

Tuesday, 2 April 2024

OVERVIEW AND SCRUTINY BOARD

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

Wednesday, 10 April 2024

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Brook

Councillor Law

Councillor Cowell

Councillor Long

Councillor Fellows

Councillor Strang

Councillor Joyce

Councillor Twelves (Vice-Chair)

A Healthy, Happy and Prosperous Torbay

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

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 13 March 2024.
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 Chairwoman decides are urgent.
5. **Review of Investigation into Removal of the Palm Trees at the Italian Gardens, Torquay** (Pages 9 - 22)
To consider a report and responses to key lines of enquiry regarding an investigation into Removal of the Palm Trees at the Italian Gardens, Torquay following a Councillor Call for Action approved by the Overview and Scrutiny Board on 11 January 2024.
6. **Governance and Commissioning Review of Local Authority Company - SWISCo** (Pages 23 - 48)
To consider a report on the Governance and Commissioning Review of the Local Authority Company – SWISCo and make recommendations to the Cabinet.

- 7. Council Business Plan 2023-2027** (To Follow)
To consider the draft Council Business Plan for 2023 to 2027 which sets out how the Cabinet intends to deliver the Community and Corporate Plan and to make recommendations to the Cabinet.
- 8. Overview and Scrutiny Annual Report 2023/2024** (Pages 49 - 68)
To approve the Overview and Scrutiny Annual Report for 2023/2024 for submission to Annual Council on 16 May 2024.
- 9. Initial Overview and Scrutiny Work Programmes 2024/2025** (Pages 69 - 87)
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.

Minutes of the Overview and Scrutiny Board

13 March 2024

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Brook, Cowell, Fellows, Fox, Joyce, Long, Strang and Twelves (Vice-Chair)

(Also in attendance: Councillors Chris Lewis, David Thomas and Tyerman)

45. 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 Fox in place of Councillor Law.

46. Minutes

The minutes of the meeting of the Board held on 7 February 2024 were confirmed as a correct record and signed by the Chairman.

47. Torbay Interagency Carers' Strategy 2024-27

The Board considered the submitted draft Torbay Interagency Carers' Strategy 2024-2027 which had been co-designed with Carers, users, partners and professional experts to bring together the work of Health and Care Organisations to ensure joined up, working towards best practice and provide good quality services with Carers at the heart of their work. Carers were people who support family, friends and neighbours who cannot manage alone due to their health and care needs. It was noted that 13 March 2024 was Young Carers' Action Day and Young Carers had circulated a video that they had made to raise awareness.

Members noted that Carers had agreed that the priorities from the previous strategy would remain the same. They have developed 'I statements' showing what they want.

1. 'As soon as I start my caring role, I want to be identified, recognised and valued as a Carer.'
2. 'I want to be able to easily find information, advice and support to meet my needs as a Carer.'
3. 'I want to know that every Carer involved in a person's care can have a Carer's assessment when they need one.'
4. 'I want to be confident that Carers guide all things that affect them.'
5. 'I want the care and support to the person that I care for to also meet my needs as their Carer.'

Within these priorities, there were other issues to be addressed:

- a. Information to Carers to include support to the person they care for.
- b. Carers and employment.
- c. Carers' own mental health and support to people with Mental Health issues and their Carers.
- d. Partnership working / information sharing across organisations.
- e. Carers finance / cost-of living challenges.
- f. Improving support at transitions.
- g. Improving use of technology and digital support.

Carol Brown, Chair of the Carers' Strategy Steering Group, who was also a Carer herself explained some of the difficulties facing Carers and outlined a number of questions relating to funding, early identification of Carers by all professionals through professional curiosity, equality between those caring for people with mental health and those with physical disabilities, respite services, the Community Helpline, access to technology and communicating changes resulting from feedback. These topics were also highlighted in the Strategy. It was agreed that a written response would be provided to those questions not responded to at the meeting.

Pat Harris, Healthwatch Torbay advised that Healthwatch had been working with Carers to evaluate the last Carers' Strategy and helped to reassure Carers that they were being listened to and their feedback taken into account. Two reports would be published following this work which would be shared with partners. Replacement care (also known as 'respite') was identified as a major issue due to lack of provision when people wanted to go away, especially when this was planned in advance as providers would not reserve the places. Ms Harris highlighted the complexity of Carers accessing services whilst supporting those who they cared for particularly GP and Dentists trying to arrange appointments for two people at a time. Members were also informed that a lot of Carers did not recognise that they were Carers, especially when it was a loved one as they feel they were someone they look after rather than care for. It was noted that future work by Healthwatch Torbay would be done face to face rather than by survey as Carers receive lots of surveys.

The Board asked a number of follow up questions relating to waiting lists, the Impact of the Integrated Care Organisation (ICO), access to technology, key performance indicators around the five 'I statements', early identification of being a Carer and referral to services, equality, diversity and inclusion, support to young adults (18 to 25 year olds) and transport.

The Board was informed that initial Carer's assessments were generally carried out within one to two weeks with the longest wait being six weeks for Carers supporting people with dementia. Having the Integrated Care Organisation and wider Integrated Care Board were positive and as they were all working together to support Carers with Carer Support Workers based in GP surgeries one day a week. The biggest wait was for mental health services which has a severe impact on Carer. Healthwatch Torbay was proud to share offices with the Carers Team and recognised the benefit of this. It was acknowledged that there was still a need to work with all agencies to identify Carers at the earliest opportunity.

The Carers' Lead, Katy Heard, advised that Carers UK did a lot of lobbying on behalf of Carers particularly around benefits and rights for working Carers. When asked about equality, diversity and inclusion, she responded that the Carers Team had a stand at Torbay Pride and Young Adult Carers worked with 'Proud to Be', based at Paignton Library. There had been some targeted outreach work with black and minority ethnic groups and Polish communities. The Carers Team capture how people identify themselves when they access Carers' services and work towards ensuring equality. More work needs to be done to identify more Carers who don't access services. Support was also provided to young adult Carers from 16 to 25 to help support them with education, apprenticeships and employment and to help give them confidence to leave home and spread their wings. The newly developed Carers' Passports provides signposting to support.

The Board was advised that the Carers Team worked closely with the community and voluntary sector through community hubs and Torbay Communities had introduced a volunteer sitting service to help provide respite for Carers.

The Director of Adults and Community Services, Jo Williams, gave reassurance that the Council was looking at a new contract for the Community Helpline and would liaise with Carol Brown and Pat Harris about what outcomes they feel should be included in the contract. Reviewing technology solutions was part of the transformation plans as having the right equipment used properly can have a transformational impact on people's lives.

Members were advised that replacement care was a big challenge and lots of different solutions had been tried in the past, but this was a national issue and a Replacement Care Strategy would be co-produced with Carers and Carer Services to try to address this issue.

The Board requested their formal appreciation and recognition to the Carers and partners for all their hard work and support, which had resulted in delivery of most of the targets in the previous Carers' Strategy and the co-design and development of the revised Carers' Strategy be placed on record and shared. Members also acknowledged how much Carers do and the extra demands that it places on them and welcomed the two reports being developed by Healthwatch Torbay which represents the voice of the user and would help inform future service delivery.

Resolved (unanimously):

1. that the Democratic Services Team Leader be requested to circulate the two Healthwatch Reports on Carers to all Councillors once they have been published; and
2. that the Cabinet be recommended to:
 - a) approve the Torbay's Interagency Carers' Strategy 2023-27 (as set out at Appendix 3) to the submitted report; and
 - b) ensure that key performance indicators are developed to enable monitoring of delivery against 'I statements' and ensure that Councillors

are kept updated on delivery against the Torbay's Interagency Carers' Strategy 2023-27.

48. Review of Capital Projects

The Board reviewed the submitted report which set out the latest position on the Capital Projects. The Cabinet Member for Place Development and Economic Growth advised that many of the projects showing as red were being developed by the Council's Regeneration Partners Wilmot Dixon and Milligan who would be providing outline business cases on where they think the market could be for these projects.

The Board asked a number of questions in relation to the use of acronyms, how the Capital and Growth Board operates and links in with Councillors, why some of the previous information requested and the lessons learned from the Harbour View project were not included in the report, what progress was made on the Edginswell Station and how were Ward Councillors kept informed of projects in their Wards.

Members found the information contained within the submitted report useful but requested sight of the wider schemes so that they could have an overview of the whole Capital Programme.

The Cabinet Member for Housing and Finance, Councillor Tyerman, advised that he had recently joined the Capital and Growth Board to enable political oversight and it was proposed to create a Cross Party Sub-Board that sat below the Capital and Growth Board to allow wider Member interface and the ability for the Members of that new Group to feedback to their individual groups. The Director for Pride in Place, Alan Denby, acknowledged that the Council needed to get to a position of a greater grip on the capital projects and ensure consistent methodology was applied. It was proposed to have a summary programme with milestones and public costings available for the next meeting.

The Director of Pride in Place advised that the lessons learned from the Harbour View Project had not been included as the project had not been completed but that it was expected to be completed in the next few weeks and then officers would work on the lessons learned liaising with those who were involved. Mr Denby also advised that the report was written in February and lots of work was progressing such as finalising Levelling Up proposals for six different workstreams, which involved a great deal of officer resource and impacted on delivery of other workstreams. Mr Denby gave assurance that it was part of the normal business as usual to consult with Ward Councillors but this was an area that needed improvement due to the huge volume of work and limited number of staff, which was something that would be explored as part of the upcoming Local Government Association Peer Challenge to find a way how to prioritise or invest in extra resources to deliver the Council's priorities.

Members were advised of the complexity of the Edginswell Station project and that ongoing negotiations were taking place with the Department for Transport and Network Rail with a view to reducing the costs of the scheme and some of the commissioning arrangements. It would not be possible for work to start in May but if an outcome was agreed it should start in October. Torbay Hospital were also supportive of the project.

The Board noted that there were some legal issues around the transfer of land from TorVista Homes Ltd to Torbay Council which were being worked through and should be resolved by June/July.

Resolved:

1. that the Director of Pride in Place be recommended to ensure that future Capital Project Monitoring reports include:
 - a) reference to the projects that are being developed with the Council's Regeneration Partners under the project name;
 - b) the project inclusion date, initial budget and projected budget;
 - c) an appendix of the list of current capital projects;
 - d) on each of the notes for the projects a date of the update(s);
 - e) identifying projects of tier 2 or tier 3; and
 - f) a glossary of acronyms or put in full the first time they are used;
2. that the Director of Pride in Place be requested to provide an update on lessons learned from the Harbour View Project to a future meeting and to get feedback from Councillors and others who were involved at the time; and
3. that the Director of Pride in Place be requested to provide a written update on the transfer of land from TorVista to the Council to all Councillors.

49. Councillor Call for Action - Planning Enforcement

In accordance with Standing Order D13, Councillor Long read out a statement on behalf of Councillor George Darling on his reasons for submitting a Councillor Call for Action regarding Planning Enforcement.

The Board had to determine whether or not to request officers to prepare a full report on the matter.

Resolved (unanimously):

That the Overview and Scrutiny Board requests officers to prepare a full report on Planning Enforcement to be presented to the Board on 8 May 2024 when the Board is due to consider an update on the Review of Planning Service for the Future.

Chairman

Meeting: Overview & Scrutiny Board **Date:** 10 April 2024

Wards affected: Tormohun

Report Title: Review of investigation into the removal of palm trees from Torquay's Italian Gardens

Cabinet Member Contact Details: Cllr Adam Billings, Cabinet Member for Pride in Place, Transport and Parking

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 In December 2023 40 palm trees were removed from the Italian Gardens in Torquay. The removal was carried out by the Council's wholly owned company, SWISCo, and generated considerable local, regional and national media coverage as well as strong reactions from local residents and visitors.
- 1.2 Following the removal of the trees the Chief Executive was asked to review the circumstances that lead to the actions, determine if and how the actions were approved by the Council and to make recommendations on how controls can be improved.
- 1.3 To respond to the Councillor Call for Action on the removal of the palm trees from the Italian Gardens in Torquay approved by the Overview and Scrutiny Board on 10 January 2024.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver this ambition by improving the Council's ability to effectively deliver, commission and contract for services. Particularly services in support of the improvement of Torbay as a resort where our heritage, culture and both built and natural environment are celebrated.

3. Recommendation(s) / Proposed Decision

- 3.1 To note the supporting information to this report and the changes that have been made to operational procedures to avoid any further similar instances.

1. Review of the evidence

- 1.1 Historical emails were retrieved by internal audit and reviewed by the Director of Place in Place. Accounts from relevant staff were also sought to inform this review.
- 1.2 In summary it is apparent that there were preliminary discussions of ideas for the Italian Gardens in 2019/20 with some, limited, engagement with external partners. It is also apparent that the Director of Place, previous Cabinet members, and the previous Leader of the Council were aware that discussions were underway. Officers in the Council and Tor2 were involved in these discussions. What is not clear from the available records is the extent to which the proposal to remove the palm trees was known and by whom. It is not known whether the proposals under consideration in the various draft planting schedules and planting plans, that had been circulated, were explained to the recipients making clear the potential for wholesale replacement of the planting involving the removal of the existing palm trees. The only clear reference to the removal of the palm trees was in an email from a visitor to the area that was received on 19 July 2019. The writer advised that they had been visiting Torquay for more than 45 years, however they had been told by locals that the palm trees were being removed and they were writing to express concern as to this. This email indicates that there was some knowledge of a contemplated removal of the palm trees.
- 1.3 There are references to the Italian Gardens in internal documents from late 2019 with commentary suggesting a complete move away from planting. There was also reference to the Italian Gardens in the 2020/2021 budget consultation, but these suggestions were not supported.
- 1.4 Crucially there is no evidence of a finalised plan having ever been submitted to, or approved, either by the Cabinet Portfolio Holder or the Director of Place who were in those roles at this time. Furthermore, there is an exchange between officers in early 2020 that indicates there was no clear decision path set out for making a recommendation and agreeing the project.
- 1.5 While it appears that there was a general acceptance of some change being required, and there are indications of external support for the cost of planting coming from several of the external stakeholders, there was no final plan readied for a decision. At this point any emerging plan was put in abeyance through budget pressures, the pandemic and the set-up of SWISCo.

