

Tuesday, 27 June 2023

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 5 July 2023

commencing at **5.30 pm**

The meeting will be held in the Grace Murrell Room C, Riviera International Conference Centre, Chestnut Avenue, Torquay TQ2 5LZ

Members of the Committee

Councillor Billings (Chairman)

Councillor Douglas-Dunbar

Councillor Bryant

Councillor Cowell (Vice-Chair)

Councillor Harvey

Councillor Joyce

Councillor Law

Councillor Maddison

Councillor Twelves

Together Torbay will thrive

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Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Board.
2. **Minutes** (Pages 4 - 8)
To confirm as a correct record the minutes of the meeting of the Board held on 15 March 2023.
3. **Declarations of Interest**
 - a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Budget Monitoring Outturn 2022/2023** (To Follow)
To consider the Budget Monitoring Outturn Report and make recommendations to the Cabinet.

(Note: Ian Rowswell (Deputy Director of Finance), Malcolm Coe (Director of Finance) and Councillor Lewis (Cabinet Member for Place Services and Economic Growth and Deputy Leader of the Council) will be present for this item.)
6. **Internal Audit Review of Torbay Food and Music Festival Process Review** (Pages 9 - 17)
To review the background to the cancellation of the Torbay Food and Music Festival and the reasons behind the cancellation and what can be learned from this for future events.

(Note: Malcolm Coe (Director of Finance), Lisa Tuck (Divisional Director Economy, Environment and Infrastructure) and Councillor Chris Lewis (Cabinet Member for Place Services and Economic Growth and Deputy Leader of the Council) will be in attendance for this item.)

7. Cost of Living Crisis Funding

(Page 18)

To review the funding received and allocated from the Government to support the cost of living crisis and if this resulted in meeting the intended objectives.

(Note: Malcolm Coe (Director of Finance), Tara Harris (Divisional Director Community and Customer Services), Councillor Chris Lewis (Cabinet Member for Place Services and Economic Growth and Deputy Leader of the Council) and Councillor Tranter (Cabinet Member for Adult and Community Services, Public Health and Inequalities) will be present for this item.)

8. Operation of Overview and Scrutiny

(Pages 19 - 27)

To consider a report on the operation Overview and Scrutiny and how it will operate.

(Note: Matt Fairclough-Kay (Director of Corporate Services) will be present for this item.)

9. Initial Overview and Scrutiny Work Programme 2023/2024

(Pages 28 - 50)

To approve the initial Work Programme for the Overview and Scrutiny Board and note the emerging Work Programmes for the Children and Young People's Overview and Scrutiny Sub-Board and the Adult Social Care and Health Overview and Scrutiny Sub-Board.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Overview and Scrutiny Board

15 March 2023

-: Present :-

Councillor Douglas-Dunbar (Chairwoman)

Councillors Brown, Bye (Vice-Chair), Dudley, Foster, Johns and Loxton

(Also in attendance: Councillors Cowell, Steve Darling, Law and Long)

39. Opening of meeting

Members observed a minute's silence as a mark of respect in memory of Councillor Jane Barnby, who sadly passed away on 26 February 2023. Councillor Barnby was a valued member of Overview and Scrutiny.

40. Apologies

Apologies for absence were received from Councillors Barrant and Kennedy and it was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Board had been amended to include Councillor Dudley in place of Councillor Atiya-Alla.

41. Minutes

The minutes of the meeting of the Board held on 9 February 2023 were confirmed as a correct record and signed by the Chairwoman.

42. Special Educational Needs and Disabilities (SEND) Local Area Strategy

The Cabinet Member for Children's Services – Councillor Law, the Divisional Director for Education Learning and Skills – Rachael Williams and the Chief Nurse Officer from the Integrated Care Board presented the Special Educational Needs and Disability (SEND) Local Area Strategy which set out a shared vision that had been co-produced with SEND Family Voice, children, young people and partners centred around the following five key priority areas:

- Priority 1: SEND is everyone's business - embedding our values through education, health and social care, changing culture and reforming our workforce.
- Priority 2: Identify and act on children's needs at the earliest opportunity, through valuing lived experience and expertise.

- Priority 3: Understand the needs of our children, young people and families and make sure joint commissioning supports service delivery and we make best use of all resources.
- Priority 4: Make sure that all early years' providers and mainstream educational settings support an inclusive approach to education.
- Priority 5: Improve transition planning for young people moving into adulthood.

The Board asked the following questions:

- How do we ensure buy in from all schools.
- Would each school be required to sign up to the Strategy.
- What was being done to ensure identification of needs happens at an early stage and what was being done to ensure that those who had previously slipped through the system are supported later in their life.
- The date on the draft Strategy says 2022 should this be 2023.
- Have the views of young adults been taken into account in developing the Strategy.
- How was the Strategy going to be communicated with all partners, health, social care and education etc. to ensure that SEND is addressed across all partners and agencies.
- Did the Strategy cover helping people to access financial support and benefits such as Disability Living Allowance.
- How can the role of the community and voluntary sector be referenced more within the Strategy or emerging action plan.

Mike Cook, Imagine This Partnership and non-voting co-opted Member of the Children and Young People's Overview and Scrutiny Sub-Board took part in the discussions and supported the proposals put forward by the Board.

Resolved (unanimously):

That the Cabinet be recommended that the Overview and Scrutiny Board supports the priorities in the draft Special Educational Needs and Disabilities (SEND) Local Area Strategy subject to:

1. making clearer the work and engagement with the voluntary and community sector within Priority 1 and making sure this is also reflected in key performance indicators (KPIs) and Action Plan;
2. including a KPI as a measure to ensure all schools are signed up to delivering the Strategy to ensure a consistent offer to all children for SEND;
3. including a KPI around ensuring that social care and health is in place as well as educational support;
4. the Key Performance Indicators being reviewed by the Overview and Scrutiny Board before they are finalised; and
5. performance against delivery of the Key Performance Indicators for the SEND Local Area Strategy to be monitored by the Overview and Scrutiny Board

annually so that they can see what a difference to people with SEND and their families has been made as a result of implementing the Strategy.

43. Torbay Place Leadership Board and the Torbay Story

The Leader of the Council – Councillor Steve Darling, Chair of the Torbay Place Leadership Board – Jim Parker and Torbay Place Manager – Mark Hammett gave a presentation on the Torbay Story and work of the Torbay Place Leadership Board which was a strategic partnership comprising key partners from the public, voluntary, community and business sectors. The aim of the Torbay Story was to promote Torbay as a place and encourage inward investment. Members noted that there were currently 1423 Torbay Champions and the aim was to encourage as many people in Torbay as possible to become champions. The role of the champions was to:

Promote
Learn
Advocate
Connect
Engage

More information on the Torbay Story and how to become a Torbay Champion can be found at <https://investintorbay.com/invest/torbays-story/>.

The Board was advised that Torbay had been named as one of 20 local authorities in the Government's Budget proposals for new Levelling Up Partnerships providing over £400m and bringing the collective power of Government to provide bespoke place-based regeneration in areas most in need of levelling up over 2023 and 2024-2025. This was an important opportunity for Torbay and the Director of Pride in Place and Chief Executive were working up proposals to see what opportunities there were to maximise this offer.

Members asked the following questions:

- What engagement has been carried out with young people and schools on the Torbay Story.
- How has the Torbay Story been promoted in the community.
- Have copies of the Torbay Story been shared with relevant organisations across Torbay to raise awareness and encourage wider engagement, including the Community Partnerships.
- Does the Torbay Place Leadership Board carry out the work previously done by the Local Strategic Partnership.
- How does the Torbay Place Leadership Board ensure day to day partnership working to deliver key outcomes.
- How could it be ensured that the Torbay Story is owned and led by younger people who were the future of Torbay.
- Torbay Hospital was one of our largest employers in Torbay - what was being done to ensure that we were getting the most out of funding opportunities for our hospital.

Resolved (unanimously):

That the Torbay Place Leadership Board be requested to ensure that they engage with young people and encourage them to become an integral part in taking forward the Torbay Story.

44. Budget Monitoring Quarter 3 2022/2023

The Board considered and noted the submitted budget monitoring report which provided a high level budget summary of the Council's forecasted revenue and capital income and expenditure for the financial year 2022/2023. The report was based on figures as at the end of Quarter 3 which predicted a break even position by the end of the financial year.

