

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

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

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

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

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

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

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

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

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

Who therefore is accountable for this matter?

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

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

How was this allowed to happen without oversight?

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

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

How can we be assured that these are now adequate?

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

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

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

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

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

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

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

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

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

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

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