



Land Release Fund

Report of the Torbay Overview and Scrutiny Board

At its meeting on 19 September 2019, Torbay Council's Overview and Scrutiny Board considered a report prepared by the Interim Director of Place, the purpose of which was to remind and advise the Overview and Scrutiny Board of the background to and progress on the use of the Land Release Fund (LRF) money awarded to the Council. The Overview and Scrutiny Board was also in receipt of a report compiled by fellow Board Member, Councillor Kennedy.

At the meeting, the Board received representations from the Cabinet Member for Economic Regeneration, Tourism and Housing and the Interim Director of Place. The Interim Director of Place set out the contract management arrangements between the Council and the funder, confirming that the Council was delivering on what the funder's were expecting and performing in accordance with the award. The Interim Director of Place advised that LRF was overseen by the One Public Estate (OPE)/LRF Programme Board, which includes officials from the Local Government Association, Cabinet Office and Ministry of Housing, Communities and Local Government (MHCLG). The Council was required to submit quarterly progress reports to the OPE, information which the Interim Director of Place acknowledged had only recently been provided to Councillor Kennedy, a situation that would be rectified.

The Chairman of the Board invited Councillor Kennedy to present her report, which set out a number of questions. The Interim Director of Place, provided responses to the questions that he could and referred to email correspondence from the officers monitoring the fund, and undertook to provide answers to remaining questions to Councillor Kennedy. The Board was concerned at the level of discretion being applied to the award, giving the impression that the contract wasn't being complied with. This was further compounded by what Members considered to be a lack of communication and delays in the provision of information relating to the award of LRF funding. The Board was advised that the funders, MHCLG, were fully aware that LRF projects can experience unexpected hurdles and that officers in Torbay were in regular contact with the monitoring officials to ensure that the Council remained compliant with the funding conditions. All issues of concern are recorded in a risk register and shared with the funders by way of the submitted monitoring reports. The Interim Director of Place confirmed that the funding body was content with the Council's progress in respect of the LRF funding and they had not raised any concerns with him.

The Board therefore made the following recommendations to Cabinet:

- (i) that Council Directors ensure that all bids submitted for their portfolio are checked by them for accuracy;

- (ii) significant decisions made by Officers, such as the acceptance of the Land Release Fund (LRF) Grant, should have formal Record of Decisions, irrespective of whether or not the legal test for their preparation is met;
- (iii) meetings such as the one where the Mayor and Group Leaders were consulted on the LRF, should be minuted in the future;
- (iv) any information requested by Councillors for consideration by committees must be produced as requested and in a timely manner;
- (v) there is a need for clear and transparent reports. All reports must include background information and context to items for which there is a need for a decision by either Cabinet or Full Council;
- (vi) all future bids for Government money must be made and submitted in accordance with the Constitution; and
- (vii) that Officers ensure that the submission of all future bids are in accordance with Council Policies.

The Board made a further recommendation to the Interim Director of Place:

That before the next meeting of this Board, the Interim Director of Place, meet with the Vice-Chairman of Overview and Scrutiny Board, to discuss specific issues as set out in the submitted report, in relation to the Land Release Fund and that a further report be brought back to the Board, if the Vice-Chairman feels appropriate, following consultation with the Chairman of the Overview and Scrutiny Board.