointed out that small-scale improvements, such as planting trees and providing more benches could make a huge difference locally, citing the example of the recent improvements at Arnside Road shopping centre in Southmead.

g. Cllr Parsons pointed out that comments had been received during the inquiry day and through today's public forum about various omissions from the proposed handbook, e.g. references to demand management; he queried whether these elements could be included in the next iteration of the handbook. He also asked whether any indication could be given now of the anticipated approach to demand management.

In response, Cllr Alexander commented that demand management (i.e. in relation to parking) across the city as a whole was an issue that needed to be discussed in the wider context of reducing carbon dioxide emissions; in terms of the handbook, his view was that if there was a widespread interest in parking restrictions in an area, then these could be looked at; in such cases, there would need to be a careful assessment of the potential impact of any suggested measures on surrounding areas.

The Chair concluded the discussion by thanking all concerned for their efforts in running the inquiry day.

Noting and taking into account the above points, OSMB then **RESOLVED**:

1. To note the contents of the report.
2. To approve the recommendations of the report.
3. To approve the report for submission to the Cabinet.

## **16 Quarterly performance progress report (Quarter 4 2021/22)**

The Board considered the quarter 4 performance progress report for 2021/22.

Points raised/noted:

a. The approach to performance reporting going forwards would be in line with the new performance framework – future reports would include enhanced narrative and milestone tracking as well as the latest data in relation to Key Performance Indicators (KPIs); work would also take place in advance of meetings to identify areas of particular interest to members, with a view to appropriate officers being invited to attend scrutiny performance review sessions to help maximise their effectiveness.



b. In terms of the presentation of data in the report, Cllr Wilcox suggested that it would be useful for the top line 'column headings' (as per page 62) to be replicated on each page.

c. Re: indicator BCP475 - increase the number of passenger journeys on buses: Given the current issues around bus reliability and driver availability, Cllr Wilcox queried how the Council would be working with the bus operator(s) to improve this, especially in light of the WECA bus deal negotiations.

In response, Cllr Alexander advised that there was regular dialogue with WECA officers, the relevant unitary authority Cabinet members and bus operators; the reality was there was a major immediate issue around the national shortage of bus drivers. In the longer term, the city needed to secure the best possible segregated infrastructure solution for buses.

d. Re: indicator BPB530 - increase the satisfaction of citizens with our services: with reference to the drop in the number of people satisfied with council services, Cllr Wilcox requested information about how this would be addressed. It was noted that a written response would be provided.

e. Re: indicator BPC352b - reduce the number of people sleeping rough in Bristol on a single night: Cllr Brown pointed out that the latest figure given was 45 but in the draft statement of accounts considered the previous day by the Audit Committee, a figure of 26 had been given. It was noted that a written response would be provided to clarify the detail on this point.

f. Re: indicator BPB124a - % of major residential planning applications processed within 13 weeks or as otherwise agreed: Cllr Brown pointed out that there seemed to be a discrepancy in the narrative, stating 'The number of decisions (44) for the year to date are down on 2020-21 when 38 had been issued.' It was noted that a written response would be provided to clarify the detail on this point.

g. Re: indicator BPB375 – reduce the number of empty council properties: Cllr Bradshaw commented that whilst understanding the impact of Covid and the associated disruption, he was interested in how the Council would be dealing with void properties going forwards, in terms of how quickly voids could be turned around, not least because of the scale of the number of people on Bristol's council housing waiting list and the need to bring in income to the housing revenue account. It was noted that a written response would be provided to clarify the detail on this point.

h. As per point a. above, the Chair commented that to help maximise the usefulness of performance review scrutiny sessions moving forwards, it would be useful for members to identify in advance areas of particular interest, to enable relevant officers to provide detailed answers and attend meetings to enable meaningful discussion and 'deeper dives' on these matters.

Noting and taking into account the above points, OSMB **RESOLVED:**

- To note the year-end results for the Key Performance Indicators for Quarter 4 2021/22 (Appendix A1) designed around the themes in the Corporate Strategy 2018-23 and Business Plan 2021/22.



## 17 Corporate risk management report (Quarter 1 2022/23)

The Board considered the quarter 1 corporate risk management report for 2022/23.

Points raised/noted:

a. Re: CRR40 – Unplanned investment in subsidiary companies: Cllr Bradshaw indicated that he wished to more fully understand how governance arrangements had recently changed, and the scale of this risk, as his understanding was that Bristol Holding Ltd was not now the primary assurance vehicle for company business plans across the range of subsidiary companies. It was noted that a written response would be provided through the risk owner to clarify the detail on this point.

b. Re: CRR41 – Capital portfolio delivery: Cllr Wilcox queried whether the nature of this risk had changed given that in the quarter 4 report, the title of CRR41 had been listed as ‘Long term major capital projects’; new actions were also now included in relation to this risk.

