

Tuesday, 1 December 2020

OVERVIEW AND SCRUTINY BOARD

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

Wednesday, 9 December 2020

commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

Join Zoom Meeting

<https://us02web.zoom.us/j/86530549415?pwd=UG1QV0NVdkwycGZ6bUhkMm5DL0hLQT09>

Meeting ID: 865 3054 9415

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Members of the Committee

Councillor Howgate (Chairman)

Councillor Atiya-Alla

Councillor Mandy Darling

Councillor Barrand

Councillor Foster

Councillor Brown

Councillor Kennedy

Councillor Bye

Councillor Loxton

Together Torbay will thrive

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Teresa Buckley, 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. 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.)

3. Urgent Items

To consider any other items that the Chairman decides are urgent.

4. Update on Torbay Hospital and Community Services infrastructure project funded through the national Health Infrastructure Programme

(Pages 6 - 17)

To receive an update on the above.

(Note: Liz Davenport, Chief Executive and Christopher Kings, HIP2 Programme Director, from the Torbay and South Devon NHS Foundation Trust have been invited to the meeting for this item.)

5. Nightingale Hospital Exeter and COVID-19 Update

(Pages 18 - 23)

To receive an update on the above.

(Note: Liz Davenport, Chief Executive of the Torbay and South Devon NHS Foundation Trust has been invited to the meeting for this item.)

6. **Community Engagement and Empowerment Strategy** (Pages 24 - 37)
To consider the consultation draft Community Engagement and Empowerment Strategy and make recommendations to the Cabinet.
7. **Peer Review of Torbay Council's Control and Influence over the Torbay Economic Development Company Ltd (TDA)** (Pages 38 - 60)
To consider the report and resulting action plan on the LGA's peer review of the Council's influence over the TDA and make recommendations to the Cabinet.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers – things to consider when speaking at public meetings on video:

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

Health Infrastructure Plan 2 Trust Update

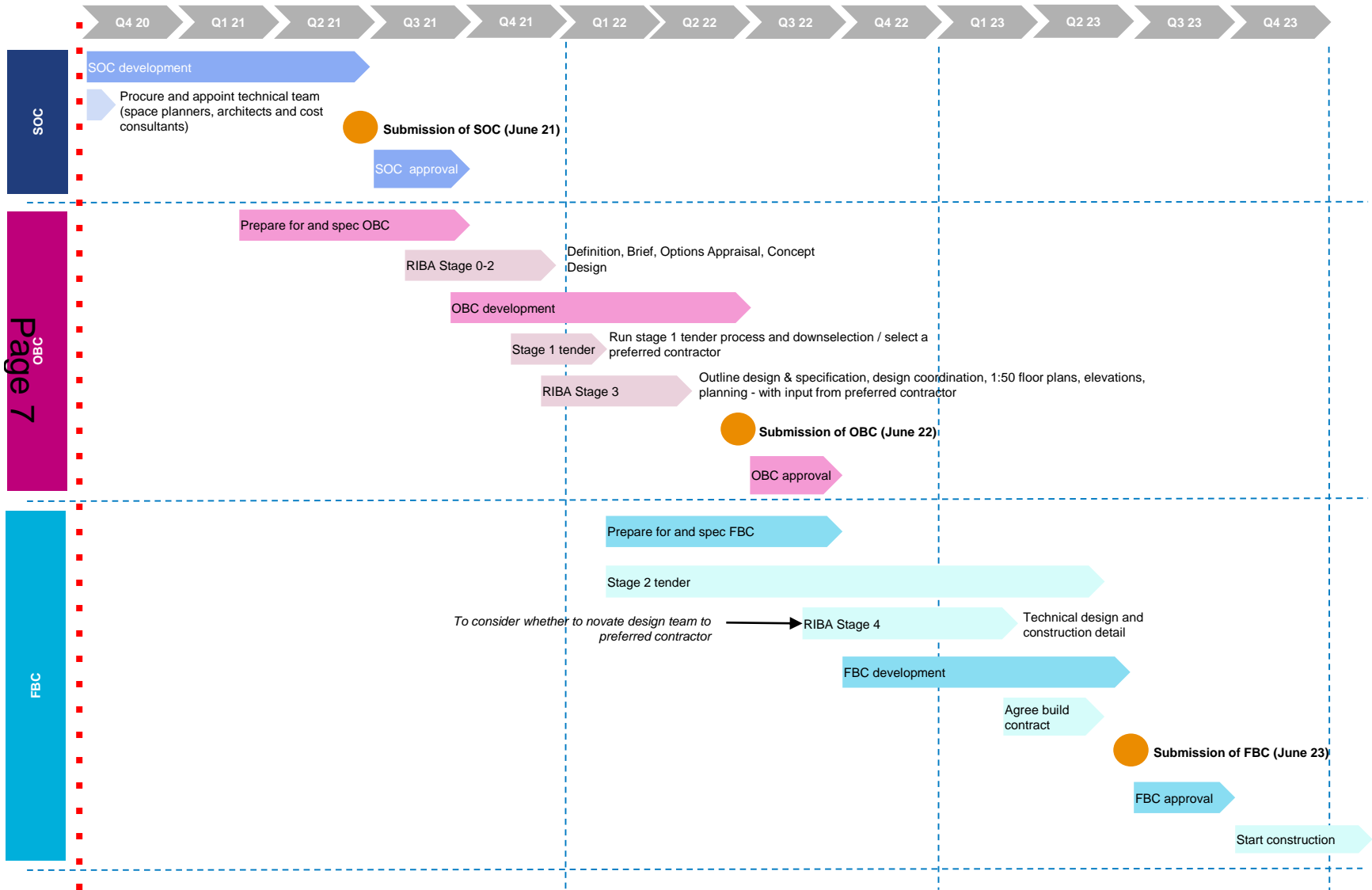
December 2020

High level design – Our ICO model

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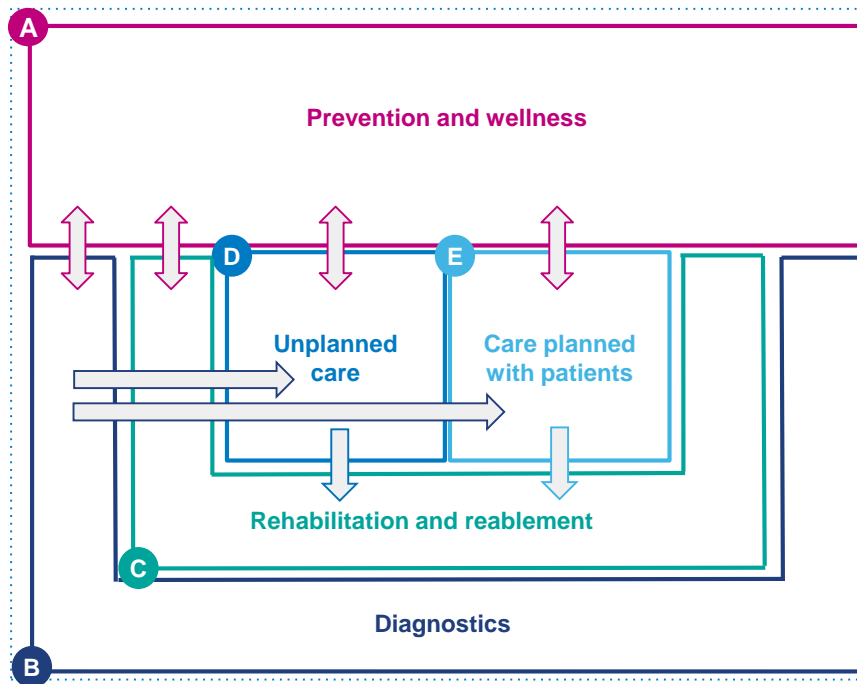
Programme Timeline to construction



What we will deliver and who will deliver it

The ICO services will continue to deliver five core activities, with a greater emphasis on prevention, integrated service offerings and same-day service delivery.

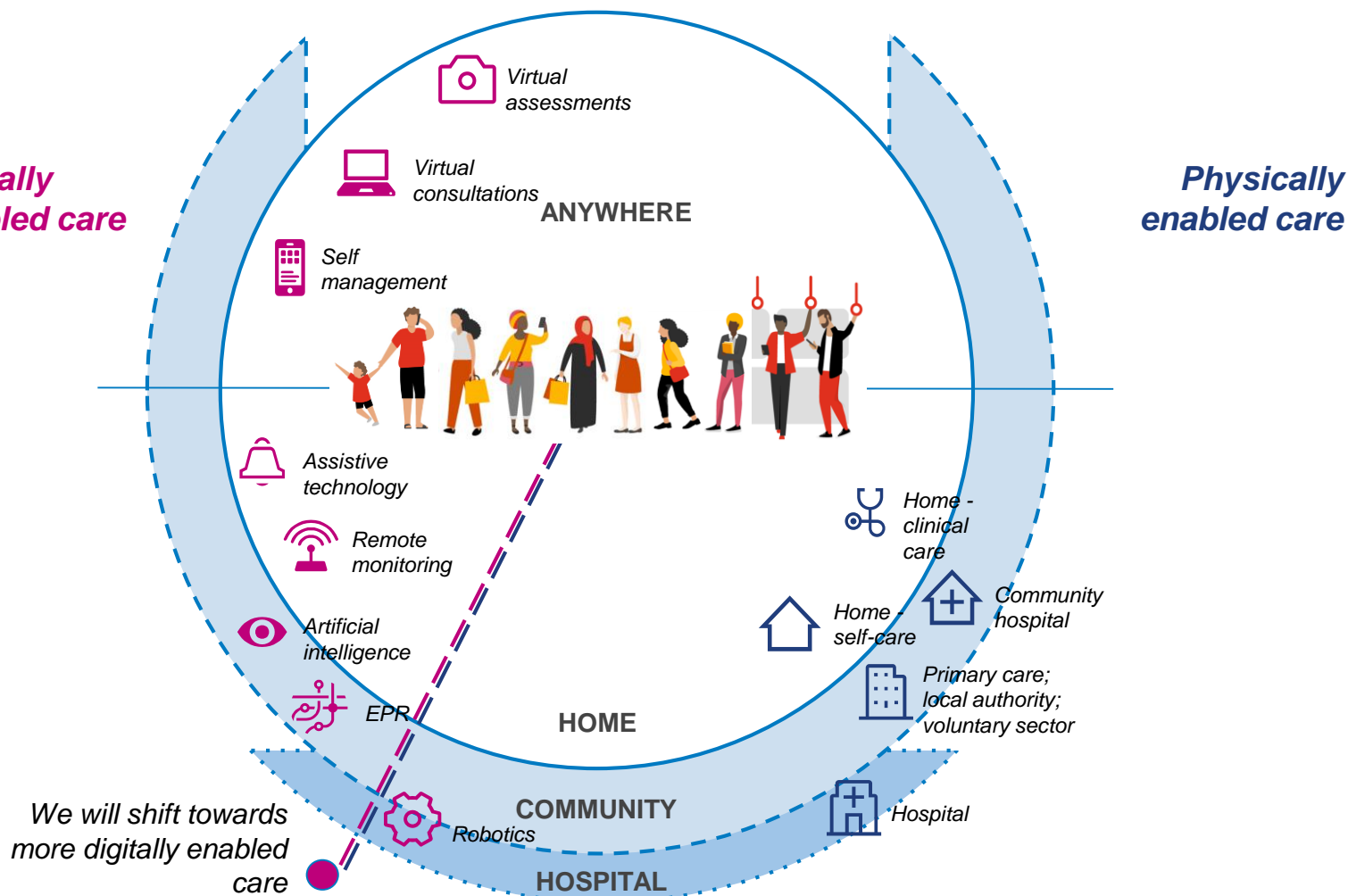
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Where it will be delivered and how it will be delivered

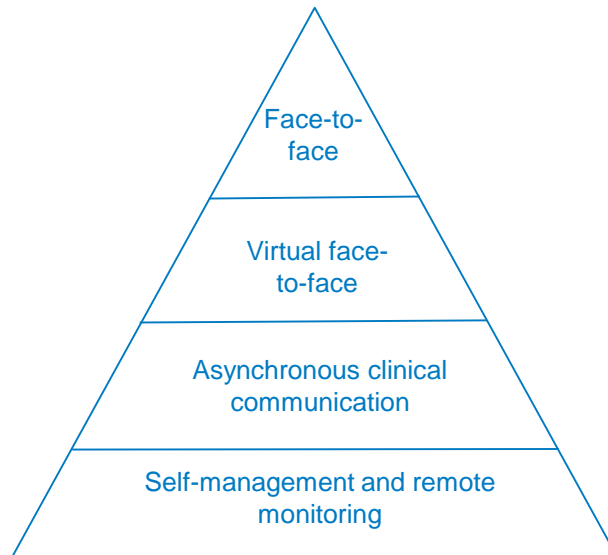
We will focus on digital-first care delivery. The graphic below shows all of the digital and physical aspects.