- 1.6 In the autumn of 2023 colleagues at SWISCo, having further developed the scheme ahead of the Gardens' upcoming centenary in 2024, began to deliver works intended to bring about a rejuvenated garden supporting Torquay and the wider area's quality of green spaces. They did so based on their belief that there had been previous (i.e. in 2019/20) engagement and support as to the proposed changes. This ultimately led to the works undertaken in early December.
- 1.7 It is accepted by SWISCo colleagues that no information was shared, nor any direction sought from either the SWISCo managing director, the SWISCo commissioning officer, the SWISCo shareholder panel, the SWISCo board or the current Cabinet portfolio holder.
- 1.7 The highly visible removal of palm trees, which were some 40 in total, was the start of making those changes. SWISCo reported that these trees were at varying stages of decline, none being in their prime and having sustained a long period of weathering from the elements of being on the seafront. The palms removed were *Cordyline australis* (Cabbage Palm) with a lifespan of 50-70 years in UK horticultural settings and, while they tolerate salty air, it is not ideal growing conditions for them. Most of the palms removed were already around 50 years old and displaying signs of advanced decline, evident by the presence of die-back in the top of the palm.
- 1.8 In developing the scheme SWISCo colleagues noted that there were no palms present in the Italian Gardens when it was first planted in 1924. Identifying that they had been added over the years and periodically replaced as they have died off at varying stages. While the Gardens have always been planted in a renaissance style, the look and feel has been ever evolving. With the 100th anniversary of the gardens being next year it was believed that there was an opportunity to make improvements.
- 1.9 One of the key factors considered was sustainability with the redesigned gardens having a life span well beyond the remaining years of the palm trees that were removed. The new garden will feature approximately 1600 new plants, from 18 different species, with the under planting comprising a sustainable blend of indigenous plants and European exotics; furthermore, the new scheme will include direct replacements for some of the palms, together with the addition of over 100 topiary yew trees. The key structural feature planting will include 40 Palms comprising 4 different species including *Trachycarpus fortunei* (Chusan palm), *Cordyline Australis* (Cabbage palm), *Cordyline Torbay Red* (Cabbage palm variety) and *Phoenix Canariensis* (Canary Island date palm).

2. Assessment of the evidence

- 2.1 The Chief Executive requested the Director of Pride in Place to review the facts of this situation and make recommendations to avoid this position reoccurring.
- 2.2 It is the view of the Director of Pride in Place is that there has been a failure of proper project governance and decision-making controls. In particular there was;
- An absence of a clear project plan for the scheme and hence no project timetable.
 - No request from SWISCo for client sign-off, with a failure by SWISCo to recognise the need to engage with the Cabinet Portfolio holder.
 - An absence of a clear approach to community engagement and an over reliance on historical engagement. There was a failure to recognise that irrespective of any historical engagement that given the passage of time it was inappropriate to rely upon the same.
 - An absence of a clear communication strategy to give the whole of our community advance notice of what was happening.
- 2.3. While well intentioned, and broadly in line with the Torbay Story, Destination Management Plan and other strategies, the works have proceeded without any formal governance and definition. This failure to define the project in terms of intended objectives, what is included, in not communicating this to successive administrations, including the commissioning officer, nor seeking a formal decision are the root cause failures that have led to the activity being received as it was.

3. Actions undertaken

- 3.1 Very serious and substantial learning has taken place because of the failures identified above. Actions have already been implemented to prevent any repetition of the situation occurring. This has included;
- (i) Updated processes to ensure that there is a clear project acceptance process and audit trail for any works that are proposed outside of the regular commissioned services for SWISCo.
 - (ii) Ensuring the commissioning officer is responsible for instructing in writing the annual work programme covered by the regular cyclic fee, in consultation with the Cabinet Portfolio Holder.

(iii) Updated processes to ensure that any revisions and additions to the annual work programme will only be made through the commissioning officer and, where appropriate, in consultation with the Cabinet Portfolio Holder with a clear audit trail.

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

Key Lines of Enquiry to be covered in the report to the Overview and Scrutiny Board – 10 April 2024

1. What evidence is there regarding previous consultation signing off and by whom around the new planting scheme for the Italian Gardens in Torquay?

The report of the Director of Pride in Place, “the report”, sets out that while there were preliminary discussions of ideas there is no indication (paragraph 1.4 of the report in section review of the evidence) of any request to any Cabinet member or senior officer for sign off of a new planting scheme.

2. What evidence is there on engagement with the leader, deputy leader or any other members of the previous administration regarding felling palm trees and the implementation of the Italian Gardens scheme?

Paragraph 1.2 of the report notes that there was awareness of discussions taking place with the engagement of various elected members regarding the proposals for an alternative Italian Gardens scheme. It is not clear whether those proposals included references to felling palm trees or not.

3. Was the relevant portfolio holder fully engaged in the decision-making process both before and after the elections in May 2023?

The report notes that the key failure here is the absence of a decision-making process therefore no the portfolio holder was not fully engaged.

4. When did the current administration know about it?

Paragraph 1.7 of the review of evidence in the report notes that there was no prior notice to the administration, board or other senior officers.

5. How were all Councillors informed that there was an issue?

On learning of the works the Council Engagement and Communications Team were reacting to what was taking place. Typically the team, on projects/work the team are aware of, will issue a Members Briefing around 24 hours before work starts or an announcement. Because the team were reacting, in this instance an all Members Briefing was not issued.

6. How do we ensure that Councillors and the community are informed as soon as issues arise?

With projects and work that are scheduled in and that the Engagement and Communications Team are aware of, appropriate and relevant communications will be issued and circulated for those that need to know. This includes Members Briefings, social media posts, One Torbay articles, informing staff etc.

7. **What was originally agreed and when, what was the cost and what consultation was done?**

The report sets out that there was no scheme presented for sign off nor agreed. The consultation was with Friends of the park and Torquay Chamber of Commerce.

8. **This happened during the handover time between TOR2 and SWISCo what governance was there for the commissioning of this work and what was requested?**

The report notes there was no final plan readied for a decision. At this point any emerging plan was put in abeyance through budget pressures, the pandemic and the set-up of SWISCo.

9. **There is a contradictory element in the SWISCo Business Plan. Please see below an extract from the FAQ section on the SWISCo website and page 36 from their Business Plan. The statements below seem to be contradictory. Please can this be explained. Who was responsible for developing the FAQs on the website?**

Extract from Page 36 “COMMUNITY ENGAGEMENT STRATEGY PRINCIPLES “We are committed to working effectively with all resident/community groups and stakeholders to deliver improved outcomes for all those who ‘live, work and play’ in Torbay.” page 36 “keep you informed, act together, decide together, support independent community initiatives, work differently, ask what you think”

In 2020, SWISCo was set up to deliver services for the council in a way that meant it did not need to ask formal permission to undertake works to parks and gardens, including replacement planting in Torbay. SWISCo website link [Italian Gardens - Swisco](#)

The SWISCo business plan refers to aspirations of how the company wishes to operate, the statement on the website is a statement relating to the operating parameters of the company and the model of thin client commissioned service to manage parks and gardens that was introduced when SWISCo was established.

10. **In light of the successful wild planting scheme during the pandemic, why does there appear to be no consultation with the community undertaken before actioning these proposals?**

There was a, misplaced, assessment that there was an approval for the scheme to be delivered that meant no further consultation was required before actioning. SWISCo were very aware that some elements of the community were unhappy with the wild planting scheme.

11. **In the 6 months before the taking down of the 40 palm trees, what was the cost of any maintenance that has been undertaken on these palm trees?**

There had been some dead head removal from some of the palms in the Italian Gardens but this was carried out at no cost.

12. **Several Councillors and the MP for Torbay blamed the previous administration for giving the removal of the palm trees the green light through social media and email. What evidence do Elected Members have for making such allegations?**

Joint response from Councillors Billings and Chris Lewis.

The evidence is in the emails where Cllr Darling was copied into and knew that Officers were looking at changing The Italian Gardens. At that stage he could have asked questions of Officers and requested that the Palm Trees stayed in place.

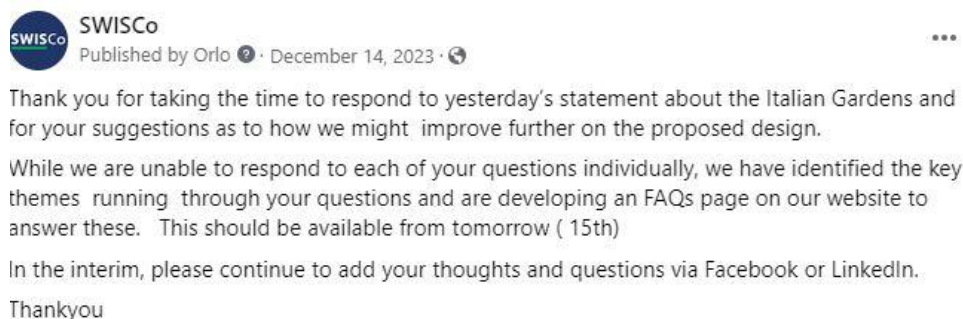
13. **As it appears that a number of years had lapsed between the initial scheme and the implementation, why does it appear that SWISCo does not have a culture of engagement with elected members and the community before progressing such actions?**

SWISCo acted under the principles of the thin client arrangement and the previous work, carried out in 2019/20, on the principles of re designing the gardens. Clearly in this case more detailed consultation with the Council, elected Members and Community groups was required. This has been addressed in the report and the changes that have been made to operational procedures.

14. **Can the Board be supplied with any statements issued by SWISCo over the removal of the palm trees and any direct comments issued to the press by the communications department and be advised who was the source officer for the content of these statements / media comments?**

SWISCo issued a press release on 13 December 2023 (see [Statements on the Italian Gardens in Torquay - Torbay Council](#)).

Thereafter they used social media to alert residents to the statement issued on 13 December 2023, and to direct to the website for FAQ.



The press release would have gone through sign off processes within SWISCo prior to its release.

It is inappropriate to name officers as requested.

15. **The planting scheme published in the press had a cost of minimum £60,000 in 2019. Why has a statement now been made that the permanent planting scheme has a budget of £30,000?**

Following further engagement, the design being implemented has changed significantly from the one originally published and is therefore cheaper and will fit into the budget envelope of £30,000,

16. **A FOI answer dated 1 April 2019 (Ref 18191871), stated that a budget of £20-30k would be the cost of the planting scheme being designed by Urban and Rural for the Italianate Gardens. Why then did they come up with a scheme costing minimum of £60k? Were they not told the limit?**

The original work by Urban and Rural was design led rather than limited by cost with the expectation that the scheme could be delivered in phases or value engineered.

17. **Why have SWISCo presented the costings from 2019 for the scheme published in the press? Why weren't updated costs obtained before any work was started?**

SWISCo were still negotiating updated costings but had been assured by the supplier that 2020 prices would be comparable to current ones.

18. **What are the costings for the rest of the scheme apart from the plants?**

The concrete decorative urns have been relocated onto new concrete bases for safety reasons as the loose ground underneath them was subsiding. This work has cost £5,000 and was required regardless of the replanting works. All preparation and planting works on site are being undertaken by SWISCo as part of the cyclical fee.

19. **Eight of the trees were less than 5 years old. What was wrong with them?**

The trees had not established well and would not fit with the new design which by nature of Italian style gardens requires symmetry and uniformity in size and layout.

20. **Where can the Business Plan for This scheme be seen in the budget for 2019/20 - this is referred to in FOI answer 8 Ref 18191871.**

There was no specific Business Plan for the Scheme held by SWISCo but reference to substantial planting was included as part of the Cabinet's Budget Consultation Papers approved on 17 December 2019 which can be viewed at [\(Public Pack\)Item 6 Revenue and Capital Budget 2020/2021 for Consultation Agenda Supplement for Cabinet, 17/12/2019 17:30 \(torbay.gov.uk\)](#).

21. **When asked "Why did no one consult with either the local councillors, the Friends of Abbey Park, the Greenspace Forum, the Community Partnership, or the gardeners, FOI answer 13 18191871 states: "As with all flowerbed and planting projects in Torbay, the Natural Environment team consult with all their contractors when changing bedding designs. There are too many flower beds across Torbay to hold consultations with external bodies when designs are changed." So the continued statements in the press in December 2023 and January 2024 that consultation had taken place were not true. When is this going to be publicly rebutted and a public apology given by SWISCo and Torbay Council?**

Through 2019 and into early 2020 there are records of emails showing contact and discussion between the Council with various external parties in respect of the gardens. SWISCo has indicated that it, incorrectly, believed that under the thin client model it had permission to proceed with these works without further or formal consultation.

22. What lessons have been learned from this and what measures are now in place to ensure that this does not happen again?

The lessons learnt are set out in the actions undertaken section of the report.

Further Key Lines of Enquiry Removal of the Palm Trees from Italian Gardens

1. Where are the proposals set out in the report?

This is set out at 3.1 Actions Undertaken, which have already been implemented.

2. Please provide further detail as to the review of emails and accounts from staff.

There are 5 files of emails between officers, community representatives and Councillors over a range of time periods from 1st January 2019 to 31st December 2023 which were accessed by Internal Audit. The accounts of officers are set out in the emails. The report provided draws conclusions as a result of consideration of the entirety of the same.

3. Supporting Information - Paragraph 1.2 states "The only clear reference to the removal of the palm trees was in an email from a visitor to the area that was received on 19 July 2019"

Does this mean that nobody in the Council knew what was going on?

The report states that there is no absolute evidence in the emails received other than that one reference to removal of the palm trees. It is not possible to accurately speculate on the questions that the community representatives, ward councillors or Cabinet members might have asked when presented with the designs in 2019 and 2020.

4. Paragraph 1.4 states "Crucially there is no evidence of a finalised plan having ever been submitted to, or approved, either by the Cabinet Portfolio Holder or the Director of Place who were in those roles at this time. Furthermore, there is an exchange between officers in early 2020 that indicates there was no clear decision path set out for making a recommendation and agreeing the project."

Who therefore is accountable for this matter?

The report is not blaming any individual in or out of post. It sets out a systemic failure. It is apparent from the emails that there was an idea that was generated prior to the establishment of SWISCo. It is apparent that this idea was then tested in a limited way. It is not possible to understand what approvals were given prior to the pandemic. These systemic issues have been identified and responded to as set out in the report.