The Deputy Leader of the Council – Councillor Cowell responded to the following questions:

- What was the reason for having the purchase of Union Square as Phase 1 of the project.
- What was the total budget for Torre Abbey.
- Would the additional funding for Torbay Coast and Countryside Trust ensure its stable future.
- What was being done to publicise non-commercial information in respect of our investment portfolio.
- What was the reason for the Polsham Centre Development scheme being cancelled (Note: it was agreed that a written response would be provided on this by the Divisional Director of Education, Learning and Skills).
- The totals for Capital Schemes had gone up by £43m, it would be helpful if future reports could include a column showing the original cost and date of a scheme and the next column showing the current scheme costs.
- What was the reason why there were no costs against Devolved Formula Capital and Education Review Projects.
- How does the Council balance its books regarding grants and borrowing and how long was the borrowing for.
- The Capital Budget contains 114 projects, how many would be delivered in the next five years and was there likely to be some abortive costs during that time.
- If the costs of a project increased after initial borrowing could the lender be approached with a view to borrowing more money.

The Board noted that this was the Director of Finance, Martin Phillip's last meeting before he retires and thanked him for all his hard work overseeing the Council's finances and reporting to the Board. Members also welcomed Malcolm Coe who had been appointed as the new Director of Finance.

Resolved (unanimously):

That the Director of Finance be requested to ensure that future Budget Monitoring reports include a column within the Capital Plan appendix showing the original date of the scheme and amount and the second column to show the latest scheme cost.

45. Levelling Up Round 2 Outcome

The Cabinet Member for Economic Regeneration, Tourism and Housing – Councillor Long and the Director of Pride in Place – Alan Denby provided feedback on the Levelling Up Round 2 Bids which had been unsuccessful as set out in the submitted report. The Board noted that the submissions had been supported by our local Members of Parliament but a key factor in their rejection related to concerns over capacity to deliver the proposed projects. It was noted that discussions had also been held with key Civil Servants on the bids and it was expected that they would have raised concerns if the proposed bids did not meet the criteria. Prior to the meeting the Board received copies of the bid submissions. Members asked questions in relation to the following:

- How did the submissions fit into the three published criteria for bids.
- When will Government announce the criteria for Levelling Up Round 3.
- What was the reason for choosing the two projects when there were other projects in Torquay and Paignton that would have fit the published criteria.

The honesty and openness of the feedback was appreciated by Members of the Board which also highlighted where the Council was in terms of resources and insufficient capacity to deliver large capital projects, this had been picked up as an area of weakness previously by the Board.

Resolved (unanimously):

That the Director of Pride in Place be requested to review the Levelling Up Round 3 criteria and ensure that the proposed submitted projects meet the criteria with focus on the poorest areas of Torbay.

Chairman/woman

Internal Audit
Executive Summary

**Food and Music Festival
Process Review**

Torbay Council

May 2023

Official



Support, Assurance & Innovation

Devon Audit Partnership

Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay, Devon, Torridge, Mid-Devon, South Hams & West Devon, and North Devon councils and Devon & Somerset Fire & Rescue Service authority and we aim to be recognised as a high-quality public-sector service provider.

We work with our partners by providing professional internal audit and assurance services that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the Public Sector Internal Audit Standards (PSIAS) along with other best practice and professional standards.

The Partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at tony.d.rose@devon.gov.uk.

Confidentiality and Disclosure Clause

This report is protectively marked in accordance with the National Protective Marking Scheme. Its contents are confidential and, whilst it is accepted that issues raised may well need to be discussed with other officers within the organisation, the report itself should only be copied/circulated/disclosed to anyone outside of the organisation in line with the organisation's disclosure policies.

This report is prepared for the organisation's use. We can take no responsibility to any third party for any reliance they might place upon it.

1 Introduction and Background

Two tender processes were undertaken regarding the provision of a Food and Music Festival in Torbay. The tender processes were both unsuccessful, resulting in a waiver process within which the contract was awarded to Case Live Ltd on the understanding that it was scaled back from their original tender. We understand from Procurement that Case Live Limited provided details of Case Entertainment Group as their parent company within the Selection Questionnaire.

The contract was awarded through the Council's waiver process and is included in the contracts register. The contract value is stated as £120,000, with an annual value of £40,000, and a contract period of 13/01/2023 to 30/10/2025.

The first event was due to take place late May bank holiday 2023, however Torbay Council received notification from the supplier on 26/04/2023 that they were cancelling the event.

2 Inherent Limitations

Matters within this report are based on our examination of information provided by Officers responsible for the processes reviewed. We have been unable to independently source additional email evidence due to system functionality.

In addition, our work has been limited by the information that is available to Internal Audit.

3 Executive Summary

Overall, a framework was in place in relation to the Procurement process, supported by financial regulations, procurement regulations and contract standing orders. It is evident that the Events Service area engaged Procurement at various points throughout the process. The top-level 'steps' in the Procurement processes were largely followed, being two tender exercises undertaken and evaluated, albeit that the bids submitted resulted in both exercises being unsuccessful following the evaluation processes. In this instance, the Council remained keen to provide this event and sought further Procurement advice. In line with Procurement processes, the Council's Waiver process was engaged, whereby contracts can be directly awarded.

Although the steps themselves were as expected i.e., two failed tender processes then leading to the formal waiver process, we noted areas where issues were identified with opportunities for the control framework to be strengthened.

The waiver document followed standard processes, being signed off by senior managers, but we consider that it contained some unsupported statements and some information that may have been open to misinterpretation, which could have therefore impacted upon the ultimate decision. We recommend that the waiver process should be strengthened to ensure it is at least as robust and detailed as the tender process, with care being taken to ensure the supporting narrative is clear; there is evidence supporting statements made in the waiver; and there is clarity in relation to responsibilities for contract award and approval.

The financial check process was not repeated at waiver stage, the content detail was not actively challenged, and was not undertaken on all companies related to the supplier. A financial check was undertaken on Case Live Ltd. No financial check was undertaken on Case Entertainment Ltd as the parent company. Although due diligence is included in the procurement process for supplier evaluation and selection, there is opportunity to strengthen this to consider company history in greater depth and any associated risks they may pose to the contract. Similarly, financial due diligence is also included in the Procurement process, and these could also be strengthened by ensuring all company information is consistently recorded throughout; financial checks are undertaken on all related companies of the supplier; financial checks are undertaken and shared with relevant parties at all procurement stages up to award of contract; and as standard practice various sources are utilised to support the financial due diligence.

There were some aspects of the contract where we were unable to confirm whether the supplier had provided all of the agreed contractual requirements. The contract did however include clauses related to financial recourse. As standard, contracts include generic clauses to address contract failure and contract monitoring requirements. In addition, where applicable, contracts incorporate specific clauses to support the wide-ranging nature of contracts, and these could be strengthened by considering all stakeholders. Contract monitoring arrangements could be strengthened by exercising these clauses to ensure contractual obligations are met throughout the contract period.

The procurement processes continue to be developed because of the pending changes to national procurement regulations. This then provides an opportunity to incorporate lessons learnt from this procurement process.

4 Scope and Objectives

To review the processes and supporting documentation associated with the tender, waiver, and award of contract, as provided by Council Officers.

5 Lesson Learnt

Separately very detailed recommendations have been given to the s.151 Officer which focus upon the process stages enacted. As an overarching lesson learnt from this review, going forward there should be active review throughout the procurement processes of all information provided to clearly evidence and support statements and decisions, whilst alongside this the waiver process should be strengthened to ensure that it is as robust as the Council's tender process and the company history of related companies should be documented and assessed.

6 Acknowledgements

We would like to express our thanks and appreciation to all those who provided support and assistance during this review.

Tony Rose
Head of Partnership

Lessons Learnt / Recommendations and Management Responses June 2023

The following details the recommendations made from the 'Executive Summary – Final' document along with management responses.

5.1 (para. 4.2) Going forward in order to avoid any potential breach of procurement regulations, it is vital that departments precisely follow any instructions given by the Procurement Team and retain full and accurate records relating to instructions and decisions made.

