

# Strategy and Resources Policy Committee

## 12 August 2024

### Public Forum – Questions



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

1. Joe Thomas: Freedom of Information requests
2. Dan Ackroyd: Council acting unlawfully with respect to both Fire Safety and maintaining housing to an adequate standard
3. Dan Ackroyd: Corporate Risk Register
4. Angela Truell: Bedminster Green development
5. Joanna Booth: Bristol Housing Festival
6. Joanna Booth: City Office funding
7. Joanna Booth: ICO enforcement notice



### Q1. QUESTION FROM JOE THOMAS

Please can officers supporting this committee provide and publish a tally of how many of the council's FOI cases received from May 2024 onwards were responded to on time, how many became overdue and have since been responded to, and how many are still overdue as of 31 July, broken both down by date and by which teams (and officers, where they can be named) are handling them?

#### **Officer response:**

Cases responded to or on track:

Between 1 May 2024 - 31 July 2024, 535 FOI requests were received.

- 321 answered within the statutory time frame
- 4 cases are on hold where clarification is being sought from the requestor
- 95 FOI cases are not due to be responded to yet
- Cases that became overdue and since responded to: 56
- Cases overdue as of 31 July: 59

### Q2. QUESTION FROM DAN ACKROYD

The council has been acting unlawfully with respect to both Fire Safety and maintaining housing to an adequate standard.

When the council is breaking the law, the Monitoring Officer has a personal duty to produce a 'Section 5' (Local Government and Housing Act 1989) report.

This is meant to allow everyone, including members of the public, councillors and officers to clearly see the scale of the lawbreaking by the council, and to show how the situation came to be, so that similar situations can be avoided in the future.

Why has a Section 5 report not been written?

#### **Officer response:**

This is a matter for the Homes and Housing Delivery Policy Committee. A report was taken to that committee in July following the judgement of the Regulator of Social Housing.

[10.1 Report - Hsg Cons Stds Prog compliance update.pdf \(bristol.gov.uk\)](#)

### Q3. QUESTION FROM DAN ACKROYD

I have previously attended a couple of meetings where the corporate risk report has been presented. I think the choice to only present a current snapshot of the 'mitigating actions' makes it difficult to see how they have changed over time.

Here is a selection of the mitigating actions for CRR 52 and CRR 60 with their 'Due Dates' and 'Progress' alongside the values given for the Corporate Risk Report presented at the May Audit committee, and



Building Safety – Implement an evidenced risk-based approach to building safety management which ensures buildings which have a higher risk have more robust/intensive management.	Apr 2024	20%	Sept 2024	20%
Building safety – Address interim posts in key positions of building safety team	Mar 2024	25%	Sept 2024	25%
Building safety – Finalise and implement overarching resident engagement strategy	Mar 2024	30%	Sept 2024	30%
Building safety – Finalise and implement per block resident engagement strategy	Mar 2024	30%	Sept 2024	30%
Building safety, Fire Safety – Comprehensive strategy for both building safety and fire safety for >11–18m stock due to very limited knowledge of 200+ mid-rise buildings	May 2024	30%	August 2024	30%
Building/Fire Safety– develop plan for data , mandatory occurrence reporting, golden thread of information– strategy, data ownership, data storage and reporting software/systems under BSA	Mar 2024	25%	Sept 2024	25%
CS Transformation Project – Deliver improvement actions identified in the external review evidence maps and Transformation Project Plan	Sep 2025	5%	Sep 2025	5%
CS Transformation Project – Implementation of the NEC Housing IT system to support the HRA to meet the requirements of the Consumer Standards	Dec 2024	3%	Dec 2024	3%
Elec Safety – Control in managing electrical colleagues & records where delivered by other teams compliance of existing homes	June 2024	40%	June 2024	40%
Elec safety – Develop and implement electrical safety procedures	June 2024	98%	June 2024	98%
Elec Safety – Improve access rates and ability to undertake electrical tests in tenants’ properties.(as per statutory obligations to complete electrical test every 10 years)	Mar 2024	40%	June 2024	40%
Fire Safety – Assurance that 3rd party landlords (managing agents and freeholders) are completing FRAs in order to meet their compliance obligations	June 2024	15%	June 2024	15%
Fire Safety – Complete a review of fire safety policies and processes	Mar 2024	20%	Dec 2024	20%
Fire safety – Demonstrate full compliance with The Fire Safety (England) Regulations 2022	Mar 2024	50%	Sept 2024	50%
Fire Safety – Commission and implement comprehensive fire door inspection programme (only partially in place)	Mar 2024	10%	Sept 2024	10%
Fire Safety – Fire evacuation strategy identified per building	May 2024	80%	June 2024	80%