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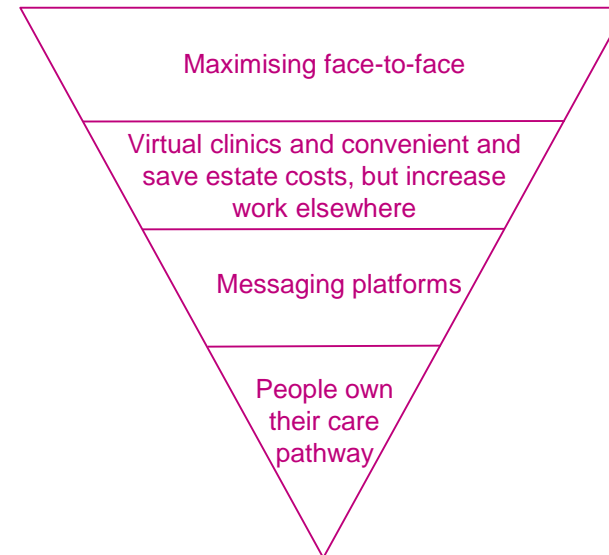


The below diagram outlines the key benefits of digitised clinical delivery.

Structure of clinical workload



Appropriation of clinical resources



Will the building project be nationally procured ?

- The magnitude of programme (£350m) will dictate that a national Preferred Supply Chain Partner is procured.
- Highly likely that the contracting vehicle will be a national framework – (P22; P2020):
 - This will provide the Trust with a guaranteed maximum price within the contract
 - Allow a gain share on any underspend within the capital project
- Sub contractors:
 - The Trust will ensure that locally based sub contractors are given the opportunity to present tender packages across all aspects of the construction programme.

Will you be using a local workforce?

- Yes, we will be requiring the PSCP to secure a % of the workforce from the local area.
- We will be also be looking for a number of locally based apprenticeships to be introduced across all trades

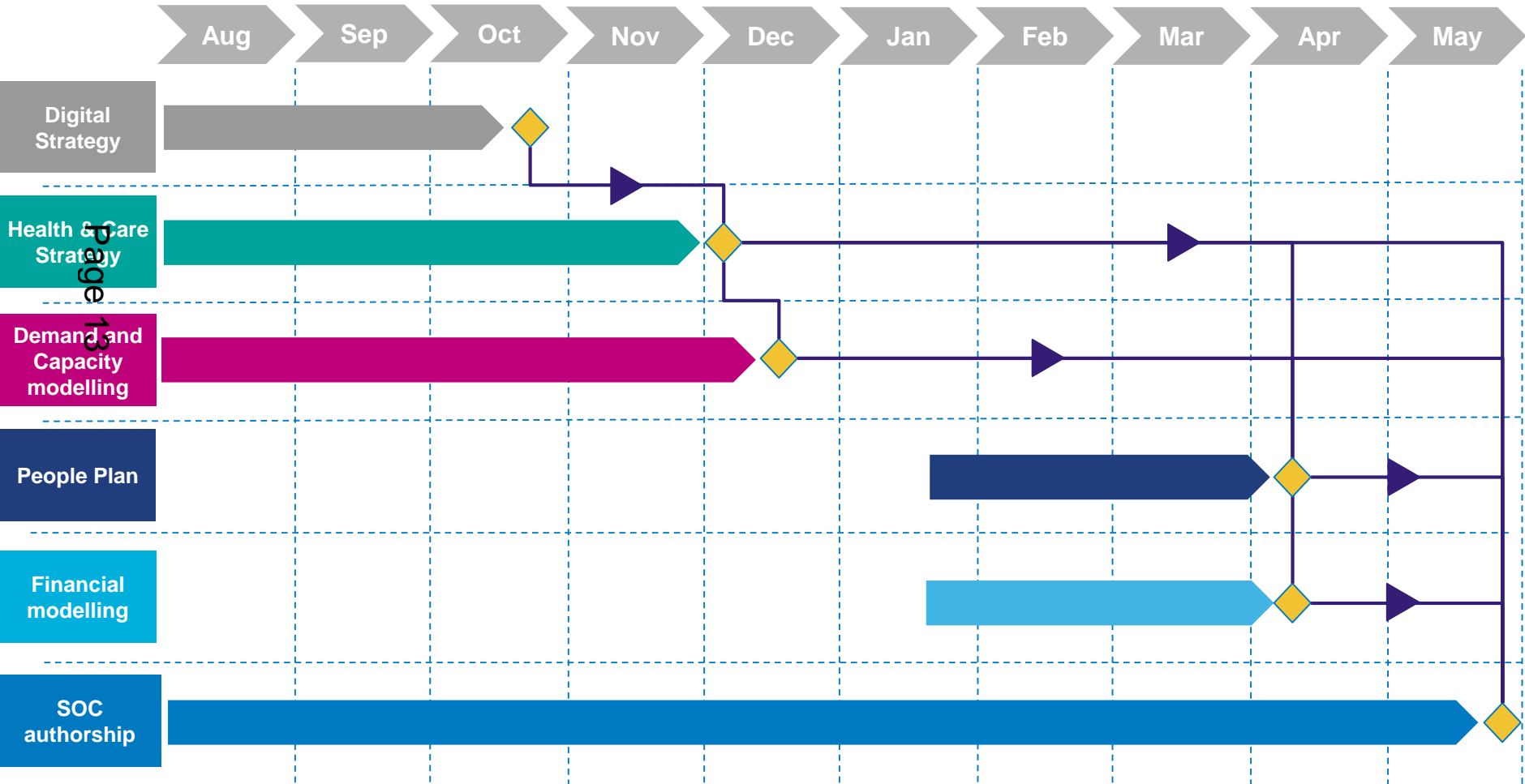
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When the building is complete will you be carrying out employment and skills audit?

- To ensure that the programme can be delivered in an affordable and sustainable manner detailed workforce plans will need to be developed and agreed before the commencement of the building

Development of the Strategic Outline Case

Below highlights the key work streams and the period in which the work is being completed.



What is the economic impact of the new build ?

- The full economic impact of the new build will be determined in detail at Outline Business Case and Full Business Case stage.
- The business case model will be based on HM Treasury requirements which requires:
 - Strategic case
 - Economic case
 - Commercial case
 - Financial case
 - Management case

Will the Hospital be smaller and will we require less staff in the future?

- The current model of healthcare is not sustainable
- The hospital will need to change and some services will be provided differently in the future.
- Torbay and South Devon NHS FT will be adopting a 'Digital First' approach to ensure that where possible patients only come to the hospital when absolutely required. Areas of focus will include:
 - Virtual Outpatients
 - Community based diagnostics
 - Admission avoidance for long term conditions
- Detailed assessment of the workforce requirement will be undertaken as part of the workforce planning at each stage.

Existing building is in urgent need of investment how will this be addressed in the new build ?

- £350 million represents a huge opportunity for the Trust to develop and create new clinical models and facilities that will 'fit for purpose' for local population in the 21st Century
- We will :
 - Adopt a digital first approach to ensure that we maximise the opportunities that technology can deliver in a healthcare setting
 - Maximise the investment into clinical accommodation by delivering non clinical services 'off site' where possible
 - Use modern methods of construction to assist with overall cost and construction time
 - Work towards a 'net carbon zero' model of healthcare delivery.

Briefing for Torbay Council Overview and Scrutiny Committee

Nightingale Hospital Exeter & COVID-19 update

December 2020

Background

The number of COVID-19 cases in some Devon hospital now exceeds the first wave of the pandemic, but unlike in the first wave, we are seeing a high demand for urgent care from non-COVID 19 patients. We therefore had government approval to open the 116-bed NHS Nightingale Hospital Exeter and it accepted its first patients on Thursday 26 November, with the first Torbay patient transferred over the weekend of 28/29 November.

The hospital is designed to provide care and treatment for patients with coronavirus infection (COVID-19) who have been transferred from the region's hospitals, usually following a stay in an acute ward or a high-dependency unit. It can support both ventilated and non-ventilated care, although it is not currently caring for mechanically ventilated patients. Anyone with COVID-19 who needs the additional services available within an acute hospital will be cared for there, rather than in the Nightingale.

Since the beginning of July, the Nightingale Hospital Exeter has been providing local people with fast and safe access to a range of important diagnostic tests. So far, the hospital has provided nearly 3,000 diagnostic tests to local people and has hosted the delivery of a COVID-19 vaccine study. These services have now stopped at the Nightingale to allow the hospital to care for patients with COVID-19. Diagnostic tests will continue to be available to those who need them through existing services and the COVID-19 vaccine trial has relocated to the Royal Devon and Exeter NHS Foundation Trust (RD&E).

Staffing

The Nightingale Hospital Exeter is staffed by health and care staff seconded from across Devon. There is a possibility of receiving patients from Somerset in future, in which case staff would also be seconded from Somerset.

There is a workforce model in place that describes the staffing requirements necessary to provide safe and effective care. Our Trust has contributed a fair proportion of staff.

We are working with all our partners in the Devon STP to ensure staffing risks, both for the Nightingale and our own respective organisations, are mitigated through the development of a thorough risk assessment and assurance framework, which includes mutual aid.

We asked for staff to volunteer their services to the Nightingale on a secondment basis and have released staff from a wide range of clinical areas including medicine, nursing, occupational therapy, physiotherapy, pharmacy and radiography. All staff

have received the necessary training and induction to be able to provide safe and effective care.

Patients from Torbay and South Devon

A full clinical protocol has been agreed for the transfer of patients between our acute hospitals and the Nightingale Hospital Exeter.

For us, the protocol is triggered when there are more than eight COVID-19 inpatients in Torbay and South Devon NHS Foundation Trust.