5. Paragraph 1.6 states "In the autumn of 2023 colleagues at SWISCo, having further developed the scheme ahead of the Gardens' upcoming centenary in 2024 ... "

How was this allowed to happen without oversight?

The report references at para 2.2 of the assessment of evidence that the failures are systemic through governance and decision making. The report at 1.4 refers to a finalised scheme, there evidently was a scheme presented to ward councillors, community representatives and Cabinet members in 2019 but not formally.

6. Section 3 Actions Undertaken: References to "Updated processes to ensure that ... "

How can we be assured that these are now adequate?

A review of the Councils Governance and Commissioning of SWISCo services has taken place in accordance with the requirements of the commissioning agreement and in line with best practise guidance documents relating to Local Authority Wholly Owned Companies. This report will be presented to Overview and Scrutiny and Cabinet in April. The report sets out a range of recommendations to strengthen the Councils governance and commissioning processes, including updating the SWISCo commissioning agreement to define the role of SWISCo in the delivery of our services, improved performance indicators, and clarify the role of the SWISCo Board, Shareholder Panel and Members in the management of SWISCo strategic and operational activities.

The report also highlights new lines of performance monitoring and communication that have been established by the Councils LATCo Lead Commissioning officer. Examples includes quarterly public realm works programme approval meetings, monthly strategic goal and performance reporting to the Lead Commissioner and defined escalation routes for issues and out of scope approvals.

Following an instruction made by the Councils LATCo Lead Commissioner to the Managing Director of SWISCo, SWISCo Heads of Service and teams have been briefed on the importance of Member, Community and Stakeholder engagement. The supervision structure of SWISCo has been changed to support clear lines of site on work being completed in the public realm. Weekly touchpoints between SWISCo and the Councils Communications Teams have been introduced as a first line of defence. Member, Stakeholder and Community Engagement is now forward planned during quarterly public realm works programme meetings, changes to the planned works are escalated to the Councils Lead Commissioner and SWISCo Managing Director as a second line of defence to ensure engagement and communication is planned effectively and in advance.

7. How can Overview and Scrutiny be assured that this review has identified all of the issues and was appropriately independent?

As soon as the Palm Trees were removed, the Chief Executive requested the Director of Pride in Place undertake an investigation into the circumstances. It is the role of the Directors to critically assess services in their areas of responsibility.

The Director of Pride in Place undertook the investigation, in his capacity as such. As a wholly owned and controlled company of the Council, there are Council representatives on the Board of the company. In a way this is no different to it being a department of the Council. There is no conflict of interest in the Director of Pride in Place undertaking the investigation.

8. Were there issues of planning and/or Tree Preservation Orders that should have been complied with in respect of the removal of the trees?

The trees are not the subject of a Tree Preservation Notice (TPO) however they do fall within a Conservation Area. There is an exception for Local Authorities, as such there is no requirement for a Section 211 notice of works to a tree within the conservation area. Therefore acting on behalf of the Council, SWISCo were able to undertake the works.

9. **I understand that two weeks before, all the palm trees in this garden had their annual pruning, which contradicts the answer to Q11 of the report. It is incredible that staff at SWISCo work seemingly for free. Can we have a more substantive answer to this question?**

Some of the Palm Trees in Abbey Park including the Italian Gardens had dead stems and/or tops removed in line with the normal garden maintenance functions carried out by the on site teams as and when required. There was no scheduled annual pruning of the Palms in the Italian Gardens,

This work was carried out as part of the cyclical Parks function and therefore there was no additional cost.

Meeting: Overview and Scrutiny and Cabinet **Date:** 10th April and 17th April 2024

Wards affected: All Wards

Report Title: Governance and Commissioning Review of Local Authority Company - SWISCo

When does the decision need to be implemented? 1st April 2024

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride In Place and Parking, adam.billings@torbay.gov.uk

Director Contact Details: Alan Denby, Director of Pride In Place, alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 This report presents the findings and recommendations of a review of the Councils governance and commissioning arrangements in relation to the Councils wholly owned and controlled company SWISCo.

2. Reason for Proposal and its benefits

- 2.1 The recommendations in this report will help us to deliver the Councils Corporate and Community Plan 2023 – 2043 priorities of Community and People, Pride in Place and Economic Growth, with a particular emphasis on delivering the Pride in Place ambitions of:
- Draw investment into our towns and breathe life into our town centres,
 - Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
 - Ensure the effective operation of SWISCo to have resources to reinvest in Torbay
 - Protect and enhance our lived, built and natural environments, including our green spaces

3. Recommendation(s) / Proposed Decision

- 3.1 That the council adopts and implements with immediate effect and to commence from 1st April 2024 the recommendations as set out in Appendix 1 of this report (Sections 7 and 8)

- 3.1.1 The Financial Strategy of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association, Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.
- 3.1.2 The Directors of the SWISCo Board and Shareholder Panel should ensure the SWISCo Business Plan is aligned with the Councils' Corporate and Community Plan 2023-2043 and Annual Business Plans before ratification.
- 3.1.3 An Annual Review of the objectives within the SWISCo Business Plan to ensure alignment with the Councils Corporate objectives should be programmed each year as part of the SWISCo Annual Performance Reporting processes and include appraisal by the Councils Overview and Scrutiny Board and Cabinet.
- 3.1.4 The terms of reference of the SWISCo Shareholder Panel and SWISCo Board should be reviewed (in line with the Councils draft Operating Policy for Wholly Owned Companies) to provide detail on roles, responsibilities and decision-making authority and where necessary membership should be amended to reflect the Councils draft Local Operating Policy for Wholly Owned Companies.
- 3.1.5 The Shareholder terms of reference should include:
- A clearly designated council shareholder role (or function)
 - The role of the shareholder
 - A list of reserved matters (to be updated as required and reflect changes as they arise)
 - Formal periodic shareholder, Board Chair and Managing Director meetings to inform company Board meetings.
- 3.1.6 A Shareholder Agreement and Management Agreement should be developed and adopted as part of the governance of SWISCo as a wholly owned company of Torbay Council.
- 3.1.7 The content of future Annual Review Reports provided by SWISCo to the Council should include content in line with the best practise guidance and include. and should include:
- A description of the use of its resources
 - A value for money statement
 - A description of key achievements, deliverables, outcomes.
 - A list of Key Performance Indicators, targets and performance data
 - A forward plan, strategy and investment plan
- 3.1.8 The current Commissioning Agreement should be reviewed and amended by 1st April 2024 to ensure the document and service level agreements contain:
- Clear definitions of the objectives the Council is seeking the company to achieve
 - Specifications for standards and quality for each service area

- Key Performance Indicators that are adequate to assess performance against the agreement
- Protocols for performance monitoring of day to day activities
- Communication and ways of working protocols
- Fair processes for SWISCo to submit a business case for any changes to the support services provided by the Council.

3.1.9 Standardised forms are used by Council officers commissioning works from SWISCo outside the scope of the Commissioning Agreement and/or used to clarify expectation of works included in the Commissioning agreement by providing additional detail.

3.1.10 Outcomes of performance review meetings between the Lead Commissioner and Managing Director of SWISCo are recorded and these should include recording of new and/or escalating risks.

3.1.11 Performance Dashboards should be shared in a format agreed with Council's Lead Commissioner to be agreed annually by the Lead Commissioner, the Managing Director of SWISCo and the Chair of the SWISCo Board.

3.1.12 Audits should be scheduled annually to give assurance of consistent compliance with financial and procurement regulations across SWISCo services and activities.

Appendices

Appendix 1: Governance and Commissioning Review of the Councils Local Authority Trading Company SWISCo

Background Documents

[SWISCo Business Plan 2021-2023](#)

[SWISCo Annual Report 23/24](#)

[Overview and Scrutiny Board Comments on Annual Report](#)

1. Introduction

- 1.1 This report summarises the findings of a review of the Council's Governance and Commissioning of SWISCo, a trading company wholly owned and controlled by Torbay Council.
- 1.2 Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council.
- 1.3 The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes are robust and effective and provide sufficient direction for the management of SWISCo.
- 1.4 The commissioning agreement also specifies that a review must be carried out on or before 31st March 2024 to inform any extension of the agreement for a further 5 years.
- 1.5 It is not the purpose of this review to scrutinise SWISCo's annual business plan or performance against the Commissioning Agreement or Service Level Agreements pertaining to specific services delivered by SWISCo on behalf of the Council. However, it is expected that this review will inform how the business planning and performance management frameworks operate to ensure that the Council manages this effectively.
- 1.6 It is the purpose of this review to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

2. Options under consideration

- 2.1 The report in Appendix 1 sets out a range of findings and recommendations in relation to how the council governs and commissions SWISCo. The recommendations are based on best practise guidance and take into account consequences of not adopting these recommendations.
- 2.2 Comments from the Overview and Scrutiny Board and consideration of alternative options are welcomed.

3. Financial Opportunities and Implications

- 3.1 There are no direct financial requests within this report.
- 3.2 The recommendations in this report are intended to safeguard and maximise the Councils return on its financial contributions to SWISCo in relation to the delivery of key services on behalf of the Council and to support the Council in delivering its corporate and community objectives and improve the execution of service delivery in terms of efficiency and effectiveness of the services.
- 3.3 Members are asked to consider the Councils financial commitment to extend the commissioning agreement with SWISCo for a further 5 years to deliver key services and ensure inclusion of this within the Councils Mid Term Financial Plan.

4. Legal Implications

- 4.1 If the recommendations in this report are adopted by Cabinet the Commissioning Agreement, Articles of Association and Terms of Reference for Boards and Panels will be amended, at which point appropriate legal advice will be sought to ensure these legally compliant.
- 4.2 Advice will also be sought from the Councils Governance Team to ensure that changes are appropriately implemented into the Councils governance structures and if appropriate within the Councils constitution.

5. Engagement and Consultation

- 5.1 The Governance and Commissioning Review has been completed in consultation with internal stakeholders as listed in the report, the Managing Director of SWISCo, the SWISCo Shareholder Panel and include consideration of the comments of the Overview and Scrutiny Board (10th January 2024).

6. Purchasing or Hiring of Goods and/or Services

- 8.1 SWISCo as a wholly owned company of the council is commissioned in line with teckal exemptions through the mechanism of a commissioning agreement which is monitored by the Councils Lead Commissioner for council wholly owned companies.

8.2 If the recommendations in this report are adopted by Cabinet the SWISCo commissioning agreement will be extended in line with procurement regulations, the councils contracts and procurement protocols and the councils financial regulations, taking into account specific arrangements for procurement under Teckal exemptions and in consultation with the Councils Procurement Team.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

9.1 The recommendations in this report will ensure that the Councils Governance and Commissioning arrangements relating to SWISCo are strengthened to maximise the return on investment into the key services delivered on behalf of the Council and enable SWISCo to achieve the council and the company’s objectives with improved direction, clarity of expectation and appropriate quality controls over the delivery of key services. Overall, all this strengthening of arrangements is likely to have a positive benefit for all residents in Torbay through SWISCo’s continued execution of service improvements and efficiencies.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Positive Impact		
People with caring Responsibilities	Positive Impact		
People with a disability	Positive Impact		
Women or men	Positive Impact		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	Positive Impact		
Religion or belief (including lack of belief)	Positive Impact		
People who are lesbian, gay or bisexual	Positive Impact		
People who are transgendered	Positive Impact		

People who are in a marriage or civil partnership	Positive Impact		
Women who are pregnant / on maternity leave	Positive Impact		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Positive Impact		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Positive Impact		

10. Cumulative Council Impact

- 10.1 There is no identified cumulative impact of this decision and any other decision or activity being carried out by the Council.

11. Cumulative Community Impacts

- 11.1 There is no identified cumulative impact of this decision and any other decision or activity carried out by the Council on the wider community.

Governance and Commissioning Review of Local Authority Trading Company SWISCo

Author: Lisa Tuck, Lead Commissioner of Torbay Council Local
Authority Companies

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1 Introduction

This report summarises the findings of a review of the Council’s Governance and Commissioning of SWISCo, a trading company wholly owned and controlled by Torbay Council.

Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council.

The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes are robust and effective and provide sufficient direction for the management of SWISCo.

The commissioning agreement also specifies that a review must be carried out on or before 31st March 2024 to inform any extension of the agreement for a further 5 years.

It is not the purpose of this review to scrutinise SWISCo’s annual business plan or performance against the Commissioning Agreement or Service Level Agreements pertaining to specific services delivered by SWISCo on behalf of the Council. However, it is expected that this review will inform how the business planning and performance management frameworks operate to ensure that the Council manages this relationship effectively.

It is the purpose of this review to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

2 Review Methodology

2.1 Tests

The review is informed by two key guidance documents “Local Authority Owned Company Good Practise Guide 2022” (CIPFA) and “Local Authority Company Review Guidance Toolkit 2023” (Local Partnerships).

The guidance outlines a range of tests to establish whether the council has sufficient control to ensure that its investment is protected, appropriate returns on investment are being obtained and that the wholly owned company continues to meet its original purpose and is aligned with the strategic objectives of the Council. This report summarises the finding of these tests.

The best practise review guidance states that “The governance arrangements for council owned entities should seek to ensure that:

- the entity should have sufficient freedoms to achieve its objectives
- the council should have sufficient control to ensure that its investment is protected, appropriate returns on investment (in relation to the purpose set out in the articles of

association of the company) can be obtained and that the activities of the entity are aligned with the values and strategic objectives of the council

- the entity continues to be relevant and required (in its existing form) and if not, appropriate steps are taken (for example, amending constitutional documents or changing form or terminating the vehicle)”

2.2 Review Group

The following officers of the Council have provided input into the review

- Divisional Director, Economy, Environment and Infrastructure
- Director of Pride in Place
- Managing Director, SWISCo
- Commercial Business Partner (Pride in Place), Commercial Services
- Head of Commercial Services
- Finance Supervisor (SWISCo Lead), Financial Services
- Head of Governance Support

3 Purpose and Alignment with Council Objectives

3.1 Tests

- What problem does the company solve and is this company still relevant and required (in its existing form)?
- Does the company’s business plan contribute to the authority’s strategic objectives?
- Are activities being undertaken in line with SWISCo’s vision statement?
- Are SWISCo objectives reviewed by the Council annually?

