

Full Council – 12 March 2024

Agenda item 6 b

Public questions



Procedural note:

Questions submitted by members of the public:

- Questions can be about any matter the Council is responsible for or which directly affect the city.
- Members of the public who live and/or have a business in Bristol are entitled to submit up to 2 written questions, and to ask up to 2 supplementary questions. A supplementary question must arise directly out of the original question or the reply.
- Replies to questions will be given verbally by the Mayor (or a Cabinet member where relevant). Written replies will be published within 10 working days following the meeting.



*point of explanation - where a person has asked two questions on the same topic they are on the same line. Where topics are different they have different lines.

Ref No	Name	Title
PQ01	Agnes Sales	Climate Future Advertising
PQ02	Richard Pawley	Plant Based Catering
PQ03	Simon Hobeck	Totterdown Bridge
PQ04	Suzanne Audrey	Ecology
PQ05	Suzanne Audrey	Housing Density
PQ06	Hilary Saunders	Quaker Burial Ground
PQ07	David Redgewell	Bus Services
PQ08	Dan Ackroyd	Safety Valve
PQ09	Fiona Castle	Safety Valve
PQ10	Ivan Veiga	Safety Valve
PQ11	Catherine Veiga	Safety Valve
PQ12	Em Williams	Safety Valve
PQ13	Gillian Crea	Safety Valve
PQ14	Jenny Clarke	Safety Valve
PQ15	Scott Daniels	Safety Valve
PQ16	WITHDRAWN	
PQ17	Jen Smith	Safety Valve
PQ18	Eleanor Freeman	Safety Valve
PQ19	Tara Waite	Safety Valve



QUESTION PQ 01

Subject: Climate Future Advertising

Question submitted by: Agnes Sales

I am deeply concerned about the climate crisis and the huge role advertising can play in this. The Advertised Emissions report that was launched at COP26 in 2021 found that advertising adds on average an extra 28% to the annual carbon footprint of every single person in the UK. Council has a stated goal that by 2030 “people in Bristol will consume carbon neutral food and drink”.

It seems important that decisions about advertising within our city are made in such a way to promote environmentally sensitive ways of eating. I know Council has already brought in an advertising policy that bans certain harmful ads. My question is, if meat and dairy products are known to have such a high carbon footprint, why are adverts for these products not included within this policy?"

REPLY

Reply given in meeting:

<https://www.youtube.com/live/ZIWs3JtGJw?si=m3xzudCwyYgJ-XYf&t=1269>



QUESTION PQ 02

Subject: Plant Based Catering

Question submitted by: Richard Pawley

The Bristol Good Food 2030 Framework rightly points out that limited funding presents a major constraint for enabling Bristol's food system to align with the Council's stated goal of having the city become carbon neutral by 2030.

The scientific evidence is starkly clear that reducing meat and dairy consumption has a substantial impact in reducing carbon emissions.

Other councils such as Lewisham, Faversham, Hythe and Oxford, that have previously transitioned to 100% plant-based catering, have noted that there are no financial implications for this transition on council budgets.

With all this in mind, my question is: will you recognise that a transition to plant-based catering is an obvious move for reducing the climate impact of the city's food in a context of budgetary constraint, and that failing to do so will make achieving carbon neutrality in the city increasingly difficult?

Finally, if the council is responsive to the wishes of its people - would they not act upon this. It is clear that the residents of Bristol want more action on climate change, should you not fully embrace a climate strategy which would involve incorporating a roll out of plant-based catering as default; rather than as a desultory afterthought?

REPLY

Reply given in meeting:

<https://www.youtube.com/live/ZIWs3JjTGJw?si=YWzbhrUbAaH1RuuE&t=2343>



QUESTION PQ 03

Subject: Totterdown Bridge

Question submitted by: Simon Hobeck

The towerblock development at Totterdown Bridge is currently unfinished, there is no sign of work progressing, and the 17-storey tower has only one escape route which does not comply with fire safety regulations for buildings over 18 metres. Residents of Totterdown regularly ask about progress.

