

**Meeting:** Council

**Date:** 11 September 2024

**From:** Chris Wright, resident

**To:** Councillor Temperton, The Leader and Executive Member for Council Strategy and Climate Change:

**Answered by:** Councillor Purnell, Executive Member for the Environment, Community and Housing

**Question:**

At the Joint Waste Board Re3 meeting on October 8, 2020, which is on public record and video, it was clearly discussed that the data collection for the booking system at the Longshot Lane recycling centre should be minimal, focusing primarily on postcode data to identify residents from the respective council areas. This approach was intended to balance operational needs with the privacy rights of residents. The meeting emphasized: "We will ask all people making the booking to just let us know what their postcode is... We tried to take as little data as possible from residents, but only enough to make sure that we can identify where people are from the re3 area."

However, following a complaint to the council about the collection of data, which now includes name and detailed address information, in the Stage Three complaint response dated November 13, 2023, Chief Executive Susan Halliwell defended the broader collection of personal data, including names, email addresses, and postal addresses, justifying it under legal obligations and operational efficiencies. Ms. Halliwell also stated that these data collection practices were approved by councillors at the time of the system's introduction in 2020, saying: "I can clarify that the element of the privacy notice that you have highlighted has not changed since the system was introduced in 2020 which was approved by councillors at the time." This is false, it was not approved as referenced in the 2020 recording.

Given this context, I have several concerns related to the Nolan Principles, which underpin the ethical standards expected of public office officials:

1. **Integrity:** The deviation from the initially agreed minimal data collection approach without councillor approval or public consultation undermines the trust that residents place in the council's commitment to protecting their privacy.
2. **Accountability:** The decision to implement broader data collection practices appears to have been made without formal approval by councillors, lacking the necessary oversight and accountability.
3. **Openness:** The lack of transparency and public scrutiny in making such a significant change to data collection policies suggests a departure from the principle of openness.

Furthermore, Ms. Halliwell's statement that the current data collection practices were approved in 2020 seems misleading, as the meeting records indicate an emphasis on minimal data collection.

In light of these concerns, can you explain Ms. Halliwell's misleading statement and why the unelected council officials deviated from the initially agreed minimal data collection approach without councillor approval or public consultation, and what steps will the council take to redress this decision and rectify the damage to public trust caused by this misleading statement which has breached at least one of the Nolan Principles?

**Response:**

Thank you for your question. The Council takes concerns about transparency and accountability very seriously, particularly when it comes to the management of data and adherence to principles of good governance.

The statement made by the Chief Executive was intended to clarify the Council's position on the booking system used at our recycling centres, specifically in relation to data collection practices. It is important to note that the system was introduced as a necessary response to the challenges posed by the COVID-19 pandemic. The system has since been retained due to its effectiveness in managing site access, reducing congestion, and improving the overall user experience.

Regarding the concerns raised about deviations from the initially agreed minimal data collection approach, it is essential to understand that any adjustments made to the data collection process were implemented to meet operational requirements and legal obligations. These changes were made after thorough consideration by the Council's Senior Information Risk Officer (SIRO) and Data Protection Officer (DPO). Additionally, the Council sought advice from the Information Commissioner's Office (ICO) to ensure compliance with data protection regulations. The ICO advised that, provided the Council is satisfied with its lawful basis for processing the data, the current system does not require alterations. This advice reaffirmed the Council's position that the data collected is both necessary and proportionate to the operational needs of the recycling centres and compliant with UK GDPR.

The Council remains committed to upholding the Nolan Principles, which guide public office holders in ensuring integrity, accountability, and transparency. While there was no intention to mislead the public or breach these principles, we acknowledge the importance of maintaining public trust and confidence in our processes.

We hope that by providing this context, it is clear that the actions taken were within the remit of ensuring the safe and efficient operation of our services, while also safeguarding the data of our residents in accordance with legal standards.

Thank you again for your question.

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**Date:** 11 September 2024

**From:** Chris Turrell, resident

**To:** Councillor Gillbe, Executive Member for Planning, Transport and Countryside

**Question:**

In the Local Plan adopted by Bracknell Forest Council on 19 March of this year, annual housing provision was set at 614 dwellings. This followed a full process of consultation with residents and interested parties, and scrutiny by independent examiners, in compliance with the Planning and Compulsory Purchase Act 2004. On 30 July, the Department for Housing, Communities and Local Government, announced a new proposed annual housing figure of 767 for Bracknell Forest, an increase of nearly 25 per cent. We are told this will be "mandatory". Is the Council satisfied with how this figure was calculated? Will the Executive Member be challenging it?

**Response:**

Thank you for the question, On 30th July the Government published a consultation seeking views on proposed changes to the National Planning Policy Framework (NPPF). Consultation responses are sought until 24th September 2024, after which time they will be considered before a revised version of the NPPF is published and comes into effect. One of the changes proposed is to adopt a standard method that draws upon different data sets for assessing local housing need. An associated proposal reverses a previous change to the NPPF whereby the standard method was an advisory starting point, alternative approaches being accepted in the event of exceptional circumstances being argued. This effectively makes the use of the standard method mandatory.

In a document published as part of the consultation, details of the outcome of the revised standard method are provided which would result in an annual housing need of 767 dwellings for Bracknell Forest. This figure is calculated using a baseline percentage of existing housing stock levels (0.8%) and by applying a much stronger affordability multiplier than currently. This calculation is based on data available at the time of publication, it will therefore change as more houses are delivered locally such that the housing stock increases. It will also change due to variations in affordability.

The Council has a recently adopted Local Plan. Although, a further proposal requires Local Planning Authorities to identify a supply of specific deliverable sites to provide a minimum of five years' worth of housing on an annual basis irrespective of when a local plan was adopted, this is to be calculated against the housing requirement set out in the adopted Local Plan where it is less than 5 years old. The requirement in our plan is 614 dwellings, rather than the local housing need under the revised standard method.

In direct response to the questions asked, the Council is satisfied that the figure of 767 is correctly calculated using the methodology proposed by the Government. It is noted however, that this newly identified level of housing need has no immediate implications for the Borough, as the recent adoption of the Local Plan allows continued use of the existing figure of 614 dwellings until the plan is 5 years old. I will be providing a detailed response to the Government consultation which will comment on all aspects of the proposed changes including the appropriateness of using the revised standard method for calculating housing need.