Patients will be accepted at the Nightingale between 08:00 and 20:00 (7 days a week), to ensure adequate opportunity for senior review on the receiving ward.

Patient transfers will be agreed by senior clinicians in both hospitals (usually consultant level discussion) and planned in advance. The patients will be transferred directly to the Nightingale Hospital. The consultant in charge of the patient's care at Torbay Hospital must be informed and agree to the proposed transfer.

There are agreed clinical criteria in place to ensure suitability for transfer, both for admission to and discharge from the Nightingale Hospital. Not all COVID-19 patients will be suitable for transfer as the Nightingale Hospital does not have the full facilities and clinical staffing of an acute hospital.

For transfer to the Nightingale Hospital, patients must:

- be over 18 years of age
- not pregnant
- need the facility for more than 24 hours
- be able to have their care needs met within the Nightingale facility
- not on an end of life pathway
- not severely frail (completely dependent for personal care)
- not requiring a security escort
- able to safely make the journey.

Our local discharge teams retain responsibility for ensuring people can get the help they need to go home from the Nightingale. Public Health England guidelines will apply to all discharges to care homes: anyone who has tested positive for COVID-19 more than 14 days previously is no longer regarded as infectious and may be safely discharged to a non-COVID-19 environment.

Covid-19 patients in Torbay Hospital

The opening of the Nightingale and the extra beds that are provided here for COVID-19 positive patients means that we anticipate only requiring to dedicate one ward in Torbay Hospital to COVID-19 patients. This will enable us to continue to provide planned care, especially for day case surgery and inpatient orthopaedics, where waiting lists were impacted by the cessation of elective activity during the first wave of the pandemic. We re-opened Ella Rowcroft as an orthopaedic ward on Monday 30 November and are prioritising clinically urgent and long-wait patients.

Increased support using digital technology

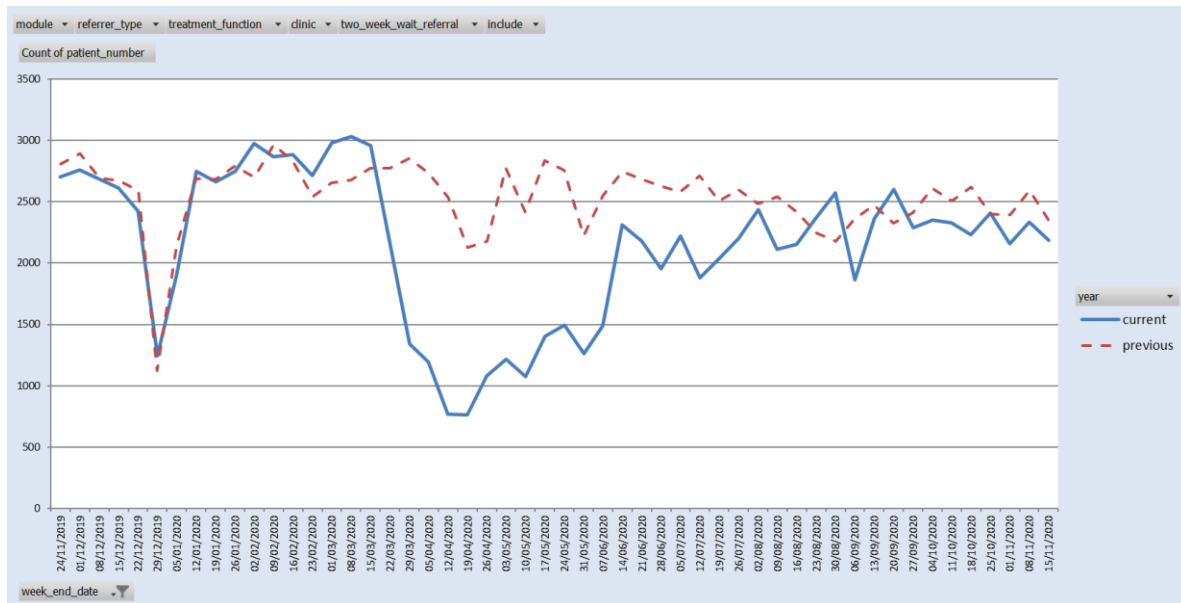
The pandemic has increased the speed with which we have been able to rollout digital innovation, using technology to minimize the need for face to face appointments and helping keep people safe.

- We are using telephone and video to hold outpatient appointments, only requiring people to travel to one of our health centres or hospitals for a face to face appointment when it is clinically necessary.
- Many of our health and wellbeing services, such as exercise support classes, are being run virtually using video technology.
- We have been supporting nursing and residential homes throughout the pandemic, including expert virtual infection control visits, to advise on keeping residents safe.
- Technology is being used to support people to manage their long-term conditions, through our own innovations, such as the rheumatology app which people download to their own mobile devices. We have also rolled out this approach to more complex patients: those with COPD under the care of community nurses/matrons have been supported to manage their own health through digital health reading and 'Alexa Show' devices to allow for video conferencing. This pilot is being extended in January to care homes, being run jointly with the care home visiting service.
- We are supporting Devon Clinical Commissioning Service with the rollout of the COVID-19 oximetry at home (CO@h) service, which went live in Devon on Monday 30 November. This service provided additional support to vulnerable patients with COVID-19 by helping them to monitor their oxygen saturation levels at home during the first 14 days of their symptoms. Its aim is to keep patients in the right place, helping them to identify when they need to escalate for additional medical support.

Impact on our phase 3 recovery

On 31 July, Sir Simon Stevens wrote to all NHS providers outlining the expectations for Trusts in the third phase of the NHS response to COVID-19. The requirement was to develop recovery plans to return to pre-COVID-19 activity levels by the end of the year. Already, referrals to the Trust are back to pre-COVID-19 levels across most specialties. The graph overleaf shows a comparison of the current year to previous year;

Referrals



Activity levels

We are currently forecasting a return to 92% of pre-COVID-19 activity for outpatients by March 2021, and have introduced telephone and video consultations as part of our COVID-19 safe pathways.

We anticipate returning to 95% of pre-COVID-19 activity for day case and inpatient elective admissions by March 2021.

The challenges for our Trust in returning to pre-COVID-19 levels of activity are;

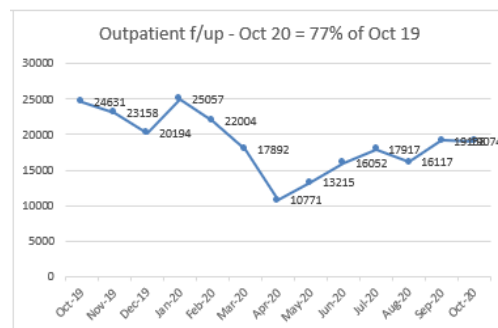
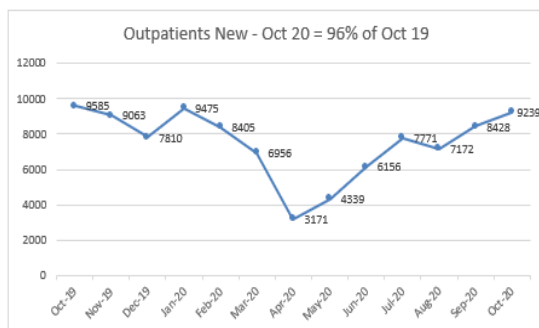
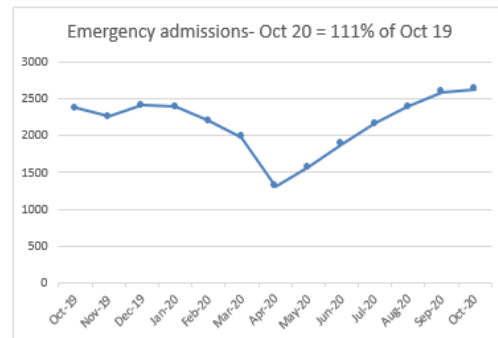
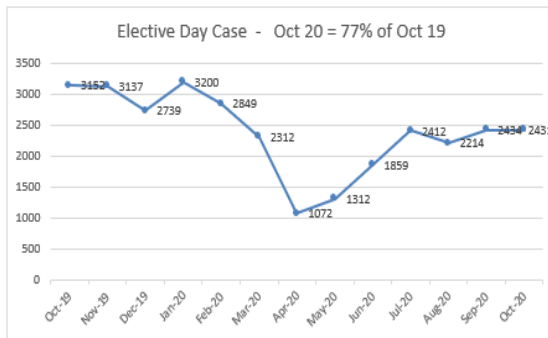
- theatre and treatment room capacity due to infrastructure issues
- infection prevention and control requirements which impact on productivity
- changes in the use of acute beds due to COVID-19 requirements.

The charts below show the monthly rate of reported activity for emergency admissions, elective day case procedures, new outpatient appointments and follow-up outpatient appointments.

The percentage of activity compared to the same month last year is shown in the chart titles.

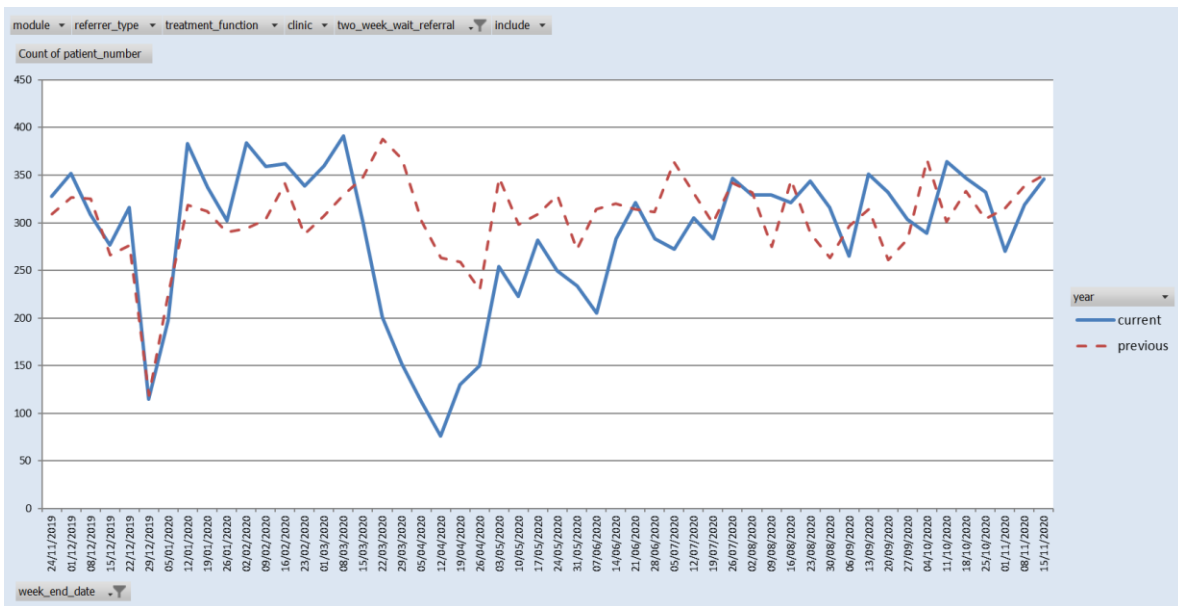
We have seen a progressive increase in activity through to September, however, in October this slowed across elective inpatient day case procedures and follow up outpatients, as we experienced the impact of wave two of the pandemic. We are now falling behind our submitted Phase 3 recovery plans, and meeting our forecasts depends on having no significant impact from a second wave of COVID-19 and continued support from the independent sector including outsourcing to Mount Stuart Hospital.

