



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Wednesday, 23 January 2019

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 31 January 2019** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

Email: governance.support@torbay.gov.uk
www.torbay.gov.uk

Meeting of the Council Agenda

1. **Opening of meeting**
2. **Apologies for absence**
3. **Minutes** (Pages 5 - 26)
To confirm as a correct record the minutes of the meeting of the Council held on 5 December and the extraordinary meeting held on 18 December 2018.
4. **Declarations of pecuniary and non-pecuniary interests**
Guidance for members:

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.

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.)
5. **Communications**
To receive any communications or announcements from the Chairman, the Elected Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.
6. **Public question time** (Page 27)
To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24 as attached.
7. **Members' questions** (Pages 28 - 30)
To respond to the submitted questions asked under Standing Order A13:
8. **Notice of motions - Objection to Corporate Plan** (Page 31)
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.

9. **Members Allowances Scheme - Recommendations from the Independent Remuneration Panel** (Pages 32 - 51)
To consider the submitted report on the above.
10. **Capital Investment at Paignton Community and Sports Academy (PCSA) to provide Additional Secondary School Places** (Pages 52 - 61)
To consider the submitted report on a proposal to extend Paignton Community and Sports Academy to provide additional secondary school places.
11. **Local Government Association Finance Peer Challenge of Torbay Council and resulting action plan** (Pages 62 - 83)
To consider the submitted report on the above.
12. **Budget Monitoring 2018/2019 - Quarter Three** (Pages 84 - 102)
To consider the third budget monitoring report for 2018/2019 under the Authority's agreed budget monitoring procedures which provides high-level information on capital and revenue expenditure and funding for the year compared to the latest position as reported to Council in December 2018.

To consider any recommendations from the Overview and Scrutiny Board.
13. **Civic Mayor ad Deputy Civic Mayor Select**
In accordance with the Council's Standing Order (A9.1) to select, by elimination ballot, the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the 2019/2020 Municipal Year.
14. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 103 - 104)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.
15. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
16. **Investment and Regeneration Committee Recommendation - Investment Opportunity**
To consider any recommendations from the Investment and Regeneration Committee on investment opportunities.
17. **Adjournment**
The following items form part of the Council's Annual Budget setting process or are awaiting their reports and will be deferred for consideration at an adjourned meeting of the Council to be held on 7 February 2019.

18. **Transformation Project - Future of ICT Services Update** (To Follow)
To consider the submitted report on the above.
19. **Revenue Budget 2019/2020** (To Follow)
To consider the recommendations of the Elected Mayor on the Revenue Budget proposals for 2019/2020 and the Chief Financial Officer's Report. Circulated separately to this report are the following documents:
- Proposed Budget Digest (including the proposals for service change, income generation and savings)
 - Equality Impact Assessments
 - Proposed Fees and Charges
- See www.torbay.gov.uk/council/finance/budget/budget-201920/
20. **Capital Plan Budget 2019/2020** (To Follow)
To consider the recommendations of the Elected Mayor on the Capital Plan Budget proposals for 2019/2020.
21. **Treasury Management Strategy 2019/20 (incorporating the Annual Investment Strategy 2019/20 and the Minimum Revenue Provision Policy 2019/20)** (To Follow)
To consider the submitted report on the above and any recommendations of the Audit Committee.
22. **Corporate Capital Strategy** (To Follow)
To consider the submitted report on the review of the Council's Corporate Capital Strategy and any recommendations from the Overview and Scrutiny Board (Policy Framework document).
23. **Reserves** (To Follow)
To consider the submitted report on the current forecast position on the use of Council reserves and any recommendations from the Overview and Scrutiny Board.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Council **(Council decisions shown in bold text)**

5 December 2018

-: Present :-

Chairman of the Council (Councillor Doggett) (In the Chair)
Vice-Chairwoman of the Council (Councillor Barnby)

Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Bent, Brooks, Carter, Darling (M), Darling (S), Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

112 Opening of meeting

The Vice-Chairman gave apologies from the Chairman's Chaplain and opened the meeting with a minute's silence to allow for personal reflection.

113 Apologies for absence

Apologies for absence were received from Councillors Bye, Ellery, King, Manning, Morris and Winfield for the whole meeting. Apologies for absence were also received from the Chairman, Councillor Doggett and Councillors Bent, Carter, Kingscote, Long, Sanders and Stocks first part of the meeting and Councillor Thomas (J) for the second part of the meeting.

In the absence of the Chairman, the Vice-Chairman, Councillor Barnby, chaired the first part of the Council meeting.

114 Minutes

The Minutes of the meeting of the Council held on 18 October 2018 and the Minutes of the Extraordinary meeting of the Council held on 15 November 2018 were confirmed as a correct record and signed by the Vice-Chairman.

115 Declarations of pecuniary and non-pecuniary interests

No interests were declared.

116 Communications

The Elected Mayor referred to his letters to Sarah Wollaston MP and the Minister of State for Transport, Jesse Norman MP, and the Council's bid to the Government for additional funding for pot holes and highway repairs. The Elected Mayor advised that the Minister had responded positively and welcomed the efforts to improve the road network in Torbay.

The Overview and Scrutiny Co-ordinator thanked the Elected Mayor and his Executive for their attendance at the Priority and Resources Review Panel meetings and the Panel's time for reviewing the Elected Mayor's budget proposals. The Overview and Scrutiny Co-ordinator advised that the report of the Priority and Resources Review Panel was due to be considered by the Overview and Scrutiny Board on 12 December 2018.

117 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable:

Item 6 on the agenda (Elected Mayor's Response to the Objection to Corporate Asset Management Plan) to be considered after Item 15 (Adjournment); and

Item 9 on the agenda (Proposed Council Tax Support Scheme 2019/20) to be considered before Item 8 (Council Tax Base 2019/2020).

118 Heart of the South West Joint Committee Update

The Council received a progress report on the work of the Heart of the South West (HotSW) Joint Committee. The submitted report outlined key areas of activity of the HotSW Committee and set out actions proposed for the coming months.

Councillor Thomas (D) proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018 be noted;**
- (ii) that the development and endorsement of the Heart of the South West (HotSW) Local Industrial Strategy (LIS) be delegated to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government);**
- (iii) that the Budget statement for 2018/19 set out in Appendix B to the submitted report be noted and that in accordance with the decisions taken at the time the Committee was established the**

Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution. Final clarification on any additional 2019/20 budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its work programme for 2019/20; and

- (iv) that the Budget and Cost-sharing Agreement set out in Appendix B to the submitted report be approved.**

119 Proposed Council Tax Support Scheme 2019/20

The Council considered the submitted report on a review of the current local Council Tax Support Scheme for 2019/20. Members noted that the Local Government Finance Act 2012 required local authorities to review their local schemes annually. The Council had a statutory duty to provide a local Council Tax Support Scheme for working-age households. In addition, pension age households were subject to statutory provisions determined nationally, which had to be incorporated within the Council's scheme.

Councillor Haddock proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2019 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government;**
- (ii) that the Chief Finance Officer be given delegated authority, in consultation with the Elected Mayor and the Executive Lead for Customer Services, to make any further adjustments required to the Exceptional Hardship Policy and fund; and**
- (iii) that Council notes that as a result of the introduction of Universal Credit full service from 5 September 2018, there will be a full review of the current scheme. This will commence from January 2019, where extensive financial modelling will be undertaken to provide potential options for a brand new scheme to be implemented from April 2020, with consultation on the same being undertaken in 2019.**

(Note: Councillors Darling (M), Darling (S) and Pentney required their vote against the decision in Minute 119 to be recorded.)