This altered format makes it much easier to pick out a few interesting details, such as:

- Many items have had their 'Due dates' pushed back. At the same time, they have not had any increase in 'Progress'.
- Many items have a due date in the next couple of months. At the same time, it seems there is a critical dependency of 'appointing a team' that is 'due' by August 2024. I find it hard to imagine great progress being made on other items until there are enough Officers to work on them.
- One item has the due date changed from April 23 to August 2026, while the progress has changed from 3% to 11%. This change suggests that the initial estimate of the scope was 'quite' an underestimate.

So that it is easier to see items that are 'slipping' or otherwise not progressing as anticipated, will this committee ask for the reports to be altered, so that ongoing 'mitigating actions' are shown with their historic data?

**Officer response:**

As part of the Council's risk review process, responsible officers are asked to justify the basis of any extension to the mitigation dates. Also, nominated risk owners update each mitigation action with comments to justify the basis of their review. The Council's risk management team engage with each process owner to update the highlighted mitigations as part of the quarterly reporting cycle and this detail will be included in future risk reports.

**Q4. QUESTION FROM ANGELA TRUELL**

What is the budgeted cost of the planned flood prevention scheme to be sited on public green space, Bedminster Green (23/00611/FB)?

What are the precise sources of finance for Bristol City Council's planned flood prevention development that is to be sited on the public open space at Bedminster Green (23/00611/FB)?

Bedminster Green is an Important Open Space - a green asset owned by BCC. What is the area of the green to be sold or transferred out of public ownership if development of plot 5 (21/05219./F9) is given the go ahead?

**Officer response:**

This is a matter for the Economy and Skills Policy Committee, so these questions will be directed to that Committee.

**Q5. QUESTION FROM JOANNA BOOTH**

Can you please let me know what is the status of the Bristol Housing Festival considering the MOU signed with BCC, BBRC and Shaftesbury Partnership was meant to have been for five years from 2018?

**Officer response:**

This is a matter for the Homes and Housing Delivery Policy Committee, so this question will be directed to that Committee.

**Q6. QUESTION FROM JOANNA BOOTH**

In February 2022, Cllr Fodor asked then Cabinet member for the City Office, Ellie King, about the break down in funding for the City Office: reading this, it suggests that 5% of the cost is £5k. Can you please let me know what is the current funding arrangement from now until the foreseeable future?

**Officer response:**

The total annual budget of the City Office is £225,000

This is comprised of £85,000 Bristol City Council General Fund, £30,000 Dedicated Public Health Grant contribution, and partner contributions comprising:

NBNHS Trust	£25,000 pa
Bristol University	£25,000 pa
UWE Bristol	£25,000 pa
UHBW NHS Trust	£25,000 pa
City of Bristol College	£10,000 pa

These amounts reflect the past financial year. Future funding arrangements are being discussed with partners, and the council's contribution is always considered annually as part of its normal budget setting process.

**Q7. QUESTION FROM JOANNA BOOTH**

In March 2024, the council was issued with an enforcement notice by the ICO. I have been told by the ICO that an action plan was submitted but also an appeal. Can you tell me what the actions are for BCC, from the action plan, please?

**Officer response:**

The Council is currently undergoing an appeal against the enforcement notice.