Headline acute activity comparisons to last year



Impact on urgent referrals

Urgent referrals – Including cancer 2 week wait referrals. During the first wave of the pandemic we experienced a significant reduction in urgent referrals. During the recovery, we have prioritised cancer treatment pathways and are endeavouring to restore our position against national targets (seeing 93% of all referrals within 2 weeks and starting treatment within 62 days from referral for 85%). For November our forecast was to achieve 80% for two-week wait referrals and 84% starting treatment within 62 days. Current year activity is tracked against last year’s activity in the graph overleaf.



DRAFT

Community Engagement and Empowerment Strategy



Together Torbay will thrive

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1 Working Differently

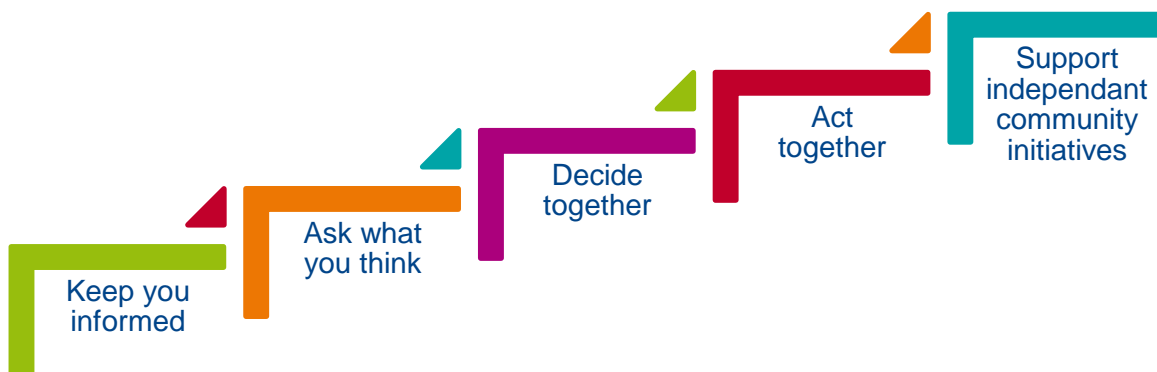
Torbay Council's mission is to be a Council that works with its residents, communities and partnerships - a council that supports, enables and empowers.

Alongside our partners in the public sector, we recognise and value the importance of a strong and vibrant voluntary sector in developing and maintaining a thriving Torbay. We also value that people and communities want to be more involved, work together, improve our relationships, and have better on-going conversations with us. In talking about Torbay's communities, we agree that the private sector are also a vital part of our community.

In order to strengthen and deepen our relationships with everyone, we commit to working differently:

- We will embrace a spirit of cooperation and partnership with the people, businesses and organisations in Torbay and those outside Torbay which affect our lives.
- We will build trusted relationships with our communities
 - The Cabinet will talk and listen to anyone and everyone
 - Ward councillors will be community champions
 - We will facilitate and work with our communities to design and deliver services and to support one another.
- We will have continuing conversations and relationships with our communities.
- We will celebrate Torbay together.

We recognise that we have a lot of work to do but we are committed to changing how we work – moving up Torbay's ladder of participation.



In all of our work we will ensure that our approach reflects our principles:

- Enable the community
- Use reducing resources to best effect
- Reduce demand through prevention and innovation
- Integrated and joined up approach

Using Torbay's Existing Networks

Torbay's Community Partnerships

Torbay has a network of successful Community Partnerships which enable local people to be involved in local decision-making. The Community Partnerships provide an opportunity for people who live or work in the different parts of Torbay to discuss issues of common concern, influence the way in which services are provided and improve their local area. There are Community Partnerships for every ward in Torbay, some working in partnership with the adjacent ward, and others with more than one per ward.

The aim of the Community Partnerships is to get local people together to decide what is important to them and what needs improving in their area. They are a one-stop shop for local people to ask questions of their local Councillors, find out what is going on in their neighbourhood, or just to link up with other residents.

Torbay's Strategic Partnership

Torbay Together is the strategic partnership for Torbay ensuring unified political, business and community leadership. Its aims are to advocate and lobby for the area, build local pride and optimism, secure infrastructure investment and position Torbay locally, nationally and internationally.

Other Partnerships

There are a range of other partnerships already operating in Torbay, including but not limited to:

- **Safer Communities Torbay** – Torbay's Community Safety Partnership (CSP) which brings together local agencies to deliver multi-agency solutions to tackle issues such as crime, re-offending, anti-social behaviour, and substance misuse in a coordinated and collective way.
- **Children and Young People's Strategic Partnership Board** – which aims to deliver better, integrated services that maximise outcomes for all children and young people, and their families. It works to narrow the outcome gap between children who are vulnerable and/or from disadvantaged backgrounds and their peers; on addressing the causes and effects of child poverty; and on promoting effective prevention and early intervention.
- **Local Education Board** – provides a coordinated approach to improving education outcomes within our diverse education system; enabling cultures for partnerships and alliances.
- **Destination Management Group** – ensuring a joined-up approach for tourism, working in partnership for the destination with the shared vision to develop the English Riviera's visitor economy.
- **Torbay Culture** – enabling the cultural and creative development of Torbay through collaboration, making our home – the English Riviera UNESCO Global Geopark – a better place in which to live, work, learn and visit.
- **Voluntary Sector Steering Group** – Torbay Council (together with Devon County Council) and our local NHS partners want to work with the community differently and this has been progressing for some time. Phase 2 of our Model of Care talks about helping people stay well, strengthening partnerships and receiving care in the right place at the right time. The voluntary and community sector can help us do this and are a key ingredient in developing the Model of Care.

Working on a prevention agenda collectively will allow us to work towards the best outcome for health and wellbeing of local people in order to develop our services and have an Asset Based Approach (building on the existing strengths and assets in our community) to the way we deliver care. We know that we must work together with the voluntary sector and the wider support network and services they provide.

The Voluntary and Community Sector Steering Group has been set up and has wider representation from across the sector including Healthwatch and Torbay Community Development Trust plus representation from public health, Torbay Council, Devon County Council and the NHS. The Group has enabled us to truly focus on the sector and developing the work we do with them by linking strategy and operations and sharing knowledge and experience.

Community and Voluntary Sector

Sitting below these partnerships, are a vast number of groups, organisations and charities all aiming to make a positive difference to life in Torbay.

Brixham Town Council

A vital link to the community in Brixham is the Town Council. Torbay Council will continue to work in partnership with the Town Council on issues within Brixham.

Torbay Council's New Approach

Taking an Asset Based Community Development approach, Torbay Council wants to see our Community Partnerships at the heart of our communities – working hand-in-hand with local councillors and supported by dedicated Ward Ambassadors from across the Council's senior leadership team.

At the centre of this approach will be the Torbay Together partnership – working to ensure that all parts of the public, private, voluntary and community sector are joined up.

Together, we need to identify creative and innovative new ways of delivering effective and efficient services and providing leadership on complex, cross-cutting issues.

Recognising Other Community Groups

Whilst Torbay has an established network of partnerships, we recognise that there is a multitude of other community and voluntary groups across the Bay that are not necessarily a formal part of that network. As they should, the way that these groups are established varies to suit their own needs. Some have been in place for many years, others have formed more recently.

The commitments and actions within this Strategy apply equally to how we work with the formal partnerships across Torbay as well as those other community and voluntary groups. They also apply to residents who are not part of any group – who want to take action on their own or to create new action groups.

Our Offers and Asks

Our Offers

We will listen to you.

We will be open about the challenges facing the Council and what we can and cannot do.

We will work together to identify the challenges within your communities – providing tools such as the Strategic Needs Assessment and the Place Standard Tool that we will balance with local knowledge and resident experience. We want to ensure that we have a strong evidence base for identifying needs, setting common priorities and responding collaboratively.

We will recognise what is strong in our communities. We will be open to ideas and always seek to understand what the community is asking for, rather than making assumptions based on existing ways of working.

We will work as One Council, and work towards One Torbay which includes all the public sector, so that communities can gain access to all public resources without duplication of effort.

We will be an organisation that our communities can trust – working together to support our communities and create a Council which is fit for the future.

Our Asks

We would like to work directly with our residents and also through our vibrant Voluntary, Community, Social Enterprise and Business Sectors. We need to establish the best way of doing this through voluntary sector partnerships, local Community Partnerships, Neighbourhood Forums, the Business Forum and Chambers of Commerce.

For each of these partnerships we would ask that you:

- Reach out into the communities that you represent
- Share information and best practice across Torbay, encouraging learning and innovation
- Help us promote community cohesion, good community relationships and foster pride in Torbay
- Help us deliver better outcomes for local people, especially the most vulnerable in Torbay
- Help us maximise the impact of our shared budgets and resources and identify the added contribution of social value
- Support us in our efforts to attract inward investment to Torbay, in order to support the local economy and safeguard local wealth where possible through public sector procurement

We would like the Voluntary, Community, Social Enterprise and Business Sectors to work with us on delivering One Torbay: Working for all Torbay (Torbay's Community and Corporate Plan), especially in relation to:

- Creating a whole community response to make Torbay a child-friendly and age-friendly place – working together so that the people in our communities thrive
- Creating a whole community response to drive forward economic growth that is clean and inclusive – working together so that our economy thrives
- Creating a whole community response to protect our environment – working together to tackle climate change

2 Keep you informed

Our Commitments

- We will be open and honest and timely in our communication.
- We will explain why we can and can't do things – encouraging others to work with us to deliver the things which matter to you. We will be clear about the decisions which are taken.
- We will explain our challenges, decisions and future changes in the most effective, inclusive and timely ways possible.
- We will use a range of communication methods and channels to provide information about council activities in order to signpost residents, visitors and others to the right services and, where appropriate and work together to ensure the Council's limited resources are spent in the right places.
- We will seek to develop improved communication mechanisms enabling people and communities to more easily access support, information and influence and keep more closely informed on the progress of key issues and decisions within the Council.
- We will ensure that residents who are unable to access social media receive the same information through traditional media and established community networks.

Our Actions

- Review and improve the Council's website to make information and resources for community action more accessible, including contact information.
- Explore with Torbay Community Development Trust and other community representatives how <https://torbaytogether.org.uk/> can be developed and expanded to take on a broader role around community engagement. Ensure that this work links to that of the Torbay Together partnership, streamlining information wherever possible.
- Maximise the effectiveness of social media – through both our own channels and through existing groups – to engage with our communities. This will include encouraging councillors and senior officers to join the conversation on social media.
- Ensure that communication between council departments is effective with a shared overall message.

3 Ask what you think

Our Commitments

- Communication will be two way. We will listen, understand, remember, evaluate and feedback to stakeholders the actions we have taken.
- We will provide clear, regular and reliable information which will provide you with the opportunity to play an active role in influencing decisions and shaping the future of services.
- We will engage with our communities and stakeholders in a timely way so they are informed and are able to have their say on local decisions and when we can't do this we will be clear and transparent as to why.
- We will ensure that our consultation is based on a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action. It will involve:
 - Listening and learning from local people, communities and other stakeholders.
 - Seeking to involve local people, communities, businesses, voluntary sector organisations and other organisations in important decisions which have an impact on them.
 - Seeking opinions on options before a decision is reached.
 - Passing out information and receiving comments.
- In providing feedback to our communities, we will explain how we have taken into account community views, including if we have not been able to take everyone's views on board in the final decision.

