

# Public Forum

Audit Committee

29 January 2024



## 1. Members of the Audit Committee

Statements		
Number	Name	Subject
1	Councillor Gary Hopkins	Jubilee Pool
2	Councillor Gary Hopkins	Fujitsu
3	Mike Oldreive	Procurement

Questions		
Number	Name	Subject
1	Mike Oldreive	V&E Sub-Cttee/Member Complaints



I have enclosed corres (**Appended**) with your chair to give background to my statement. There have been developments since this corres.

I now have some disclosures from the council under the freedom of information act that confirm the worst suspicions on this matter. We also now have the mayor saying he will block the decision of the area 5 committee to award local cil to the pool. This is accompanied by completely erroneous justification.

1 under pressure from campaigners and the general public just over a year ago the mayor agreed to an asset transfer of jubilee pool instead of the planned closure.

2 the performance of the pool has since then improved dramatically with more schools charities and users of limited means increasing and overall membership higher. The trading position is much better than previous but not all the historic handicaps have yet been fully put to bed. The improved performance has been a joy to most people but apparently a source of annoyance to the mayor.

3 no investment was made prior to handover and investment is needed to improve the environmental performance which affects finance.

4 central government recognised the particular financial pressure that pools are under (closures due to energy costs) and set up a support scheme for pools with local authorities submitting the bids for financial help. Pools are expensive to run and other pools in bristol need large bcc spending . Jubilee costs nothing.

5 as is stated in my first corres bcc attempted to block this funding and actually succeeded in blocking the capital bid.

6 area 5 committee has supported a capital bid for local cil funding to be confirmed next month but the mayor has indicated in writing that he will block that approval.

These actions are against the spirit of the cat agreement signed by the jubilee pool management with bcc and are based on completely erroneous assumptions.

In addition the reputation of bcc has been severely damaged with sport England and the swimming authorities which could affect the councils ability to attract support in the future

Questions

1 what actions does this committee propose to take on this sorry saga.

2 what recommendations will this committee make to improve decision making.

Cllr Gary Hopkins

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**Appendix**

**From:** Councillor Gary Hopkins <[Cllr.gary.hopkins@bristol.gov.uk](mailto:Cllr.gary.hopkins@bristol.gov.uk)>  
**Sent:** 23 November 2023 10:51  
**To:** Councillor Andrew Brown <[Cllr.Andrew.Brown@bristol.gov.uk](mailto:Cllr.Andrew.Brown@bristol.gov.uk)>  
**Subject:** Matter requiring audit investigation

You may have seen the on line claim of the Mayor securing a grant for jubilee pool from sport England.

In fact government made money available through sport England to support swimming pools. There was a revenue pot and a capital pot to improve energy efficiency.

Jubilee pool management were aware of the potential funding through their own research and found out that BCC who were supposed to submit the forms on their behalf had not done so and were not intending to. The pool spoke to sport England direct who instructed BCC to submit on behalf of Jubilee. Although not 100% confident on this revenue funding they were highly regarded by Sport England and were awarded £22,000 for this winter.

Sport England made it clear to BCC that they were the judges and not BCC.

BCC kept the date for the capital bid secret and jubilee found out too late . S E confirmed that they were highly regarded but as they were too late for the cut off they could not correct the omission so their much stronger capital claim was blocked by the council.

I have submitted an foi request for this sorry saga and lodged a complaint but i feel that Auditors ought to look at this as we have the deliberate blocking of funds from a national source to a very popular public service in Bristol. This episode has also diminished the reputation of BCC with an important public body and could affect future funding.

I can supply further details if you are going to get this looked at.

Cllr Gary Hopkins

**To:** Councillor Gary Hopkins <[Cllr.gary.hopkins@bristol.gov.uk](mailto:Cllr.gary.hopkins@bristol.gov.uk)>  
**Subject:** Re: Matter requiring audit investigation

Hi Gary,

I'm minded to pass this on to both Internal and External audit for them to review as to whether it needs further investigation. Before I do, can you clarify the extent of the potential funding lost by the pool?

Regards,

Andrew

**Andrew Brown (He/Him)**

Councillor - Hengrove and Whitchurch Park Ward

Deputy Leader - Bristol Lib Dem Council Group

Chair – Audit Committee

Member – OSMB, Licensing, Local Plan Working Group, Finance Task Group

**07584 183303**

**From:** Councillor Gary Hopkins <[Cllr.gary.hopkins@bristol.gov.uk](mailto:Cllr.gary.hopkins@bristol.gov.uk)>  
**Sent:** Friday, November 24, 2023 10:07 am  
**To:** Councillor Andrew Brown <[Cllr.Andrew.Brown@bristol.gov.uk](mailto:Cllr.Andrew.Brown@bristol.gov.uk)>  
**Subject:** Re: Matter requiring audit investigation

Good

They would have lost the £22k they got if they had not gone direct.  
The potential capital was in chunks but could realistically be £200k

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It is the job of this committee to address concerns about decisions taken by the executive. These should be addressed as early as possible in any process to stop the consequences getting to become a major problem. Earlier action on Bristol Energy could have reduced the £46M losses.