3.2 What problem does the company solve is the company still relevant and required (in its existing form)?

The original purpose of establishing SWISCo as a wholly owned company of the Council is identified in the company’s Articles of Association as follows:

The objects of the Company are to operate the services and operations of, and to help improve the economy, efficiency and effectiveness of the execution of non-hazardous waste services, cleaning services and other related business support services and any other operation or service ...which is within the capability and capacity of the Company, for the benefit of the Shareholder.

The Commissioning Agreement defines the objectives of SWISCo as:

To deliver the services of interest to the Torbay community in respect of parks and green infrastructure, waste and recycling and to deliver an essential part of the Council's objectives (Appendix A sets out the commissioned services in more detail).

SWISCo was established to deliver essential services and activities on behalf of Torbay Council, the budget available for the delivery of the services is established at the beginning of each financial year, and a commissioning fee paid to SWISCo to deliver these services, to provide a break-even position at year end. The Articles of Association do not specify that the financial purpose of SWISCo should be anything other than a break-even position, and do not specify the company should seek to make surpluses to be paid as dividends to the Shareholder or reinvested into the business. The financial strategy for SWISCo adopted by the Council (confirmed by the Council's finance team) has been to seek a break-even outturn at the end of each fiscal year. Any change to the financial purpose of SWISCo would require an amendment to the company's Articles of Association.

It is important to note there are additional objectives outlined in the Commissioning Agreement as follows:

- General activities to increase and safeguard employment in Torbay
- Increase in turnover and surpluses from commercial activities to support the provision of the Commissioned Services
- Delivery against an agreed maintenance programme for the Council's fleet and licenced assets
- Effective maintenance of the Council sites/buildings, which SWISCo occupy under a lease
- Effective provision of Health & Safety requirements and Risk Management for SWISCo employees and associated assets

The company was established to deliver key services on behalf of the Council and to support the Council in delivering its corporate and community objectives, improve the execution of service delivery in terms of efficiency and effectiveness of the services from the point it was established. The objective regarding increasing turnover and surpluses from commercial activities to support the provision of commissioned services conflicts with the adopted breakeven strategy of SWISCo and its Articles of Association.

It is clear from the annual review reports, feedback from customers, community groups and members, and the significant reduction in recorded complaints against the services (baselined from the year prior to its establishment) that the company has improved the execution of the services on behalf of Torbay Council.

It is also clear from the financial outturn reports of SWISCo (summarised in Appendix B) that the operating profit/loss of the Company has achieved a least a break-even position over the previous 2 financial years.

It can be concluded that SWISCo is achieving against the financial purpose for which it was established.

Local Authorities have seen a significant decrease in the amount of Government Grant to deliver statutory and key services to the public, this has led to the need for Councils to consider alternative income streams and diversification. In addition, the increase in demand from a growing population and community needs and expectations increase the financial demands on Local Authorities. Over

recent years the Covid 19 pandemic, cost of living crisis, inflation, increased energy costs and costs of business are increasing the pressure on Local Government finances.

When setting Fees and Charges for Services local authorities may only set these at a rate that will cover the costs of the provision of those services. As such a Local Authority is limited in attracting commercial income to cover its expenses or to close gaps where required expenditure exceeds income.

A wholly owned company of the Council with the potential to generate commercial income to support budget challenges is therefore still relevant, where this is the objective of the company.

3.3 Recommendations

The Financial Purpose of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association, Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.

3.4 Does the company's business plan contribute to the authority's strategic objectives? Are activities being undertaken in line with SWISCo's vision statement? Are SWISCo objectives reviewed by the Council annually?

The current SWISCo Business Plan spans 2021 to 2023. The current business plan is aligned with the Council's strategic priorities (as set in 2021).

The company's Business Plan (2024 – 2026) is under development and will consider any findings and recommendations of this review and the priorities and objectives of Torbay Council's new Corporate and Community Plan 2023-2043.

As detailed in this report there are variations within the Articles of Association and Commissioning Agreement of the purpose of SWISCo and a lack of a clear vision statement from the perspective of Torbay Council as Shareholders. This is addressed in the recommendations of this report.

The current SWISCo Business Plan does include an employee focused Mission Statement for everyone in the Company to "Make Torbay the best place to live, work and play" and 16 strategic objectives in support of the Council's Corporate Plan priorities, these are detailed in Appendix C.

SWISCo Business Plan objectives are reviewed on at least an annual basis by the Shareholder Panel. The objectives have not been amended since first developed in 2021, however the SWISCo Board and Shareholder Panel minutes provide evidence of oversight of the delivery of the objectives and provision of direction on their delivery.

The SWISCo Business Plan 2021 – 2023 supports, and is aligned with, the Council's strategic objectives as outlined in the Council's Community and Corporate Plan 2020-2024.

In the absence of a Vision or Purpose Statement it is not possible to assess whether the Business Plan reflects the Vision or Purpose Statement. However, it can be concluded from SWISCo annual report to the Council and minutes of Board and Shareholder meetings that activities are being delivered in line with SWISCo Business Plan objectives which align with the Councils Corporate and Community Plan objectives and the purpose set out in the Commissioning Agreement.

This review recommends that Purpose and Vision statements for SWISCo are incorporated into SWISCo's business plan to provide a clear test in future reviews.

The Council, through the authority it delegates to the Shareholder Panel, reviews SWISCo objectives as least annually.

3.5 Recommendations

The Directors of the SWISCo Board and Shareholder Panel should ensure the SWISCo Business Plan is aligned with the Councils' Corporate and Community Plan 2023-2043 and Annual Business Plans before ratification.

An Annual Review of the objectives within the SWISCo Business Plan to ensure alignment with the Councils Corporate objectives should be programmed each year as part of the SWISCo Annual Performance Reporting processes.

4 Governance Arrangements

4.1 Tests

- Is the membership of the Shareholder Panel and Board membership in line with best practise?
- Is there a clear decision-making structure?
- Are roles clearly defined?
- Are conflicts of interest managed effectively?
- Are key governance documents in place such as articles of association, shareholder's agreement, members' agreement, any financial agreements?
- Does the entity have sufficient freedoms to achieve its objectives?
- Does the council have sufficient control to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives? Is there an opportunity for Scrutiny of SWISCo's performance?
- Does the Shareholder agreement provide the Council with sufficient oversight and influence over the day-to-day activities of SWISCo to meet the Teckal tests?

4.2 Is the membership of the Shareholder Panel and Board membership in line with best practise? Is there a clear decision-making structure? Are roles clearly defined? Are conflicts of interest managed effectively? Are key governance documents in place such as articles of association, shareholder's agreement, members' agreement, any financial agreements?

There should be evidence that the council and senior management recognise the importance of establishing appropriate and proportionate governance arrangements for the oversight of entities. The process for appointing shareholders should be set out in the Councils constitution.

The findings within this report are tested against the draft Local Operating Policy and Best Practise guidance for Local Authority wholly owned companies.

Best practise guidance states that an informal Shareholder Advisory Board or Panel may be established, the panel would not have decision making power and decisions would remain with the person or body delegated authority to exercise the shareholder function. Guidance also states that those advising the shareholder should not also be involved in advising the company or making company decisions. Therefore, members of the wholly owned company shareholder panel should not also be members of the Wholly Owned Company Board.

Although key governance documents are in place to guide governance of the SWISCo Board and Shareholder Panel they are not sufficiently detailed and do not sufficiently clarify roles of members, decision making requirements or define processes to manage conflicts of interest.

Best practise recommends that a Shareholder Agreement and Management Agreements are in place. This is advised within the draft Local Operating Policy of Wholly Owned Companies and should be established and adopted for SWISCo.

The Wholly Owned Company Guidance states that the Council should have a clear framework for overseeing its wholly owned companies to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives. This should also include an opportunity for Overview and Scrutiny of SWISCo's performance. This framework is set out in the draft Local Operating Policy for Wholly Owned Companies.

The Council should undertake a regular assessment of how the business supports its policies and strategies.

4.3 Recommendations

The terms of reference of the SWISCo Shareholder Panel and SWISCo Board should be reviewed (in line with the Councils draft Operating Policy for Wholly Owned Companies) to provide detail on roles, responsibilities and decision-making authority and where necessary membership should be amended to reflect the Councils draft Local Operating Policy for Wholly Owned Companies.

The Shareholder terms of reference should include:

- A clearly designated council shareholder role (or function)
- The role of the shareholder
- A list of reserved matters (to be updated as required and reflect changes as they arise)
- Formal periodic shareholder, Board Chair and Managing Director meetings to inform company Board meetings.

A Shareholder Agreement and Management Agreement should be developed and adopted as part of the governance of SWISCo as a wholly owned company of Torbay Council.

4.4 Does the entity have sufficient freedoms to achieve its objectives? Does the council have sufficient control to ensure public funds are protected, returns on investment can be obtained and activities are aligned to council objectives? Is there an opportunity for Scrutiny of SWISCo's performance? Does the Shareholder agreement provide the Council with sufficient oversight and influence over the day-to-day activities of SWISCo to meet the Teckal tests?

The SWISCo Board and Shareholder Panel meet regularly with standard agendas that meet the requirements of best practise protocols including management of the business plan, financial reporting, performance management and risk management. These meetings provide sufficient oversight of the Council for the day to day activities of SWISCo while still enabling the company to have freedoms in the way in which it delivers its business functions and day to day activities.

The use of the Teckal exemption is complex and subject to challenge, therefore the council and the wholly owned company must ensure that the company is functioning within its Teckal parameters. For a wholly owned company of the Council to be Teckal compliant there are two key tests:

- the control test
- the functional test

The local authority must control all of the shares in the company and must also exercise effective day-to-day control over its affairs; in other words, the same as the relationship between the council and one of its internal directorates.

The Teckal parameters require the company to deliver at least 80% of its activities (turnover) for its Local Authority owners. Changes to EU procurement regulations meant that 20% of trading can be outside the Teckal contract, this is calculated on a 3 year turnover basis which allows for variations to be smoothed over. There is evidence that this is monitored by the SWISCo Board, Shareholder Panel and the Councils finance representatives and Section 151 officer on an annual basis.

It is recognised that the balance between adopting an approach of treating the company as a department of the organisation, enable sufficient freedoms to the company to achieve its objectives and ensuring robust oversight by the Council to protect its investment can be difficult to achieve.

To achieve this the commissioning agreement and the individual service level agreements relating to each service delivered by the company play a vital role in setting clear definitions of the objectives the Council is seeking the company to achieve, specifications for standards and quality, key performance indicators and monitoring frameworks.

Clear expectations set by the Council and detailed within the agreement will enable the company freedoms and control over how it achieves these through its day-to-day activities, reporting achievements in line with formal monitoring framework, and reporting achievements and risks outside of the agreement by exception.

The Council has adopted a 'intelligent client' approach, designating a senior officer of the Council (known as the Lead Commissioner) the task of ensuring the Council gains desired outcomes from the Company, providing challenge where required, holding it to account using performance data and ensuring there is clarity on a day to day basis of the Councils expectations for delivery and assessment of value for money and quality.

Further to this, as a way of establishing clear processes that supports the company to have sufficient freedoms to achieve its objectives while ensuring the Council maintains sufficient control over its day to day activities a process has been established between the Council's designated Lead Commissioner and SWISCo to agree programmes of works to be carried out in the public realm (Parks and Open Spaces and Highways). Programmes of works are, now, being submitted to the Lead Commissioner and agreed in advance of each quarter. This will ensure the Council has oversight of the works, assess cumulative impacts and ensure co-ordination with the Councils Governance and Communications team to communicate works and engage with the community where appropriate. The new process has been instituted by the commissioner and enables SWISCo officers to have sufficient freedom over the delivery of these works on a reporting by exception or change basis while also ensuring the Council is properly engaged.

It can also be evidenced that the Council demonstrates day to day control of SWISCo activities through the inclusion of the managing director of SWISCo in Council Senior Leadership Team meetings and incorporating reporting against SWISCo operations with the Corporate Performance, Budget and Risk Management processes in line with best practise guidance to 'manage operations of the wholly owned company as a department of the Council'.

The format of the SWISCo Annual Report submitted to the Council by SWISCo is sufficient in term of a description of key achievements, deliverables and outcomes and is presented in a style expected of a trading company. However, the report provided in Autumn 2023 lacks some of the information recommended by the best practise guidance to provide the Council with information to inform its decision making and scrutiny of the wholly owned company.

Therefore, the Council will be prescriptive for future editions of the annual report accepting that SWISCo may want to provide a summary document for the public domain.

4.5 Recommendations

The content of future Annual Review Reports provided by SWISCo to the Council should include content in line with the best practise guidance and include. and should include:

- A description of the use of its resources
- A value for money statement
- A description of key achievements, deliverables, outcomes.
- A list of Key Performance Indicators, targets and performance data
- A forward plan, strategy and investment plan

5 Commissioning Agreement and Performance Management

5.1 Tests

- Are the current service contracts fit for purpose and reflective of good practise guidance?
- Are KPIs robust and included in the commissioning agreement or supporting documents?
- Are their effective arrangements in place for monitoring performance?
- Are KPIs clearly linked to the Councils objectives?
- How well are risks managed, are they owned, recorded, reported and mitigated?
- Do Commissioning arrangements provide an adequate framework for performance management and ensuring value for money.
- Do commissioning arrangements provide an adequate framework for monitoring compliance with commissioning agreement expectations?

5.2 Are the current service contracts fit for purpose and reflective of best practise guidance?

The current Commissioning Agreement between the Council and SWISCo took effect from 1 July 2020 and remains effective until 31 March 2025, with an extension to 31 March 2030 by mutual agreement.

Best practise guidance states that the council should have commercial agreements which set out the specification for delivery of activities, any assistance provided to the company and the terms for that assistance.

The Councils Commissioning agreement and suite of accompanying Service Level Agreements sets out the basic requirements of service delivery and support services to be provided to the company, along with arrangements for payment of the commissioning fee for cyclical works and arrangements for commissioning additional works outside of this contract. The agreement also sets out a pathway for dispute resolution stating the Memorandum and Articles of Association of SWISCo prevail over the Commissioning Agreement. The agreement also sets out the variation processes where any significant alteration to Commissioned Services is required.