Our Actions

- Agree a Community Engagement and Consultation Programme at the start of each Municipal Year. The programme will include targeted activity aimed at involving and connecting with those groups and geographical communities less likely to engage with the Council.
- The Cabinet will hold at least three Cabinet Conversations each year and will host an annual Community Conference. These will each feature a "You Said, We Did" session.
- There will be regular Ask Us events – either online or in venues across Torbay.

4 Decide together

Our Commitments

- We will ensure that our communities and stakeholders are involved in the decision making process and are given the opportunity to help find solutions through high quality, appropriately targeted consultation and engagement.
- We will ensure that people are given the opportunity to play an active role by shaping the future of services which may affect them and identifying any changes which may be required to local services.
- We will be realistic about our limitations and the need for the council to use reducing resources to best effect.
- We will develop and sustain a relationship with the community in order for us to understand and act together to address the needs of that the community and to work towards a common vision.

Our Actions

- Involve communities and organisations earlier in the service planning process in order to ensure that activities are based on a shared understanding of community needs and issues.
- Increase opportunities for communities and organisations to co-design services.
- Provide feedback to communities and organisations outlining how their contributions have influenced decisions made by the Council and what has changed or improved as a result.
- Encourage communities to take responsibility for outcomes themselves and help develop different models for service delivery
- Work to remove barriers to help aspiring groups and individuals.

5 Act together

Our Commitments

- We will engage, encourage and support our communities and stakeholders in order to bring about positive change for the good of the whole community.
- We will work together to give people a better sense of ownership of the services and activities available to them.
- We will use an integrated and joined up approach, both within the council and with our partners, to achieve value for money, to avoid consultation fatigue and to ensure messages are consistent.

Our Actions

- Provide support to ward councillors in their community leadership role through the appointment of Ward Ambassadors who can act as a single point of contact to help deliver local solutions.
- Work to engage young people in the work of the Council and community groups. This will be progressed through the Children and Young People's Partnership Board and the Imagine This partnership.
- Work to develop stronger relationships between schools, colleges and their local communities using the Local Education Board as a facilitator.
- Work with sports clubs and groups (including Torquay United) to further build their engagement with the community, especially young people.
- Strengthen the connections between housing providers, relevant agencies and community groups, building on the work already undertaken to ensure positive relationship with Registered Housing Providers.
- Support and encourage community weekends, festivals and other events.
- Support capacity building for key community groups, to include training. Develop a community engagement protocol/framework to use in designing and developing new projects and seeking funding – ensuring the community is involved from the start
- Develop a protocol or guidance for contractors around engagement with communities.

6 Support independent community initiatives

Our Commitments

- We will offer community-based initiatives support to become as effective as possible.
- We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements.

Our Actions

- Work to establish a “space” – potentially as part of www.torbaytogether.org.uk – to celebrate and showcase success and good practice in community engagement, highlighting in particular good “teamwork” between the Council and communities. Use this platform to connect like-minded individuals who want to work in partnership to achieve specific outcomes in their neighbourhoods. Actively seek individuals and groups to undertake and/or participate in environmental, coastal, open space and heritage improvements.
- Empower our staff to be more flexible and responsive in engaging with the public and communities. Commission a training programme for staff and Councillors around community engagement and working with community groups and volunteers.
- Establish a Community Enablement Fund to provide seed funding for community action
- Work with the Torbay Community Development Trust (TDCT), Torbay’s Community Builders and others to enable community action and the engagement of those who do not normally participate locally.
- Lend support to partners, including the TCDT and the Integrated Care Organisation, to jointly develop and implement a volunteer strategy for Torbay.
- Explore options to expand the Council’s Leave Arrangements Policy to cover and encourage volunteering in order that Council officers can make available and share their expertise with community groups.
- Improve the awareness of support available to community groups and social enterprises.

Appendix 1: Our duties

The duty to inform, consult or involve is set out within the Local Government Act 1999 and Local Government and Public Involvement in Health Act 2007.

In exercising the general duty under the Local Government Act 1998, local authorities must 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'

In deciding how to fulfil the general duty the local authority must have 'due regard' for any guidance issued by the Secretary of State and should consult with the following:

- Any person or representatives who are liable to pay any tax, precept or levy in respect of the authority.
- Any person or representatives who are liable to pay non-domestic rates in respect of any area within which the authority carries out functions.
- Any person or representatives who use or are likely to use services provided by the authority.
- Any person or representatives appearing to the authority to have any interest in any area within which the authority carries out functions.

The Government's **Code of Recommended Practice on Local Authority Publicity** provides guidance on the content, style, distribution and cost of local authority publicity.

It states that publicity by local authorities should be based on the following seven principles:

- Lawful – It will comply with the Advertising Standards Authority's Advertising Codes.
- Cost effective – It will provide value for money.
- Objective – It will be politically impartial.
- Even-handed – It can address matters of political controversy in a fair manner, but the publicity will not affect support for a single councillor or group.
- Appropriate – refrain from retaining the services of lobbyists. The frequency of any council newsletters should be no more than quarterly.
- Have regard to equality and diversity – Publicity to positively influence public behaviour and attitudes in relation to issues such as safety and health can be used.
- Issued with care during periods of heightened sensitivity (such as elections and referendums).

Appendix 2: Principles for communication, consultation and engagement

To ensure Torbay Council meets its duties as well as the aims and objectives within this Strategy, all communication, consultation and engagement activity will be developed in line with the following guiding principles:

Clear and concise: We will use plain English and avoid jargon and acronyms in all our communications to ensure messages and purposes are clear, understandable and accessible. When consulting we will only ask questions which are necessary and easy to understand.

Purpose: All our activity will have a clear and defined purpose, linked to our Community and Corporate Plan. We will only consult or carry out marketing and public relations activity if there is an identified objective. Consultation and engagement will be used to influence local decision making.

Timely: All communication, consultation and engagement activity will, when possible, be planned in advance so consistent messages can be used at the right time, in the right way with the right people. We will openly inform, engage, discuss and consult with stakeholders at the earliest possible opportunity, ideally when proposals are being developed or when information is confirmed and becomes available. Due consideration will be given on the lead up to any elections or referendums to whether it is appropriate to launch new campaigns and consultation or engagement activity.

Proportionate timescales: The length of time for consultation and engagement activity will be judged against the nature and impact of the proposal / issue being consulted upon. We will ensure that sufficient time is given for respondents to consider any information provided and that there is sufficient time for them to provide an informed response.

Targeted: We will ensure that all our communications and consultations are targeted at the right stakeholder groups so they are effective and use resources in the best possible way. Where proposals, events or services affect specific individuals or groups, these stakeholders will be made aware of the activity so they can find out more, have their say or become involved. Consultation activity, in particular, will be tailored to meet the needs and preferences of different groups of people across Torbay, ensuring accessibility for all.

Relevant information: We will provide enough information, or signpost stakeholders to where they can obtain more information, to ensure that informed choices can be made. This could include how to access a particular service or how to resolve an issue. It could also relate to specific proposals and include information about how the options have been considered and details of any assessments of costs, benefits and impacts which have been carried out.

Feedback: We will ensure that any internal or external feedback will be conscientiously taken into account and will be considered in any final decision making. With regard to consultations, the results will be used to inform the development of relevant impact assessments. We will publish the results of consultation and engagement activity within eight weeks of the activity, stating how many responses were received and how they have been used in formulating the recommendation.

Forward thinking: We will actively explore and assess how we can best use new technology and other new communication channels to reach and engage as many people as possible.

Corporate identity and style guidelines: All communications involving the council will meet our corporate identity guidelines. This is to protect the brand identity, to maintain the council's professional image and to ensure all council activity is consistent and accountable. This includes use of the Torbay Council logo, images and our house presentation style.

Partnership agreements: As we embrace a stronger integrated and joined up approach it is important that all partners agree in advance how any partnership activity will be carried out and communicated. This is to ensure there are consistent messages and that all communication and engagement protocols and corporate identity guidelines are met.

Responsibility: We acknowledge that communication is a two way process and is the responsibility of everyone. Council employees, elected members and all stakeholders have a role to play in open, timely and effective communication, consultation and engagement with each other.

Monitoring and evaluation: Given the important emphasis on using our resources to best effect, the way in which we communicate, consult and engage should be inclusive and effective. Monitoring and evaluating activity, where possible, will identify if we have met defined goals, areas that need exploring further and activity which can be improved.

Meeting: Overview and Scrutiny Board

Date: 9 December 2020

Wards Affected: All Wards

Report Title: Peer Review of Torbay Council's Control and Influence over the Torbay Economic Development Company Ltd (TDA)

Cabinet Member Contact Details: Councillor Steve Darling, Leader of the Council, Steve.Darling@torbay.gov.uk

Officer Contact Details: Anne-Marie Bond, Interim Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 To make available the Local Government Association's (LGA) Peer Review Report on Torbay Council's control and influence of the Torbay Economic Development Company Ltd (TDA).
- 1.2 The report sets out the resulting outline action plan, which will assist the Council and TDA to embrace the opportunities and improvements identified by the LGA.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver the Council's ambition of a thriving economy by enabling the Council and TDA to improve and support the delivery of the work of TDA.
 - 2.2 The reasons for the decision are to make available the LGA's Peer Review Report and to enable the Council and TDA to improve their working relationships, and enable appropriate control and influence from the Council.
-

3. Recommendation(s) / Proposed Decision

- (i) that the Local Government Association Peer Review Report (as set out at Appendix 1) and the resulting detailed action plan (as set out at Appendix 2 to the submitted report) be endorsed; and
- (ii) that the implementation of the action plan be monitored by the Overview and Scrutiny Board on a six monthly basis.

Appendices

Appendix 1: Local Government Association Peer Review Report on Torbay Council's control and influence of the Torbay Economic Development Company Ltd (TDA)

Appendix 2: Local Government Association Peer Review Report on Torbay Council's control and influence of the Torbay Economic Development Company Ltd (TDA) – Detailed Action Plan

Supporting Information

1. Introduction

- 1.1 The Local Government Association (LGA) provide Councils with support through peer challenges. Peer challenge is a tool for assisting Councils in identifying areas for improvement. The process involves a small team of local government peers spending time with the Council to provide challenge and shared learning. Peer challenges are not a formal inspection and are designed to complement and add value to the Council's own performance and improvement.
- 1.2 The Cabinet sought a review of how Torbay Council exercises its control and influence of the Torbay Economic Development Company Ltd (known as TDA).
- 1.3 The LGA undertook the review via a combination of desktop analysis of a range of background documentation concerning the establishment of the TDA and its Business Plan ambitions, followed by a series of interviews which included a number of private sector TDA Board Directors, including the Chairman, key TDA officers including the Chief Executive of TDA, key politicians and Council officers. The review was focussed upon governance of the current delivery model.
- 1.4 The Peer Challenge Team considered the following question areas:
 - a) Policy accountability and responsibility.
 - b) Understanding of individuals own personal role in relation of the operation of the TDA Board.
 - c) Governance – Council and TDA Objectives; commissioning; communication and general oversight.
 - d) General understanding of the financial operation/performance measures.
 - e) TDA Board – operational practices.
- 1.5 At the end of their review, the Peer Review Team made a number of recommendations and provided feedback. The full Peer Review Report can be found at Appendix 1. A detailed action plan to respond to the LGA's recommendation has been developed and is attached at Appendix 2.
- 1.6 Further to the publication of the Peer Review Report, discussions were held with a member of the Review Team, to clarify the arrangements for performance management which is carried out by the Audit Committee and not the Overview and Scrutiny Board as is the case for many other local authorities. It was therefore agreed to amend reference to Overview and Scrutiny to Audit Committee in the resulting action plan. However it must be emphasised that Audit Committee can refer any matters for consideration to Overview and Scrutiny, as well as Overview and Scrutiny determining whether they wish to include any relevant matters on their work programme.