120 Council Tax Base 2019/2020

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2019/20.

Elected Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) **to delegate to the Head of Finance, in consultation with the Elected Mayor, the approval for the removal of the discretionary Council Tax discount for properties that become unoccupied and unfurnished that currently applies for one month from April 2019;**
- (ii) **that the calculation of the Torbay Council Tax Base for the year 2019/20 be approved as shown in Appendix 1 to the submitted report;**
- (iii) **that the calculation of the Brixham Town Council Tax Base for the year 2019/20 be approved as shown in Appendix 2 to the submitted report;**
- (iv) **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2019/20 should be 45,699.55; and**
- (v) **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2019/20 should be 6,187.87.**

121 Gambling Act 2005 'Statement of Principles 2019' (Gambling Policy)

Members received the submitted report on the revised Statement of Principles 2019 (Gambling Policy), that outlined the principles by which the Council will exercise its functions under the Gambling Act 2005.

Councillor Thomas (J) proposed and Councillor Excell seconded a motion, which was agreed by the Council as set out below:

that the Statement of Principles 2019 (Gambling Policy), as set out in Appendix 1 to the submitted report, be approved.

122 Thriving Lives: Joint Health and Wellbeing Strategy 2018-2022

The Council considered the proposed Joint Health and Wellbeing Strategy as set out in the submitted report. Members noted the Strategy provided a steer for each organisation on the Health and Wellbeing Board to improve the health and wellbeing of the population of Torbay and reduce inequalities in the population.

Councillor Stockman proposed and Councillor Parrott seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Council adopts the Joint Health and Wellbeing Strategy set out at Appendix 1 to the submitted report.

123 Review of Constitution for Leader and Cabinet System of Governance May 2019 - Constitution Working Party Recommendations

The Council received the Constitution Working Party's proposed provisional Constitution to enable the new Leader and Cabinet System of Governance to be in place from May 2019.

Councillor Hill proposed and Councillor Thomas (D) seconded the motion, as set out below:

- (i) that the provisional Constitution, as appended to the submitted report, be approved and to be effective from the commencement of the Council's new Leader and Cabinet governance arrangements from 5 May 2019 (a summary of key changes is outlined in Section 1, paragraph 3 of the submitted report), with the newly elected Council (post May 2019) requested to consider and review the following:
 - a) the Council's decision-making structure and terms of reference of committees etc. to reflect the Leader and Cabinet System of Governance;
 - b) the Council's Local Choice Functions under the Leader and Cabinet system. Specific areas to consider:
 - 15. Appointments to other bodies; and
 - 17. Function of Harbour Authority (e.g. whether the Harbour Committee continues as a Council function or the Harbour function transfers to the Cabinet);
 - c) the operation of Members' Questions at Council meetings;
 - d) the scope of Notice of Motions for Council meetings;
 - e) the Outside Body Reporting Protocol (E23.2 and Appendix 1); and
 - f) the approach for appointments to outside organisations and the application of cross party principles (links to the review of Local Choice functions);
- (ii) that the new Administration in May 2019 be recommended to prepare a new Policy Framework structure and hierarchy alongside the new Corporate Plan;

- (iii) that the Chairman/woman and Vice-Chairman/woman of the Council be referred to as Ceremonial Mayor and Deputy Ceremonial Mayor from May 2019 onwards, to ensure the role is clear for the community;
- (iv) that delegations are given to the Chief Executive on Executive Functions on grounds of urgency during circumstances where there is no appointed Leader by the Council (e.g. during the interim period of a Local Election and Annual Council to appoint the new Leader of the Council; or in absence of the Leader of the Cabinet and where no Deputy Leader is appointed and/or where the delegation arrangements by the Leader to Cabinet members are not in place; or during the period where the Council has removed the Leader of the Council by resolution and the new Leader is to be appointed at the subsequent Council.) (Para 1.20 of Chief Executive's specific delegations refers);
- (v) that delegated authority be given to the Monitoring Officer to make any further technical changes and/or changes to existing Constitution which apply changes to the provisional Constitution for May 2019, in consultation with the Chairman of the Constitution Working Party, prior to recommending the new Constitution for approval to the new Council in May 2019;
- (vi) that the Independent Remuneration Panel (IRP) undertake its review of the Members' Allowances Scheme for the new Leader and Cabinet system and make recommendations to Council at its meeting on 31 January 2019. The IRP be recommended to make recommendations to Council that keep the Scheme within the current budget; and
- (vii) that the current Members' Allowances Scheme be extended to 5 May 2019.

A Conservative amendment was circulated prior to the meeting and proposed by Councillor Lewis (C) and seconded by Councillor Tolchard. During the debate, Councillor Hill and Councillor Thomas (D) accepted the amendment, which was then incorporated in the original motion and was agreed by the Council as set out below:

- (i) **that the provisional Constitution, as appended to the submitted report, be approved and to be effective from the commencement of the Council's new Leader and Cabinet governance arrangements from 5 May 2019 (a summary of key changes is outlined in Section 1, paragraph 3 of the submitted report), with the newly elected Council (post May 2019) requested to consider and review the following:**
 - a) **the Council's decision-making structure and terms of reference of committees etc. to reflect the Leader and Cabinet System of Governance;**

- b) **the Council's Local Choice Functions under the Leader and Cabinet system. Specific areas to consider:**
 - 15. **Appointments to other bodies; and**
 - 17. **Function of Harbour Authority (e.g. whether the Harbour Committee continues as a Council function or the Harbour function transfers to the Cabinet);**
 - c) **the operation of Members' Questions at Council meetings;**
 - d) **the scope of Notice of Motions for Council meetings;**
 - e) **the Outside Body Reporting Protocol (E23.2 and Appendix 1); and**
 - f) **the approach for appointments to outside organisations and the application of cross party principles (links to the review of Local Choice functions);**
- (ii) **that the new Administration in May 2019 be recommended to prepare a new Policy Framework structure and hierarchy alongside the new Corporate Plan;**
 - (iii) **that the Chairman/woman and Vice-Chairman/woman of the Council be referred to as Civic Mayor, with the full title being The Worshipful the Mayor of Torbay, and the Deputy Civic Mayor respectively from May 2019 onwards, to ensure the role is clear for the community;**
 - (iv) **that delegations are given to the Chief Executive on Executive Functions on grounds of urgency during circumstances where there is no appointed Leader by the Council (e.g. during the interim period of a Local Election and Annual Council to appoint the new Leader of the Council; or in absence of the Leader of the Cabinet and where no Deputy Leader is appointed and/or where the delegation arrangements by the Leader to Cabinet members are not in place; or during the period where the Council has removed the Leader of the Council by resolution and the new Leader is to be appointed at the subsequent Council.) (Para 1.20 of Chief Executive's specific delegations refers);**
 - (v) **that delegated authority be given to the Monitoring Officer to make any further technical changes and/or changes to existing Constitution which apply changes to the provisional Constitution**

for May 2019, in consultation with the Chairman of the Constitution Working Party, prior to recommending the new Constitution for approval to the new Council in May 2019;

- (vi) that the Independent Remuneration Panel (IRP) undertake its review of the Members' Allowances Scheme for the new Leader and Cabinet system and make recommendations to Council at its meeting on 31 January 2019. The IRP be recommended to make recommendations to Council that keep the Scheme within the current budget; and**
- (vii) that the current Members' Allowances Scheme be extended to 5 May 2019.**

124 Provisional Calendar of Meetings for 2019/2023

The Council considered the submitted report setting out the proposed a four year calendar of meetings for the 2019 to 2023 term of office.