As mentioned in the previous section the commissioning agreement should set clear definitions of the objectives the Council is seeking the company to achieve, specifications for standards and quality and key performance indicators to effectively assess the achievement of the Councils objectives.

The current commissioning agreement and suite of SLAs were designed to provide the overall scope of the services and activities to be delivered by SWISCo. The Council considers they should be strengthened across all areas including service standards and expectations for service delivery and Key Performance Indicators to ensure these are sufficient to provide the Council with a detailed framework to manage performance. The Commissioning agreement should also outline expected levels and methods of engagement and communication with the community and Members. This work commenced in September 2023 with the expectation of a revised commissioning agreement to be in place by 1st April 2024.

Where a council department commissions SWISCO outside of the annual commissioning fee, these departments are required to monitor performance and delivery of goods or services as agreed with SWISCO on a day-to-day basis. Best practise guidance suggests there should be evidence of a consistent approach across the council in commissioning the company. At the time of the review an exercise is being undertaken to create a standardised form for use across the council by officers commissioning services outside of the scope of the commissioning agreement to ensure the scope of the work is clearly defined, value for money is tested and performance monitoring is defined.

The current commissioning agreement includes four service level agreements Parks and Green Infrastructure; Highways, Fleet and Transport Services; Waste and Recycling Services and Business Commercial and Support Services as outlined in Appendix A.

The Council provides Support Services to SWISCO delivered in accordance with service agreements. SWISCO assesses its Support Service requirements annually. This covers the event that the Council is no longer able to provide the services or is unable to provide a level of services compatible with SWISCO's changing requirements, in which case SWISCO may obtain services from alternative providers with appropriate regard to obtaining best value. With the financial terms between the Parties being adjusted accordingly.

The Commissioning Agreement includes 'Support Service Agreements' as listed below.

- a) Information Communication Technology
- b) Financial Services
- c) Procurement
- d) Payroll, including Pensions
- e) Legal
- f) Internal Audit
- g) HR
- h) Information Compliance
- i) Communications
- j) Health, Safety & Environment (HS&E)
- k) Administrative Support

The costs of these services are calculated by the Head of Finance of the Council and are agreed with SWISCO as part of the annual budget setting process. Where it is assessed by the SWISCO Board and agreed with the Shareholder Panel that the Council is unable to provide a level of services compatible with SWISCO's changing requirements, adjusting the annual commissioning fee to enable SWISCO to purchase these services from an alternative provider or provide these services directly through SWISCO employees this would place a budget pressure on the Council and require a redistribution of the resource currently providing these services to SWISCO. This situation could create a conflict of interest between the Council and SWISCO which has the potential to hinder the ability of SWISCO to achieve its objectives in the most effective and efficient way. The commissioning agreement should be revised to establish a process for SWISCO to submit a business case for any changes to the support services provided by the Council.

The Commissioning Agreement states that both SWISCo and the Council will monitor the Performance of the Commissioned Services provided in accordance with the SWISCo Business Plan, objectives, SMART Action Plans and the Service Performance Agreements and will focus on the:

- a) Overall delivery of Commissioned Services against budget
- b) Delivery of commissioned services
- c) General activities to increase and safeguard employment in Torbay
- d) Increase in turnover and surpluses from commercial activities to support the provision of the Commissioned Services
- e) Delivery against an agreed maintenance programme for the Council's fleet and licenced assets
- f) Effective maintenance of the Council sites/buildings, which SWISCo occupy under a lease
- g) Effective provision of Health & Safety requirements and Risk Management for SWISCo employees and associated assets

There is evidence that the quarterly performance reports submitted by SWISCo to the Board and Shareholder Panel are structured to ensure inclusion of the above performance criteria.

The Councils Lead Commissioner and Managing Director meet regularly to discuss delivery of the strategic outcomes required by the Council. These meetings should be strengthened to include performance monitoring of and compliance with the commissioning agreement and to identify and record early issues with delivery of core requirements and service standards and escalating risks.

There is evidence that the SWISCo Board and Shareholder Panel are sighted on risks and mitigation plans on at least a quarterly basis. As with other departments of the Council SWISCo risks are included in the Councils Strategic and Corporate Risk Framework which ensure they are owned, recorded, mitigated and tracked, with processes in place to escalate and deescalate risks. The Councils Strategic and Corporate Risks are reported to Members through the Councils Governance Framework. The Council's Lead Commissioner for SWISCo services is alerted on a day-to-day basis of any new or escalating risks as they arise for mitigation to be planned on a timely basis.

5.3 Recommendations

The current Commissioning Agreement should be reviewed and amended by 1st April 2024 to ensure the document and service level agreements contain

- Clear definitions of the objectives the Council is seeking the company to achieve
- Specifications for standards and quality for each service area
- Key Performance Indicators that are adequate to assess performance against the agreement
- Protocols for performance monitoring of day to day activities
- Communication and ways of working protocols
- Fair processes for SWISCo to submit a business case for any changes to the support services provided by the Council.

Standardised forms are used by Council officers commissioning works from SWISCo outside the scope of the Commissioning Agreement and/or used to clarify expectation of works included in the Commissioning agreement by providing additional detail.

Outcomes of performance review meetings between the Lead Commissioner and Managing Director of SWISCo are recorded and these should include recording of new and/or escalating risks.

Performance Dashboards should be shared in a format agreed with Council's Lead Commissioner to be agreed annually by the Lead Commissioner, the Managing Director of SWISCo and the Chair of the SWISCo Board.

6 Finance

6.1 Tests

- Has SWISCo achieved the desired and expected financial objectives over the last 3 years?
- Have financial targets been met for both trading and council service delivery?
- Are budget monitoring processes fit for purpose and effective, are reports received in a timely way?
- Are financial regulations and procedures relevant to SWISCo followed consistently?
- Are procurement regulations and procedures relevant to SWISCo followed consistently?

6.2 Has SWISCo achieved the desired and expected financial objectives over the last 3 years? Have financial targets been met for both trading and council service delivery? Are budget monitoring processes fit for purpose and effective, are reports received in a timely way?

Referring to section The Financial Strategy for SWISCo adopted by the Council (confirmed by the Councils finance team) has been to seek a break-even outturn at the end of each fiscal year. It is also clear from the financial outturn reports of SWISCo (summarised in Appendix B) that the operating profit/loss of the Company has achieved a least a break-even position over the previous 2 financial years and financial targets have been met.

If the Council intends to alter the financial purpose of SWISCo, for example in order to achieve surpluses with dividends to be paid to the shareholders or to be reinvested directly back to improve the efficiency and effectiveness of commissioned services to deliver the Councils Corporate Objectives, these financial objectives should be clarified by the Council and financial targets set to reflect this over the course of the commissioning agreement period.

The SWISCo Board, Shareholder Panel and financial reporting to s151 officer are provided with quarterly performance monitoring and financial data. SWISCo financial performance and outturn projections and future investment requirements are reviewed and incorporated into the Councils Financial Reporting and Monitoring Framework and midterm financial plan.

6.3 Recommendations

See 3.2.1 The Financial Strategy of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association,

Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.

7 Summary of Recommendations of the Review

This section of the report summarises the recommendations from all sections of the report:

1. The Financial Strategy of SWISCo should be reviewed by the Shareholders, and a clear purpose and mission statement established and reflected consistently in the Articles of Association, Commissioning Agreement and Company Business Plan including financial targets for service delivery and commercial trading to provide a clear basis for future formal reviews.
2. The Directors of the SWISCo Board and Shareholder Panel should ensure the SWISCo Business Plan is aligned with the Councils' Corporate and Community Plan 2023-2043 and Annual Business Plans before ratification.
3. An Annual Review of the objectives within the SWISCo Business Plan to ensure alignment with the Councils Corporate objectives should be programmed each year as part of the SWISCo Annual Performance Reporting processes and include appraisal by the Councils Overview and Scrutiny Board and Cabinet.
4. The terms of reference of the SWISCo Shareholder Panel and SWISCo Board should be reviewed (in line with the Councils draft Operating Policy for Wholly Owned Companies) to provide detail on roles, responsibilities and decision-making authority and where necessary membership should be amended to reflect the Councils draft Local Operating Policy for Wholly Owned Companies.
5. The Shareholder terms of reference should include:
 - A clearly designated council shareholder role (or function)
 - The role of the shareholder
 - A list of reserved matters (to be updated as required and reflect changes as they arise)
 - Formal periodic shareholder, Board Chair and Managing Director meetings to inform company Board meetings.
6. A Shareholder Agreement and Management Agreement should be developed and adopted as part of the governance of SWISCo as a wholly owned company of Torbay Council.
7. The content of future Annual Review Reports provided by SWISCo to the Council should include content in line with the best practise guidance and include. and should include:
 - A description of the use of its resources
 - A value for money statement
 - A description of key achievements, deliverables, outcomes.
 - A list of Key Performance Indicators, targets and performance data
 - A forward plan, strategy and investment plan

8. The current Commissioning Agreement should be reviewed and amended by 1st April 2024 to ensure the document and service level agreements contain:
 - Clear definitions of the objectives the Council is seeking the company to achieve
 - Specifications for standards and quality for each service area
 - Key Performance Indicators that are adequate to assess performance against the agreement
 - Protocols for performance monitoring of day to day activities
 - Communication and ways of working protocols
 - Fair processes for SWISCo to submit a business case for any changes to the support services provided by the Council.
9. Standardised forms are used by Council officers commissioning works from SWISCo outside the scope of the Commissioning Agreement and/or used to clarify expectation of works included in the Commissioning agreement by providing additional detail.
10. Outcomes of performance review meetings between the Lead Commissioner and Managing Director of SWISCo are recorded and these should include recording of new and/or escalating risks.
11. Performance Dashboards should be shared in a format agreed with Council's Lead Commissioner to be agreed annually by the Lead Commissioner, the Managing Director of SWISCo and the Chair of the SWISCo Board.
12. Audits should be scheduled annually to give assurance of consistent compliance with financial and procurement regulations across SWISCo services and activities.

8 Recommendation - Extension of the Commissioning Agreement

This section of the report will provide an officer recommendation regarding extending the Commissioning Agreement with SWISCo for a further 5 years.

As a result of this review, it can be concluded that SWISCo continues to deliver against its purpose of delivering improvements and innovative solutions to services that were failing, to build strong working relationships amongst colleagues who share a similar remit, to deliver key services on behalf of the Council and to support the Council in delivering its corporate and community objectives.

It is clear from the annual review reports, feedback from customers, community groups and members, and the significant reduction in recorded complaints against the services) that the company has improved the execution of the commissioned services on behalf of Torbay Council.

With the adoption of the recommendations within this report it is the recommendation that

- **The Commissioning Agreement between the Torbay Council and SWISCo is extended from 1st April 2025 for a further 5 years to 31st March 2030.**

Appendix A

The Agreement details the services to be provided as follows:

- a) Parks & Green Infrastructure Services
 - i) Commissioned Services
 - ii) Parks & Ground Maintenance
 - iii) Environmental Quality
 - iv) Green Infrastructure
 - v) Community Liaison

- b) Highways Fleet & Transport Services
 - i) Commissioned Services
 - ii) Traffic & Development
 - iii) Transport & Fleet
 - iv) Highways Operations
 - v) Highways Assets

- c) Waste & Recycling Services
 - i) Commissioned Services
 - ii) W&R Strategy & Performance
 - iii) W&R Collections
 - iv) Waste Disposal & Recycling Processing

- d) Business Commercial & Support Services
 - i) Commissioned Services
 - ii) Customer Services
 - iii) Projects Innovation & Systems

Appendix B

Note: The Statutory Accounts are distorted by things outside of SWISCO's control, such as pension valuations and accounting for leasing. Therefore, it is pertinent to consider primarily the operating profit/loss line below.

	20/21 (9 month period)	21/22	22/23
Income	(11.76)	(18.58)	(21.37)
Expenditure	11.78	18.08	21.03
Operating Profit/(Loss)	(0.02)	0.50	0.34
Net Profit/(Loss) after ITDA	(0.21)	0.27	0.02
Actuarial (gains)/Losses recognised in pension scheme		(2.5)	0.2
Taxation		0	0
Total (Profit) or loss		(1.8)	0.8
Statutory Assets	6.72	6.75	7.09
Statutory Liabilities	(20.05)	(18.28)	(7.04)
Total Statutory Net Assets/(Liabilities)	(13.33)	(11.53)	0.05

Appendix C

STRATEGIC OBJECTIVES

By March 2023 we will...



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Overview and Scrutiny Annual Report 2023/2024 – DRAFT V1

April 2024



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Foreword

This year has been a busy year for Overview and Scrutiny, following Local Government Elections in May 2023 and continuing to respond to the issues arising from the cost-of-living crisis, as well as working with our communities and partners to make improvements in respect of services for our children as well as holding partners in health to account and being a critical friend to our adult social care service through the main Board and the Children and Young People's Overview and Scrutiny Sub-Board and Adult Social Care and Health Overview and Scrutiny Sub-Board.

We continued to take a leading role in the Leader and Cabinet's Budget development for 2024/2025 and I am pleased that most of our recommendations informed the final budget proposals. In addition to the budget, the Board and its Sub-Boards have investigated several issues and I believe has made a notable difference in some of the key decisions made by the Cabinet, the public and private sector partners. I would like to particularly draw attention to the following parts of the report:

Spotlight Review of South West Water - Our review of issues around water quality in Torbay was a timely piece of work as this matter continues to be in the media over the last 12 months. The Board invited South West Water along to a meeting and we were able to hold the company to account around the public of Torbay's concerns.

Spotlight Review of Child and Adolescent Mental Health Services (CAMHS) - It was particularly heartening to hear directly from the voice of young people around their experiences of this service.

Spotlight Review of Dementia Support in Torbay - Raised awareness of the need for advanced dementia care and training, which would be addressed through the development of a co-produced Dementia Strategy to ensure that Torbay residents can access information and support they need.