In response, officers clarified that a re-baseline and in-depth analysis of risks had been carried out with risk owners, including a review of risk titles/descriptions. In this case, the title had been adjusted to reflect that the risk was around potential failure to deliver long term capital projects. Cllr Wilcox suggested that it would have been helpful if this explanation had been included in the summary/preamble section of the report (page 81).

c. Also in relation to CRR41, Cllr Gollop flagged that the June Audit Committee had reviewed an external audit Value for Money report that had referred to a number of issues relating to the capital programme, including the fact that approximately 75% of capital spend happened cyclically in quarter 4; he suggested that the Value for Money report (and related recommended actions) should have been referenced in relation to this risk - it appeared that the risk could be being identified differently by those who managed risk and by those who managed the capital programme/projects. In response, it was clarified that the officers involved in the above mentioned review of risk descriptions were the same officers who were managing the capital programme, so there was consistency of officer involvement in this activity.

Cllr Gollop added that he would have expected there to be a linkage between the two reports given that the Value for Money report was highlighting risks that the Council should be responding to; he assumed that these should be picked in the Corporate Risk Register.

The Chief Executive advised that in his view there was commonality between the reports but there may be an issue about the way the risks were described in the respective documents – officers would follow up this point in liaison with the Executive Director - Growth and Regeneration; it was also noted that the Corporate Risk Register was designed to document strategic risks and may not reflect operational risks identified in a separate report(s).

d. Re: BCCC5 – Cost of living crisis impact on citizens and communities: Cllr Parsons noted that this was a new risk and asked for an explanation about the rationale for this risk, particularly around how specific this risk was, given other related risks that were included, for example around homelessness. In relation to the controls and mitigation, he queried the lack of a reference to citizens’ access to money (e.g. access to the Crisis Prevention Fund).



In response, it was noted that this was a new external risk, meaning that it was viewed as an external risk to the organisation whereas the other related risks were captured as internal risks, meaning that they were risks where the organisation could have a more direct impact in terms of managing and controlling the risk. It was noted that within the summary of progress against this risk, a number of actions being taken forward with city partners were detailed, including actions to assist residents in accessing financial advice and support; there had also been a member briefing on actions being taken by the Council and partners in response to the cost of living crisis.

Noting and taking into account the above points, OSMB **RESOLVED**:

- To note the quarter 1 2022/23 corporate risk management report and Appendix A - Corporate risk report summary of risks as submitted to the Cabinet on 12 July 2022.

## **18 Mayor's Forward Plan (standing item)**

The Board considered the latest update of the Mayor's Forward Plan, as published on 30 June 2022.

Points raised/noted:

a. In response to a point raised by Cllr Gollop, it was noted that clarification would be sought about when the next City Leap report would be submitted to the Cabinet.

b. Cllr Gollop noted that the Forward Plan indicated that the A37/A4018 Bus Deal Route 2 Project (Outline Business Case) would be submitted to the Cabinet 'before April 2023' – as the consultation had happened earlier this year, it would be helpful to receive feedback from that consultation given that the only indication in the Forward Plan was that the next report would be submitted before April 2023; a firmer indication of the timing would be helpful, together with further consultation with members prior to report publication.

The Chair indicated that he would raise and seek to clarify the above points with officers. It was also noted that OSMB would be receiving a further briefing(s) on City Leap.

Noting and taking into account the above points, OSMB **RESOLVED**:

- To note the latest update of the Mayor's Forward Plan.

## **19 Minutes from the WECA Overview and Scrutiny Committee - for information (standing item)**

OSMB **RESOLVED**:

To note the respective minutes of the meetings of the WECA Overview & Scrutiny Committee held on 4 April 2022 and 3 May 2022.

Cllr Gollop flagged that WECA had called an extraordinary meeting of the WECA Committee to be held on 29 July about funding for the MetroWest 1 Portishead line; however, no report had as yet been published



and therefore WECA scrutiny members had not received any opportunity to view the report or discuss the matter.

The Chair took note of this point and expressed his concern as he understood that late notice had also been given of this meeting.

## 20 Work Programme

OSMB reviewed the scrutiny work programme.

Points raised/noted:

a. Cllr Gollop referred to the importance of the appropriate scrutiny of the activity of the subsidiary companies. This should be proportionate but a level of openness should be expected. He had been concerned to discover that the Managing Director and Finance Director of Bristol Waste had very recently left their positions at short notice, and had been replaced, with no explanation and no ability for scrutiny to be given any awareness of the position. He indicated that he would expect scrutiny to receive a briefing/explanation in relation to this matter in the near future.

b. Cllr Gollop flagged that in the draft annual accounts considered by the Audit Committee, there had been a reference within the salaries section to one very significant payment/cost for one senior employee (which was significantly higher than the cost of the Chief Executive) – whilst recognising that pay / remuneration matters fell within the remit of the Human Resources Committee, it was, in his view, such a significant sum that either OSMB or Resources scrutiny members should examine and review the relevant policy.

The Chair took note of this point and suggested that OSMB lead members could consider this point further and decide how to appropriately progress this matter.

Noting and taking into account the above points, OSMB **RESOLVED**:  
To note the latest update of the Scrutiny work programme 2022/23.

Meeting ended at 3.42 pm

**CHAIR** \_\_\_\_\_