Elected Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that subject to the Provisional Constitution for Leader and Cabinet System of Governance May 2019 – Constitution Working Party Recommendations being approved, the provisional calendar of meetings for 2019 to 2023, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting; and**
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.**

125 Budget Monitoring 2018/19 - Quarter Two

The Council noted the submitted report on the high level budget summary of the Council's revenue and capital income and expenditure for quarter 2 of the 2018/19 financial year.

It was noted the revenue budget was predicting an overspend of £2.4 million primarily as a result of expenditure pressures in Children's Services. Members also noted the Capital Plan budget totalled £200 million for the 4 year programme, with £83 million scheduled to be spent in 2018/19, including £45 million on Investment Fund opportunities and £12 million on various regeneration projects.

126 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the executive decision taken (Local List for Validating Planning Applications) to which the call-in procedure did not apply.

127 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Wednesday 5 December 2018.

Chairman of the Council, Councillor Doggett, in the Chair**128 Elected Mayor's Response to the Objection to Corporate Asset Management Plan**

Further to the Council meeting held on 18 October 2018, members considered the submitted report on the Mayor's response to the objections on the current Corporate Asset Management Plan in respect of reference to Nightingale Park.

Elected Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

that the Elected Mayor disagrees with the Council's objection and confirms that no changes should be made to the Corporate Asset Management Plan.

During the debate Councillor Darling (S) proposed and Councillor Long seconded an amendment (as set out below) to the motion and referred to a petition (approximately 179 signatures) supporting the amendment which had been handed to the Chairman:

that the Corporate Asset Management Plan be amended to include the former tip area adjacent to Browns Bridge (named as Nightingale Park) in the Corporate Asset Management Plan, detailing that it is to be protected for sports and leisure as identified in Torbay's Playing Pitch Strategy and the adopted Torbay Local Plan.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Carter, Darling (M), Darling (S), Doggett, Hill, Kingscote, Lewis (B), Lewis (C), Long, Morey, Pentney, Robson, Sanders, Stockman, Stublely, Sykes, Thomas (D), Tolchard and Tyerman (22); Against: Elected Mayor Oliver and Mills (2); Abstain: Councillors Amil, Excell, Haddock, O'Dwyer, Parrott and Stocks (6); and Absent: Councillors Bye, Ellery, King, Manning, Morris, Thomas (J) and Winfield (7). Therefore, as more than two-

thirds of members present and voting had cast their vote in support of the amendment, it was carried.

The amended (substantive) motion was then considered by members and as more than two-thirds of members present and voting had cast their vote in support, it was agreed by the Council as follows:

that the Corporate Asset Management Plan be amended to include the former tip area adjacent to Browns Bridge (named as Nightingale Park) in the Corporate Asset Management Plan, detailing that it is to be protected for sports and leisure as identified in Torbay's Playing Pitch Strategy and the adopted Torbay Local Plan.

129 Petition - PATH

In accordance with Standing Order A12, the Council received a petition objecting to the location of the charity PATH due to its impact on local residents and businesses (approximately 59 signatures).

At the invitation of the Chairman, Mr Richard Ambrose addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Director of Adults and Housing for consideration in consultation with the Executive Lead for Children and Housing.

130 Public question time - Climate Change

In accordance with Standing Order A24, the Council heard from Ms Jo Corral who had submitted a statement and question in relation to the commitment to reduce greenhouse gas emissions and the Council divesting funds from investments in the fossil fuel industry. The Elected Mayor responded to the statement and question that had been put forward, plus a supplementary statement from Ms Corral.

131 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Elected Mayor Oliver and Councillors Bent, Excell, Haddock, Mills and Parrott and was circulated prior to the meeting.

Supplementary questions were put and answered by Elected Mayor Oliver and Councillors Bent, Excell, Haddock, Mills and Parrott, arising from their responses to the questions in respect of questions 1, 3, 5, 6, 7, 8, 9, 11 and 12.

132 Notice of Motion - The Mace at Council Meetings (Executive Notice of Motion) and Use of the Mace at Council Meetings (Liberal Democrat Notice of Motion)

The Council received two Notice of Motions in relation to the Mace at Council Meetings, notice of which was given in accordance with Standing Order A14. In

accordance with Standing Order A14.3(b), the motions were dealt with by this meeting. The Chairman advised that the second Notice of Motion received from the Liberal Democrat Group would be treated as an amendment to the first Notice of Motion received from the Executive.

Elected Mayor Oliver proposed and Councillor Mills seconded the Executive motion as set out below:

that this Council needs to make the necessary arrangements to ensure that in future the Mace is always present at all future Council meetings.

It is a long and established tradition and retains the linkage the authority has to the Monarchy which is part of the national structure of government in this country.

Councillor Pentney then proposed and Councillor Carter seconded the Liberal Democrat motion as an amendment to the Executive motion as follows:

1. This Council notes that we are one of around 20 Councils that face severe financial problems due to cuts by central Government of £76 Million to the budget in recent years.
2. This Council notes that, in the absence of the Mace or civil regalia at Council meetings, decisions made are valid and binding.
3. Since the 1st August, 2018, Torbay Council has introduced a ban on non-essential spending. Therefore, the security costs required for these Civic items, should be seen as non-essential spending.

In light of the above this Council agrees:

- (i) that the Mace and civic regalia are no longer used at Council meetings to ensure the Council is prioritising best use of its limited resources;
- (ii) that the Mace is only used at Annual Council meetings and Remembrance Sunday to represent the significance of these events; and
- (iii) that officers be instructed to amend the Constitution to reflect this decision.

The amendment was put to the vote and declared lost.

Elected Mayor Oliver's and Councillor Mills' original motion was then considered by the Council which was agreed, as set out below:

that this Council needs to make the necessary arrangements to ensure that in future the Mace is always present at all future Council meetings.

It is a long and established tradition and retains the linkage the authority has to the Monarchy which is part of the national structure of government in this country.

133 Notice of Motion - 60 and 65 Bus Services (Mayoral Decision)

Members considered a motion in relation to the suspension of the 60 and 65 bus services by the Torbay Community Development Trust, notice of which was given in accordance with Standing Order A14.

Councillor Long proposed and Councillor Darling (S) seconded the motion:

This Council notes with grave concern the announcement by the Torbay Community Development Trust concerning the suspension of the 60 and 65 bus services.

Torbay Council recognises the vital service that these bus services provide to frail and elderly residents providing a vital link to the hospital, and also to Torquay Town Centre.

Following the announcement of the suspension, residents have highlighted a number of issues. These include:

- buses breaking down regularly resulting in an unreliable service which may have put people off using the service resulting in a lack of income;
- vehicles having to be fixed regularly presumably at some cost;
- the lack of any meetings between the Torbay Community Development Trust and service users, resulting in a lack of communication about the serious financial situation that was developing. This lack of communication has negated any opportunity for users of the service to promote the service or fundraise for it;
- no communication by the Torbay Community Development Trust with Ward Councillors about the financial situation until the suspension announcement denying any opportunity to explore other funding opportunities;
- limited promotion of the bus services following the launch.

The Council calls on the Elected Mayor to establish an urgent Task and Finish Group to discover what has gone wrong and to explore potential funding solutions to sustain these vital services in the future both short term (so that the services can cover the vital Christmas period) and longer term.

In accordance with Standing Order A14.3(a), the motion stood referred to the Elected Mayor. The Elected Mayor rejected the motion and the reasons given along with his decision are set out in the Record of Decision attached to these Minutes.

134 Notice of Motion - Regeneration Investment in Torbay

The Council received a motion in relation to the funding for Town Centre Regeneration be moved to a general Regeneration Fund, to enable regeneration investment within the whole of Torbay, notice of which was given in accordance with Standing Order A14.