5.1 Management Response

Procurement is introducing a section setting out the advice issued by the Procurement Officer - Expected end June 2023.

There will be tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier - Expected end June 2023.

5.2 (para 4.3) When wording supporting narrative within a waiver, care must be taken to ensure the narrative is clear and reduces the risk of misinterpretation.

5.2 Management Response

Procurement is introducing a section setting out the advice issued by the Procurement Officer - Expected end June 2023.

There will be tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier - Expected end June 2023.

Weekly waiver review meetings between Procurement and s151 Officer commenced in April 2023 to discuss requests in detail. Improved consistency checks are now built into this process along with a robust challenge.

5.3 (para 4.4) When contracting, all company information must be consistent throughout to ensure that related due diligence is undertaken on the correct company(ies).

5.3 Management Response

Procurement will improve checking in this area and ensure this issue is built into future training provided to departmental staff.

Weekly waiver review meetings between Procurement and s151 Officer commenced in April 2023 to discuss requests in detail. Improved consistency checks are now built into this process along with a robust challenge as to whether financial checks on companies are required.

5.4 (para.4.5) To ensure robust waiver approval, the information contained within it must be complete and accurate, which may be achieved through the provision of evidence supporting the waiver content.

5.4 Management Response

The waiver process will be strengthened. Weekly review meetings between Procurement and s151 Officer commenced in April 2023. Further amendments will be made including:

- a) supplier suitability questionnaires (SSQs) to be completed for all waivers where the contract value is above £25K,
- b) requirement for waiver to reflect the total value of the contract to the supplier, rather than just the level of Council spend,
- c) introducing a section setting out the advice issued by the Procurement Officer,
- d) tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier,
- e) using contract risk tool (to be developed) to establish procurement risks and for the outcome of the assessment to form the procurement comments,
- f) returning waivers to the budget holder for completion where they have not detailed the reasons for the decision to proceed or not. Expected end June 2023.

5.5 (para.4.6) Again, linked to recommendations 5.2 and 5.4, the information stated within the waiver must be accurate and challenged by all involved in the approval.

5.5 Management Response

The waiver process will be strengthened. Weekly review meetings between Procurement and s151 Officer commenced in April 2023. Further amendments will be made including:

- a) supplier suitability questionnaires (SSQs) to be completed for all waivers where the contract value is above £25K,
- b) requirement for waiver to reflect the total value of the contract to the supplier, rather than just the level of Council spend,
- c) introducing a section setting out the advice issued by the Procurement Officer,
- d) tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier,
- e) using contract risk tool (to be developed) to establish procurement risks and for the outcome of the assessment to form the procurement comments,
- f) returning waivers to the budget holder for completion where they have not detailed the reasons for the decision to proceed or not. Expected end June 2023.

5.6 (para.4.7 and 4.8) Due diligence must include a current financial check on the supplier and any related companies regardless of whether it is following a successful tender process or as a result of a waiver process.

5.6 Management Response

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

5.7 (para.4.7 and 4.8) Financial checks must be undertaken and repeated throughout the Procurement processes through to contract award and final signing to address the risk of decisions being made on out-of-date financial information.

5.7 Management Response

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

The need for financial checks is now considered in weekly waiver meetings with the Section 151 Officer. Procurement will guide / advise departments with regards to the need for, and frequency of, any company financial checks at the commencement of any procurement process.

5.8 (para. 4.8) To support accurate decision making, all financial check reports must be shared with all relevant parties.

5.8 Management Response

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

Any financial checks which are returned indicating any medium or high-level concern will be communicated to both the relevant department and Section 151 Officer immediately.

5.9 (para.4.9) In addition to company financial checks, due diligence could include Procurement checks of Companies House information on the supplier and any related companies.

5.9 Management Response

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

5.10 (para. 4.10) Contract monitoring must ensure that all contractual obligations are met by the supplier and any non-compliance is recorded and addressed.

5.10 Management Response

The revised Selection Questionnaire and Supplier Suitability Questionnaire now includes the requirement to submit organisational business continuity and exit management plans as part of the selection process. There will be a restructure within the procurement, contract management and commissioning team to increase resources available to support pre-procurement decision making and contract management activities and provide greater oversight of contract compliance (e.g., provision of business continuity and exit management plans, insurances, annual accounts etc.) Expected end December 2023.

The Transforming Procurement Programme includes:

- a) development of contract management training, guidance and clear escalation processes,
- b) redrafting of Contract Procedures.

Expected end December 2023

5.11 (para. 4.11) Contract monitoring must ensure that supplier financial resilience flags are robustly considered and actioned accordingly.

5.11 Management Response

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

The need for financial checks is now considered in weekly waiver meetings with the Section 151 Officer. Procurement will guide / advise departments with regards to the need for, and frequency of, any company financial checks at the commencement of any procurement process.

Procurement / Finance will advise service departments with regards to the need for any further financial checks as and when pertinent information on companies becomes available / brought to the Council's attention.

There will be a restructure within the procurement, contract management and commissioning team to increase resources available to support pre-procurement decision making and contract management activities and provide greater oversight of contract compliance (e.g., provision of business continuity and exit management plans, insurances, annual accounts etc.) Expected end December 2023.

The Transforming Procurement Programme includes:

- a) development of contract management training, guidance and clear escalation processes,
- b) redrafting of Contract Procedures.

Expected end December 2023

5.12 (para. 4.12) Supplier evaluation and selection must clearly record and consider the suitability of the bid proposal prior to award of contract.

5.12 Management Response

Further amendments to processes will be made including:

- a) supplier suitability questionnaires (SSQs) to be completed for all waivers where the contract value is above £25K,
- b) tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier,
- c) using contract risk tool (to be developed) to establish procurement risks and for the outcome of the assessment to form the procurement comments,

Expected end June 2023.

The revised Selection Questionnaire and Supplier Suitability Questionnaire now includes the requirement to submit organisational business continuity and exit management plans as part of the selection process.

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

5.13 (Appendix C and D) We noted in the scope that there are areas that we are unable to examine due to limitations on information available to us. The Council may wish to consider engaging the Police to request wider investigation into the Companies.

5.13 Management Response

It is the Council's understanding that the Police have been made aware of the operations / concerns with regards to this company.

5.14 (para. 4.14) Contracts such as these should consider inclusion of related public recourse against financial loss incurred.

5.14 Management Response

A contract risk tool will be developed and utilised to establish procurement risks with the outcomes of the assessment to form the procurement comments.

The Transforming Procurement Programme includes:

- a) development of contract management training, guidance and clear escalation processes,
- b) redrafting of Contract Procedures.

Expected end December 2023

Appointment of an in-house Commercial Lawyer to assist with drafting contracts and ensuring appropriate indemnities in place. Expected December 2023.

5.15 (para 4.5 and 4.12) Financial Regulations must be reviewed in light of this matter and the new waiver process to ensure there is no risk of misinterpretation of authority to contract award and approval. In addition, consideration should be given to strengthening the waiver due diligence to ensure it as at least as robust as the tender process e.g., requiring exemplar contract information.

5.15 Management Response

The Transforming Procurement Programme includes:

- a) development of contract management training, guidance and clear escalation processes,
- b) redrafting of Contract Procedures.

Expected end December 2023

Any links across to changes required to the Council's Financial Regulations will be identified, and actioned, accordingly.

5.16 (para 4.15) In addition to the Procurement processes, the contract management processes must ensure that prompt action is taken on any information received relating to a supplier, including where applicable, timely responses to the informant. Process needs to be amended to ensure that access is taken promptly on any concerns raised about contracts.

5.16 Management Response

There will be a restructure within the procurement, contract management and commissioning team to increase resources available to support pre-procurement decision making and contract management activities and provide greater oversight of contract compliance (e.g., provision of business continuity and exit management plans, insurances, annual accounts etc.) Expected end December 2023.

The Transforming Procurement Programme includes:

- a) development of contract management training, guidance and clear escalation processes,
- b) redrafting of Contract Procedures.

Expected end December 2023

5.17 (para 4.16) The Procurement processes must incorporate consideration of any prior knowledge of suppliers and any potential conflicts of interest, given the findings (para 4.2) and related recommendation at 5.1.