We are aware that Sir Keir Starmer was taken to the development site in 2021 as part of your mayoral re-election campaign, and so we hope you have maintained interest in the development.

Please can you provide an update on what is happening to the towerblock development at Totterdown Bridge?

Reply:

This is a private development being carried out by Clarion, a Registered Provider who acquired the site after planning was secured in 2019. They are delivering the site for a mix of social rent and shared ownership homes.

Clarion have confirmed:

- **Progress on works halted while Clarion re-engaged with the design team to engage a new contractor. This is not easy in the current market (inflation, Brexit, labour supply etc.), and finding local contractors with suitable experience has been a challenge.**
- **They are talking to a company and hope to enter into agreement to take the building to completion.**
- **The current timeframe is for completion is 2025.**
- **A phased occupation is not possible because of the building's layout.**



QUESTION PQ 04

Subject: Ecology

Question submitted by: Suzanne Audrey

For Cllr Marley Bennett, Cabinet member for Waste, Climate, Ecology and Just Transition

Unfortunately the 'ecology' element of your new title was missing on the Council website for a while, although it has now been added. This gave the impression that ecological concerns are not prioritised - despite a well-publicised "ecological emergency". You may be aware that Avon Wildlife Trust, a key partner in declaring the ecological emergency, has recently challenged the activities of Bristol City Council in relation to ecology and biodiversity. The incidents at Yew Tree Farm, in which an ancient hedgerow and site of nature conservation interest suffered significant damage, have added to concerns. However, in your role as cabinet member with responsibility for ecology, I am not aware that you have said anything about these issues or tried to address them.

Please will you outline your role as cabinet member with responsibility for ecology and the actions you have taken to protect Bristol's nature-rich sites?

Reply:

Any glitch on the council website in Marley's job title resulting in the word ecology not being included does not actually suggest it's not a priority, it just creates the opportunity for some people to suggest it's not a priority.



QUESTION PQ 05

Subject: Housing Density

Question submitted by: Suzanne Audrey

For the Mayor.

On several occasions, you have told a story about myself and other members of the public making statements at full council. I raised concerns about children living in high rise tower blocks, another person spoke of the need for more homes, and another raised concerns about building on nature-rich land. In telling this story, you add: "I told them they should speak to each other". We do. Building homes within Bristol's "42 square miles" is not a binary choice between building on nature-rich land or building high-rise. Bristol's Urban Living supplementary planning document focuses on creating quality homes, although in practice it has been repeatedly ignored in favour of the slogan #gettingstuffdone. However, another of your stories does acknowledge the problems of high-rise, when you talk about moving a family out of an overcrowded tower block, and the potential benefits for their mental health and family life.

Please can you outline your understanding of 'gentle density' and whether this may be a better way of increasing density while supporting healthy communities and preserving nature-rich sites?

Reply:

Since 2016, Bristol is set to have built 14,500 new homes. This year, we're set to see 600 new affordable homes completed – the most in any year for two decades.

If by "gentle" you mean not building adequate numbers of homes, then that's not something I support. It sounds like a phrase for people that support things in principle but not in practice.

We face an unprecedented collection of crises, across housing, climate, inequality, poverty, ecology, transport and I would add local government finance. Life in temporary accommodation is not gentle. Homelessness is not gentle. Poverty is not gentle. Urban heat island effects are not gentle. What we must do, and have been doing, is to "act now" with an absolute commitment to getting things done.



QUESTION PQ 06

Subject: Quaker Burial Ground

Question submitted by: Hilary Saunders

In the 1950s the Quakers gave their Burial Ground opposite St Mary Redcliffe Church to the City Council for the benefit of the City, on the basis that it would be cared for as a precious space and treated with the respect that burial grounds deserve.

Recently various organisations have been working to use part of the space for a Memorial Garden where Asylum seekers and refugees can go to remember the losses they have suffered in being displaced. Quakers believe that this is a fitting use for the Burial Ground as a peaceful place. This project has involved the Bristol City of Sanctuary, the Hope Project, SARI,, BRASP, UWE and the Parks Dept. Representatives of Asylum seekers and refugees have also been involved, including in detailed work with UWE architecture students to produce a design for the space.