The Chairman announced that, in accordance with Standing Order A14.2(c), Councillors Robson and Tyerman had given notification that they wished to withdraw this motion.

135 Review of Polling Districts, Polling Places and Polling Stations 2018

As a result of the review by the Local Government Boundary Commission in 2017 of the electoral arrangements for Torbay (approved by Parliament in June 2018), the Council considered the recommendations of the Constitution Working Party on a review of Torbay's polling districts, polling places and polling stations (as set out in the submitted report).

Councillor Hill proposed and Councillor Thomas (D) seconded the motion, as set out below:

- (i) that the revised polling district and polling station scheme, as set out at Appendix 1 of the submitted report be approved; and
- (ii) that delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

A Liberal Democrat amendment proposed by Councillor Darling (S) and seconded by Councillor Long was circulated prior to the meeting. During the debate, Councillor Hill and Councillor Thomas (D) accepted the amendment, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

- (i) **that the revised polling district and polling station scheme, as set out at Appendix 1 be approved, subject to the proposed new polling district AE (made up of the current WC and WD polling districts), with polling station at Acorn Community Centre, being amended to create a new single polling district AF (incorporating properties at Dorchester Grove, Gloucester Close, Horace Road, Lichfield Avenue, Lincoln Green, Salisbury Avenue, Shrewsbury Avenue, Truro Avenue and Winchester Avenue) with the polling station for AF at Hele Road Baptist Church, Hele Road, Torquay; and**

- (ii) that delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

136 Torquay Gateway Highways Improvement - Shiphay Lane Junction to Lowes Bridge Junction- Acquisition of Land - Compulsory Purchase Order

The Council considered the submitted report on proposals for a Compulsory Purchase Order for land required to ensure highway improvements for the Torquay Gateway Improvements scheme. It was noted the land related to the section of the scheme between Shiphay Lane and the Lowes Bridge junction, which was owned by Network Rail. The Compulsory Purchase Order would enable the land to be acquired if agreement with Network Rail could not be reached.

Councillor Excell proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that negotiations with Network Rail, as landowner, for acquisition of the land required for the Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction Scheme be continued to completion and to acquisition by agreement when possible;
- (ii) that authority be delegated to the Director of Corporate Services to make a Compulsory Purchase Order for the land required for the Torquay Gateway Improvement Scheme affecting land adjacent to the A3022 Newton Road in accordance with the following:-
 - that Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number (insert new) attached as Appendix 1 to the submitted report for the purpose of highway improvement.
- (iii) subject to approval of (ii) above, that the Director of Corporate Services be authorised to:-
 - a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;

- b) to acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and
 - c) approve agreements with the land owner setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order; and
- (iv) that detailed design and preparation of proposals continue for the highway improvement scheme in order that a scheme can be implemented following acquisition of all required sections of land.

137 Torbay Council's Housing Rental Company

The Council considered the submitted report on recommendations of the Housing Committee on a proposed merger of the Housing Rental Company (RentCo) into the TDA (or a subsidiary of the TDA) to enable affordable housing schemes to be delivered at pace.

Councillor Stocks proposed and Councillor Thomas (D) seconded a motion, which was agreed by the Council as set out below:

that Council approves the recommendations from Housing Committee:

- (i) that in principle there appear to be clear benefits in merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA to enable relevant affordable housing schemes to be delivered at pace; and
- (ii) that the principle of merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA be approved, subject to further due diligence and a detailed commissioning agreement.
- (iii) that the Assistant Director of Business Services be authorised to undertake further due diligence and, if appropriate, finalise a detailed commissioning agreement with the TDA for the delivery of affordable housing schemes, in consultation with the Executive Lead for Children and Housing, the Chairman of the Housing Committee and the Section 151 Officer.

138 Update on Affordable Housing Schemes - Redwell Lane, Totnes Road and St Kildas

The Council received and noted an update on the progress of the three housing sites at Redwell Lane, Totnes Road and St Kildas, as set out in the submitted report.

Chairman

Elected Mayor's Response to Notice of Motion - 60 and 65 Bus Services**Decision Taker**

Elected Mayor on 5 December 2018

Decision

- (i) that the motion be rejected for the reasons given below;
- (ii) that it be noted that Torbay Council is continuing to work with the Torbay Community Development Trust (TCDT) and other operators to look at all viable options for providing a service to replace the 60 and 65 buses including looking at models such as the door to door bus service model operated through ageing well by the Wellswood and Torwood Community Partnership (<https://ageingwelltorbay.com/2018/04/24/door-to-door-bus-service-launch/>);
- (iii) that it be noted that the approval of the Transport Commissioner is required for any operator to commence or withdraw a bus route; and
- (iv) that, in considering viable options in (ii) above the Elected Mayor, in consultation with Chief Finance Officer, will consider appropriate funding sources including the potential use of the Better Bus Grant.

Reason for the Decision

The original operator (Local Link) for the 60 and 65 bus services withdrew from these services as they were not commercially viable. Following consideration of a business case the Council agreed to provide capital funding to the Torbay Community Development Trust (TCDT) to provide these and the 67 bus service in February 2018. The TCDT have since notified that they are operating at a £60,000 loss due to difficulties with the maintaining the buses and lower than anticipated income from the service. This has demonstrated that the current model is not viable and therefore an alternative model needs to be found to enable the residents affected by the proposed cessation of the services access to transport.

Implementation

This decision will come into force and may be implemented on 18 December 2018 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 5 December 2018, Council received the following motion, notice of which had been given in accordance with Standing Order A14 by Councillors Long and Darling (S) as set out below:

“This Council notes with grave concern the announcement by the Torbay Community Development Trust concerning the suspension of the 60 and 65 bus services. Torbay Council recognises the vital service that these bus services provide to frail and elderly residents providing a vital link to the hospital, and also to Torquay Town Centre.

Following the announcement of the suspension, residents have highlighted a number of issues. These include:

- Buses breaking down regularly resulting in an unreliable service which may have put people off using the service resulting in a lack of income;
- Vehicles having to be fixed regularly presumably at some cost;
- The lack of any meetings between the Torbay Community Development Trust and service users, resulting in a lack of communication about the serious financial situation that was developing. This lack of communication has negated any opportunity for users of the service to promote the service or fundraise for it;
- No communication by the Torbay Community Development Trust with Ward Councillors about the financial situation until the suspension announcement denying any opportunity to explore other funding opportunities;
- Limited promotion of the bus services following the launch.

The Council calls on the Elected Mayor to establish an urgent Task and Finish Group to discover what has gone wrong and to explore potential funding solutions to sustain these vital services in the future both short term (so that the services can cover the vital Christmas period) and longer term.”

In accordance with Standing Order A14.3(a), the motion stood referred to the Elected Mayor.

The Elected Mayor responded to the motion at the meeting and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

10 December 2018

Signed: _____
The Elected Mayor of Torbay

Date: 10 December 2018

**Minutes of the Extraordinary Meeting of the Council
(Council decisions shown in bold text)**

18 December 2018

-: Present :-

**Chairman of the Council (Councillor Doggett) (In the Chair)
Vice-Chairwoman of the Council (Councillor Barnby)**

Councillors Amil, Brooks, Carter, Darling (S), Ellery, Excell, Haddock, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, O'Dwyer, Parrott, Robson, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

139 Apologies for absence

Apologies for absence were received from Elected Mayor Oliver and Councillors Bent, Bye, Darling (M), Hill, King, Morris, Pentney, Sanders and Winfield.