5.17 Management Response

Further amendments to processes will be made including:

- a) supplier suitability questionnaires (SSQs) to be completed for all waivers where the contract value is above £25K,
- b) tighter controls around the provision of evidence to justify the request e.g., demonstrating there is only one suitable supplier,
- c) using contract risk tool (to be developed) to establish procurement risks and for the outcome of the assessment to form the procurement comments.

Expected end June 2023.

The revised Selection Questionnaire and Supplier Suitability Questionnaire now includes the requirement to submit organisational business continuity and exit management plans as part of the selection process.

Procurement will develop and implement a comprehensive and robust process for undertaking supplier financial checks. This will take into consideration parent companies and ultimate parent companies, contract risk assessment, bonds / guarantees, ongoing monitoring of financial standing, D&B Finance Analytics reports and tracking, Companies House information, accounts and relevant financial information provided by supplier, use of Cabinet Office's Financial Viability Risk Assessment (FVRA) Tool. Initial meetings arranged w/c 19/06/2023.

The format of the SQQ, and other relevant procurement documentation, will be modified to require disclosure with regards to any potential conflict of interest and/or relevant previous experience of supplier(s).

GRANTS Administered by Torbay Council (in support of the COVID pandemic and Cost of Living Crisis)

Scheme	Council Tax Rebate Scheme 2022-23	Discretionary Council Tax Rebate Scheme 2022-23	Covid Hardship awards 2020- 21	Energy Bills Support Scheme	Household Support Scheme
Objective	To Provide £150 relief to households in Council Tax bands A to D to help with increasing energy bills	To Provide support to other bill payers who are not eligible under the terms of the core scheme	Funding to support low income working age households. Additional £150 deducted from Council Tax bills for households in receipt of Council Tax Support	To provide support to households that use alternatives to mains gas for heating, such as heating oil, liquified petroleum gas (LPG) or coal, and households that receive the £400 direct payment.	4x schemes from October 2021 to provide financial support for those households hit hardest by the cost-of-living crisis (Food, fuel, essential items). Support provided - food banks, vouchers, direct awards.
Number of Households supported	55,190	7,376	10,362	711	HSF1 - 24,687 payments HSF2 - 17,996 payments HSF3 - 30,553 Payments HSF4 - current year, therefore ongoing
Total Value of support Processed	£8,278,500	£373,372	£1,472,073	£263,000	HSF1 - £1,146,309 HSF2 - £1,162,956 HSF3 - £1,130,084 HSF4 - £309,673 (ongoing until March 24)

Operation of Overview & Scrutiny

Anne-Marie Bond, Chief Executive

June 2023 : Final draft for Informal Cabinet 6 June 2023

Introduction

Following the election and the appointment of the Overview and Scrutiny co-ordinator it is important to set out how Overview and Scrutiny will operate in practice moving forward; learning both from our previous experiences as well as reviewing best practice from elsewhere, ensuring that Overview and Scrutiny continues to add value, make a difference to local people's lives and remains central to streamlined and responsible local decision making.

Context

In 2019 the Council moved from the Elected Mayor system to a Leader and Cabinet model of Governance, as a result of which a number of new governance frameworks were introduced.

A cornerstone of good Governance and therefore good Overview and Scrutiny is to regularly review what is working well and where improvements can be made.

In advance of the election, Officers from Governance Support sought views from the then Chair of the Overview and Scrutiny Board; the then Chairs of the Adult Social Care and Health Overview and Scrutiny Sub Board and Children and Young People's Overview and Scrutiny Sub Board; a previous Chair of the Overview and Scrutiny Board together with Group Leaders and the previous Leader and Deputy Leader of the Council. This provided a cross party perspective alongside an officer review of best practice, to inform the preparation of this paper and the recommendations contained therein.

Background

The function of Overview and Scrutiny is to:

- Promote openness and transparency in the decision making process;
- Hold decision-makers to account;
- Help form and review Council policies; and

- Make a positive impact on the quality and delivery of public services through recommendations to Cabinet and Council.

There are four core principles of scrutiny and accountability which are to:

1. Provide a constructive ‘critical friend’ challenge;
2. Amplify the voices and concerns of the public;
3. Be led by independent people who take responsibility and own the Scrutiny role; and
4. Drive improvement in public services.

Overview and Scrutiny - Current Arrangements at Torbay Council

The Overview and Scrutiny structure consists of:

- The main Overview and Scrutiny Board (which includes the Overview and Scrutiny Co-ordinator and four Scrutiny Leads, politically balanced);
- Adult Social Care and Health Overview and Scrutiny Sub-Board; and
- Children and Young People’s Overview and Scrutiny Sub-Board.

Work Programmes

The respective Boards set their own Work Programmes for the year, usually towards the end of the previous Municipal Year. However, a difficulty identified is that items on the Work Programmes often “slip” due to other pressures across the Council and other items are added throughout the Committee cycles, often at relatively short notice, because they require discussion and consideration, with recommendations to Cabinet/Council within a finite timeframe. This is part of pro-active scrutiny and means that the Work Programme has to be flexible with existing items reprioritised against urgent items that may arise throughout the Municipal Year.

The way in which this is managed is that the live Work Programmes are submitted monthly to the Council Leadership Group and are presented by the Overview and Scrutiny Co-ordinator. There are also Quarterly meetings with the Overview and Scrutiny Co-ordinator, Vice-Chair of the Overview and Scrutiny Board and Leader of the Council to discuss the Work Programme as well as monthly Overview and Scrutiny Briefings with the members of the main Overview and Scrutiny Board.

Members also review the Forward Plan and can ask for items to be added to the Work Programme or new items or reviews can be requested following discussions at the Overview and Scrutiny Board/Sub-Board meetings.

Overview & Scrutiny and the Relationship with the Audit Committee

The Audit Committee is the provider of independent assurance and oversight on:

- Adequacy and effectiveness of risk management framework;
- Systems of control, audit and governance; and Performance. (Note: Performance Monitoring will fall to Overview and Scrutiny after May 2023 as recommended by External Audit and Scrutiny Good Practice.)

The Audit Committee is, in effect, responsible for inward looking scrutiny in terms of how the Council operates within its own processes and procedures. However, there can be an overlap with Overview and Scrutiny in terms of policy and practice, for example, reviewing regular finance and performance reports; reviewing Council commercial activity and general review of value for money arrangements.

Over the last term of office, the Overview and Scrutiny Co-ordinator and the Chairman and Vice-Chairman of the Audit Committee have been members of both bodies to assist the relationship between the two bodies.

Approach to Scrutiny Reviews

Being a small Unitary Authority it is recognised there is a finite resource capacity within the Council to undertake many detailed reviews through Overview and Scrutiny.

Reviews are either identified as part of the annual Work Planning process, or, as occurs in the majority of cases, they are established by the Overview and Scrutiny Board arising from discussion on key topics which require further detailed investigation. Most Reviews last between three and six months, but some Reviews can continue over a number of years where they link to large projects, for example, the Council Redesign Programme and Accessibility Review.

Self-Evaluation against Best Practice

The Centre for Governance and Scrutiny “The Good Scrutiny Guide” June 2019 sets out three additional components of good scrutiny and good governance which are necessary in order for democracy at a local level to be participative and are necessary for good scrutiny to thrive. These are:

- Accountability – an environment where responsibility for services and decisions is clear and where those holding responsibility can and are answerable for success and failure;
- Transparency – the publication, proactively, of information relating to services and decisions to allow local people, and others, to hold policymakers and decision-makers to account; and
- Involvement – rules, principles and processes whereby a wide range of stakeholders (including elected representatives) can play active roles in holding to account and influencing and directing the development of policy.

In 2018, the Centre for Governance and Scrutiny carried out its first evaluations of local authority scrutiny functions using a new method, combining its wealth of research, policy and practical experience. Its document entitled “Scrutiny Improvement Review – Main Themes and Findings (2021) sets out an analysis and evaluation of the emerging themes from all of the reviews carried out between 2018 and 2021. It is against those findings that we can mirror the way in which Torbay Council currently operates its scrutiny function which, in turn, provides measurement as to what the Council currently does well in that respect and what it could do better.