2. Options under consideration

- 2.1 Not to endorse the Local Government Association Corporate Peer Challenge Feedback Report and resulting action plan – this is not recommended as the action plan will mitigate the risks outlined below.

3. Financial Opportunities and Implications

- 3.1 The action plan will be delivered within existing resources.

4. Legal Implications

- 4.1 There are no legal implications.

5. Engagement and Consultation

- 5.1 Private sector Board Directors, the Chairman of the TDA, key TDA officers, the Chief Executive of TDA, key politicians and Council officers contributed towards the Peer Review and met the Review Team. The resulting action plan will assist the Council and TDA in making improvement which will ultimately lead to better outcomes for the community.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 No direct impact from the action plan.

8. Associated Risks

- 8.1 The main risk associated with the report is the failure to respond to the recommendations of the Peer Review Team. This may result in the Council or TDA not responding adequately to the issues and challenges they face. The resulting action plan addresses the recommendations in the LGA Peer Review Report.

Torbay Council – Governance Review

Torbay Council's control and influence of the Torbay Economic Development Company Ltd (TDA)

External Peer Advisors on behalf of the Local Government Association

Councillor Richard Kemp CBE and John Gilbert (LGA Associate)

August 2020

1. Terms of Reference (TOR) and Background

- 1.1 The new Cabinet of Torbay Council sought a review of how the council exercises its control and influence of the Torbay Economic Development Company Ltd, (known as TDA). This led to them commissioning the Local Government Association (LGA) to undertake an external review, leading to a written report and a number of recommendations in response to their TOR which was:
'how the council exercises its control and influence of the TDA going forwards'.
- 1.2 The TDA was established by Torbay Council in 2010, and incorporated with Companies House on the 11th April 2011, to deliver economic growth and support for Torbay's economy. The TDA is a wholly owned company of the council. As a wholly owned single/sole shareholder, the council exercises its control through two main avenues: -
- i) member appointments on the Board of Directors and
 - ii) through the exercising of consent on a range of 'reserved matters', including approval of the business plan.
- 1.3 The TDA was set up to deliver a coherent programme of economic development and increase the pace of delivery of regeneration. It was established to increase both public and private sector investment; provide more job opportunities and facilitate better business development and engagement. This social purpose is supported by delivery of a variety of services on a commercial basis with clients coming from across the public sector alongside the operation and development of property.
- 1.4 The council is also the commissioner of services from TDA, but at a level where 'teckal' compliance is currently maintained. The TDA is a separate legal entity where some of their subsidiaries do not currently have 'teckal' status. There are currently a range of commercial services which support and fund delivery of their social purpose. These services include provision of a wide range of asset management, economic development, housing delivery and regeneration services to clients across a wider geography. As a social enterprise they also aspire to be a leading provider of property and businesses services valuing people and places in all that they do and everywhere they operate. At the request of the Council they have created TorVista which is a housing company now operating as a subsidiary of TDA, for such purposes.
- 1.5 A council report approved in September 2009 stated that the establishment of TDA was a response to the continuing economic challenges facing Torbay. It was to help support the need to improve their competitive position as a location for all types of business. It also reflected the changing Government policy context around economic development including the Sub National Review of Economic Development and Regeneration which proposes a statutory or strengthened role for local authorities on economic development.
- 1.6 The anticipated benefits of TDA when it was formally incorporated with Companies House in 2011, included:
- * the freedom to respond rapidly
 - * unlocking additional resources
 - * legitimising economic development actions
 - * encouraging a more entrepreneurial approach
 - * becoming less risk adverse and
 - * the development of stronger relationships with the private sector.

- 1.7 The September 2009 council report which recommended the creation of TDA also stated, that stronger performance on economic issues was likely to have a positive impact on the perception of the council and its role in economic development.
- 1.8 This was in line with a number of councils at that time (circa 2010), who believed that having separate 'private sector influenced' Boards, would be more attractive to prospective developers and entrepreneurs who may be attracted to invest and help develop and deliver the economic ambitions of the council.
- 1.9 It was further anticipated that any future financial savings would come as a result of TDA being able to develop sites and deliver schemes to generate income for itself. It was understood that this would be a gradual process, whilst at the same time looking to generate income perhaps through project management or professional services, but with the ultimate objective of becoming self-financing in the long-term.

2. Review Methodology and Approach Taken

- 2.1 Phase one of this work included a combination of desktop analysis of a range of background documentation concerning the establishment of the TDA and its Business Plan ambitions. Phase two, followed this up through a series of interviews which included a number of private sector board directors, including the Chairman and key TDA officers including the Chief Executive. Interviews included key politicians, council officers and several members of the TDA Board, (a full list is included at *appendix 1*).
- 2.2 This review was focused upon governance of the current delivery model. Although the review had a specific focus upon governance issues, we also looked at where it was understood that accountability for policy and 'risk and reward' was held. We briefly looked at some of the financial arrangements, but this was not part of the remit, so we didn't look at this issue in any great depth.
- 2.3 Importantly, during the mid-point of the review, the Chief Executive of the council left the employment of the council to become the full-time Chief Executive of TDA. The review did not attempt to look at the various issues that may be associated with this change, but this new situation will hopefully provide some clarity of 'role' going forwards.
- 2.4 A critical area not covered by this remit but that does need to be considered in time is the overall effectiveness of TDA. This may be worth considering at the same time that Torbay Council takes a more in depth look at the general operation of its' wholly owned companies and whether best value is being achieved at the moment, or whether some form of integration or economies of scale would be beneficial, both in terms of governance, general operation and financial efficiencies.
- 2.5 This would be a particularly important piece of work to do at this point in time when considering the huge challenges regarding Covid pressures, future Brexit implementation and impending local government re-organisation. The council will need to re-assure itself that they completely understand these challenges and position themselves accordingly.
- 2.6 In order to undertake an assessment of TDA, we asked several key strategic questions in order to best answer the requirements of the review set out on page 2.

The following list is not exhaustive, but our questioning covered the following areas: -

1. Policy accountability and responsibility.
2. Understanding of individuals own personal role in relation of the operation of the TDA Board.
3. Governance – Council and TDA Objectives; commissioning; communication and general oversight.
4. General understanding of the financial operation/performance measures.
5. TDA Board – operational practices.

2.7 In order to assess and analyse the answers to the above questions, we deployed a style and methodology similar to a combination of a peer review and an inspection. This involved both individual and group interviews with those individuals as set out in *appendix 1*.

Disclaimer.

The observations we have put forward have been made with the restrictions of the short time scale of this review but have been informed by the combination of desktop analysis of reports and the interviews that have been conducted. It was also requested that the scope of the remit was to be kept primarily focused around the issues of governance, hence only light references have been made concerning the efficiency and deliverability of the TDA, including any financial, commercial or any legal considerations.

3. Executive Summary and Recommendations

3.1 Policy accountability and responsibility

- In the interviews that were held throughout this review, it was stated several times that the relationship between the council and TDA board has been much improved over the last few years. That said, it is still felt that the relationship between the council and the TDA board could be further improved and would benefit from increasing opportunities to work together. Evidence from councils who have successfully improved corporate and service performance, discover that it is most successful when done on a whole Council basis. In simple terms, we advise to ‘re-set’ the way of working together going forwards.
- In order to help establish a ‘new way of working’ between the council and TDA, there is a need to introduce a range of both formal and informal opportunities to enable this. This will help nurture and build ongoing relationships which will be an extremely important aspect to get right looking forwards.
- To introduce a high-level strategic board which includes as a minimum, the Leader, Deputy Leader and Chief Executive of the Council and the Chairman, Chief Executive and another member of the TDA Board. This board would therefore ensure that the council as the single shareholder, has an ongoing strategic role to work with and hold to account the TDA and this could therefore be classified as a ‘Shareholder Board’. It would be the vehicle where issues are raised regarding the high-level aspirations and direction of the council; those aspects that may need reserved matters to be considered and strategic requests that TDA would like the council to be aware of/seek guidance from.

- This board should be the place where consideration and agreement are reached on how the TDA projects itself in the community and the council's role in achieving this. An understanding of any communication and/or publicity for forthcoming projects could also be agreed here. The ambition is that there should be 'no surprises' for both the council and TDA regarding future strategic issues and potentially, any significant sensitive/operational issues that may arise going forwards.

3.2 Understanding of individual's own role in relation of the operation of the TDA Board

- The council should ensure that it reviews the training and support that is given to those councillors who sit on the TDA board. These councillors also need support back within the council, so they better understand what can or can't be shared with the council. TDA board members would also benefit from greater understanding of how the council operates and the challenging role of a councillor. This would ensure a more mutual recognition of each other's contributions going forwards.
- There needs to be a clear understanding of the importance of boards such as this and a clear understanding of how wholly owned companies operate. The council must be confident that it receives the correct information in the right way at the right time and that the councillors involved are rightly supported to be on this board.
- Consideration of developing a 'buddy system', where a private sector TDA board member 'buddies up' with a council member representative on the TDA board to help support/inform one another in the way the board operates, as well as how the private sector operates. This will add value to the quality and general understanding of the board going forwards.

3.3 Governance – Council and TDA objectives; commissioning; communication and general oversight

- In addition to the governance by the Cabinet through the proposed Shareholder Board, that the council enhances the role and importance of the overview and scrutiny committee regarding the functions of TDA in order to ensure that the council holds TDA to account in a way that satisfies the outcomes and ambitions the council has set out in its Policy Framework. This was an issue which was mentioned several times during our interviews and this should be the more 'formal route' where the council can hold TDA to account. It was interesting to note that several members of the TDA Board commented that the most appropriate place to hold TDA to account was through the overview and scrutiny committee, but they felt that this wasn't being achieved as well as it could be. It is therefore recommended that members on the overview and scrutiny committee are trained and supported to be better equipped to correctly challenge/support and hold to account TDA going forwards.
- That the council and TDA undertake an annual 'state of the nation type of presentation' to the community which showcases the projects delivered by TDA and ambitions of the council in a shared endeavour of partnership. This would clearly demonstrate that TDA is the delivery

vehicle of the council and that they are truly working together. It would provide an excellent opportunity for the council to set out its future economic ambitions for the area.