140 Declarations of pecuniary and non-pecuniary interests

Councillor Haddock declared a pecuniary interest in respect of Minute 142; and Councillor Tyerman declared a non-pecuniary interest in respect of Minute 142 as a Director and Trustee of Torbay Coast and Countryside Trust and Minute 144 as a Council appointed Director of Torbay Economic Development Company Ltd.

141 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable Item 5 on the agenda (Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road) to be considered before Item 4 (Exclusion of the Press and Public).

142 Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton

Further to the decision of the Council on 18 October 2018 in respect of the acquisition of the leasehold interests from the Torbay Coast and Countryside Trust (TCCT) for land at Little Blagdon Farm, Collaton St Mary and Preston Down Road, Paignton, Members considered the submitted report on the outcome of the negotiations with TCCT for the surrender of the land. It was noted the Chief Executive had consulted the Elected Mayor and Group Leaders in exercising his delegated powers to agree head of terms with TCCT reflecting the negotiations, and as part of the consultation process the Elected Mayor formally requested that

the Chief Executive did not exercise his delegated authority and the matter be referred back to Full Council.

Councillor Thomas (D) proposed and Councillor Ellery seconded a motion as set out below:

that the Heads of Terms (as set out in Exempt Appendix 1 to the submitted Report) for the surrender of the land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton entered into by the Council and Torbay Coast and Countryside Trust (TCCT).

During the debate Councillor O'Dwyer proposed and Councillor Lewis (C) seconded an amendment to the motion as follows:

(ii) that this Council has no confidence in the Elected Mayor.

The amendment was put to the vote and declared carried.

(Note: Councillors Amil, Ellery, Excell, Manning, Mills, Parrott and Stocks required their vote against the amendment above to be recorded.)

During the debate, Councillor Darling (S) and Councillor Stockman seconded the following motion to exclude the press and public from the meeting, which was agreed by the Council:

that the press and public be excluded from the meeting at this stage in the debate on this item on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

During the exempt element of the debate, Councillor Lewis (C) proposed and Councillor Sykes seconded a further amendment, as set out below:

that the words '(ii) that this Council has no confidence in the Elected Mayor' be deleted.

Following the exempt element of the debate, the Chairman reverted the meeting back into public session and public were invited back to the meeting. The Chairman then took the vote on the amendment above and it was declared carried.

During the debate, Councillor Stockman and Councillor Long seconded the following motion to exclude the press and public from the meeting, which was agreed by the Council:

that the press and public be excluded from the meeting at this stage in the debate on this item on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Following the exempt element of the debate, the Chairman reverted the meeting back into public session and public were invited back to the meeting.

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

that the Heads of Terms (as set out in Exempt Appendix 1 to the submitted Report) for the surrender of the land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton be entered into by the Council and Torbay Coast and Countryside Trust (TCCT).

(Note: Councillors Mills and Parrott required their vote against the substantive motion to be recorded; and Councillor Excell required his abstention from voting on the substantive motion to be recorded.)

(Note: Prior to consideration of Minute 142, Councillor Haddock declared his pecuniary interest and withdrew from the meeting.)

143 Exclusion of the Press and Public

Councillor Thomas (D) proposed and Councillor Sykes seconded the motion, which was agreed by the Council, as set out below:

that the press and public be excluded from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the item in Minute 144 the press and public were formally excluded from the meeting.

144 Investment and Regeneration Committee Recommendation - Regeneration Investment Opportunity

The Council considered the recommendations of the Investment and Regeneration Committee on a regeneration investment opportunity. Members received details of the proposals as set out in the exempt report circulated prior to the meeting.

The decision of the Council is restricted due to exempt information contained within the decision.

(Note: Prior to consideration of Minute 144, Councillors Excell, Tolchard and Sykes left the meeting.)

Chairman

This page is intentionally left blank

**Meeting of the Council, Thursday, 31 January 2019
Public Question Under Standing Order A24**

**Public Question (1) from Sally Baglin to the Executive Lead for Environment
(Councillor Ellery)**

Torbay Council have failed in their duty to protect an important wildlife corridor within Edginswell, namely a woodland area which has been completely felled. What actions are the Council going to take to ensure the wildlife and the local lesser horseshoe bat colony are protected and that this important wildlife corridor is replanted?

**Public Question (2) from Sally Baglin to the Deputy Mayor and Executive Lead
for Planning and Waste (Councillor Mills)**

Torbay Council are failing in their duty to protect and preserve historic Grade 2 Listed buildings within Edginswell, one of which is the oldest barn in Torquay. What actions are the Council going to take to ensure these buildings are protected and preserved from; road traffic which is causing vibrations from speeding and oversized heavy good vehicles, resulting in parts of a listed barn to fall into the highway; air pollution from traffic deteriorating these buildings; erosion from flooding caused by the felling of a woodland; demolition of a wall adjoining a listed barn and unlawful installations attached to these buildings?

Agenda Item 7

Meeting of the Council, Thursday, 31 January 2019

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

| | |
|--|---|
| <p>Question (1) by Councillor Sanders to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)</p> | <p>Can you publish the staff absentee/sickness rates November to October by each department for each of the past three years?</p> |
| <p>Question (2) by Councillor Long to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p> | <p>Of the residential developments in Torbay that attracted the Council's 30% affordable housing policy, what percentage of the resulting developments were affordable? What percentage of the affordable properties were social rented properties?</p> |
| <p>Question (3) by Councillor Thomas (D) to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p> | <p>Once again, regrettably we have been experiencing difficulties with recycling collection across the Bay. I am informed that this is due to more cardboard being placed outside for collection than is normal.</p> <p>This should not be a surprise at this time of year. Unlike Easter when the date moves around Christmas Day does not move – it is always 25th December. So it really should not come as a surprise that additional cardboard is presented for recycling after such a holiday when many gifts are given with 90% of them being packed in some form of cardboard.</p> <p>Rather than just shout about this issue and place this question for the Executive lead to answer, I took the time and effort to observe Tor2 operatives on Tuesday 15th Feb to see first-hand what the issues are and to discuss possible ways forward.</p> <p>What has the executive lead with responsibility for waste done personally to help resolve this issue? Has he been out to see the problem first hand? Has he brought forward any suggestions or input into finding solutions to this problem?</p> <p>This problem is a replica of the Summer issue and therefore what lessons have been learned, or not as the case may be, but more importantly what re-assurances can he give this Council that this matter will be resolved once and for all?</p> |

| | |
|---|---|
| <p>Question (4) by Councillor Tyerman to the Executive Lead for Community Services (Councillor Excell)</p> | <p>Residents in Torbay, particularly those living in the Roselands area, have been very tolerant of the disruption caused by the road widening scheme along the western corridor over the last 18 months but I understand their anger when, now, at certain times of the day there are long queues on all routes out of Roselands and along roads in the surrounding area.</p> <p>Changes to the road layout at the Brixham Rd/Yalberton Rd junction have created a very significant worsening of traffic flow in the area between Tweenaway and the junction at White Rock and consequential congestion through Roselands Drive and on Dartmouth Road as traffic tries to find a way around the area hit by major delays.</p> <p>I, together with a number of other Paignton Councillors, have recently received many phone calls and emails. Our residents simply feel that enough is enough. I have been told this situation will only need to be endured for another 8 weeks but residents feel that this is totally unacceptable and I can't disagree with them over this matter.</p> <p>Have you explored, with officers, options for minimising disruption both in terms of its severity and duration and what assessment has been carried out on the impact on local residents, local businesses, schools and visitors to Torbay. Can you explain why different options have been rejected and what mitigating actions have been taken to minimise the impacts that have been so evident since the road junction layout has been changed.</p> |
| <p>Question (5) by Councillor Lewis (B) to the Executive Lead for Tourism, Culture and Harbours (Councillor Amil)</p> | <p>Before Christmas the slipway on Paignton Seafront was severely damaged. I have had a number of residents and organisations in touch with me to find out when it will be repaired. Can the Executive Lead please inform me when the repairs will take place.</p> |
| <p>Question (6) by Councillor O'Dwyer to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p> | <p>When in Market Street in Torquay recently I was appalled at the accumulation of both domestic and builders rubbish. A local resident tells me that they have contacted the Council and was referred to Tor2. The resident has complained that contacting Tor2 has not appeared to do anything tangible to resolving the problem.</p> <p>One of the Council's Corporate Plan objectives is to make Torbay a safe and pleasant place to live but the situation in Market Street and indeed other areas around the Town Centre with similar problems does not sit well with this objective. Can you please tell me what you are doing to address this situation and when we will see an improvement.</p> |