I would like to take this opportunity to thank everyone who has played a part in contributing towards the work of the Council's Overview and Scrutiny Boards, Sub-Boards and Panels. Particular thanks should go to Councillor Adam Billings and Councillor Yvonne Twelves who have both ably Chaired the Board prior to my appointment in December 2023. Overview and Scrutiny, the Cabinet and our key partners in Health, the voluntary sector and Police have continued to work together to try to make a positive difference for the people of Torbay.

Councillor Steve Darling
Overview and Scrutiny Co-ordinator

1. Key information about Overview and Scrutiny

The operation of overview and scrutiny

There have been a number of changes to the Leadership and membership of Overview and Scrutiny over the past year.

Overview and Scrutiny Co-ordinator:

Councillor Billings from May 2023 until July 2023

Councillor Twelves from 7 September 2023 until 7 December 2023

Councillor Steve Darling since 7 December 2023

The Overview and Scrutiny Co-ordinator is supported by Scrutiny Lead Members:

- Councillor Law – Children’s Services;
- Councillor Joyce – Adult, Community Services, Public Health and Inequalities;
- Councillors Twelves and Hutchings – Housing, Finance and Corporate Services; and
- Councillors Maddison and Long – Place Development, Economic Growth and Culture.

The Overview and Scrutiny Board meets monthly with Task and Finish Panels created to consider topics in greater detail. During the last year the following Members have served on the Overview and Scrutiny Board: Councillors Billings, Brook, Bryant, Cowell, Steve Darling, Douglas-Dunbar, Fellows, Fox, Harvey, Hutchings, Johns,

Joyce, Law, Barbara Lewis, Long, Maddison, Strang, Jackie Thomas, Tolchard and Twelves.

There are two dedicated Sub-Boards:

The Adult Social Care and Health Overview and Scrutiny Sub-Board provides greater focus on issues in relation to adult social care and health and fulfils the statutory health overview and scrutiny function and normally meets monthly.

This Board comprised of five Councillors and was Chaired by the Scrutiny Lead for Adult, Community Services, Public Health and Inequalities - Councillor Joyce. During the last year the following Members have served on the Sub-Board: Councillors Billings, Fellows, Harvey, Johns, Joyce, Barbara Lewis, Long, Maddison, Tolchard and Twelves. Representatives from Healthwatch Torbay and the Voluntary Sector Network were appointed as non-voting co-opted members on the Board to help provide independent expert advice.

The Children and Young People’s Overview and Scrutiny Sub-Board is responsible for overview and scrutiny of Children’s Services and meets bi-monthly.

This Sub-Board comprised of five Councillors and was Chaired by the Scrutiny Lead for Children’s Services – Councillor Law. During the last year the following Members have served on the Sub-Board: Councillors Billings, Fellows, Joyce, Law, Nicolaou, Tolchard and Twelves. Representatives from Devon and Cornwall Police, Play Torbay, Voluntary and Community Setor and Alternative Provision (Education) and the Church of England Diocese to help provide the voice of the child or young person and independent expert advice.

Scrutiny's Role

To make recommendations to the Cabinet, Council or key partners in accordance with following principles:

- Focusing on the issues which matter.
- Policy Development is of equal importance to “holding to account”.
- The Forward Plan is the key tool for managing the decision making process.
- The relationship between overview and scrutiny and the Cabinet should seek to complement one another.
- All Councillors should have the opportunity to help shape policy decisions at an early stage.

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Meetings:

- Are open to the public to attend.
 - Typically last 2-3 hours.
 - Meet regularly (during the daytime and evenings).
 - Have a formal structure, but are run in an accessible way.
 - Papers are published on the Council's website at [Committee structure \(torbay.gov.uk\)](http://torbay.gov.uk).
-

Residents and stakeholders can get involved by:

- Attending public meetings;
 - Giving evidence to one of the Panels, Boards/Sub-Boards; and
 - Sending in comments about a review.
-

2. Snapshot of scrutiny development in 2023/2024

Focusing on the issues which matter

The Adult Social Care and Health Overview and Scrutiny Sub-Board has undertaken the statutory health scrutiny duty (on behalf of the main Board) providing oversight of health services in Torbay and clinical services across the peninsula and has also taken part in masterclass sessions run by Devon County Council. It has held our health partners to account including Torbay and South Devon NHS Foundation Trust, One Devon and NHS England for delivery of services to the residents of Torbay.

The Overview and Scrutiny Board continued to receive regular reports on the Council's revenue and capital budgets and monitor key performance indicators. It has closely monitored and challenged the performance and outcomes for children holding the Cabinet and our key partners to account through the Children and Young People's Overview and Scrutiny Sub-Board.

Equal importance placed on policy development

The Overview and Scrutiny Board and its Sub-Boards provided feedback during the development of the following Council's key Policy Framework Documents.

- Community and Corporate Plan

- Thriving Communities Where People Can Prosper - Draft Strategy for Adult Social Care in Torbay
- Torbay Council English Riviera (Outdoor) Events Strategy 2021 – 2027
- English Riviera Destination Management Plan 2022 – 2030

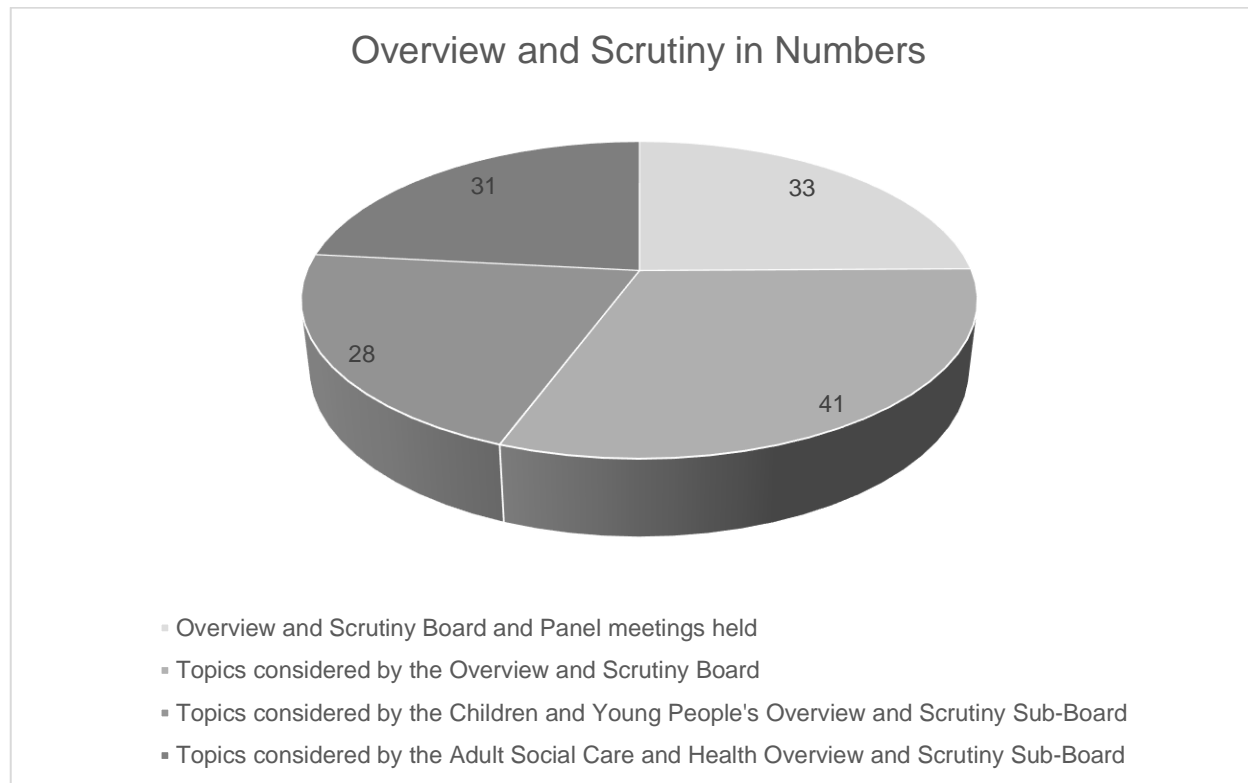
Complementing the work of the Cabinet

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with strategic meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman and the Leader of the Council.

Pre-Briefings and Work Planning

Monthly briefings have enabled better member engagement and more focussed debate at Board meetings, developing key lines of questioning and exploring upcoming items to ensure relevant items are considered at the right time with key attendees invited to contribute towards discussions. They have also monitored implementation of recommendations and received updates on topics to determine if they should be included in the Work Programmes. The Forward Plan was also used as a tool to identify key issues for consideration by the Board and Sub-Boards.

3. Overview and Scrutiny in Numbers 2023/2024



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Key:

- 33 Overview and Scrutiny Board and Panel meetings held
- 41 Topics considered by the Overview and Scrutiny Board
- 28 Topics considered by the Children and Young People's Overview and Scrutiny Board
- 31 Topics considered by the Adult Social Care and Health Overview and Scrutiny Sub-Board

4. Snapshot of some of the Key Achievements 2023/2024

Overview and Scrutiny Board

At its first meeting of the year, the Overview and Scrutiny Board considered a report on the future operation of Overview and Scrutiny which sought to encourage greater awareness and engagement both across the Council and in the community of the important role of Overview and Scrutiny.

The report included ten recommendations – see [Operation of Overview Scrutiny.pdf \(torbay.gov.uk\)](#). The following actions have been taken to address these recommendations:

1. A Cabinet and Overview and Scrutiny Role Protocol has been developed and is due to be approved by Council on 16 May 2024;
2. Cabinet Members and relevant Directors have continued to attend meetings of Overview and Scrutiny Boards/Sub-Boards to respond to questions;
3. Introduction to Overview and Scrutiny and Scrutiny of Partners training sessions have been held and Councillors have been encouraged to attend further training provided by the Centre for Governance and Scrutiny (CfGS) and the Local Government Association (LGA) to expand their knowledge;
- 4/5. Promotion of topics of interest with the support of our Communications and Engagement Team through emails, press releases, social media posts and also invitations to the

public to take part in providing questions and evidence for topics such as dentistry, dementia support and child and adolescent mental health services (CAMHS). This has also resulted in some TV coverage as well as articles appearing on the BBC Devon News webpage;

6. Utilised all different methods identified in recommendations (a) to (f) over the past year;
7. Implemented the Quarterly Overview and Scrutiny meeting as well as continued the Council Leadership Group with who receive the latest work programmes;
8. The Director of Corporate Services was nominated as the Lead Officer from the Senior Leadership Team to assist in providing a strategic overview and support to Overview and Scrutiny working closely with the Statutory Scrutiny Officer;
9. The creation of a six monthly bulletin was not implemented as regular communications have been sent out to staff, Councillors and the public on the work of Overview and Scrutiny and it was felt that this was not needed; and
10. The monthly Overview and Scrutiny Briefings have been utilised to reflect on reviews and the work of Overview and Scrutiny to learn and make improvements.

Spotlight Review of South West Water

The Overview and Scrutiny Board held a Spotlight Review on issues of concern regarding services provided by South West Water (SWW) and how the Council could work together with SWW to improve outcomes and communication for the residents of Torbay. The Panel heard evidence from the Director of Waste Water Services, Recovery, Treatment and Networks; Waste Water Services Regional Operations Manager; Operations Manager; Tor

Bay Harbour Master and Divisional Director – Maritime & Coastal Services and Principal Policy and Project Planner, Strategy and Project Management. The review resulted in:

- Improved communication and greater public engagement with the Council, residents and South West Water (SWW), including local campaigns and raising awareness of the need to save water and protect the environment and ecology as well as reporting leaks etc to SWW and sharing SWW social media posts on the Council’s social media;
- Helped raise awareness of pollution incidents in our seas around Torbay and how SWW was seeking to tackle them;
- All Councillors and Planning Officers being invited to take part in Planning Training on Drainage and Flooding;
- A follow up session planned for 2024/2025 with the Environment Agency also invited to take part as it has a lead role in monitoring water quality; and
- Tor Bay Harbour Authority working towards replacing signs bay wide to have the relevant links to QR codes for water quality to raise awareness.

Full details on this Spotlight Review can be viewed at [Agenda for Overview and Scrutiny Board on Thursday, 5 October 2023, 5.30 pm \(torbay.gov.uk\)](#)

Review of Events, Culture and Tourism

The Overview and Scrutiny Board established a Review of Events, Culture and Tourism Task and Finish Group who worked with the Cabinet Member for Pride in Place, Culture & Events and Parking, the Divisional Director Economy, Environment and Infrastructure,

the Service Manager for Culture and Events, the Executive Director of Torbay Culture and the Chief Executive of the English Riviera Business Improvement District to explore issues around:

- Use of our cultural assets;
- Use of data to inform our decision-making;
- The Torbay Council English Riviera (Outdoor) Events Strategy 2021 – 2027 (Events Strategy) and the English Riviera Destination Management Plan (DMP) 2022 – 2030 to ensure they are up to date; and
- events.

This Review resulted in the following:

- positive action and raised profile in connection with the English Riviera UNESCO Global Geopark with further bids for funding being supported;
- additional funding being allocated to events in the 2024/2025 Revenue Budget;
- the Overview and Scrutiny Board reviewing annually the delivery against the Torre Abbey Business Plan, Events Strategy and Destination Management Plan;
- a refresh of the Events Strategy;
- a full review of the Events information and application information on the Council’s website being undertaken;

The full report and details of the Cabinet’s response to the Review can be viewed at [Agenda for Cabinet on Tuesday, 19 March 2024, 5.30 pm \(torbay.gov.uk\)](#)

Continued to Support Children's Services Improvement Journey

The Children and Young People's Overview and Scrutiny Sub-Board has had a busy year working with and holding to account the Director of Children's Services and Cabinet Member for Children's Services and our key partners across a wide range of topics.

In response to feedback the time of the Sub-Board meetings will be amended from 9.30 am - 12.30 pm to 3pm - 6pm with effect from June 2024 to enable more young people to attend the meetings.

Spotlight Review of Child and Adolescent Mental Health Services (CAMHS)

The Children and Young People's Overview and Scrutiny Sub-Board undertook a Spotlight Review on Child and Adolescent Mental Health Services (CAMHS). They heard evidence from young people, members of the public, School Representative, Healthwatch Torbay, NHS Devon, the Director of Children's Services, Public Health, Clinical Director CAMHS, Child and Family Devon, Devon Partnership NHS Trust and Torbay and South Devon NHS Foundation Trust. The Review acknowledged that it was a multi-agency partnership responsibility to ensure that the needs of our children and young people requiring support for their mental health needs are met.