From the work that was done pre-election, it is believed that the following areas are positively dealt with;

- There is good focus on Children’s Services and Adults Social Care and Health through the respective scrutiny sub boards both of which add significant value;
- Robust challenge of the Cabinet’s draft budget proposals through the Annual Priorities and Resources Review;
- Overview and Scrutiny uses informal self-evaluation to provide a check on effectiveness, with this feeding into the Annual Overview and Scrutiny Report which is presented at full Council, to outline scrutiny’s focus and impact over the past year;
- A structure is in place to enable effective Councillor oversight. This is delivered through the internal meeting structures outlined above. However, it is recommended that there is greater emphasis on ensuring more meaningful meetings which aim to produce demonstrable outcomes;
- Overview and Scrutiny is good at responding and reactive to urgent matters, although this places pressures on the capacity of the Council’s resources;

- Overview and Scrutiny is recognised as an important element of the Council’s governance by Officers and Members; and
- Overview and Scrutiny has the opportunity to review and help form policy framework.

Moving forward

Following discussion with the Overview and Scrutiny Co-ordinator a number of recommendations are made to embed and further improve Overview and Scrutiny in Torbay;

1. **Creation of a Cabinet and Overview and Scrutiny Role Protocol.**

Reason for recommendation:

- to clarify the roles and interplay of Overview and Scrutiny and Cabinet within the Council’s overall governance framework;
- to set out the practical expectations of the interplay between Overview and Scrutiny and Cabinet; and
- to improve engagement between the Cabinet and Overview and Scrutiny, building a stronger relationship to enable better interaction and resolution around sensitive issues and providing a helpful tool in dealing with any disagreement between the Cabinet and Overview and Scrutiny over contentious Overview and Scrutiny recommendations (Statutory Guidance: Overview and Scrutiny: statutory guidance for councils and combined authorities – published 7 May 2019 – Annex 1 suggestion for protocol and issues covered:
<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities#annex-1-illustrative-scenario--creating-an-executive-scrutiny-protocol>.

2. **Continued attendance and commitment to attend by relevant Portfolio Holders and Directors at the Overview and Scrutiny Board and Sub-Board meetings to answer questions.**

Reason for recommendation:

- Best Practice – CFGS Scrutiny Improvements: Themes and Findings (2021) – “In our experience when executive members attend and are the focus of questioning, a more strategic exchange takes place and better recommendations are achieved. To enact effective democratic accountability, our SIRs frequently underline the need for scrutiny to recognise its role and responsibility in holding the executive to account,

ensuring questions are directed to the relevant portfolio holder and are linked to clear priorities”.

3. Develop ongoing Scrutiny training for Members and Officers, with specialist training for Chairs of Overview and Scrutiny and a continuing emphasis on Member Development.

Reason for recommendation:

- to provide a better understanding of the role of overview and scrutiny;
- to assist Councillors in accumulating the necessary skills and knowledge required to become an effective scrutineer and/or Chair of Overview and Scrutiny;
- to nurture individual confidence and ability;
- to provide Councillors with ongoing learning and development opportunities throughout their term of office;
- to enable Overview and Scrutiny Members to develop greater expertise and insight, especially on the more technical aspects of finance, commercial activities and performance management; and
- to provide officers with an understanding of the role of Overview and Scrutiny, linking to overall governance framework and to ensure a joined-up approach between organisational delivery and Overview and Scrutiny objectives.

4. Increased profile and better engagement with the public and communities, to include local online discussion forums; blogs; Facebook group; improved Web presence.

Reason for recommendation:

- to improve public and community engagement with Overview and Scrutiny;
- embraces the Council Redesign Programme – “we will reconnect with, and enable and empower, our communities”;

5. Investigate ways in which the Council can encourage and achieve better community engagement through Overview and Scrutiny

Reason for recommendation:

- by utilising the Council’s Communications and Engagement Team to review the work programmes for matters of particular community interest and drawing on their expertise and knowledge, it will be possible to identify public priority topics for possible inclusion on work programmes which will provide a diversity of topics that the public wish to see scrutinised – this will help to promote further public engagement and participation, making Overview and Scrutiny more accessible.

- 6. Continuing to ensure that Scrutiny work is channelled through the right method:**
- a. Work Programme items, with early engagement wherever possible (e.g. development of the Revenue and Capital Plan Budgets);**
 - b. Remove “to note” items appearing on Board/Sub-Board agendas;**
 - c. Councillor Call for Action;**
 - d. Targeted Task and Finish Groups;**
 - e. Spotlight Reviews;**
 - f. Call in.**

Reason for recommendations:

- to streamline the Overview and Scrutiny function and process; and
- provide greater recognition across the Council as to the different mechanisms and value of Overview and Scrutiny in relation to overall Council governance.

- 7. To explore ways in which collaborative working can be improved between the Audit Committee and the Overview and Scrutiny Board.**

- a. The Overview and Scrutiny and Audit Committee work programmes will be reported through Council Leadership Group (CLG) to enable cross party awareness of their work, with the Overview and Scrutiny Co-ordinator being a member of CLG. As well as Overview and Scrutiny Leadership Quarterly meetings with the Leader of the Council, Group Leaders, Overview and Scrutiny Co-ordinator and Vice-Chair of the Overview and Scrutiny Board, Chair of the Audit Committee, Director of Corporate Services and Democratic Services.**
- b. Add the Audit Committee Work Programme to the Council Leadership Group and Quarterly Leadership meetings.**

Reason for recommendation:

- assistance with “deep dive” on matters which better rest within the remit and expertise of the respective committees, for example, Audit may require O&S to look at non-financial implications and O&S may require Audit to look at technical financial information;
- streamlining how the committees can work together but remain distinct and avoid duplication of work;
- fits in with good governance and
- Statutory Guidance: Overview and Scrutiny: statutory guidance for Councils and combined authorities – published 7 May 2019: “consideration should be given as to how to co-ordinate the various committees’ work to make best use of the total resources available”.

8. Improve strategic support for Overview and Scrutiny from the Senior Leadership Team, with the Director of Corporate Services being the main SLT support for Overview and Scrutiny

Reason for recommendation:

- to improve dialogue and a cohesive approach across the political and managerial leadership;
- to provide a strategic overview as to where Overview and Scrutiny could add value;
- to assist with horizon scanning and highlight policy development opportunities;
- enhance a greater mutual understanding between officers and Members of their respective challenges and considerations – identifying operational and service delivery areas that would benefit from Overview and Scrutiny involvement;
- to ensure the early engagement of Overview and Scrutiny so that it can make an effective contribution to the decision making process; and
- supports the continued clear strategic accountability with the Chief Executive supporting the Cabinet and the Director of Corporate Services supporting Overview and Scrutiny.

9. Creation of a six monthly Overview and Scrutiny Bulletin to be circulated to all Councillors and the Senior Leadership Team, with additional Bulletins produced where key achievements have been made.

Reason for recommendation:

- to provide a co-ordinated approach on updating Councillors and the Senior Leadership Team as to Overview and Scrutiny's work and progress on Review group recommendations; and
- to share information as to how Overview and Scrutiny recommendations have been implemented and impact measured.

10. Introduce a formal mechanism to strengthen self-evaluation of Overview and Scrutiny arising from Reviews.

Reason for recommendation:

- to ensure continued reflection and improvement to the Overview and Scrutiny function and how it successfully operates in order to ensure that it continues to add maximum value to the decision making process.

Recommendation to Overview and Scrutiny Board:

That the Overview and Scrutiny Board endorses the proposed operation of Overview and Scrutiny and the recommendations 1 to 10 as set out in the submitted report.