Second Round

| | |
|--|--|
| <p>Question (7) by Councillor Sanders to the Elected Mayor and Executive Lead for</p> | <p>Can you publish the staff turnover rates November to October by each department for each of the past three years?</p> |
|--|--|

| | |
|--|---|
| Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver) | |
| Question (8) by Councillor Long to the Executive Lead for Adults (Councillor Parrott) | <p>Healthwatch England produced a report in October 2018 entitled, “What’s it like to be a carer”. This report was based on interviews with 5447 carers from 27 local authorities in England, including Torbay. Key findings from the report include:</p> <ul style="list-style-type: none"> • Carers not being aware of their entitlement to an assessment or access to information and advice from their local authority; • *Carers having to wait 57 days on average for services once they request support; and • Many local authorities not knowing how many Carers there are in their area and very few local authorities knew how long Carers had been waiting for services. <p>What lessons have Torbay Council learnt from this report, and what actions are being taken as a result?</p> |

Third Round

| | |
|--|--|
| Question (9) by Councillor Long to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver) | <p>I understand that Torbay Council are considering purchasing recycling and refuse collection vehicles for Tor 2 to lease. Has the Council considered purchasing new buses for community groups such as the Torbay Community Development Trust to use on non-commercial bus routes?</p> |
|--|--|

**Notice of Motion
Objection to Corporate Plan**

Objection to Existing Policy Framework Document
(Constitution Reference: Budget and Policy Framework Standing Order F4.8)

Council Meeting

31 January 2019

Proposal:

That the Council formally objects to the current Corporate Plan as the targeted actions set out in the Plan do not truly reflect or meet the needs those who are most vulnerable in Torbay. The Corporate Plan targeted actions should therefore be updated and amended to reflect the following:

Torbay Council's ambition is for Torbay's residents to be informed, prosperous and healthy. This will be achieved through the following targeted actions:

~~Protecting and supporting all children and vulnerable adults giving them the best start in life;~~

Giving all children the best start in life;

Working towards the eradication of poverty and a more prosperous Torbay;

Promoting healthy lifestyles across Torbay; and

Ensuring Torbay remains an attractive and safe place to live, ~~and visit;~~ work and play through the adoption of sustainable policies that protect and enhance our natural environment, promote life long-learning and encourage public engagement in decision making.

~~Protecting and supporting vulnerable adults.~~

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 11 February 2019:

- a) submit a revision of the Corporate Plan with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

Proposed by Councillor Long

Seconded by Councillor Darling (S)



Meeting: Council

Date: 31 January 2019

Wards Affected: All wards

Report Title: Members Allowances Scheme – Recommendations from the Independent Remuneration Panel

Is the decision a key decision? No

When does the decision need to be implemented? 5 May 2019

Executive Lead Contact Details: Elected Mayor Oliver, Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation, 01803 207001 and mayor@torbay.gov.uk

Supporting Officer Contact Details: Amanda Coote, Governance Team Leader, 01803 207026 and Amanda.coote@torbay.gov.uk

1. Proposal and Introduction

1.1 To ensure that Members receive allowances which reflect the level and time commitment required to fulfil their roles and that the scheme complies with relevant legislation and guidance. The proposals also includes a Special Responsibility Allowance (SRA) for the position of Leader of the Council and Deputy Leader following the change in Governance arrangements which come into effect after the local election in May 2019.

2. Reason for Proposal and associated financial commitments

2.1 To ensure the Members' Allowances Scheme is up to date. The proposed allowances reflect the 2% pay increase which will come into effect from 1 April 2019.

3. Recommendation(s) / Proposed Decision

3.1 that the Council considers and endorse the recommendations of the Independent Remuneration Panel which are set out in paragraphs (a) to (w) of Appendix 1;

3.2 that, in light of the decision made in respect of 2.1 above, the Governance Support Manager is requested to bring the Members' Allowances Scheme up to date;

3.3 that the Monitoring Officer be requested to update the Council's Constitution from May 2019 to reflect the number of Scrutiny Leads recommended by the Panel; and

- 3.4 that the Independent Remuneration Panel be appointed to undertake a further review once the Leader and Cabinet system has been in operation for a period of three months.

Appendices

Appendix 1: A Review of Members' Allowances for Torbay Council – The Eighth Report by the Torbay Independent Remuneration Panel.

Appendix 2: The SRA's from the current Members' Allowances Scheme and proposed SRA's.

Supporting Information

Current Members' Allowances Scheme;

Torbay Council's Officer Structure Chart;

Torbay Council Expenses Policy (this is the officers expenses policy);

Benchmarking data for other Authorities;

Feedback from the South West Independent Remuneration Panel Chairs meeting;

Update from the Director of Corporate Services on the new governance arrangements effective from May 2019;

Update on from the Section 151 Officer on the budget setting process for local authorities;

Minutes from the meeting of Council held on 5 December 2018.

Section 1: Background Information

1. What is the proposal / issue?

With effect from May 2019 the Council will have a new system of Governance with the removal of a directly elected Mayor and Executive and the introduction of a Leader a Cabinet model.

The Independent Remuneration Panel last undertook a review of the Members' Allowances Scheme in 2015 following the local elections. It is recommended that Panel's should meet at least once every four years to review members' allowances schemes to ensure that they are fit for purpose and continue to reflect the needs of the Authority.

2. What is the current situation?

Following the referendum in 2016, in May 2019 the Council will move to a Leader and Cabinet model.

In respect of allowances under the current scheme, the elected Mayor receives the same basic allowance as councillors (£8,668 from 1 April 2019), plus a special responsibility allowance which on 1 April 2019 will be £57,784. Under the Mayoral system the elected Mayor is required to appoint a councillor as Deputy Mayor and the special responsibility allowance for this role as at 1 April the SRA will be £21,467.

From May 2019 the Leader of the Council is elected by the Council from the 36 councillors. The Leader would be paid the same basic allowance as all the other councillors, plus a special responsibility allowance for being the Leader.

The Independent Remuneration Panel reviewed the SRA's of other authorities and also had regard to the SRA for the Leader and Deputy Leader positions in place in Torbay before the elected Mayor system of Governance in 2005.

The proposals contained in this report will commit the Council financially for 4 years after the local elections.

