

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

Wards affected: Tormohun

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

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1. Purpose of Report

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

2. Reason for Proposal and its benefits

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

3. Recommendation(s) / Proposed Decision

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

1. Review of the evidence

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

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

2. Assessment of the evidence

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

3. Actions undertaken

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

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