Overview and Scrutiny Board Work Programme 2023/2024 – Draft Version 1

Approved on ??? - Updated 21/6/23 by Teresa Buckley

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
5 July 2023	Board	Budget Monitoring Outturn 2022/2023 – 30 mins	To consider the Budget Monitoring Outturn Report and make recommendations to the Cabinet – Ian Rowswell/Malcolm Coe/Councillor Chris Lewis Report ‘to follow’
5 July 2023	Board	Internal Audit Review of Torbay Food and Music Festival Process Review – 40 mins	To review the background to the cancellation of the Torbay Food and Music Festival and the reasons behind the cancellation and what can be learned from this for future events – Malcolm Coe (on behalf of Alan Denby)/Lisa Tuck/Councillor Chris Lewis
5 July 2023	Board	Cost of Living Crisis Funding – 30 mins	To review the funding received and allocated from the Government to support the cost of living crisis and if this resulted in meeting the intended objectives – Malcolm Coe/Tara Harris/Councillor Chris Lewis/Councillor Tranter

Date	Meeting	Issue	Outcomes and Objectives
5 July 2023	Board	Operation of Overview and Scrutiny – 20 mins	To consider a report on the operation Overview and Scrutiny and how it will operate – Matt Fairclough-Kay/Teresa Buckley/Councillor Billings
5 July 2023	Board	Initial Overview and Scrutiny Work Programme 2023/2024 – 20 min	To approve the initial Work Programme for the Overview and Scrutiny Board and note the emerging Work Programmes for the Children and Young People’s Overview and Scrutiny Sub-Board and the Adult Social Care and Health Overview and Scrutiny Sub-Board – Teresa Buckley/Councillor Billings
8 August 2023	Spotlight Review/ Board	English Riviera Air Show	<p>To carry out a spotlight review on the English Riviera Air Show:</p> <ul style="list-style-type: none"> • how is the is it funded? • how does our spend and format on the Torbay Air Show compare to other air shows? • what should the English Riviera Air Show look like moving forward? • how will it be delivered in the future? <p>Lisa Tuck/Alan Denby/Councillor Chris Lewis</p> <p>(Note: Members of the Air Show Working Party to be invited plus the Business Forum, Torquay, Paignton, Brixham Chambers of Trade and Commerce, Brixham Town Council, English Riviera Business Improvement District ERTBID Company, Preston Community Partnership and Roundham with Hyde Community Partnership).</p>

Date	Meeting	Issue	Outcomes and Objectives
6 September 2023	Board	Levelling Up Bill and Regeneration Bill	To receive assurance on the preparedness of implementing the changes arising from the Levelling Up Bill and Regeneration Bills due to come into effect in the Autumn. To receive an update on the progress of implementing the Government Funding for the Town Centres and the deadlines for the grants. Alan Denby/David Edmondson/Councillor David Thomas
6 September 2023	Board	Community and Corporate Plan	To review the consultation draft Community and Corporate Plan and make recommendations to the Cabinet – Matt Fairclough-Kay/Councillor David Thomas
6 September 2023	Board	Budget Monitoring Q1	To consider the Budget Monitoring Report for Quarter 1 and make recommendations to the Cabinet – Ian Rowswell/Malcolm Coe/Councillor Tyerman
6 September 2023	Board	Draft Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy	Review of draft Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy – Nancy Meehan/Rachael Williams/Councillor Bye
6 September 2023	Board	Review of Capital Projects	To consider a report on the performance of the Council's capital projects and make recommendations to the Cabinet – Alan Denby/Councillor Tyerman

Date	Meeting	Issue	Outcomes and Objectives
			Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.
6 September 2023	Board	Review of Investments	<p>To consider a report on the performance of the Council's investments and make recommendations to the Cabinet – Malcolm Coe/Ian Rowswell/Councillor Tyerman</p> <p>Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.</p>
11 October 2023	Board	Annual Review of SWISCo	<p>To carry out an annual review of the operation of SWISCo and hear from the Chair and Managing Director and Council Lead Officer on the effectiveness of the delivery of this wholly owned company against its agreed business plan.</p> <p>– Matt Reeks/Alan Denby/Lisa Tuck/Councillor Chris Lewis</p>
11 October 2023	Board	Annual Review of TDA	<p>To carry out an annual review of the operation of TDA and hear from the Chair and Managing Director and Council Lead Officer on the effectiveness of the delivery of this wholly owned company against its agreed business plan – Liam Montgomery/Alan Denby/Lisa Tuck/Councillor Chris Lewis</p>
11 October 2023 (TBC)	Board	Place Discount Scheme for Residents and Review of Parking Fees for 2024/2025	<p>To consider the draft proposals for a place discount scheme for residents and to review proposed parking fees for 2024/2025 and make recommendations to the Cabinet – Lisa Tuck/Alan Denby/Councillor Chris Lewis</p>

Date	Meeting	Issue	Outcomes and Objectives
11 October 2023	Board	Review of Covid-19 Funding	To review the funding received for Covid-19 and how this was used and how it met the intended objectives – Malcolm Coe/Councillor Tyerman
8 November 2023	Board	Safer Communities Torbay Annual Review	<p>To monitor and review the effectiveness of the implementation and delivery of the agreed priorities for the Safer Communities Torbay. Lead Officers.</p> <p>To consider the positive and negative impact of operation Loki and the learning that can be taken forward for other operations.</p> <p>Tara Harris/Jo Williams/Dave Parsons, Vicki McGeough (Tara to identify other partners to attend) Cabinet Member – Councillor Tranter</p> <p>*Note O&S has a statutory responsibility to hold the Community Safety Partnership to account.</p>
8 November 2023	Board	Revised Torbay Climate Emergency Action Plan and Carbon Neutral Torbay Action Plan 2022-2024	To consider the revised Torbay Climate Emergency Action Plan and Carbon Neutral Torbay Action Plan 2022-2024 and make recommendations to the Cabinet – Jacqui Warren/David Edmondson/Alan Denby/Councillor David Thomas
13 December 2023	Board	Budget Monitoring Q2	To consider the Budget Monitoring Report for Quarter 2 and make recommendations to the Cabinet – Ian Rowswell/Malcolm Coe/Councillor Tyerman

Date	Meeting	Issue	Outcomes and Objectives
13 December 2023	Board	Performance Quarter 2	To review the Council's key performance indicators and make recommendations to the Cabinet – Matt Fairclough-Kay/Eve Bates/Councillor Tyerman
13 December 2023	Board	Review of Capital Projects	To consider a report on the performance of the Council's capital projects and make recommendations to the Cabinet – Alan Denby/ Councillor Tyerman Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.
13 December 2023	Board	Review of Investments	To consider a report on the performance of the Council's investments and make recommendations to the Cabinet – Malcolm Coe/Ian Rowswell/Councillor Tyerman Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.
10 January 2024	Board	Review of Planning Service for the Future	To review the progress of the Planning Service Fit for the Future project – Anne-Marie Bond/Alan Denby/David Edmondson/Councillor David Thomas
7 February 2024	Board	Priorities and Resources 2024/2025	To agree the final report of the Priorities and Resources – Teresa Buckley/Councillor Billings.
13 March 2024	Board	Budget Monitoring Q3	To consider the Budget Monitoring Report for Quarter 3 and make recommendations to the Cabinet – Ian Rowswell/Malcolm Coe/Councillor Tyerman

Date	Meeting	Issue	Outcomes and Objectives
13 March 2024	Board	Performance Quarter 3	To review the Council's key performance indicators and make recommendations to the Cabinet – Matt Fairclough-Kay/Eve Bates/Councillor Tyerman
13 March 2024	Board	Review of Capital Projects	To consider a report on the performance of the Council's capital projects and make recommendations to the Cabinet – Alan Denby/ /Councillor Tyerman Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.
13 March 2024	Board	Review of Investments	To consider a report on the performance of the Council's investments and make recommendations to the Cabinet – Malcolm Coe/Ian Rowswell/Councillor Tyerman Note: commercial information relating to investments will be exempt and excluded from the press and public and discussed in private.
10 April 2024	Board		
8 May 2024	Board	Annual Review of Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy	Annual Review of Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy – Nancy Meehan/Rachael Williams/Councillor Bye

Other issues to be considered:

Topic	Actions required by Board Members
<p>January/February 2024 Priority and Resources 2024/2025</p> <p>P&R 1 = Adults and Community Services and Public Health (to include an introduction to the budget proposals) – (date tbc)</p> <p>P&R 2 = Place – (date tbc)</p> <p>P&R 3 = Children’s, Chief Executive, Finance and Corporate – (date tbc)</p> <p>P&R 4 = Private meeting for conclusions/recommendations to Board – (date tbc)</p> <p>O&B = 7 February 2024</p>	<ul style="list-style-type: none"> • Cabinet – Draft budget for 6 week consultation Cabinet starting on • To review the budget via Priorities and Resources meetings. <p>To be updated once the budget timetable is agreed for 2024/2025</p>
<p>Review of tourism and leisure offer</p>	<p>To undertake a review of the current tourism and leisure offer to include:</p> <ul style="list-style-type: none"> • learning from the music festival • criteria for holding and funding events • how success of events is measured and evaluated • are Torbay’s assets (e.g. Geopark and Torre Abbey) being maximised for our tourism and leisure offer <p>Lisa Tuck/Alan Denby/Councillor Chris Lewis</p>

Topic	Actions required by Board Members
Review of Land Supply and Affordable Housing	To undertake a review of land supply for housing purposes and review the progress in delivering affordable housing in Torbay in accordance with the Council's Housing Strategy – Alan Denby/Jo Williams/Tracy John/Councillor David Thomas
Review of Place Infrastructure	To review the infrastructure within Torbay for water, sewage and other utilities – the detailed scope of this review to be developed with the Director of Place.
Review on how the Council is meeting the needs of the LGBTQ= Community	To explore how council (and potentially health/adult services/children's services) are meeting the needs or not of the LGBTQ+ community. It is proposed that this is scoped towards the end of the year to coincide with LGBTQ+ week in June.

**Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme 2023/2024 –
Initial Draft Approved ??????**

Updated 21/06/23

Action: advise Healthwatch what topics are coming up so that they can submit their reports as background papers to help inform members' discussions.

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
13 July 2023	Board	Torbay and South Devon NHS Foundation Trust Quality Account 2022/23	To review the Quality Account for 2022/24 and provide feedback to the Trust. To provide an update on how the process for managing mental capacity is working across all areas within the Hospital – Liz Davenport, CEO and Deborah Kelly – Chief Nurse

Date	Meeting	Issue	Outcomes and Objectives
13 July 2023	Board	Thriving Communities Where People Can Prosper – Out Draft Strategy for Adult Social Care in Torbay	To consider the draft strategy and make recommendations to the Cabinet – Jo Williams/Councillor Tranter
13 July 2023	Board	Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme	To approve the Initial Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme for 2023/2024 – Anne Hawley/Councillor Joyce
17 August 2023	Board	Draft Learning Disability Strategy Consultation	To consider the draft strategy and make recommendations to Cabinet - Consultation officer – Savana Lawler, Commissioning Support Officer/Jo Williams/Councillor Tranter
17 August 2023	Board	Adult Social Care Procurement and Contracting Review and Action Plan	To review the report and action plan (via the Adults Continuous Improvement Board) – Steve Holman/Deborah Gidman/Councillor Tranter (Deferred from October/November as not been through Continuous Improvement Board) – date to be confirmed – not ready as more work being done on a joint plan – Jo to consider how this fits with a new overall project working with NHS.

Date	Meeting	Issue	Outcomes and Objectives
17 August 2023	Board	Homeless Support and Providers	<p>To consider a review on homeless support and providers, looking at costs and best practice for:</p> <ul style="list-style-type: none"> • local authority Team; • Voluntary and community sector; • Leonard Stocks; and • HMOs. <p>Tara Harris/Councillor Tranter</p> <p>(Note: invite the Children and Young People’s Overview and Scrutiny Sub-Board Members so that they can ask questions relating to children’s homelessness issues.)</p>
14 September 2023	Board	Wellbeing and Prevention	<p>To review adult social care and voluntary sector wellbeing and prevention work (including mental health) – Community and Voluntary Sector Alliance – Steve Honeywill/Jo Williams/Councillor Tranter</p> <p>Deferred from March 2023 – request for later in the summer 2023 (Jo Williams).</p>

Date	Meeting	Issue	Outcomes and Objectives
14 September 2023	Board	Review of Domiciliary Care Provision at Home	<p>To review the current arrangements for domiciliary care in Torbay and if it provides value for money for service users - Steve Honeywill/Jo Williams/Councillor Tranter</p> <p>Note a review of domiciliary care in Torbay and how this is delivered and monitored was considered at the Adults O&S in January 2023– Steve Honeywill/Jo Williams</p>
14 September 2023 (TBC)	Board	Adult Social Care and the Integrated Care Organisation (ICO)	To review the commissioned arrangements between the Council and the Integrated Care Organisation/Torbay and South Devon NHS Foundation Trust for delivery of adult social care and what is working well and what is not working well – Jo Williams/Councillor Tranter
12 October 2023	Board	Adult Social Care Self-Assessment – 1 ½ hours	<p>To consider a report on the self-assessment of Adult Social Care provision and performance within Torbay including safeguarding in the community and to make recommendations to the Cabinet or Adult Social Care Continuous Improvement Board</p> <p>– Jo Williams/Cathy Williams/Councillor Tranter NB – Jo to go on Agenda first as has to leave by 3.30 pm</p>

Date	Meeting	Issue	Outcomes and Objectives
12 October 2023	Board	Home Discharge and Care Homes	<p>To consider the following issues:</p> <ul style="list-style-type: none"> • performance and safety of discharges from hospital to care homes or other provision; • learning from transfers to and from hospital; • enhanced care in care homes; • safe care (QAIT); • training for staff; and • quality of life. <p>Jo Williams/Councillor Tranter</p>
23 November 2023	Board	Update on Dentistry Provision in Torbay	<p>NHS England/the Integrated Care Partnership to provide an annual update to the Torbay Adult Social Care and Health Overview and Scrutiny Sub-Board on improvements in dental access and planned oral health improvement initiatives, including key outputs and key performance indicators via an accessible dashboard (the content of which to be agreed with the Director of Public Health) – Lou Farbus to co-ordinate/Mark Richards/Lincoln Sargeant/Councillor Tranter - also invite Brixham Town Council and the Children and Young People’s Overview and Scrutiny Sub-Board Members so that they can ask questions relating to children’s dentistry.</p>

Date	Meeting	Issue	Outcomes and Objectives
23 November 2023	Board	Care Quality Commission Audit	<p>To receive assurance that all relevant actions are in place for the forthcoming Care Quality Commission Audit of Adult Social Care – Jo Williams/Cathy Williams/Councillor Tranter</p> <p>(NB Jo asked to move to November to fit in with DOM and CAD commenting beforehand as per AMB request (JG email to AH)).</p> <p>Note the Adults Board considered a report of the process and self-assessment methodology of Adult Social Care provision. Overview of the process and self-assessment and priorities/methodology within Torbay and to make recommendations to the Cabinet or Adult Social Care Continuous Improvement Board at its meeting in February 2023 – Jo Williams/Cathy Williams/Councillor Tranter</p>
21 December 2023	Board	Dementia Support	To review the support available to people with dementia, including digital support – Jo Williams/Councillor Tranter
21 December 2023	Board	Review the Transformation and Sustainability Plan for Adult Social Care and Adult Social Care Costs	Arising out of recommendation at Board meeting on 26 January (Review of Domiciliary Care report) that the Board reviews the Transformation and Sustainability Plan for Adult Social Care when it is available. Shelly Machin/Steve Holman/Councillor Tranter

Date	Meeting	Issue	Outcomes and Objectives
18 January 2023		NHS Plans - Health and Wellbeing Coverage Across Torbay	<p>To consider the following issues:</p> <ul style="list-style-type: none"> • GP coverage across Torbay and resident's access to GPs. • the proposed Community Health Hub in Paignton. • Drug and alcohol services and treatment. • feedback on the effectiveness of PALS. • maternity services and provision. • adult social care and Care Quality Commission priorities working with GPs and Social Services and the voluntary and community sector. <p>Integrated Care Organisation/NHS/Jo Williams/Councillor Hayley Tranter</p>
18 January 2024		Review Care Quality Commission (CQC) Assurance Improvement Plan	The Sub Board to scrutinise and consider the CQC Assurance Improvement Plan once it is available – recommendation arising out of 23 Feb meeting - Jo Williams/Cathy Williams/Councillor Tranter
15 February 2024		Workforce plan for Adult Social Care	<p>To review the workforce plan for Adult Social Care. – Jo Williams//Councillor Tranter</p> <p>NB – Jo to go on Agenda first as has to leave by 3.30 pm</p>
14 March 2024			

Date	Meeting	Issue	Outcomes and Objectives
11 April 2024			
Date to be confirmed	Board	Building a Brighter Future Strategic Outline Case	To receive an update on the redevelopment proposals at Torbay Hospital – Emily Taylor (Adel Jones/Chris Knight - attendees to be confirmed)