The Independent Remuneration Panel met on 4 and 8 January 2019 to review the Members' Allowances Scheme. The Panel resolved to:

- (a) review the level of basic allowance payable to all members;
- (b) review the responsibilities and duties that should lead to the payment of a Special Responsibility Allowance and the level of any such allowance;
- (c) review the level of allowance payable to co-opted members;

| | |
|----|---|
| | <ul style="list-style-type: none"> (d) review the duties for which travelling and subsistence allowances should be payable, the level of any such allowances and the method for payment; (e) review the provision of car park arrangements available to members; (f) review the provision of ICT equipment available to members; (g) review the level of allowance payable for childcare and dependent care; and (h) review the method adopted for the updating of allowances on an annual basis. <p>The Panel's report was published on the Council's website on 18 January 2019. The Council is now required to consider the report of the Independent Remuneration Panel.</p> <p>Members can decide to accept all of the recommendations of the Panel or approve particular ones. Members should note the references made by the Panel as to the significant number of matters that are currently unclear in respect of how the leader and cabinet model will work in practice and therefore there is a recommendation that the Panel undertake a review after the system has been operation for a period of three months.</p> <p>The Panel's report set outs their methodology to their report and the reasoning behind their recommendations.</p> |
| 3. | <p>What options have been considered?</p> <p>The Independent Remuneration Panel reviewed the Basic Allowance and SRA's at other authorities.</p> |
| 4. | <p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The Local Authorities (Members' Allowances) (England) Regulations 2003 requires local authorities to make a scheme of allowances and calculation of basic allowance and SRA which supports all aspects of the Corporate Plan through the good governance of the Council.</p> |
| 5. | <p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>There is no direct contribution towards the Council's responsibilities as corporate parents. All councillors, regardless of any areas of special responsibility, are required to make sure that the Council is meeting its duties towards children in care and care leavers.</p> |

| | |
|-----|--|
| 6. | <p>How does this proposal tackle deprivation?</p> <p>There is no direct contribution towards tackling deprivation.</p> |
| 7. | <p>How does this proposal tackle inequalities?</p> <p>The proposed scheme ensures that there is a fair and consistent rate of allowances in respect of the basic allowance and additional responsibility members undertake.</p> |
| 8. | <p>How does the proposal impact on people with learning disabilities?</p> <p>The proposed scheme ensures that the Scheme is fair and consistent for all members.</p> |
| 9. | <p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The proposal will have an effect for all members after the local election in May 2019.</p> |
| 10. | <p>How will you propose to consult?</p> <p>The Mayor and Group Leaders were informed of the recommendations of the Independent Remuneration Panel.</p> |

Section 2: Implications and Impact Assessment

| | |
|-----|--|
| 11. | <p>What are the financial and legal implications?</p> <p>Legal: None</p> <p>Finance: The recommendations of the Independent Remuneration Panel place a financial commitment on the Council for 4 years. The Panel has recommended a Scheme which makes a saving compared to the current scheme. Council has the discretion to adopt or amend the recommendations of the Independent Remuneration Panel.</p> |
|-----|--|

| | |
|-------------------|---|
| <p>12.</p> | <p>What are the risks?</p> <p>There is a requirement to review the Members' Allowance Scheme in advance of the local election in May 2019, in particular to ensure it reflects a SRA for the Leader and Deputy Leader. This review has been completed. Therefore there are no risks unless members fail to determine the matter.</p> |
| <p>13.</p> | <p>Public Services Value (Social Value) Act 2012</p> <p>The proposal does not require the procurement of services or the provision of services together with the purchase or hire of goods or the carrying out of works. Therefore the above Act does not apply.</p> |
| <p>14.</p> | <p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The Independent Remuneration Panel were provided with benchmarking information of other local authority's allowances' Schemes. The Panel also heard evidence from members on the current Scheme and suggested variations to a future scheme.</p> |

**A Review of Members' Allowances
for Torbay Council**

**The Eighth Report by the
Torbay Independent Remuneration Panel**

Members:

Bryony Houlden, Chairwoman
Linda Lear
Debbie Franklin

January 2019

Introduction

1. The Panel was asked to undertake a fundamental review of the Members' Allowances Scheme ('the Scheme') and to report to the Council to enable Members to consider their recommendations as part of the budget setting process for 2019/20.
2. The Panel noted that local elections would be held in May 2019 and were aware elected Members will be making brave and challenging decisions about funding over the next few years. The Panel appreciated the sensitivity of making any changes to the members' allowances scheme in the current economic climate and balanced this with the need to propose a scheme which is both fair and easy to understand.
3. The Panel was informed by the Director of Corporate Services of the changes to the system of governance from May 2019. They noted that the elected Mayor would cease to exist and that a Leader and Cabinet system would be in operation. The Panel also noted the uncertainty as to how many Cabinet members would be appointed as this would be at the Leaders' discretion. The Panel was also told that included in the Elected Mayors budget proposals was a saving of £50k from the members' allowances budget.
4. The Panel were mindful that recommendations on a proposed Scheme should, as far as possible, not create barriers to candidates standing in the forthcoming elections. In this context the Panel recommend allowances which they believe is fair, reflects the right balance, and which fits the present economic climate. The recommended allowances reflect the 2% pay increase which will be awarded to staff from 1 April 2019. This is in line with paragraph 14 of the current Scheme.
5. The overall cost of the Panel's proposals in relation to the Basic Allowance is £312,048. This includes the 2% pay increase effective from 1 April 2019 and therefore remains unchanged.

In the event that all positions of special responsibility are appointed to and allowances for these posts are claimed, the total cost of the proposals for the Special Responsibility Allowances is £164,044. This has been calculated as follows: a Leader, Deputy Leader, 6 x Cabinet members, 4 x Scrutiny Leads and 33 x councillors being claimed for by group leaders and the other SRA's set out in Appendix 2.

Therefore, the total cost of the proposed Scheme is £476,092 compared to the Elected Mayor's provisional budget of £444,990. (These calculations are based on the rates of allowances in effect from 1 April 2019 and include the 2% pay increase).

Recommendations

6. **The recommendations will be presented to the Council on 31 January 2019 for consideration (a full explanation of the Panel's conclusions leading to these recommendations is set out in the body of this report) and reflect the 2% increase effective from 1 April 2019:**
 - (a) **that the Basic Allowance for all Members be set at £8,668 (this is set at a level to include covering all costs which are not covered elsewhere in the**

- Allowances Scheme, such as telephone charges, broadband, stationery, paper, postage and travel on non-approved duties etc.);**
- (b) that the rates for travel be the same as those set in the Torbay Council Expenses Policy for officer and be paid for all approved duties;**
- (c) that subsistence is only paid for the approved duties listed in (d) below of and the following must apply in line with the officer policy:**
- breakfast – depart from home before 8.00 a.m. £6.22;**
 - lunch – absent from normal place of work between 12.00 noon and 2.00 p.m. £7.35; and**
 - evening meal – not home before 6.00 p.m. £10.17;**
- (d) that the following are identified as approved duties for the purpose of travel, subsistence and carers' allowances:**
- (i) attendance at meetings as a duly appointed member of:**
 - (a) the Council and any committee of the Council;**
 - (b) any sub-committee appointed by a committee;**
 - (c) the Executive or committee of the Executive (if appointed);**
 - (d) working parties;**
 - (e) scrutiny review panels;**
 - (f) policy development groups;**
 - (g) any outside organisation and their sub-groups appointed by the Council or Leader of the Council, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at www.torbay.gov.uk/DemocraticServices/mgMemberIndex)**
 - (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny by committee/board members;**
 - (iii) attendance at member development sessions;**
 - (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;**
 - (v) attendance at non-political conferences/seminars, subject to prior approval by the Director or Executive Head who holds the budget, and funding for the conference being available (in accordance with the Local Protocol for the Leader of the Council and Political Groups);**
- (e) that the co-optees allowance is frozen at £118 and that this will include expenses for travel and subsistence;**
- (f) that the Special Responsibility Allowances (SRA) be set as multiple of the particular allowances (as shown in (g) and (h) below) and that Members may only claim one SRA in addition to their basic allowance;**