We now hear that although the Quaker Burial Ground is not included in the Redcliff development, the developers have asked to use it t as a compound where plant and construction materials would be stored and heavy vehicles would repeatedly drive over this space. The duration may be as long as 5 years. We believe that this use will destroy the space. In addition, the arboricultural and landscape plans appear to contradict each other and there is no clear reinstatement plan. We are also concerned about the destruction of the heritage walls that surround the space at the moment.

We are concerned that this will destroy a site of historical importance to the City and stop the plans for a memorial garden. We believe that the decision to allow this has not yet been made.

1. What can you do to stop the potential desecration of a sacred space of historical importance?
2. How well do you feel this sits with the Council's application to be reaccredited as a City of Sanctuary?

Reply given in meeting:

<https://www.youtube.com/live/ZIWs3JtGJw?si=BPLE5zS-Jl2UB2se&t=1448>



QUESTION PQ 07

Subject: Bus Services

Question submitted by: David Redgewell

Question 1

What progress is being made on the urgent replacement of bus services improvement jointly with the west of England mayoral combined transport Authority and south Gloucestershire county council, From the community in Stapleton and Broomhill without a public bus service on the old services 5 route From Bristol city centre, Bristol Broadmead shopping st Paul's, St werburges Eastville park Stapleton Broomhill Fishponds Oldbury court Downend Bromley Heath.

And an extension of services 1 cribs causeway bus station, Henbury Westbury on Trym, Clifton Down station park street, Bristol city centre Bristol Temple meads station, Arnos vale Bristlington sandy park road shopping Wick Road, Guildford Road St Anne's park, Broomhill Hungerford road Bristlington village School Road Guildford Road St Anne's park Wick Road,

To give the community of Bristlington and St Anne's park a bus service,

Services 5 a new route Clifton Down Park Street Bristol city centre Bristol Broadmead shopping centre old market St Anne's park, an extension is required to Bristlington Hungerford road and Knowle.

Service 10 Avonmouth Dock Shirehampton Westbury on Trym Southmead hospital bus station extension to uwe bus station Bristol Parkway railway station Aztec west roundabout Hortham Alverston and Thornbury,

Service 52 Bishopsworth, Hengrove hospital Bedminster Bristol city centre And Broadmead,

I view of the importance of access to school College university heath provision hospital basic food shopping trips leisure and Tourism facilities What discussion are taking place with

First Group plc Wales and West buses Division, stagecoach west, And Transporta buses with the west of England mayoral combined transport Authority to restore these very important bus routes?

Question 2 ,

What progress is being made in urgent discussion by mayor Rees and councillor Don Alexander with the west of England mayoral combined transport Authority and First group plc Wales and West buses Division stagecoach west South Gloucestershire county council, to save the bus service 3 from Bristol city centre Bristol Broadmead shopping centre, Park street Clifton Down station, Down sea Mills Shirehampton Avonmouth Dock Severnside Lawrence weston Henbury cribs causeway bus station.

Which finishes on the 7 th April 2024

Leaving Avonmouth and parts of Lawrence weston without cross North Bristol bus service

Reply given at meeting:

https://www.youtube.com/live/ZIWs3JtGJw?si=Z7_falo5UHgNa8GE&t=1961



QUESTION PQ 08

Subject: Safety Valve

Question submitted by: Dan Ackroyd

The Local Authorities (Executive Arrangements) (Meetings and Access to Information), the law that governs how papers must be published ahead of public meetings, says that emergency decisions can be made when it is 'impracticable' to publish things in a timely manner.

This council knew for months that it was in the process of negotiating entry into the Safety Valve program as it would have been invited into that program some time last year.

Part of that invitation would have included instructions from Central Government about the need to get political clearance in a timely manner.

"We will publish all agreements made in 2023-24 in March 2024. You will need to factor into the above timetable political clearance of the proposal within your authority,"

What is the basis for claiming that it was 'impracticable' to publish the papers related to the Safety Valve program in a timely manner?

