

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

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

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

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

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

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

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

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

4. When did the current administration know about it?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Joint response from Councillors Billings and Chris Lewis.

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

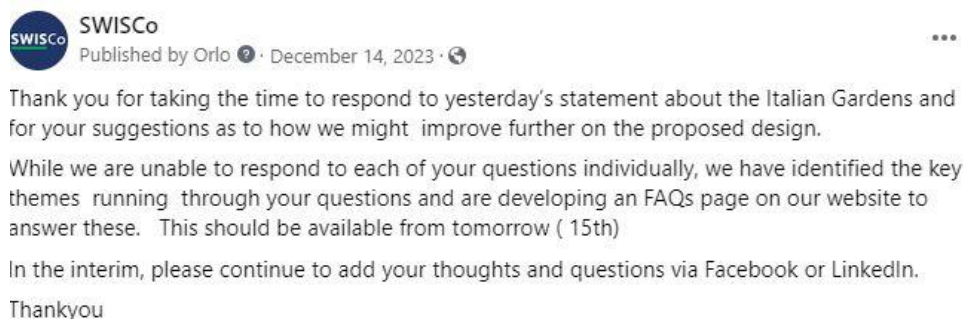
13. **As it appears that a number of years had lapsed between the initial scheme and the implementation, why does it appear that SWISCo does not have a culture of engagement with elected members and the community before progressing such actions?**

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

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

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

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



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

It is inappropriate to name officers as requested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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