- That TDA in conjunction with the council, circulates a regular briefing/update for all council members. This would help remind councillors that TDA is an important delivery vehicle for them, as well as allowing them the opportunity to ask them any specific/ward-based issues that they may need more detail upon. This will help to dispel concerns around lack of information and/or transparency concerns.
- To consider reviewing and re-shaping the existing 'client/commissioner panel' which would need to sit under the Shareholder Board. This would connect the outcomes of the Shareholder Board through the client/commissioner panel ensuring that the direction of travel is activated and delivered. This 'intelligent client' function, would be best placed to then manage ongoing relationships going forwards.
- It is recommended that this officer-based 'client', would then be well placed to help shape and monitor targets and outcomes, future agenda content, meeting frequency, ongoing relationship opportunities and outcomes that need to be delivered as agreed via the Stakeholder Board and ultimately the Full Council, through the Policy Framework.
- It is recommended that the council's Director of Place is included on the TDA Board as a non-voting board member, to help add another layer of connectivity and transparency between the council's ambitions and TDA.

3.4 General understanding of the financial operation/performance measures

- To re-examine the use of intelligence and data-sets which are critical to the delivery of the ambitions and outcomes approved by council. This 'suite' of performance data needs to be shaped in a way that can satisfy a range of audiences including Cabinet, Shareholder Board, Overview and Scrutiny Committee and the client/commissioner panel for example. It also needs to help TDA function and several members commented that issues such as return on investment would be a helpful performance measure to include as well.
- The presence of a 'refreshed' council dashboard would ensure that financial information on the council's position as a whole would also be linked to performance. This would help both politicians and senior managers to think and operate more strategically. This would also be an excellent tool to support the revamped Overview and Scrutiny Committee as part of their challenge and holding the TDA Board to account going forwards.
- It is further recommended that greater financial oversight could be achieved through more regular and formal meetings taking place between the TDA's company secretary and the council's 151 officer.

3.5 TDA Board – operational practices

- The quality of TDA Board membership seems very good and represented most sectors. It is recognised that TDA representatives attend various community-based meetings such as Torbay Together, Community Conference, and attend various community/partnership-based meetings when a local initiative is being proposed. It is felt that there is a missing opportunity in having a strong advocate actually on their Board for linking/representing the third sector/community. It is recommended that TDA should include somebody such as a board member from the Community Development Trust going forwards in order to facilitate this linkage.
- The TDA needs to consider adopting report writing processes/timescales as undertaken within the council. It would be helpful if TDA adopted a 'Forward Plan' type of arrangement where board members felt able to contribute to the agenda looking forwards. Whilst recognising commercial confidentiality, it would still provide a good strategic discussion foundation with the council in the proposed Shareholder Board for example.
- A number of board members commented about 6-hour meetings taking place, containing very lengthy reports and agendas which arrived very late, giving little time for members to read and consider the implications of approval. It would be 'good discipline' to aim for circa 2-hour meetings, which could also be complimented by a timescale of how long each agenda item should be taking, providing clarity and focus going forwards. This would also assist TDA in setting out within the agenda those aspects that are truly strategic as opposed to operational. The operational impact of Covid-19 has meant that virtual meetings that are now being held, are now averaging around the 2-hour timescale, which is now helpfully becoming the new 'norm'.
- That the TDA Board consider the various reports that 'repeatedly' go through the committee system and then ultimately the Board. Board members are committing a lot of their personal time and more careful management of agenda items which reduce duplication would be beneficial for everybody going forwards.

3.6 Preparing for Future Challenges

- Comments were made by several private sector interviewees regarding the increasing size and scale of the corporate back office located in TDA. Bearing in mind TDA is required to be a financially efficient trading arm, it needs to be competitive in terms of contract bidding and having such a large internal corporate resource doesn't help in this regard. Nor does it support the Council with its scarce resources, which could be strengthened if existing Council and TDA resources were joined and provided back to TDA under an SLA. Alternatively, a decision could be taken to achieve efficiencies if the resources were so joined. If TDA continues to grow its internal resource, then this could eventually lead to confusion of policy and function by residents, in that TDA could be developing into a council in all but name. Furthermore, the majority of the economic and regeneration resource and intelligence sits within the TDA which in effect is its' delivery vehicle.

- A number of interviewees further commented that they were aware that due to the diversification of TDA into other areas potentially risky/strategic areas eg. housing, health etc, then ultimately the 'risk exposure' on TDA and ultimately the council would be significantly increasing.
- To this extent, it may be sensible for the council to 'take stock' of the role of TDA and of its' other wholly owned companies. To ask itself....

'what does Torbay Council really want going forwards'?

- That the council considers expediting a more detailed look at the operation of its' wholly owned companies looking forwards. This would be a particularly important piece of work to do at this point in time when considering the huge challenges regarding Covid pressures, future Brexit implementation and impending local government re-organisation. The council will need to re-assure itself that they completely understand these challenges and shape themselves accordingly.

Although not an exhaustive list, it could consider issues such as: -

- whether economies of scale are currently being achieved and/or could be improved via a more integrated *'company governance structure'*?
- Is the efficiency and delivery outcomes of the companies in line with original expectations, including the HR, legal, commercial and financial arrangements
- is the strategic operation and delivery of the various companies too large and/or remote from the council and hence increasing the council's risk profile too much?
- Clarity of purpose and function of these companies as distinct with the council
- Any others as agreed by the council

4. Summary of overview of responses

4.1 Policy accountability and responsibility

- i) Several responses indicated that there was some confusion regarding the fact that the council had overall responsibility for setting the economic policy which TDA is charged to deliver. Several interviewees questioned whether it was always acting as a 'Teckal' company operating on behalf of the council or as an independent company.
- ii) A number of responses were related to some board members not being completely aligned with what TDA was proposing and hence being 'surprised' when some items appeared on the agenda. However, TDA officers cited many examples of how information is being relayed to the council, but it seems that this isn't working as efficiently as it could be.
- iii) At the time of completing this review, the Chief Executive of the council left their employment and became the full-time Chief Executive of the TDA. It was clear throughout the vast majority of the discussions we held, that the previously held split role did create

some confusion and questions regarding competing interests. It is hoped that the new situation will clarify any potential misunderstanding going forwards.

- iv) An issue the council does need to be comfortable with moving forwards is the fact that the majority of the economic and regeneration resource and intelligence sits within TDA which in effect is its' delivery vehicle. It needs to be stated that having this balance in this way could blur policy accountability. The council could be quite exposed in the future in terms of policy direction if the Director of Place left or was not available for a period of time for example. The TDA board also has a large number of HR and finance staff resource which further adds potential 'on-costs' when bidding for future work in its trading arm role.
- v) The Director of Place is the council's key client/commissioning senior manager, yet he has only been to one TDA board meeting since its inception. In order to improve the ongoing relationship from both a commissioning and transparency point of view, this could be further enhanced if he were to be invited onto the TDA board as an observer/non-voting member.

4.2 Understanding of individuals own personal role in relation of the operation of the TDA Board

- i) There was a lack of training/awareness support given to councillor board member representatives prior to involvement with the board. It takes time to understand the nuances and general operation of a predominantly private sector-based organisation. Some of the council board members commented that at times they felt that they were not equipped to give challenge or support at meetings. This in turn meant that they were not able to bring back 'intelligence' to the council in order to help future informed decision making.
- ii) A number of interviewees commented that they were not aware of how costs were charged back to the council or were allocated or indeed initially estimated. This was clarified when speaking to some TDA officers but is further evidence that this information is not widely understood by a number of Board members and a number of senior council staff involved with the TDA, which creates a perception of a lack of transparency.
- iii) The council need to be very clear what information can or cannot be shared back within the council through their councillor representatives on the board. Although the TDA board and its members must adhere to company law and there will be commercial sensitivity considerations, it is not correct to interpret that 'no information' can be shared back or discussed within the council.

4.3 Governance – Council and TDA Objectives; commissioning; communication and general oversight

- i) It was fed back through our discussions that increasing council member representation onto the board would not necessarily improve the influence or control of the board. Private sector members in particular felt that the 'benefit' of TDA at the moment was that there was a strong private sector membership on the board and to weaken this could be detrimental to the overall ambition that the council seeks.

- ii) It was strongly felt that the best 'influence' that the council could develop would be through good quality, well trained and supported council representative members, who would then be better equipped and confident to do this work.
- iii) Although it was mentioned that there was informal contact with the leader, it felt that these were 'as and when' requested, rather than a more scheduled set of strategic discussions/meetings. The establishment of something akin to a Shareholder Board would be a helpful vehicle to continue to develop ongoing relationships, as well as allow both parties to set out their future ambitions, opportunities and concerns going forwards.
- iv) Many comments were received concerning the desire for both the council and TDA Board to meet more often and to get to know one another better. A number of TDA Board members have never met a number of the senior councillors of the council, so opportunities to facilitate this should be sought. This could for example, include a single item annual TDA update at Cabinet, followed by a more interactive/discussion session with all councillors.
- v) It was also mentioned that staging an annual 'state of the nation' type of update to residents which showcases the performance and ambitions of the council as delivered through TDA. This could for example be a part of the Annual Community Conference, but will need to demonstrate the critical position of the council in this endeavour.
- vi) Several interviewees commented on the increasing size and scale of TDA. If you include aspects such as subsidiary cleaning and café staff, then this encompasses up to some circa 150 staff. Comments were made that there needs to be clarity concerning what the focus of TDA should be, (see 3.6).
- vii) It is not part of the remit of this review, but the council may need to reassure itself that the growing ambitions of TDA is in line with their intention as sole shareholder going forwards. This could be particularly useful when considering the forthcoming challenges as set out earlier in 3.6 bullet point 4. This could include an examination of its wholly owned companies, ensuring that efficiencies, economies of scale, legal, financial and company structure commercial arrangements are being maximised reducing overlap and duplication.

4.4 General understanding of the financial operation/performance measures

- i) There was quite a diverse range of responses regarding this issue, ranging from a detailed set of measurements being cited, to several interviewees not being sure how they are measured.
- ii) Although there are already a set of indicators and a dashboard of measurements, this could be an excellent opportunity to now 're-set' the way of working going forwards, supported by a range of *jointly agreed* data-sets feeding into an overall dashboard. Some board members commented that this could include a number of key drivers such as return on investment. It would also act as a 'suite' of information that is shared at the strategic level at the Shareholder Board and TDA Board and then more granular information shared in other board settings such as the Overview and Scrutiny Committee and client/commissioning panel meetings.
- iii) There was some confusion regarding 'risk and reward'. Some responses received believed that if TDA was unsuccessful then this wouldn't have any impact whatsoever upon the risk and/or reputation of the council. This gave further evidence that there is still

a level of misunderstanding of the role, profile and association of TDA with the council and perhaps reflected within the wider community. This is particularly concerning if TDA continues to widen its' breadth of service area involvement eg. housing, health etc which will increase the 'risk profile' of the council.

- iv) The 'reserved matters' content was raised by several interviewees, but this ranged from being too many, to there being no need to amend them at all. The review's remit was not required to look at these in any specific detail, although this may be an issue to consider at a future date to ensure appropriateness. However, by improving the communication channels and building relationships as set out earlier, would mitigate the need for amending the reserved matters list going forwards.

