

Minutes of the Overview and Scrutiny Board

10 April 2024

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Brook, Cowell, Fellows, Law, Long, Maddison, Strang and Twelves

(Also in attendance: Councillors Billings, Bye, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman)

50. Apologies

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 Maddison in place of Councillor Joyce.

51. Minutes

The minutes of the meeting of the Board held on 13 March 2024 were confirmed as a correct record and signed by the Chairman. It was noted that the briefing note on the transfer of land from TorVista Homes Ltd to Torbay Council would be circulated in due course.

52. Review of Investigation into Removal of the Palm Trees at the Italian Gardens, Torquay

The Board reviewed the submitted report and responses to key lines of enquiry on the review of the investigation into the removal of the palm trees at the Italian Gardens in Torquay, following a Councillor Call for Action. The Devon Audit Partnership had collated all the emails relating to the palm trees and Italian Gardens which were then reviewed by the Director of Pride in Place, who had been requested to investigate the issue by the Chief Executive. The purpose of the review was to consider the circumstances that led to the actions to remove the palm trees and determine, if and how the actions were approved by the Council and to make recommendations on how controls could be improved.

The report acknowledged that there had been a corporate failure of proper control by officers between 2019 and 2023 which resulted in the trees being removed without further consultation and engagement and budget approval on the specific scheme by the Council. The report highlighted the actions that had subsequently been taken including clear project processes and audit trail for any works that are proposed outside the commissioned services, engagement with the relevant Cabinet Member on the annual work programme as well as a fundamental review of the Governance

and Commissioning arrangements for SWISCo which was the next item on the agenda for the Board to consider in detail.

The Board asked a number of follow up questions relating to the lack of detail contained within the report and responses to key lines of enquiry, including evidence of the emails reviewed and more detail of the actions taken; was any evidence gathered on the communications with the MP; what assurances could be made that this would not happen again; was there a detailed plan showing the layout, planting and costings; the appropriateness of the Director of Pride in Place undertaking the investigation; use of experts in designing flower displays; why there were less exempt (known as Part 2) reports being considered, and how did the Council function as a client.

The Chair of the Torquay Town Centre Partnership advised that the Community Partnership, Chair of the Greenspace Forum and Chair of the Parks Group were not consulted or engaged with in 2019 when the proposals were originally being planned. Limited consultation was provided at a later date. Ms Brandon sought reassurance regarding the experts consulted on the planting schemes and suggested the merit of ensuring that the people in the community who were consulted with included those who would share information to wider representatives to help spread the message further.

Members noted that the email evidence ran to over 200 pages and contained personal data of members of the public which could not be shared publicly.

The Board received further assurance from the Director of Pride in Place, Managing Director of SWISCo and the SWISCo Client Officer of the structural and process changes that had been implemented and the enhanced Client relationship from the Council's side.

Members acknowledged that the improved communication and engagement with Councillors and the community around the plans for the new Rifles Gardens demonstrated that improvements had been made. The Board determined that the measures put in place and the implementation of the recommendations arising from the Governance and Commissioning Review of SWISCo would help alleviate some of their concerns and put in place mechanisms to reduce the likelihood of the removal of trees without proper communication and governance happening again.

The Board wished its thanks to be passed on to the hard working staff of SWISCo on the ground who work in the parks and gardens and help make Torbay an attractive place live and visit.

Resolved (unanimously):

That the Director of Corporate Services be requested:

1. to consider best practice and implement a mechanism to ensure that Overview and Scrutiny receives adequate responses to requested information in a timely manner to assist them in preparing follow up questions for the meetings; and

2. to review the use of exempt information in Committee reports to ensure that Councillors are able to receive more information particularly, around financial information to enable them to make informed decisions based on all relevant information available.

53. Governance and Commissioning Review of Local Authority Company - SWISCo

The Board considered the submitted report which provided details of the review of Governance and Commissioning for SWISCo (a Local Authority Company). The review had been carried out using CIPFA (Chartered Institute of Public Finance Accountants) best practice to ensure good governance and working relationships between Torbay Council as the Client and SWISCo. It was noted that an all Councillor briefing had taken place on 8 April 2024 to help raise awareness with Councillors. This was part of a planned cycle of reviews which would take place in years 2, 5 and 10. The report set out 12 recommendations including a proposal to extend the Commissioning Contract for a further five years from 1 April 2025 and changes to the Terms of Reference of the Shareholder Board and Shareholder Panel.

It was noted that the Board would receive the SWISCo Annual report each year around January/February with the Cabinet receiving it after the Board.

The Board asked a number of questions in relation to why risk was not included in the covering report; how was political engagement carried out with SWISCo; how social responsibility, supporting people with disabilities and care experienced people could be more positively shared; clarification on value for money, how was climate emergency and biodiversity being taken into account and how was SWISCo empowering communities to get involved.

Members acknowledged the improvements in communication and engagement with communities and the format of the Review Report which aligned with the Council's Community and Corporate Plan with key performance indicators on intended delivery outcomes. Members highlighted the improvement in performance since SWISCo came into operation and the investment made in new equipment and the delivery model. They supported the proposal to extend the Contract for a further five years.

The Board requested its thanks to be passed to the staff at SWISCo for their hard work and positive approach.