Fujitsu is a major matter of concern and needs to be addressed rapidly.

1 there has been a lack of openness in regard to the BCC dealings with Fujitsu.

2 Fujitsu have admitted to false information being submitted to criminal cases from some of their employees.

3 the commons select committee has instigated an enquiry into all Fujitsu contracts with central government signed after the 2018 appeal court hearings.

4 Fujitsu have already excluded themselves from bidding for government work.

Nothing less than an immediate enquiry will suffice.

Cllr Gary Hopkins

Hi

here is a statement for Audit on Monday.

It is based on facts from FOIs , Council minutes and Companies House information, so I do expect any censorship.

regards

Mike Oldreive

STATEMENT FOR AUDIT COMMITTEE . MONDAY 29 JANUARY

### **Stepping Up Procurement Issues**

I refer to Agenda item 9 \_ Procurement Compliance Update

I would like to draw members of the Audit Committee's to the poor procurement, contract management and governance practices that have been a consistent feature of the Council's Stepping Up programme.

I would encourage members to look at the information in the Freedom of Information requests referenced below and ask questions on the governance issues raised.

The Stepping Up programme, developed and promoted by Councillor/Deputy Mayor Asher Craig together with an external individual, has received over £600,000 from the City Council since 2017.

Cllr Craig introduced the individual to the first HR Committee she attended in 2016 and put them forward for work on the staff survey "offered on a pro-bono basis". ( this is a fact, recorded in Council minutes 03/08/16).

By September 2020, the individual's company ( Smart People Solutions) had received a total of £217,000 from the City Council., all without any formal tender process, as follows:

Initially awarded work with no tender process, on the agreement of the then HR Director ( ref SD4).

1. 23 Nov 2017- 31 March 2018- pilot value £36k.

This then escalated to a total of £217,100, on the basis of 2 contract waivers:

1. waiver 1- 01/04/2018- 31/12/19

## 2. waiver 2 - 01/01/2020- 31/05/20

In November 2020 a contract was awarded to Davidson & Partners. The individual was a director of Davidson and remained programme manager of Stepping Up. A Change control notice was used to increase the payments made from the original contract value of £131k to add an additional £197k. A total of £328k was paid to Davidson & Partners.

Cllr Craig then set up a limited company as co-director with the individual (Stepping Up Leadership CIC Company number 12533716) ( this was with the knowledge and assistance of BCC legal team) and this received payments from the Council, as well as accommodation at the Ashton Court estate, courtesy of Council-owned Bristol Waste.

( FOIs have failed to determine if any payment was received for the accommodation). Stepping Up Leadership CIC was also using Ashton Court as its registered address, but this changed after the FOI was received.

To date no accounts have been published for (Stepping Up Leadership CIC Company. The first year's operations were described as "dormant" and the accounts to 31/03/23 are now overdue by nearly a month.

The Council's Director of Finance has said of the arrangements and difficulties regarding contract and financial management of the Stepping Up programme :

*"A review will need to be undertaken in due course as to exactly how we all came to be in this position and ensure appropriate governance has been followed and where appropriate lessons learnt."*

How can the audit committee and the public be confident that "appropriate governance" has been followed?

How did we come to be in this position?

Specifically, what lessons have been learned?

( source documents: Freedom of Information requests ref 27256842 and 28346894, council minutes on website, monthly payment data on BCC website)

END

## Responses

Q1.

How would the Chair/ Audit Committee rate the work of the Value & Ethics committee in managing the Member complaints process, given that :

- the Monitoring Officer and Head of Legal Services (Tim O'Gara / Nancy Rollason) have appointed 3 Independent Persons unlawfully
- the Head of Legal Services failed to mention a critical Ombudsman report in her annual case management report
- the Head of Legal Services failed to mention that this Ombudsman report required the authority to amend its Members' complaints policy, which was to be discussed at a V&E meeting
- the Head of Legal Services misled Councillors at V&E committee by stating, when questioned by Cllr Goodman, that the annual case management report was in the same format as previous years. This is untrue, and as the author of that report, every year for the past 5 + years she would know that. The HOLS omitted key dates from this year's report to obscure the fact that some complaints are taking over 5 months just to be assessed ( that is just to decide whether the matter is a valid complaint)
- the Independent Member who chairs V&E (Mr Adebayo) told the public raising concerns that he thinks the management of the member complaints process is "very good".

For the Audit Committee to respond

Q2.

What are the names of the 3 individuals that the Monitoring Officer says that he appointed to member complaints cases since 2019 ( in his response to my supplementary question to V&E committee 3 November 2023)?

Why are these names being kept secret by the Monitoring Officer and the Head of Legal Services, who appointed them unlawfully?

The public, who have been subject to their decisions, have a right to know who they are.

The Monitoring Officer will ask for the consent of the persons concerned and release this information if they agree.

END