4.5 TDA Board – operational practices

- i) It is felt that the quality of TDA board membership is well represented in terms of different service areas specialisms, with representation from various aspects of the private sector well covered. They have undertaken a skills audit which identifies areas that need strengthening, the addition of a board member with a strong health background being a recent example of this. It was also evident that there is a huge time commitment that the board members give to try to make TDA successful.
- ii) There is a missing link regarding the third sector/community interests, hence a representative from an organisation such as the TCDT would be beneficial going forwards.
- iii) A number of board members talked about the length of the agenda and at times late arrival of papers which didn't allow for appropriate scrutiny or contribution to be made. Several comments received was that it felt like a 'fait accompli' that some items had already been decided and just needed the board to rubber stamp it. Some also commented that they simply didn't understand some of the reports and were confused at times, in particular the financially related reports.
- iv) It would be helpful if TDA adopted report completion timescales and a report writing 'Forward Plan' type of arrangement where board members felt able to contribute to the agenda looking forwards. This could also help to be a strategic discussion point with the council in the proposed Shareholder Board.
- v) A number of interviewees mentioned that a number of issues are continually repeated eg. finance, both through the sub-committees and then at the board. It would seem sensible in order to try to keep the discussions at a more strategic level, that this could be facilitated by the production of an agreed 'refreshed' dashboard and/or data set.
- vi) A number of members mentioned that it could be helpful if digital updates happened in-between meetings, so everything didn't have to wait until the actual meeting to disseminate updates/information.

Footnote: further to the publication of the report discussions were held with one of the Members of the Peer Review Team in connection with Torbay Council's performance management arrangements. The Audit Committee is responsible for performance management across the Council and in turn will refer any detailed issues of concern to the Overview and Scrutiny for detailed review. Whereas, it had been thought that, in line with other Councils, Torbay would have

an overview and scrutiny body responsible for economic regeneration and/or performance management, which led to the recommendations for this role to be carried out by the Overview and Scrutiny Board. It was therefore acknowledged that the recommendations relating to overview and scrutiny would be amended to the Audit Committee in the resulting action plan.

Appendix 1

Individuals Interviewed

Councillors

Councillor Steve Darling – Leader of Council
Councillor Darren Cowell – Deputy Leader of Council
Councillor Rob Loxton – Leader of Independent Group
Councillor David Thomas – Leader of Conservative Group
Councillor Chris Lewis - Deputy Leader of Conservative Group
Councillor James O'Dwyer – Council appointed Director onto TDA Board
Councillor Swithin Long – Council appointed Director onto TDA Board
Councillor Cordelia Law – Council appointed Director onto TDA Board

Officers

Ms Anne-Marie Bond – Interim CEO (although interviewed in her substantive role as Director of Corporate Services/Monitoring Officer)
Mr Martin Phillips – Director of Finance/Section 151 Officer
Mr Kevin Mowat – Director of Place
Mr Steve Parrock – CEO of Council/CEO of TDA Board

TDA Board Members

Mr Vince Flower – Chairman of TDA Board
Ms Hazel Tucker – TDA non-Executive Director
Ms Sara Bond – TDA non-Executive Director
Mr Chris Hart – TDA non-Executive Director

TDA Officers

Mr Alan Denby – TDA Senior Manager
Mr Liam Montgomery – TDA Senior Manager

LGA Peer Review of Torbay Council's control and influence of the Torbay Economic Development Company Ltd (TDA)

Detailed Action Plan

Purpose:

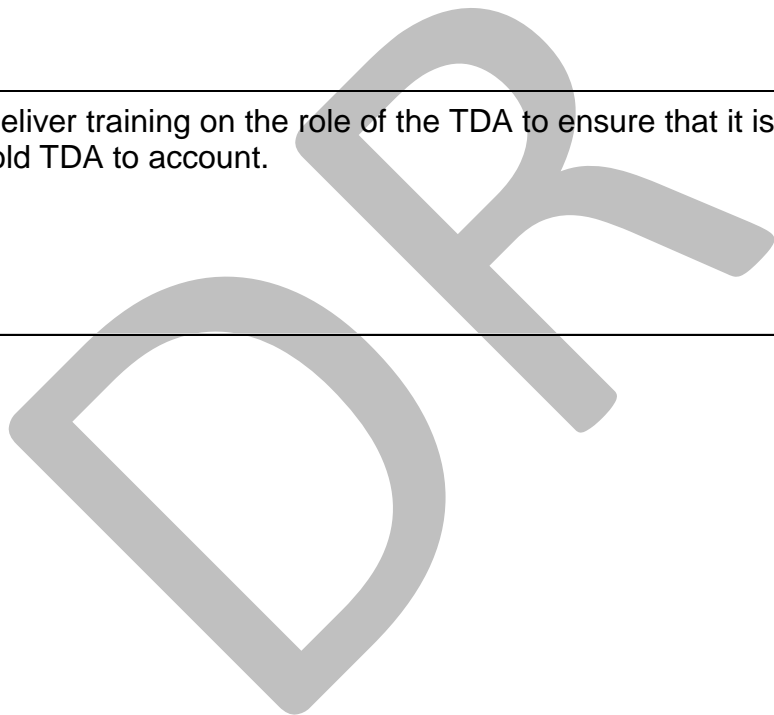
In August 2020 and on behalf of the Council, the Local Government Association (LGA) undertook a governance review of how the Council exercises its control and influence of the Torbay Economic Development Company Ltd, (known as TDA). The review focused on the governance of the current delivery model, plus accountability for policy and 'risk and reward'. The LGA Peer Team asked several key strategic questions including:

1. Policy accountability and responsibility.
2. Understanding of individuals own personal role in relation of the operation of the TDA Board.
3. Governance – Council and TDA Objectives; commissioning; communication and general oversight.
4. General understanding of the financial operation/performance measures.
5. TDA Board – operational practices.

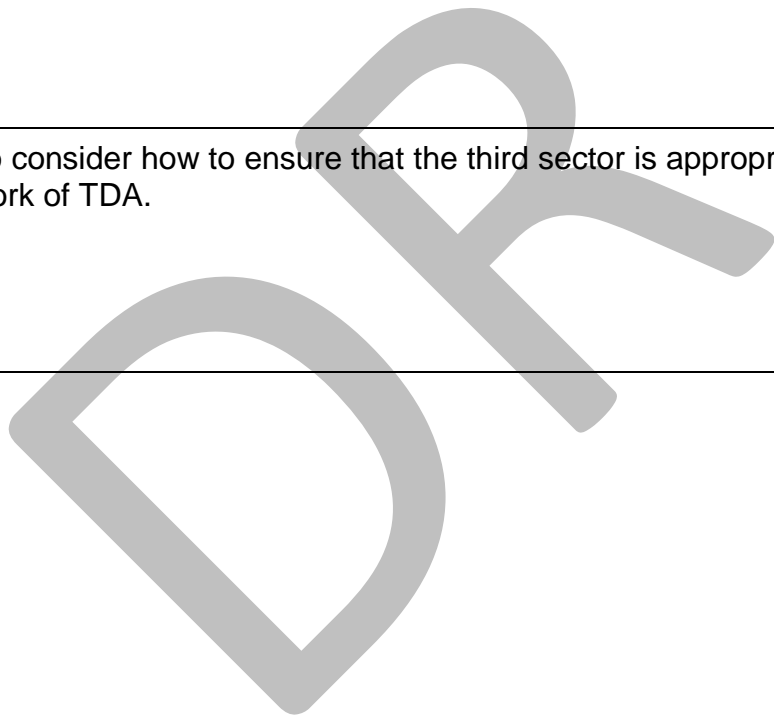
This action plan sets out the Council's and TDA's proposed response to the LGA Peer Review's recommendations.

No.	Recommendation	Detailed Action	Assigned to	Indicative Timescale
1.	Improve further working relationships and increase opportunities to work together (3.1)	1. Shareholder Panel to be set up to include the Leader, Deputy Leader, Chief Executive of the Council and the Chairman, Chief Executive and another member of the TDA Board. Terms of reference to be developed to encompass: <ul style="list-style-type: none"> - establishing the high-level aspirations and direction of TDA by the council; - aspects for reserved matters to be considered; - strategic requests from TDA - TDA communication and publicity for forthcoming projects and Council's role 	Head of Governance	November 2020
		2. The Officer Commissioner Quarterly Performance meeting to align to the outcomes of the Shareholder panel, ensuring that the direction of travel is activated and delivered.	Director of Place	November 2020
		3. Create a 'refreshed' performance dashboard.	Director of Place	December 2020
		4. Regular and formal meetings to take place between TDA's Company Secretary and the Council's s.151 Officer (to take place in the Officer Commissioner Quarterly Performance meeting, and once TorVista is operational – to take place in intervening times on a monthly basis).	Head of Finance	November 2020
		5. Director of Place to sit on TDA Board as a non-voting member.	TDA Company Secretary	Immediately

No.	Recommendation	Detailed Action	Assigned to	Indicative Timescale
2.	Review of training and support to councillors on TDA Board, plus the role of the council/cllrs for wider TDA Board Members (3.2)	1. Develop training programme and review support/advice provided to ensure a more mutual recognition of each other's contributions, by the development and delivery of a refreshed Induction and Annual Appraisal process for TDA Directors, ensuring training on: <ul style="list-style-type: none"> - the role of councillors on TDA Board and how wholly owned companies operate for councillors; and - how the council operates and the challenging role of councillors for wider TDA Board members - Information Sharing. 	TDA Chief Executive and Company Secretary	January 2021
3.	Enhance the role of Audit Committee to ensure it holds TDA to account (3.3)	1. Develop and deliver training on the role of the TDA to ensure that it is equipped to hold TDA to account.	Head of Governance	January 2021



No.	Recommendation	Detailed Action	Assigned to	Indicative Timescale
4.	Showcasing the work of TDA. (3.3)	<ol style="list-style-type: none"> 1. Quarterly written briefing from TDA to Councillors as to inter alia; <ul style="list-style-type: none"> - Delivery of Economic Strategy, - Work of TorVista - Progress of Council projects 2. Hold joint Council and TDA annual 'state of the nation' event with the community to showcase the ambitions of the Council, the work of TDA, and projects delivered by them on behalf of the Council. Event to encompass: <ul style="list-style-type: none"> - The Council's future economic ambitions, - Showcase of TDA projects and how TDA will support the Council deliver its ambitions. 	<p>TDA Chief Executive</p> <p>Council and TDA Chief Executives</p>	<p>December 2020</p> <p>March 2021</p>
5	TDA Board membership to be extended to link with the third sector (3.5).	TDA Chairman to consider how to ensure that the third sector is appropriately engaged in the work of TDA.	TDA Chairman	November 2020



No.	Recommendation	Detailed Action	Assigned to	Indicative Timescale
6.	TDA Board practices (3.5)	<ol style="list-style-type: none"> 1. TDA to adopt 'Forward Plan' approach to enable TDA Board members to contribute to agenda planning 2. Review length of Board meetings, including timescales for agenda items, timeliness of receipt of agendas and length of reports. 3. TDA Board meetings to focus on strategic aspects as opposed to operational. 	<p>} } TDA Chairman }</p>	<p>} } November 2020 }</p>

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No.	Recommendation	Detailed Action	Assigned to	Indicative Timescale
7.	Review of all Council owned Companies (2.4/2.5)	<p>1. The Council reviews the operation of all of its wholly companies in light of COVID-19, Brexit and local government re-organisation and to ensure these challenges are understood and the Council shapes its self accordingly, including</p> <ul style="list-style-type: none"> (i) Are economies of scale being achieved or could be improved through different working arrangements/a more integrated company governance structure (ii) Are the outcomes of the companies in line with original expectations, including HR, legal, commercial and financial arrangements (iii) Are the right services sitting within the companies, (iv) Is the strategic operation and delivery of the companies too large or remote from the Council and hence increasing the council's risk profile too much? 	Council Chief Executive	Commence July 2021