Reply:

In August 2023 the Department for Education confirmed that Safety Valve negotiations could not be made public and the terms of any negotiated agreement were to remain confidential until published by the Department for Education.

As you'll be aware, the central government funding is often unpredictable, inadequate, short term and competitive, so you might be able to understand how we've been placed in a position of needing to move quickly at times.

Under APR16 rules, the consent of the chair of OSMB is required, and once that was secured we published the paper.



QUESTION PQ 09

Subject: Safety Valve

Question submitted by: Fiona Castle

1. In the paperwork submitted to the Cabinet meeting last week and subsequent comments by the Mayor and Deputy Mayor, it was stated that Bristol's joining of the government Safety Valve Programme had to remain secret up to now, by order of the Department for Education. Given that other LAs, who were invited to join the programme at the same time as Bristol, have shared information with the public, can the Council confirm if the other LAs are in violation of a DfE Embargo, or if in fact Bristol has chosen to hide these negotiations from the public?

2. Given that the Safety Valve Programme is going to require the LA to make significant year on year savings to its SEND budget, that it has not up to now been able to achieve, how can the LA reassure parent carers that those savings will not come at the expense of their children's statutory rights to provision, as detailed by the Children and Families Act 2014 and the SEND Code of Practice 2015?

Reply given in meeting:

<https://www.youtube.com/live/ZIWs3JjTGJw?si=LEtliOkbVB96UARR&t=1681>



QUESTION PQ 10

Subject: Safety Valve

Question submitted by: Ivan Veiga

1. What are Bristol City Council's top three priorities for how to use the Safety Valve funding?

Reply:

As outlined in our Safety Valve submission, our aim is to:

- **Create a SEND system where more Children Young People with SEND can remain in mainstream provision for longer, by providing schools with the support to strengthen practice and improve physical spaces.**
- **Ensure we have the right mix and level of provision to meet the needs of all children and young people when a specialist place is required.**
- **Design efficient and effective systems ensuring CYP with SEND receive timely support, and that schools receive the right level of funding to meet those needs.**
- **Continue to build, strengthen, and sustain relationships with key stakeholders engaging them in genuine collaboration and co-design.**

We are waiting final confirmation – but we hope that £54m over three years.

Additional DSG funding made available by the DfE if the Council is accepted onto the Safety Valve programme can only be used to reduce current and future deficits in the DSG reserve.

2. More specifically: improved training and better-informed SEND caseworkers would improve the efficiency of council SEND services and so drive both better and more cost-effective provision; good independent SEND training courses are available e.g. from IPSEA (<https://www.ipsea.org.uk/pages/category/training>), while copies of e.g. SEND legislation and code of practice can be downloaded (<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>) or purchased from the Government, to take just two examples of how to achieve this; with what specific training and information does Bristol City Council plan to provide its SEND caseworkers using the Safety Valve funding?

Reply:

Additional DSG funding cannot be used for any other purpose other than that stated above.

Regardless of our acceptance onto the SV programme the Council will continue to invest in training and information for its SEND Statutory Assessment and Inclusion Officers.

In your question you're asking to recruit more staff and more training, both of which costs money – and local government finance is stretched. Need and demand for our services is increasing, the cost of providing services to meet those needs is increasing, and local government finance continues to be short term, inadequate and unpredictable. This is one of the reasons the safety valve is important, as restrictive as it is.



QUESTION PQ 11

Subject: Safety Valve

Question submitted by: Catherine Veiga

1. Given that the experience from other LAs is that adherence to a safety valve agreement makes it impossible to also meet the LA's statutory obligations in the Children's and Families Act 2014 and the SEND Code of Practice 2015 (and vice versa), what assurance can the council give that any cost savings required in order to meet the terms of the Safety Valve agreement will not be to provision that would result in unlawful decision-making?

Reply:

We will fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015.

**This will continue to be the case if we are accepted onto the Safety Valve programme.
If you advice as to how to make work well, please share further details.**

2. In light of the fact that the First Tier Tribunal makes its decisions based on the applicable legislation and not local policy (which a safety valve agreement effectively is), how does the council propose to meet its safety valve obligations, when the Tribunal is likely frequently to find against it if policy rather than legislation has been followed when making decisions in relation to EHCPs?