Devon NHS Long Term Plan (topics and dates to be confirmed)

Children and Young People’s Overview and Scrutiny Sub-Board Work Programme 2023/2024 – Initial Draft

Approved ??? - Updated 21/6/2023 by Teresa Buckley

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
31 July 2023	Children and Young People’s Overview and Scrutiny Sub-Board	Ofsted Annual Conversation Letter	To consider the Annual Conversation Letter and identify areas for overview and scrutiny - Nancy Meehan/Councillor Bye
31 July 2023	Children and Young People’s Overview and Scrutiny Sub-Board	Our Promise to You – The Torbay Pledge to care for and care experienced children/young people - update every 6 months	To receive an update on the progress of implementing the Pledge. To receive an update on youth engagement, Children in Care Council’s (CICCs), My Voice and The Circle – Nancy Meehan/Councillor Bye
31 July 2023	Children and Young People’s Overview and Scrutiny Sub-Board	Exploitation and Children Missing – update every 6 months	To receive an update on Exploitation and children missing – Nancy Meehan/Councillor Bye/Katie Buckley Note: update to include comparative data to demonstrate the improvements and impact to young people who are vulnerable to exploitation.?

Date	Meeting	Issue	Outcomes and Objectives
31 July 2023	Children and Young People's Overview and Scrutiny Sub-Board	Children's Continuous Improvement Board Update	To receive an update on the Children's Continuous Improvement Plan – Nancy Meehan/Councillor Bye/Steve Hart. To receive an update on the implementation of the eight recommendations arising from the review of Children's Services Leadership, Management and Governance – approved by the Board on 20 September 2021 - Nancy Meehan/Councillor Bye/Rachel Setter
31 July 2023	Children and Young People's Overview and Scrutiny Sub-Board	Children and Young People's Overview and Scrutiny Sub-Board Work Programme 2023/2024	To approve the initial Work Programme for Children and Young People's Overview and Scrutiny Sub-Board – Teresa Buckley/Councillor Law
23 October 2023	Children and Young People's Overview and Scrutiny Sub-Board	Youth Provision in Torbay	To receive an update on the direction of travel for the review of youth provision and consider how the Children and Young People's Overview and Scrutiny Board can contribute towards the review and add value, to include Youth Improvement Fund, youth work including sport, leisure and culture and pre-summer holiday camps – Nancy Meehan/Alan Denby/Councillor Bye
23 October 2023	Children and Young People's Overview and Scrutiny Sub-Board	Early Years Sufficiency Strategy	To review the Early Years Sufficiency Strategy and make recommendations to the Cabinet in November – Nancy Meehan/Rachael Williams/Councillor Bye
23 October 2023	Children and Young People's Overview and Scrutiny Sub-Board	Sufficiency Strategy and Permanence for Children	To receive an update on the Sufficiency Strategy and permanence for children, including recruitment and retention, (unaccompanied asylum seeking children) UASC, fostering, Community Support Programme – Nancy Meehan/Becky Thompson/Councillor Bye

Date	Meeting	Issue	Outcomes and Objectives
23 October 2023	Children and Young People's Overview and Scrutiny Sub-Board	Adopt South West - Regional Adoption Agency Annual Report	To consider the annual report from Adopt South West - Regional Adoption Agency (RAA) and to consider the implications of Cornwall joining the RAA – Nancy Meehan/Councillor Bye (plus RAA rep)
23 October 2023	Children and Young People's Overview and Scrutiny Sub-Board	Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action Update (every six months)	To receive update on the progress of the implementation of the action plan arising from the Written Statement of Action following the Torbay Local Area Special Educational Needs (SEND) Joint Inspection. To receive an update on the Safety Valve. Nancy Meehan/Rachel Williams/Hannah Baker, Project Manager SEND Written Statement of Action/Councillor Bye.
18 December 2023	Children and Young People's Overview and Scrutiny Sub-Board	Youth Justice (every six months)	To receive an update on the Youth Justice Team, including and mental health and Child and Adolescent Mental Health (CAMHS) provision – Nancy Meehan/ Jon Ralph - Service Manager/Councillor Bye
Date to be confirmed 2023	Children and Young People's Overview and Scrutiny Sub-Board	Review of School Transport	Review of School Transport recommended by the Overview and Scrutiny Board on 7 December 2022 – Nancy Meehan/Rachael Williams/Councillor Bye.
18 December 2023	Children and Young People's Overview and Scrutiny Sub-Board	Family Hub Sustainability	To review the long term sustainability of the three Family Hubs in Torbay and the early help services they provide including the role of The learning Academy. To receive an update on the take up of Free School Meals and the Holiday Activities and Food (HAF) Programme – Nancy

Date	Meeting	Issue	Outcomes and Objectives
			<p>Meehan/Councillor Bye/Sarah Pengelly - Project Manager HAF (Holiday, Activities and Food Programme) – Nancy Meehan/Councillor Bye</p> <p>(Update on Family Hubs and Early help requested every six months)</p>
18 December 2023	Children and Young People's Overview and Scrutiny Sub-Board	Exclusions and Absence	<ul style="list-style-type: none"> • To receive the latest qualified exclusion data and the views of those children who have been excluded. • To receive an update on the new Local Authority Attendance Duties and Home Education. <p>Rachael Williams/Nancy Meehan/Dan Hamer/Councillor Bye(arising from 24 January 2022 Board)</p>
18 December 2023	Children and Young People's Overview and Scrutiny Sub-Board	Care Experienced	Update on Mark Ridell visit and implementation of action plan for care experienced young people – Nancy Meehan/Councillor Bye
19 February 2024	Children and Young People's Overview and Scrutiny Sub-Board	Virtual School Annual Report	<ul style="list-style-type: none"> • To receive the annual report from the Virtual School which includes an update on attainment of our cared for and care experienced young people – Nancy Meehan/Rachael Williams/Councillor Bye/Jane Inett
19 February 2024	Children and Young People's Overview and Scrutiny Sub-Board	Children's Services Self-Assessment	To review the draft Children's Services Self-Assessment which provides an annual position on performance of Children's Services – Nancy Meehan/Councillor Bye

Date	Meeting	Issue	Outcomes and Objectives
19 February 2024	Children and Young People's Overview and Scrutiny Sub-Board	Child and Adolescent Mental Health Services (CAMHS)	<ul style="list-style-type: none"> • To receive an update on CAMHS and the action being taken to reduce waiting times and explore options for those young people who do not meet the threshold for formal CAMHS referral or support. • What are the transitional arrangements for CAMHS for children from 18 years old onwards. • To hear from Children and Family Health Devon on what they were doing to resolve the lack of CAMHS support and access for young people to CAMHS services, to include: <ul style="list-style-type: none"> <input type="checkbox"/> How's many Torbay children are currently (a) waiting for assessment? (b) How long have they been waiting? <input type="checkbox"/> How many children are currently receiving intervention from CAMHS? <input type="checkbox"/> How many have received medication, but no therapeutic intervention? <input type="checkbox"/> How many of those referred have an EHCP or are awaiting neurodiversity diagnosis? <input type="checkbox"/> Whether there could be a specific, accelerated pathway for cared for children or adopted children? <p>(requested at the Sub-Board on 30 January 2023) – Nancy Meehan to confirm invitees</p>
19 February 2024	Children and Young People's Overview and Scrutiny Sub-Board	School Mental Health Programme	To review the school mental health programme and post Covid trends in schools – Nancy Meehan/Rachael Williams/Councillor Bye
22 April 2024	Children and Young People's Overview	Schools Capital Programme Review	To receive an update on the Schools Capital Programme, particularly the Westlands PFI, which was one of the first in the country, what worked and what did not work – Nancy Meehan/Samantha Poston/Councillor Bye

Date	Meeting	Issue	Outcomes and Objectives
	and Scrutiny Sub-Board		
22 April 2024	Children and Young People's Overview and Scrutiny Sub-Board	Update on UNICEF work to be a Child Friendly Torbay	To review the work with UNICEF to be a Child Friendly Torbay– Anne-Marie Bond/Nancy Meehan/Councillor Bye/Sarah Pengelly