

I believe there has been criminal destruction of records at Bristol City Council, and/or unlawful denial of FOI requests.

On 14 November 2024, I wrote to the Council Leader with my observations regarding the FOI service. That email should be attached as part of my Question 3.

I will not repeat that text here.

The FOI service has been politicised, with responses to politically awkward questions either being slow-walked or simply ignored.

At least one member of the public received abuse from a Deputy Mayor for making "annoying FOI requests".

The ICO has issued an enforcement notice against BCC, though BCC are appealing that enforcement notice.

Bristol got rid of the Mayoral system because it felt dictatorial. Decisions were being made that pushed the boundaries, including clear political pressure on a planning committee to overturn the "Broadwalk" application.

Decisions made under dictatorial conditions need to be examined for lawfulness and whether they were made in the public interest.

That the staff working in the Mayor's office were apparently told to "save the emails that you want kept for FOI purposes", cannot be read without laughing.

It is not a serious suggestion that senior staff would have the time or be free from a conflict of interest in deciding which emails to keep.

They would naturally delete them in bulk.

I asked at the Strategy and Resources committee if those staff were given any training as to the relevant laws. I am still awaiting an answer.

The council appears to be trying to use a "one size fits all" policy for email retention. This is just not a sensible suggestion.

GDPR considerations for frontline workers are a completely different kettle of fish to the considerations around preserving a Mayor's emails as policy decision records.

There is clearly a malignant attempt to achieve a particular aim.

This reluctance on the part of the council to respond properly to FOI requests appears to be symptomatic of a wider problem - a systemic blocking of transparency and even of public comment.

At least one FOI request unlawfully handled

I made an FOI request on 19 March 2024, regarding communications preceding the Barton House evacuation.

https://www.whatdotheyknow.com/request/information_regarding_the_inspec_2

My request was refused on the grounds that *"There is a firm intention to publish the requested information at a future date."*

What's incredible to me is that I don't know if the Mayor's emails have been deleted or not.

Either they have been deleted, and there's no chance of that information being published, or they haven't been deleted, but as FOI requests have already been denied on the grounds that the emails are gone, that would mean FOI requests have been handled improperly.

Members of the public have told me their SAR requests have been refused. They are in the process of complaining to the ICO.

Evasion at Full Council

At Full Council 8th October 2024, Professor Audrey asked a question about the Mayor's emails, and whether they would be available in response to FOI requests.

The answer given was gobble-de-gook.

The Professor attended the meeting, and tried to get an answer through supplementary questions.

The Monitoring Officer was clearly evasive to an offensive extent.

https://www.youtube.com/watch?v=jxgYaraFJ_0&t=1139

At other meetings, it has proved difficult to get written answers from the M.O. despite chasing multiple chairs for those answers.

Freedom of expression

The M.O. has taken the position that any public forum item that suggests wrong-doing by a politician or an officer, is potentially defamatory, and blocks them.

Multiple questions and statements related to the "Stepping Up" matter, which should have brought the matter to light earlier, were prevented from being made.

This is a ridiculous position as per the reasoning in *HEESOM v. PUBLIC SERVICES OMBUDSMAN* [2014] EWHC 1504 (Admin), which can be summarised:

"Where critical comment is made of a civil servant, such that the public interest in protecting him as well as his private interests are in play, the requirement to protect that civil servant must be weighed against the interest of open discussion of matters of public concern"

If people can't come here, and say "hey, someone is breaking the law", then they don't have free speech in the one place they need to be heard.

Conflict of interest

During the "Stepping Up" events, it was discovered that the M.O. had 'accidentally' appointed independent persons himself, rather than having them 'ratified'.

Multiple questions and statements have been refused on the grounds of being "potentially defamatory" because they mention this detail.

It is still unfathomable to me that the Monitoring Officer didn't recognise a conflict in interest in his advice.

It is outrageous that he is blocking public forum items on a matter that concerns himself.

Report kept secret

By default, reports should be public. There needs to be a very strong reason for a report to be marked as exempt.

A report into the Stepping Up Matter was presented to the Audit committee, but the details were exempt. To me this looked quite suspicious.

I asked what Public Interest test has been done when deciding to make the report exempt.

It took multiple visits to the Audit committee to actually get an answer, which is another example of evasion.

When the factors used in the public interest test were provided, they were remarkably lacking - "Action number 3":

<https://democracy.bristol.gov.uk/documents/s99407/Action%20Sheet%20PDF.pdf>

My translation of the response would be "We kept it secret because we wanted to".

But that report would have been of great interest to the public.

It said that the politician who had abused a member of the public for making FOI requests actually had broken procurement rules.

That this report was held from the public is a scandal by itself.

If reports have been improperly kept hidden, then it is clear that emails would also be improperly kept secret.