As per section 22 of the enforcement notice: *'By virtue of section 57 of FOIA there is a right of appeal against this Notice to the First-tier Tribunal (Information Rights). If an appeal is brought against this Notice, it need not be complied with pending determination or withdrawal of that appeal.'*

The Council is currently awaiting determination of its appeal.

# Strategy and Resources Policy Committee

## 12 August 2024

### Public Forum – Statements



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

1. Joe Thomas: Freedom of Information requests
2. Dan Ackroyd: Use of resources – council housing

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







## **STATEMENT 1 – Joe Thomas**

As highlighted by Councillor Jos Clark at Member Forum ahead of the most recent Full Council meeting, Bristol City Council still has a problem with Freedom of Information requests (FOIs), which are part of legal and statutory services and therefore a matter for this committee. If performance was improving in March/April, and my experience is par for the course, then the problem must be getting worse not better.

In short, requests usually appear not to be answered unless they are repeatedly chased up; where responses are delayed there is no expectation management/communication to let requesters know; where responses arrive late there is sometimes no apology and little, if any, explanation as to the causes of the delay; when the FOI team promises to "expediate" overdue responses that seems to yield little urgency from officers/teams holding the requests; when responses arrive they often withhold information on seemingly spurious grounds; and when information is claimed not to be held the explanations seem to hold little water, even when council officers have been quoted by the media talking about the information requested and when the response itself more than alludes to such information existing.

Several of my own requests appear to have been ignored, potentially due to them likely being politically inconvenient for the new council administration and wider Green Party. Sadly, my questions about this clear failure of a statutory service have been ruled out of order for a number of council meetings by Democratic Services officers, including with the support of Council Leader Tony Dyer and Lord Mayor Andrew Varney – I believe without merit. There appears to be a concerning wider pattern that is affecting the overall functioning and general performance of the Council's FOI service.

Several requests have already had to be referred to the Information Commissioner's Office (ICO) due to repeated breaches of the legislation, including during the general election campaign. I hope that this case study proves useful when the committee reviews policies, strategies, and practices in this area. You will also see that some requests become so delayed that they have had to be escalated through other channels, with the council often only responding, many weeks late, when prompted by the risk of public embarrassment. If my experience is not representative, that raises further questions. If my experience so far is typical, then there is an endemic problem in the FOI service at Bristol City Council.

You can see all of my requests by searching for my name (and then going to the second page of results) or "Bristol City Council" on WhatDoTheyKnow's website, as the Council believes that detailing to you in this statement exactly how eight of these requests since May 2024 have been mishandled (in my view) would not be of interest to/appropriate for your committee – and council rules do not permit me to include a hyperlink here

Alongside the statistics I have asked for in my second question, I would suggest perusing these cases, two of which were responded to six weeks later than the deadline, to see the wider pattern that I am describing and whether it affects some parts of the council more than others. In the case of requests which are still overdue, I wonder whether this statement (its fifth iteration for the council to accept it) will help finally ensure a reply but citizens should not have to chase councils for them to meet statutory deadlines and duties – though that is not the purpose or focus of this statement.

## **STATEMENT 2 – Dan Ackroyd**

Please find below a statement for the strategy and resources meeting next week

I was really shocked to see the scale of the problems with the Council Housing.

Although I attended almost all of the meetings where the problems should have been brought to light, there was almost no information given about the scale of the problem.

This is no way to run a Council.

You, as a council, need to be able to plan ahead, to spend money wisely, to avoid having to spend more money in the future.

Hiding the problems with the Housing meant that many council properties are being left empty for months, as they need repairs before new tenants can move in.

My understanding is that:

\* The computer system BCC has used to manage the housing it owns is ancient and not fit for the task. There is already a project in hand to move to a new computer system, but that will take the rest of the year.

\* Until then, no-one really has a clear view of exactly how bad the housing stock is, but it sounds it's going to be very expensive to fix, and BCC will only be compliant with the law about Fire Safety, sometime in late 2026.

This is an absolute disgrace.