



## Monitoring Officer report - Screen on the Green

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The Chief Executive initially requested that I review the decision making in respect of the Screen on the Green. Subsequently Overview and Scrutiny Board have requested that the following areas be addressed;

1. We understand that Councillor Morris has received a £10,000 grant from the Council to provide the Screen on the Green. Why was such an invitation not put out to open tender?
2. We understand that prior to being elected as a councillor Mr Morris put such a proposal forward previously. Why was this request denied?
3. What claw back provisions are there within the grant for any profit made from this venture?
4. There is a prohibition on illuminated advertising on Torre Abbey Meadow. How has this been circumvented?"
5. What are the implications of the covenant on Torre Abbey Meadows for this attraction and future attractions?
6. Was there a business case for the proposal showing the financial and community benefits? If so, can a copy of the Business Plan be shared with the Board?
7. What is the decision making process for agreeing to hold such events?

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Having reviewed available records and having spoken to relevant officers I set out below my conclusions generally, whilst also addressing the questions as set out by Overview and Scrutiny Board;

### **1. Decision making**

Approval was sought by Officers from the Mayor for the use of £10k from the Events Fund in early October 2015 to fund a screen for this event.

The Events Fund comprises of a revenue budget of £60k, under the ultimate responsibility of the Assistant Director of Community and Customer Services. There appears to be some confusion as to decision making for these monies, with some officers believing that no money can be spent from this budget without the Mayor's approval.

It was on this basis that approval was sought from the Mayor to fund the screen for this event. Following this approach through, this should have resulted in a Record of Decision for the Mayor to sign, however this was not done. Minutes of the Events Project Board Meeting from 9 November 2015 demonstrate that the Mayor agreed this funding.

From my investigation there is no consistent process for how the Council makes decisions on events.

#### *Recommendations*

- (i) The Assistant Director of Community and Customer Services to review the current arrangements and put in place a clear and transparent process for;

- consideration and determination of future events run/supported by the Council,
  - any expenditure from the Events Fund,
  - consideration and determination of how the Council makes its land available for use by others for events.
- (ii) Where appropriate, records of decision need to be completed and publicised in accordance with the requirements of the Constitution.
- (iii) Governance Training to be delivered as determined by the Assistant Director of Community and Customer Services.

## **2. Compliance with Financial Regulations**

The Council's hire of the screen from Maritime Group was conducted in accordance with the Council's Financial Regulations, which permits the direct award of contracts up to the value of £10,000.

However, Financial Regulations were not complied with in respect of the permission granted to Quattro Events to operate around the site of the screen. This was approached as a hire arrangement of the land, although no hire charge was levied, nor was there any arrangement for the Council to receive a financial benefit from the hire arrangement. Records demonstrate that Laura Ballard, now of Quattro Events, contacted the Events Team in late 2015 wanting to run an event on Torbay Seafront. She was advised by Officers of their longstanding idea to have a 'Fanzone' event and she started to work up proposals for it. Ultimately she requested to complete a hire agreement.

In the intervening period, Quattro Events was formed, and the hire agreement was completed in the name of Quattro Events.

It was incorrect for this to be dealt with as a hire agreement situation. The records demonstrate that this should have been dealt with as a concession contract, and therefore should have followed a procurement process in order to select the provider.

There is no evidence to suggest that this error was anything other than a lack of knowledge on behalf of the officer concerned.

### *Recommendation*

Events staff to receive immediate procurement training as to procurement generally, and specifically in respect of concession contracts.

## **3. Area of Special Advertising Control**

The area of the Screen on the Green was within an Area of Special Advertising Control. In such areas there are limits on certain types of advertisements.

In this case it is arguable that the advertising was incidental to the purpose of the screen and was not therefore a breach of the Area of Special Advertising Control. However the Events team were unaware of this restriction and advice was not sought from the Planning department.

### *Recommendations*

- (i) The events team urgently receive information as to the Area of Special Advertising Control from Planning colleagues,
- (ii) The events team establish a mechanism by which they routinely obtain advice from Planning at the conception of events, so as to ensure that they are fully aware of any restrictions which may impact upon proposals.

**4. Members Register of Interest**

Councillor Morris is a Director of Quattro Events Ltd. Having checked his Register of Interest, his interest in this company was not registered. It is a company which has a place of business in Torbay, and therefore should be included within his register.

Quattro Events Ltd was incorporated at Companies House on 9 June 2016. Cllr Morris accepts that he overlooked updating his Register and has now done so.

*Recommendation*

All members be reminded as to the need to regularly review their register of interests to ensure that they are up to date.

**5. Covenant on Torre Abbey Meadow**

The Council placed covenants on Paighton Green and Babbacombe. No similar covenant was placed on Torre Abbey Meadows. An application to register Torre Abbey as a Village Green was refused.

There are some long standing covenants, and I have asked the Property Legal Team to do a complete review of the title in respect of Torre Abbey. However it is not believed that there are any covenants that would restrict such events occurring.

**6. Previous proposals for such an event**

Records indicate that David Morris was involved in discussions for a screen for the La Solitaire du Figaro event in 2015, however this was not progressed by Dave Morris for business reasons.

Officers are not aware of a previous proposal for a Fanzone from Dave Morris, although it is recognised that there could have been discussions with Officers who are no longer with the Council.

**7. Business Plan**

Financial forecasts rather than a full business plan were provided. The financial forecasts predicted that the event would break even.

*Recommendation*

As a part of recommendation 1(i) above, the submission of a Business Plan should be an essential requirement before consideration of an event proposal.

**Anne-Marie Bond**

**Monitoring Officer**

28.07.16