Reply:

Tribunals can make non-binding recommendations about health and social care aspects, but the LA is generally expected to follow such recommendations.

As a Local Authority we always follow these recommendations, especially if they are related to the following sections:

- **Section B is Special Educational Need**
- **Section F is Special Educational Provision**
- **Section I is placement.**

If you have suggestions about how we make this work better please feel free to share.



QUESTION PQ 12

Subject: Safety Valve

Question submitted by: Em Williams

1. How will you ensure that The Safety Valve will not entrench and widen inequality for disabled children and young people?

Reply:

An EQIA has been published and will continue to be reviewed and updated to ensure the Council is assessing any equality impacts, if the Council is accepted onto the SV programme.

A SEND Inclusion Strategy is currently in the process of being co-designed/co-produced with a range of stakeholders across education, health, and social care – as well as with parents and carers. This will be subject to a city-wide consultation and full EqIA.

2. Who will support, in both the short and longer term, financially, emotionally and physically, the children and young people who can get neither top up funding nor an EHCP in Bristol going forward and are unable to fully access education?

Reply:

Following a comprehensive review and consultation regarding the current non- Statutory funding system (Top-Up) BCCs Cabinet took a key decision to phase out the current system and replace it with a targeted funding model and outreach support offer for education settings.

BCC has entered into a period of co-design with key stakeholders to develop the focus of these two new offers to support vulnerable children without an EHCP. This model intends to support schools to improve their provision for children with SEND by maximising the impact of their existing budgets.



QUESTION PQ 13

Subject: Safety Valve

Question submitted by: Gillian Crea

As the chairman of Extraordinary Links CIO, we would like to ask the council two questions concerning the safety valve agreement, for which we are vehemently opposed, as we feel that implementing this will undermine the educational opportunities for children with SEN.

1. As BCC has removed non-statutory high-needs funding, which will force parents to seek statutory support in the form of EHP/EHCNA's, how will the councils sign up to the safety valve agreement (which aims to remove the need for statutory support above the ordinarily available provision), affect the children concerned, in short, how will they now receive the help and interventions they need?

Reply:

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015 and these will continue to be the case if we are accepted onto the Safety Valve programme.

Following a comprehensive review and consultation regarding the current non- Statutory funding system (Top-Up) BCCs Cabinet took a key decision to phase out the current system and replace it with a targeted funding model and outreach support offer for education settings. BCC has entered into a period of co-design with key stakeholders to develop the focus of these two new offers to support vulnerable children without an EHCP.

This model intends to support schools to improve their provision for children with SEND by maximising the impact of their existing budgets.

2. In the same council meeting, it was decided that SEND children aged 16-18 would no longer be given paid transport to school. How does the council suggest that they will honour the commitment to ensure children have the statutorily mandated opportunity to remain in education until 18 when they are no longer able to get to their educational establishment due to their disability and/or SEND needs?

Reply:

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015.

This will continue to be the case if we are accepted onto the Safety Valve programme.



QUESTION PQ 14

Subject: Safety Valve

Question submitted by: Jenny Clarke

Please can you let me know how this will benefit SEND children and why the agreement was kept secret?

Reply:

The Safety Valve programme provides financial support to give LAs the space to improve local services which will benefit children and young people with SEND.

In August 2023 the DfE confirmed that Safety Valve negotiations could not be made public, and the terms of any negotiated agreement were to remain confidential until published by the DfE



QUESTION PQ 15

Subject: Safety Valve

Question submitted by: Scott Daniels

Please clarify that the LA will not agree any terms in regards to the proposed DSG Safety Valve that would:

- Seek to limit the number of EHC Plans issued.
- Seek to increase the number of EHC Plans which are un-maintained or ceased following annual review.
- Seek to increase the number of young people with an EHC Plan whom are educated within the mainstream.

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015.

This will continue to be the case if we are accepted onto the Safety Valve programme.