The Review resulted in the following:

- raising the profile of CAMHS services and other ways of supporting young people with their emotional and mental health needs;
- identified a need to reduce waiting times for formal CAMHS referrals;
- better signposting to available support was required;
- the importance of co-designing services with young people and their families; and
- the need to develop better pathways for early years support.

Full details of the Spotlight Review can be viewed at [Agenda for Children and Young People's Overview and Scrutiny Sub-Board on Thursday, 7 December 2023, 1.30 pm \(torbay.gov.uk\)](#).

Scrutiny of Adult Social Care and Health

The Adult Social Care and Health Sub-Board has spent the last 12 months getting up to speed and understanding the complexities of adult social care and health. This included the new Care Quality Commission Regulation of local authority functions relating to Adult Social Care with a similar inspection regime to Children's Services which is carried out by Ofsted, as well as the new Integrated Care Organisation and Board arrangements which had come into force regionally.

The Sub Board held Torbay and South Devon NHS Foundation Trust to account for the delivery of services at Torbay Hospital and continue to receive regular updates in relation to the delivery of the capital programme and redesign of Torbay Hospital.

Spotlight Review of Homelessness

The Adult Social Care and Health Overview and Scrutiny undertook a Spotlight Review on homelessness to:

- better understand how homelessness could be prevented in Torbay;
- how people could be helped;
- how people were assisted into accommodation and how people were supported when in accommodation;
- identify whether existing pathways and systems in place to prevent homelessness could be improved in Torbay and how; and
- identify and target specific areas for more detailed scrutiny investigation.

As part of the Review Members visited the Leonard Stocks Hostel and temporary accommodation facility at Morgan Avenue. They also viewed a video which was commissioned as part of the Safer Street grant funding which provided a human face to homelessness and the valuable work undertaken by the Leonard Stocks Hostel. They heard evidence from the Divisional Director of Community and Customer Services, the Head of Housing Needs, the Anti-Social Behaviour and Noise Lead Officer, the Service Manager Torbay Recovery Initiatives (Torbay Drug and Alcohol Services), the Locality Practice Lead (South), and the Chief Executive of the Citizen's Advice Bureau.

The Review resulted in:

- further publicising the Landlord Tenancy Matching Scheme and its benefits to unlock additional housing capacity within the private rented sector;
- promotion of the positive work of the Leonard Stocks Hostel via One Torbay and to local communities and businesses as part of the Safer Streets Initiative;
- continued and wider user engagement to inform the revised Homelessness and Rough Sleeping Strategy;
- a review of security for the Leonard Stocks Hostel;
- a review of support contracts to assist those with mental health and housing support needs;
- agreement with the Police that additional resources were needed to tackle anti-social behaviour around Castle Circus;
- a review of communications around benefits assistance available that could support those threatened with homelessness as well as working with the Community Helpline and other organisations; and
- the Director of Pride in Place was instructed to develop detailed delivery plans to accelerate the provision of new affordable housing to meet Torbay's local housing need, specifically social rented housing and affordable rented housing.

The full report and details of the Cabinet's response to the Review can be viewed at [Agenda for Cabinet on Tuesday, 9 January 2024, 5.30 pm \(torbay.gov.uk\)](#).

Spotlight Review of Dementia Support in Torbay

The Adult Social Care and Health Overview and Scrutiny Sub-Board undertook a Spotlight Review on Dementia to understand support and services available to people living with Dementia and people Caring for those living with Dementia in Torbay, together with the challenges currently faced and how this could be improved. They heard evidence from the Director of Adult and Community Services, Divisional Director of Adult Social Care, Consultant in Public Health, Head of Integrated Care (South West) NHS Devon, Community Services Manager (Health and Social Care) Torbay and South Devon NHS Foundation Trust/Devon Care Partnership, Chief Executive Officer Healthwatch Torbay, Chief Officer Age UK Torbay, Chief Executive Rowcroft Hospice.

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The Review resulted in:

- support for the co-production of a wider Dementia Strategy with specific interest in ensuring that Torbay residents can easily access information and support through a joint organisational approach;
- a request for the Cabinet Member for Adult and Community Services, Public Health and Inequalities to write to the Secretary of State and the Integrated Care System for Devon to highlight the need for advanced Dementia care which is innovative and which can provide efficient services for Torbay, being a coastal resort with an ageing population facing an increase in significant bed shortages particularly for those living with dementia;

- a request for the Director of Adult and Community Services to scope what access to training exists across the Voluntary Sector, Carers and domiciliary care agencies and to explore with NHS Partners wider access to online portal training for dementia awareness and support; and
- a request for the Director of Adult and Community Services to explore whether access to hive models could be included on Torbay Council's website.

The background to the Review can be viewed at [Agenda for Adult Social Care and Health Overview and Scrutiny Sub-Board on Thursday, 14 March 2024, 2.00 pm \(torbay.gov.uk\)](#). It is expected that the Review will be considered at the Cabinet meeting on

6. Topic List

Overview and Scrutiny Board

- Budget Monitoring Outturn 2022/2023
- Internal Audit Review of Torbay Food and Music Festival Process Review
- Cost of Living Crisis Funding
- Operation of Overview and Scrutiny
- Initial Overview and Scrutiny Work Programme 2023/2024
- Disposal of Assets Call-In
- Spotlight Review on English Riviera Airshow
- Levelling Up Bill and Regeneration Bill
- Review of Planning Services Fit for the Future
- Review of current climate change related work - including Torbay Climate Emergency Action Plan (consultation draft 2023-2025)
- Budget Monitoring Quarter 1 2023/2024
- South West Water Spotlight Review
- Community and Corporate Plan
- Capital and Growth Highlight Report on Capital Programme Monitoring
- Torbay Council Investment Portfolio - KPI Dashboard
- Armed Forces Covenant and Military Compensation Call-in of Cabinet Decision
- Prostate Cancer UK Campaign 'Boys need bins' Call-in of Cabinet Decision
- Draft Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy
- Budget Monitoring Quarter 2 2023/2024
- Safer Communities Torbay Annual Review, including:
 - Domestic Abuse and Sexual Violence
 - Torbay Combating Drugs Partnership

- Operation Loki
- Anti-social Behaviour
- Prevent and Modern Slavery
- Review of Political Balance of Overview and Scrutiny Review Panels
- SWISCo Annual Report
- Councillor Call for Action - Review of Investigation into Removal of the Palm Trees at the Italian Gardens, Torquay
- Performance Monitoring 2023/2024 Quarter 3
- Budget Monitoring 2023/24 – Quarter 3 Revenue and Capital Outturn Forecast
- Revenue and Capital Budget 2024/2025 - Report of the Overview and Scrutiny Board
- Events, Culture and Tourism Review - Report of the Overview and Scrutiny Board
- Torbay Interagency Carers' Strategy 2024-27
- Review of investigation into the removal of palm trees from Torquay's Italian Gardens
- Review of Capital Projects
- Councillor Call for Action - Planning Enforcement
- Council Business Plan
- Governance and Commissioning Review of Local Authority Company – SWISCo
- Review of Council Procurement Policies and Food and Music Festival
- Overview and Scrutiny Annual Report 2023/2024
- Initial Overview and Scrutiny Work Programme 2024/2025

Children and Young People's Overview and Scrutiny Sub-Board

- Ofsted Annual Conversation Letter
- Our Promise to You - The Torbay Pledge to care for and care experienced children/young people
- Exploitation and Children Missing
- Children's Continuous Improvement Board Update
- Children and Young People's Overview and Scrutiny Sub-Board Work Programme 2023/2024
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Review of Membership of Children and Young People's Overview and Scrutiny Sub-Board
- Youth Provision in Torbay
- Adopt South West - Regional Adoption Agency Annual Report
- Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action Update
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Child and Adolescent Mental Health Services (CAMHS) and Emotional Wellbeing Support Spotlight Review
- Youth Justice Service
- Family Hub Sustainability and Holiday Activity and Food Programme
- Exclusions and Absence
- Progress Report on the Implementation of the Children's Service Continuous Improvement Plan 2022/25
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Virtual School Annual Report 2022/2023

- School Mental Health Programme
- Children's Services Self-Assessment
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Sufficiency Strategy and Permanence for Children
- Schools Capital Programme Review
- Update on UNICEF work to be a Child Friendly Torbay
- Update on Special Educational Needs (SEND)
- Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action Update
- Joint Targeted Area Inspection (JTAI)
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker

Adult Social Care and Health Overview and Scrutiny Sub-Board

- Terms of Reference and Membership of the Adult Social Care and Health Overview and Scrutiny Sub-Board
- Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme 2023/24
- Torbay and South Devon NHS Foundation Trust Quality Account 2022/23
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Thriving Communities Where People Can Prosper - Draft Strategy for Adult Social Care in Torbay
- Draft Learning Disability Strategy
- Adult Social Care Procurement and Contracting Review and Action Plan

- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- NHS Delivery - Building a Brighter Future Programme Update
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Spotlight Review on Homelessness in Torbay
- Torbay update - Where are we now in the local context?
- NHS England and NHS Improvement South West Dental Reform Strategy
- Psychiatric Medication Supervision
- Quality of Care and Domiciliary Care
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Adult Social Care Self Assessment
- CQC update following inspection
- Adult Social Care renewal of Memorandum of Understanding
- Review of Adults' safeguarding
- Review of new pathways for adults with learning difficulties
- Update on the Pharmacy First scheme
- Public Health infection prevention and control
- Public Health – Building Heart Healthy Communities in Torbay
- Adult Social Care Improvement Board co-production update
- Progress on new diagnostic unit
- Residential Nursing and Care Homes
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Spotlight Review on Dementia Support in Torbay
- NHS Delivery - Building a Brighter Future Programme Update
- Local Government Association (LGA) Contract Management Review

Panels

- Review of Events, Culture and Tourism
- Review of Council Procurement Policies and Food and Music Festival
- Priorities and Resources Review Panel

7. Current and Future Work Programme

The Overview and Scrutiny work programme needs to be flexible in order to address any issues that arise throughout the Municipal Year. A number of new topics were added to the programme during the year and the timing of some of the items was varied to enable key items to be considered in a timely manner.

The Work Programmes for 2024/2025 will be submitted to Overview and Scrutiny Board on 10 April 2024 and then to the subsequent Sub-Boards.

Overview and Scrutiny will continue with its flexible approach to work programming to ensure that it is able to react to issues as they arise and in respect of Task and Finish Review Panels and Spotlight Reviews, which will be subject to available staff resources.

8. Call-in of decisions

The call-in process is one of the mechanisms which can be used to hold the Cabinet to account. The purpose of a call-in is to examine the decisions reached by the Cabinet (or other decision makers) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether in their view, the decision was appropriate and make recommendations accordingly.

There were three call-ins during 2023/2024.

- Disposal of Assets Call-In
- Armed Forces Covenant and Military Compensation Call-in of Cabinet Decision
- Prostate Cancer UK Campaign 'Boys need bins' Call-in of Cabinet Decision

10. Councillor Call for Action

Any Member of the Council can ask for Overview and Scrutiny to request officers to prepare a report on a topic for overview and scrutiny. There were two Councillor Calls for Action in the past twelve months:

- Councillor Call for Action - Review of Investigation into Removal of the Palm Trees at the Italian Gardens, Torquay
- Councillor Call for Action - Planning Enforcement

9. Community involvement

The Overview and Scrutiny Boards and Panels engage with a wide selection of groups, organisations and individuals. We welcome the opportunity to hear from members of the public at our meetings whose input is important in understanding the concerns and needs of our communities. To support this approach and in addition to the statutory education co-opted members the Children and Young People's Overview and Scrutiny Sub-Board includes a number of non-voting co-opted members to provide independent expert advice and help represent the voice of the child and young person.

Representatives from Healthwatch Torbay and the Voluntary Sector Network were also appointed as non-voting co-opted members on the Adult Social Care and Health Overview and Scrutiny Sub-Board to help provide independent expert advice together with relaying a service user perspective.

How to get involved in overview and scrutiny

- **Attend meetings** – our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. Please note that reports may be considered in private if they contain confidential information.
- **Ask a question or make a point** – if you would like to make a representation at a meeting, please email governance.support@torbay.gov.uk at least two days before the meeting so that we can let the Chairman know in advance. It is helpful to know what you would like to raise in order for it to be considered at the appropriate time during the discussions.
- **Request a review** – if there is something you think scrutiny could look at, then let us know via governance.support@torbay.gov.uk

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Consultation and participation – you could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review.

Contact Us

Overview and Scrutiny
Torbay Council
Town Hall
Torquay
TQ1 3DR

governance.support@torbay.gov.uk

www.torbay.gov.uk/scrutiny

Initial Overview and Scrutiny Board Work Programme 2024/2025 – Draft V2

Approved on 10 April 2024 - Updated 7/3/24 by Teresa Buckley

Note: Process for review of Capital Projects is being undertaken and may need quarterly monitoring which should be done at the same meeting as performance and budget monitoring.