Resolved (unanimously):

That the Cabinet be recommended to approve the recommendations set out in the submitted report on the Governance and Commissioning Review of Local Authority Company – SWISCo subject to the following:

- 1 that the detailed Business Plan be included as part of the SWISCo Annual Report to Overview and Scrutiny;
2. to include as part of the Value for Money document, climate change and biodiversity to help demonstrate the ways that the Council considers Value for Money for SWISCo; and

3. to ensure that the risk element and typographical errors referred to are picked up in the final report to Cabinet.

54. Council Business Plan 2023-2027

The Board considered an early draft of the Council's Business Plan 2023-2027 which was the delivery plan for the Community and Corporate Plan, as part of its Policy Development Role to help shape the Plan. It was noted that the draft Business Plan had also been shared with Group Leaders via Council Leadership Group meetings. In developing the draft Business Plan the Cabinet had considered the recommendations arising from the Priorities and Resources Review but that four of the recommendations had not been included.

The Board raised issues in relation to the layout of the document; what more could be done to support community centres and play parks; inclusion of reference to Operation Town Centres and Operation Brighter Bay; work with Vision Zero; lack of detail within the document; limited reference to social housing and social rented housing and the housing crisis; the number of homeless people including an equal number of women and men; the Acorn Centre funding; the same projects being in the Plan from previous years and how performance would be measured.

Members noted a recent proposal for the Cabinet Members particularly engage with smaller groups of Councillors which would help them to inform the document further.

Resolved (unanimously):

That the Cabinet be requested to consider the following revisions to the draft Council Business Plan for 2023-2027:

1. to include within the narrative about the housing crisis;
2. to include the current numbers so that performance can be measured against them;
3. to amend the presentation style to include the milestones, actions and outcomes under each one for example Community and People – 'Ensure our town centres are safe and welcoming for all' as a heading and to list actions underneath, followed by milestones and then outcomes;
4. to include under Pride in Place - 'Protect and enhance our lived, built and natural environments, including a green spaces' milestones on how the Council is we going to deliver that including strategically enhancing the whole of Torbay by (1) Initiate Operation Brighter Bay, (2) tidier streets etc. (3) Implementation of Operation Town Centres;
5. to include how the Council reviews key performance indicators, for example grass verges (number 24 – deliver cleaner, tidier streets and attractive parks – this should include grass verges number of cuts for residential areas and

number of cuts for primary areas etc. and also to consider a Public Spaces Protection Order (PSPO) to cover parking on grass verges;

6. to reconsider how the following recommendations could be addressed within the draft Council Business Plan arising from the Revenue and Capital Budget 2024/2025 – Report of the Overview and Scrutiny Board following the Priorities and Resources Review:
 - “8. that a plan be developed to address how the Council and its partners can work with Torbay’s community centres, to help support them with their maintenance so that they don’t end up in crisis and this is brought back to the Overview and Scrutiny Board for consideration; and
 11. to ensure that the review of play parks secures their future sustainability and additional funding options be explored such as Olympic legacy funding, existing funding opportunities and grants which could help replace assets such as the Victoria Skatepark working in partnership with organisations such as Sport Torbay.”

55. Overview and Scrutiny Annual Report 2023/2024

The Board received the Overview and Scrutiny Annual Report for 2023/2024 which celebrated the work undertaken over the past year. It was noted that there was a small change required to the section on ‘Complementing the work of the Cabinet.’

Resolved (unanimously):

That the Overview and Scrutiny Annual Report for 2023/2024 be approved and submitted to the Adjourned Annual Council meeting on 16 May 2024 subject to the section on ‘Complementing the work of the Cabinet’ being reworded to read:

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with Quarterly Overview and Scrutiny Leadership meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman, Group Leaders and Chairman of the Audit Committee to review work programmes and determine where Overview and Scrutiny can add value.

56. Initial Overview and Scrutiny Work Programmes 2024/2025

The Board received the Initial Overview and Scrutiny Work Programmes for the Overview and Scrutiny Board, Children and Young People’s Overview and Scrutiny Sub-Board and the Adult Social Care and Health Overview and Scrutiny Sub-Board for 2024/2025. The Democratic Services Team Leader highlighted some updates to the submitted documents which are detailed in the decision below:

Resolved (unanimously):

That, subject to the below additions, the initial Overview and Scrutiny Work Programmes for 2024/2025 be approved as set out in the submitted report, and kept under regular review by the Overview and Scrutiny Co-ordinator, Chairs of the two

Sub-Boards and the Democratic Services Team Leader with consultation being carried out with other Scrutiny Members via the monthly informal Overview and Scrutiny Briefings:

1. the inclusion of a report on the implications to Torbay's economy arising from the Plymouth and South Devon Freeport and to explore potential risks and benefits to Torbay being added to the main Board on 4 September 2024;
2. the inclusion of an update on green space management and SWISCo's work with the community on green spaces on the main Board on 5 June 2024;
3. the inclusion of Young Carers Strategy to the Children and Young People's Overview and Scrutiny Sub-Board on 29 July 2024;
4. Quarterly Budget Monitoring Reports to include Revenue Budget and Capital Budget monitoring together with financial and delivery details of the Capital Programme, instead of separate Capital Programme monitoring currently scheduled twice a year, with the option to request detailed consideration of specific Capital Projects as required or recommended via the Council Leadership Capital Projects Sub-Group; and
5. the SWISCo Annual Report to be scheduled to go to the main Overview and Scrutiny Board (and Cabinet) in January/February each year.

Chairman