This means that:

- **We will not seek to limit the number of EHC plans issued,**
- **We will cease EHCPs following a review only when appropriate,**
- **We are seeking to increase the number of C&YP educated in mainstream provision where their needs can be fully met through high quality teaching and inclusive practice.**

Any and all of these provisions would be patently unlawful in their nature. The idea that councils can set in motion a policy of significantly restricting access to EHCP support would fail when challenged in every instance. One cannot simply manage demand for disability services by disregarding reality.

Given LA procedure is, in almost every instance, overturned at tribunal on the basis that their actions are unlawful and in contrary to statutory guidance; how does the LA intend to both fund the significant increase in appeals/tribunal defences that they will need to mount, and subsequently the provision that those upheld appeals will dictate?

Reply:

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015 and these will continue to be the case if we are accepted onto the Safety Valve programme.

Whole set of assumptions that our team don't accept and will be working to avoid.

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015 and these will continue to be the case if we are accepted onto the Safety Valve programme.



QUESTION PQ 16

[Withdrawn]



QUESTION PQ 17

Subject: Safety Valve

Question submitted by: Jen Smith

1. Could you explain the rationale behind the decision to finalise the deal in secrecy without undergoing scrutiny, and how this aligns with the principles of transparency and public accountability? Please bear in mind when you answer that DfE have clarified there was no need for secrecy. Other areas on the funding also had no requirement for secrecy.

Reply:

In August 2023 the DfE confirmed that Safety Valve negotiations could not be made public and the terms of any negotiated agreement were to remain confidential until published by the DfE.

2. Recognising the importance of coproduction in effective policy implementation, can you outline the council's plans to involve and collaborate with families in the decision-making process, especially given the previous lack of coproduction highlighted by two failed Ofsted inspections?

Reply:

We will work with partners and Bristol Parent and Carer Forum to complete our co-produced charter that will make clear what coproduction looks like.

This will provide the basis for a refreshed approach to a way of working together for the benefit of children and young people with SEND.



QUESTION PQ 18

Subject: Safety Valve

Question submitted by: Eleanor Freeman

- This decision is reported as being a non-key decision ModernGov - bristol.gov.uk. However, the statutory definition of a key decision is:
 - to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - to be significant in terms of its effects on communities living or working in two or more wards in the City.

Reply:

This has been treated as a key decision applying APR16 of the Access to Procedure Rules.

Given every school in every ward across the City will be impacted by definition and council reserves amounting to tens of millions of pounds have been earmarked, this fulfills both elements of the definition. Can the Mayor explain how this decision was deemed to be 'non-key'?

- Given the claims from the Mayor of the need for imposed 'confidentiality' of the safety valve engagements since Jan 12th have been debunked by the DfE, can the Mayor explain how this supports the identified need to 'repair fractured relationships' with parent/carers of children with SEND?

Reply:

It was a key decision, and has been noted as a key decision in the decision record.

In August 2023 the DfE confirmed that Safety Valve negotiations could not be made public, and the terms of any negotiated agreement were to remain confidential until published by the DfE

We will work with partners and Bristol Parent and Carer Forum to complete our co-produced charter that will make clear what coproduction looks like.

This will provide the basis for a refreshed approach to a way of working together for the benefit of children and young people with SEND.



QUESTION PQ 19

Subject: Safety Valve

Question submitted by: Tara Waite

1. Will these Safety Valve Agreement be abiding by law in compliance to The Special Educational Needs and Disability Regulations 2014?

Reply:

We will continue to deliver and fulfil our statutory obligations under the Children and Families Act 2014 and SEND Code of Practice 2015.

This will continue to be the case if we are accepted onto the Safety Valve programme.

2. What are the implications if the council does not take up this Safety Valve Agreement?

Reply:

The statutory override which allows Local Authorities to separate their DSG deficits from their wider finances is due to expire on the 31 March 2026. BCC's has forecast the DSG deficit at this point to be £96m.

Without a Safety Valve agreement, we would need to find this funding from other resources – potentially leading to a reduction in other LA funded services.

Ultimately, the council is at risk of bankruptcy.