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
5 June 2024	Board	Budget Monitoring Outturn 2023/2024	To consider the Budget Monitoring Outturn Report and make recommendations to the Cabinet
5 June 2024	Board	Drainage and Flooding Issues	Draining and Flooding Issues – South West Water and Environment Agency to be invited to a future meeting to follow up the issues raised at the Spotlight Review on 5 October 2023 and to discuss current issues relating to drainage and flooding etc.
3 July 2024	Board	Place Leadership Board	To review the work of the Place Leadership Board
3 July 2024	Board	New Greener Way	To consider the New Greener way for the Council Action Plan and New Greener Way for our Bay Framework and Action Plan and make recommendations to the Cabinet
3 July 2024	Board	Economic Growth Strategy Action Plan	To review progress on delivery of the Economic Growth Strategy Action Plan

Date	Meeting	Issue	Outcomes and Objectives
3 July 2024	Board	Sustainable Food Partnership	To review the progress of the Sustainable Food Partnership, encompassing food insecurity (sustaining social supermarkets etc), community growing projects and use of Council assets; and reducing food waste
7 August 2024	Board	New Greener Way for the Council Action Plan	To consider a report on the New Greener Way for the Council Action Plan and the New Greener Way for our Bay Framework and Action Plan and make recommendations to the Cabinet.
7 August 2024	Board	New Greener Way for our Bay Framework and Action Plan	To consider a report on the New Greener Way for our Bay Framework and Action Plan and make recommendations to the Cabinet.
7 August 2024	Board	Performance Quarter 1	To review the Council's key performance indicators and make recommendations to the Cabinet
7 August 2024	Board	Budget Monitoring Q1	To consider the Budget Monitoring Report for Quarter 1 and make recommendations to the Cabinet
4 September 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 – Note: commercial information relating to capital projects will be exempt and excluded from the press and public and discussed in private.
2 October 2024	Board	Annual Review of the Torre Abbey Annual Business Plan	To review the annual Business Plan for Torre Abbey together with details of performance against the previous plan (arising from Events, Culture and Tourism Review)

Date	Meeting	Issue	Outcomes and Objectives
2 October 2024	Board	Annual Review of the Events Strategy and Destination Management Plan	To review the delivery of the Torbay Council English Riviera (Outdoor) Events Strategy 2021 – 2027 and English Riviera Destination Management Plan 2022 – 2030 (to be reviewed annually or sooner if there are concerns, to ensure that delivery of the Strategy and Plan remain achievable, arising from Events, Culture and Tourism Review)
6 November 2024	Board	Safer Communities Annual Review	Safer Communities Annual Review to include: <ul style="list-style-type: none"> • Update on Safe Accommodation Needs Assessment
6 November 2024	Board	Performance Quarter 2	To review the Council's key performance indicators and make recommendations to the Cabinet
6 November 2024	Board	Budget Monitoring Q2	To consider the Budget Monitoring Report for Quarter 2 and make recommendations to the Cabinet
11 December 2024	Board	Drugs and Alcohol Partnership	To review the performance of the Torbay Drugs and Alcohol Partnership (TDAP) including the TDAP performance dashboard
11 December 2024	Board	Multiple Complex Needs Alliance	To review the operation of the Multiple Complex Needs (MCN) Alliance
11 December 2024	Board	Update on Operation Brighter Bay and Operation Town Centres	To review the implementation of Operation Brighter Bay and Operation Town Centres projects
15 January 2025	Board		

Date	Meeting	Issue	Outcomes and Objectives
12 February 2025	Board	Performance Quarter 3	To review the Council's key performance indicators and make recommendations to the Cabinet
12 February 2025	Board	Budget Monitoring Q3	To consider the Budget Monitoring Report for Quarter 3 and make recommendations to the Cabinet
12 February 2025	Board	Revenue and Capital Budget 2025/2026 – Report of the Overview and Scrutiny Board	To agree the final report of the Priorities and Resources Review 2025/2026 on the Revenue and Capital Budget for 2025/2026
12 March 2025	Board	Review of Capital Projects	To consider a report on the performance of the Council's capital projects and make recommendations to the Cabinet Note: commercial information relating to Capital projects will be exempt and excluded from the press and public and discussed in private.
9 April 2025	Board	Overview and Scrutiny Annual Report 2024/2025	To approve the Overview and Scrutiny Annual Report for 2024/2025 for submission to Annual Council on May 2025
9 April 2025	Board	Initial Overview and Scrutiny Work Programmes 2025/2026	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
7 May 2025	Board	Annual Review of Key Performance Indicators for the Special Educational Needs and	Annual Review of Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy

Date	Meeting	Issue	Outcomes and Objectives
		Disabilities (SEND) Local Area Strategy	

Other issues to be considered:

Topic	Actions required by Board Members
<p>January/February 2025 Priority and Resources 2025/2026</p> <p>P&R 1 = Budget Overview, Pressures and Additions – January 2025</p> <p>P&R 2 = Capital and Place – January 2025</p> <p>P&R 3 = Private meeting for conclusions/recommendations to Board – January 2025</p> <p>O&B = 12 February 2025</p>	<p>To be updated once we know the budget timetable</p>
<p>Review of Place Infrastructure (start date to be confirmed)</p>	<p>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.</p>

Initial Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme 2024/2025 –

Approved:

Updated:

Pipeline 2024/2025:

1. CQC update following inspection (yet to be notified of date)
2. Adult Social Care Self-Assessment
3. Wellbeing and Prevention Contract/Procurement
4. Case management record replacement system (following recommendations below)
- The Director of Adults and Community Services provides an update on the timeframe for the new data system at a future date to the Adult Social Care and Health Overview and Scrutiny Sub Board.
6. LGA Contracting Review – Update on implementation of new systems (PAMMS)
7. Adult Social Care Renewal – delivery of MOU
8. Infection prevention and control – incorporating vaccine preventable illnesses and antimicrobial resistance (AMR)
9. Review of Suicide awareness/prevention – Lincoln Sargeant/Rachel Bell/Councillor Tranter (to be confirmed)
10. Review of Domestic Abuse Services and support

11. Pharmacy First – update on the new scheme; how it is working and how it is helping the community, primary and secondary care, to include access to pharmacies, shortages of staff and medication and what is being done nationally to support our communities and address the issues
12. To review new pathways for adults with learning difficulties
13. Review of Adults safeguarding, and what support there is for people who live on their own with mental impairment
14. Re-visit housing – the bigger picture/wider scope (Leonard Stocks and HMO's) (Members of the Overview and Scrutiny Board to be invited to meetings on housing as it has been agreed that the Sub-Board would lead on this area)
15. Thriving Communities – keeping people healthier at home to look at:
 - What's being achieved;
 - Identify new ways of working;
 - Better care and innovative thinking;
 - Maybe reducing costs.

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
23 May 2024	Board	Psychiatric Medication Supervision	To receive an update on the North Devon rollout of the Psychiatric Medication Supervision Scheme
23 May 2024	Board	Adult Social Care Improvement Board – Co-production update	To receive an overview and update on the co-production work of Adult Social Care Improvement Board
13 June 2024	Board	Public Health – Building Heart Healthy Communities in Torbay	To review the support around cardiovascular disease, identifying symptoms and preventative measures
11 July 2024	Board	Workforce plan for Adult Social Care	To review the workforce plan for Adult Social Care
11 July 2024	Board	Draft Homelessness and Rough Sleeper Strategy Spotlight Review meeting	Following recommendation at 12 October 2024 spotlight review meeting and to fit in with consultation time frame on the draft strategy. Adults O&S to comment. Review of Homelessness – the rough sleeping initiative and how the Council interacts with voluntary organisations. To include how we work with voluntary, community organisations and registered housing providers. (Members of the Overview and Scrutiny Board to be invited to meetings on housing as it has been agreed that the Sub-Board would lead on this area)
5 September 2024	Board	Public Health Annual Report	To review the Public Health Annual Report NB – cannot be moved as links in with timetable for internal process/Adults O&S/HWBB and Cabinet.

Date	Meeting	Issue	Outcomes and Objectives
10 October 2024	Board	New diagnostic unit in Market Street - 2024	Recommendations from 14/07/23 Sub Board meeting: To receive an update from the South Devon NHS Foundation Trust on the performance of the diagnostic unit together with the performance against diagnostic targets versus actual targets
7 November 2024	Board	Annual Review of Dentistry Provision in Torbay (to be sole item on the agenda)	To receive an annual review on improvements in dental access and planned oral health improvement initiatives (Note: Members of Children and Young People's Overview and Scrutiny Sub-Board to be invited to this meeting.)
19 December 2024	Board	Annual update on Domiciliary Care	To receive an update on domiciliary care provision (Arising from recommendation – meeting 21/12/23: Quality of Care and Domiciliary Care)
16 January 2025	Board		
19 February 2025	Board		
20 March 2025	Board		
17 April 2025	Board	Annual Review of Building a Brighter Future	Annual Review of Building a Brighter Future

Children and Young People’s Overview and Scrutiny Sub-Board Work Programme 2024/2025

Approved 3 June 2024 - Updated 7/3/2024 by Teresa Buckley

Items to be scheduled:

Date	Meeting	Issue	Outcomes and Objectives
Date to be confirmed 2024	Children and Young People’s Overview and Scrutiny Sub-Board	Revised Children’s Pledge	To consider the Revised Children’s Pledge (title to be confirmed) and to hear from the representatives from the Children in Care Council who have helped to develop the Pledge (Added following meeting on 31.7.23)
Date to be confirmed 2024	Children and Young People’s Overview and Scrutiny Sub-Board	Children’s Emotional Wellbeing and Support	To review the support for children’s emotional wellbeing and support. To include the outcomes framework for mental health in schools (Torbay Lead for Mental Health Team to be invited) (Added following meeting on 19.2.24)
Date to be confirmed 2024	Children and Young People’s Overview	Review of School Transport	Review of School Transport recommended by the Overview and Scrutiny Board on 7 December 2022

Date	Meeting	Issue	Outcomes and Objectives
	and Scrutiny Sub-Board		
Date to be confirmed 2024	Children and Young People's Overview and Scrutiny Sub-Board	Early Years Sufficiency Strategy	<p>To review the Early Years Sufficiency Strategy including recruitment and retention and make recommendations to the Cabinet in November</p> <p>Key questions:</p> <ul style="list-style-type: none"> • How prepared are we to meet the new extended duties?
Date to be confirmed 2024 (after November)	Children and Young People's Overview and Scrutiny Sub-Board	0 to 25 Services	To review the scope of 0-25 Services, including obesity, face to face one year old and two to two and half year-old checks, update on vaccine take up, oral health (public health) (after Adults Dentistry review in November)
Date to be confirmed 2024	Children and Young People's Overview and Scrutiny Sub-Board	0 to 25 Services Procurement	To review the procurement proposals for 0 to 25 services

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
3 June 2024	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
3 June 2024	Children and Young People's Overview and Scrutiny Sub-Board	Joint Targeted Area Inspection (JTAI)	To receive the Joint Targeted Area Inspection Action Plan
3 June 2024	Children and Young People's Overview and Scrutiny Sub-Board	Care Experienced, Including Housing for Care Experienced Young People	Update on Mark Ridell visit and implementation of action plan for care experienced young people – Update on How we deliver housing to Care Experienced Young People to be provided once the work identified in Minute 15/10/23 has been completed (requested at meeting on 23.10.23) –
3 June 2024	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

Date	Meeting	Issue	Outcomes and Objectives
3 June 2024	Children and Young People's Overview and Scrutiny Sub-Board	Exclusions and Absence – six monthly	<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. • To receive an update on children on a part time timetable or on roll but not attending children, children educated other than at school (EOTAS) and children educated through Alternative Provision.
3 June 2024	Children and Young People's Overview and Scrutiny Sub-Board	Children and Young People's Overview and Scrutiny Sub-Board Work Programme 2024/2025	To approve the initial Work Programme for Children and Young People's Overview and Scrutiny Sub-Board
29 July 2024	Children and Young People's Overview and Scrutiny Sub-Board	Adopt South West Annual Report 2023/2024	Adopt South West Annual Report 2023/2024 – include an update on the impact of Cornwall and the Isles of Scilly joining the Regional Adoption Agency (requested at meeting on 23.10.23)
29 July 2024	Children and Young People's Overview and Scrutiny Sub-Board	Ofsted Annual Conversation Letter	<p>To consider the Annual Conversation Letter and identify areas for overview and scrutiny</p> <p>Question: What is going well and where does more focus need to be placed?</p>

Date	Meeting	Issue	Outcomes and Objectives
29 July 2024	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
29 July 2024	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 Note: update to include comparative data to demonstrate the improvements and impact to young people who are vulnerable to exploitation.?
23 September 2024	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, accessibility to play park and Holiday, Activities and Food (HAF)
23 September 2024	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

Date	Meeting	Issue	Outcomes and Objectives
18 November 2024	Children and Young People's Overview and Scrutiny Sub-Board	Holiday Activities and Food HAF Programme and Sustainably	To review the sustainability of the Holiday Activities and Food (HAF) Programme and sustainably post funding ending in April 2025 To formally note the update on the take up of Free School Meals and the Holiday Activities and Food (HAF) Programme
18 November 2024	Children and Young People's Overview and Scrutiny Sub-Board	Family Hub Sustainability – 5 mins	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 following the end of Government Funding.
18 November 2024	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.
27 January 2025	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

Date	Meeting	Issue	Outcomes and Objectives
27 January 2025	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
27 January 2025	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 Note: update to include comparative data to demonstrate the improvements and impact to young people who are vulnerable to exploitation.?
27 January 2025	Children and Young People's Overview and Scrutiny Sub-Board	Exclusions and Absence – six monthly	<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. • To receive an update on children on a part time timetable or on roll but not attending children, children educated other than at school (EOTAS) and children educated through Alternative Provision.
27 January 2025	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

Date	Meeting	Issue	Outcomes and Objectives
27 January 2025	Children and Young People's Overview and Scrutiny Sub-Board	Virtual School Annual Report 2023/2024	<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 along with extended duties <p>To ensure voice of the child is included in future Virtual School Annual Reports as well as an update on the pathways for the extended duties for the Virtual School (requested 19.2.24 Sub-Board)</p>
10 March 2025	Children and Young People's Overview and Scrutiny Sub-Board	Sufficiency Strategy and Permanence for Children	<p>To receive an update on the Sufficiency Strategy and permanence for children, (unaccompanied asylum seeking children) UASC, fostering,</p> <p>(Note: this to include an analyse the types of accommodation required for our care experienced young people to enable the Sub-Board to assess the type of accommodation required – requested at meeting 31.7.23)</p>
10 March 2025	Children and Young People's Overview and Scrutiny Sub-Board	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
10 March 2025	Children and Young People's Overview	Update on Special Educational Needs (SEND)	To receive an update from the SEND Governance Executive on the progress of SEND moving forward, including the progress made towards a shared approach across the county

Date	Meeting	Issue	Outcomes and Objectives
	and Scrutiny Sub-Board		
10 March 2025	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 – (Note: this report is exempt as it is in its draft format.)

Annual reports to Cabinet to be circulated to Sub-Board as useful background documents:

- Local Authority Designated Officer Annual Report
- Independent Reviewing Officer Annual Report