- (g) that the SRA for the Leader of the Council be set at £24,150 (2.25 x Cabinet Member SRA);
- (h) that the SRA for the Deputy Leader be set at £13,416 (1.25 x Cabinet Member SRA);
- (i) that the SRA for Cabinet members be set at £10,733 (in line with the existing SRA for a collective decision making Cabinet);
- (j) that the allowances for the Leader, Deputy Leader and Cabinet members (x6) be capped at £101,964 ;
- (k) that the SRA for the Overview and Scrutiny Co-ordinator be set at £7,155 (one third reduction of the current allowance);
- (l) that the SRA for the Scrutiny Leads be set at £2,385 (one third reduction of the current allowance) and that there be no more than 4 Scrutiny Leads appointed;
- (m) that the SRA for the Chairman/woman of the Development Management Committee be set at £7,155 (in line with the current allowance);
- (n) that the SRA for all other Chairmen/women of all remaining Committees be set at £3,578 (in line with the current allowance);
- (o) that if any members of the Licensing Committee, other than the Chairman or Vice Chairman, are required to Chair Licensing Sub-Committees the SRA for those members be as follows:

| | |
|----------------|--------|
| 10+ meetings | £1,155 |
| 5 - 9 meetings | £578 |

(both in line with the current allowance);
- (p) that the SRA for the Worshipful Mayor of Torbay (currently known as the Chairman/woman of the Council) be £3,578 (in line with the current allowance);
- (q) that the SRA for the Leaders of Political Groups is set at £347 per member of the group(excluding the Group Leader in the calculations and in line with the current allowance);
- (r) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be updated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2023;
- (s) that the Council is recommended to consider introducing performance management arrangements for Group Leaders and Leader of the Council to assess the performance of all Members and in particular those in receipt of an SRA, except political group leaders who will be held to account by their group and identify skills development needs;

- (t) that the rates for carers' allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty;**
- (u) that Members have the option to purchase either an annual car parking permit or pay to park on an ad-hoc basis and that both of these options are in line with the charges applicable to staff;**
- (v) that the provision of ICT equipment for members is in line with the officer provision;**
- (w) that, if following the election, there are significant implications to the Members' Allowances Scheme as a result of member appointments to positions of special responsibility or there is not collective decision making in the Cabinet, the Independent Remuneration Panel is re-convened; and**
- (x) that the recommendations set out in (a) to (w) above are implemented from 5 May 2019.**
- (y) that the Independent Remuneration Panel be appointed to undertake a further review once the Leader and Cabinet system has been in operation for a period of three months.**

Introduction

1. Under the Local Government (Members' Allowances) (England) Regulations 2003, Torbay Council, like all local authorities, has set up an Independent Remuneration Panel to make recommendations to it on members' allowances (Councillors and the Elected Mayor). All Councils are required to convene their Panel before they make any changes or amendments to their Scheme of Allowances and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. The Panel comprised the following:
 - Bryony Houlden (Chairwoman), Chief Executive of South West Councils and involved in the 2015 Panel;
 - Linda Lear, from a voluntary and community background, who is an experienced panel member who was also involved in the 2015 Panel; and
 - Debbie Franklin, a chartered accountant and also involved in the 2015 Panel.
3. The Panel would like to thank the officers, particularly Amanda Coote, for their hard work in organising the meetings; collating information and providing factual advice.
4. The Panel would also like to express its appreciation to the Councillors who gave evidence and submitted questionnaire returns. This has given the Panel a sound evidence base for its considerations. The Panel was impressed by the evidence presented to them about the level of commitment of most members to serving the community and being an advocate for them. However, the Panel was concerned about the number of representations made to them that a small number were not actively engaging with their constituents as much as they should be in line with expectations about the work covered by the Basic Allowance. This is reflected in our recommendation on performance management by Group Leaders and the Leader of the Council, although this recommendation also reflects the fact that the Panel believes it is important for all members to identify their skills needs and have the support from the Council to develop.

Primary Purpose of the Review

5. The primary purpose of the fundamental review of the Members' Allowances Scheme was to ensure that the Scheme remains relevant to Torbay Council in the present climate for local government and will reflect the governance arrangements following the local elections on 2 May 2019. It is not however the role of the Panel to consider budgetary implications in detail, although the economic pressures on Local Government funding and the budget which is proposed for 2019/20 have formed part of the background considerations.

Methodology

6. The Panel met on 4 and 8 January 2019 to carry out its review of the Scheme.

7. All Members were invited to submit comments on the Members' Allowances Scheme via a questionnaire. 13 out of 37 Members responded and one written representation was made - these responses were considered by the Panel.
8. The Panel met with the Executive Lead for Tourism and Harbours (Councillor Nicole Amil), Executive Lead for Community Services (Councillor Robert Excell), Executive Lead for Customer Services (Councillor Richard Haddock), Executive Lead for Adults (Councillor Julien Parrott), Chairman of Audit Committee and Deputy Leader Conservative Group (Councillor Alan Tyerman), Overview and Scrutiny Co-ordinator (Councillor Chris Lewis), Leader of the Independent Group (Councillor Mike Morey) and Chairman of the Development Management Committee (Councillor Mark Kingscote).
9. As part of the review, the Panel also considered the following background documents/information:
 - Current Members' Allowances Scheme;
 - Torbay Council's Officer Structure Chart;
 - Torbay Council Expenses Policy (this is the officers expenses policy);
 - Benchmarking data for other Authorities;
 - Feedback from the South West Independent Remuneration Panel Chairs meeting;
 - Update from the Director of Corporate Services on the new governance arrangements effective from May 2019;
 - Update on from the Section 151 Officer on the budget setting process for local authorities; and
 - Minutes from the meeting of Council held on 5 December 2018.
10. The Panel resolved that some of the SRA's should be set as multiple of the certain allowances and the recommendation reflects this. Having reflected on the relationships between the various roles attracting SRA's the Panel believed this was a transparent and simple mechanism to follow.

Basic Allowance

11. The Panel heard from Members and the Director of Corporate Services about the changes to the system of Governance from May 2019 with the implementation of a Leader and Cabinet system.
12. The Panel did not receive any evidence in support of or objecting to an increase or decrease to the basic allowance. The Panel did however hear representations which suggested that the basic allowance was low compared to other local authorities, but with pressures facing local government funding any measures to align the allowances should be done on a marginal basis.
13. The Panel noted the current IT package available to all Members and that all Members had been provided with an iPad, keyboard, case and data to access their emails at home and out and about. The Panel were advised Members were given the option to buy the iPad and associated equipment over a 4 year period. The Panel observed that only 3 Councillors had opted to purchase the device and that the Council funded all 36 Members' data. The Panel was advised that broadband had

been installed at the Town Hall and the Panel recognised that most people have their own broadband connections at home.

14. The Panel took into account equity and fairness between officers and members and although recognising that the roles are very different, and that members receive an allowance not a salary they agreed that there was discrepancies between officers and members on travel, parking and ICT equipment and therefore the Panel were keen to align these.
15. The Panel were of the view that whilst aligning the Scheme to staff policies and guidance, Members IT equipment after the Election in May 2019 should be provided to all Members by the Council as this was in line with officer practices and was necessary for them to undertake their roles on the Council.
16. Further, in respect of the alignment the Panel recommended that the rates for travel be amended to reflect staff policy (i.e. 30p per mile for motor cars, 40p per mile for electric cars, 40p per mile for motorcycles and 40p per mile for bicycles).
17. The Panel were provided with information about staff parking permits and recommend aligning the members' parking permits to that of staff, therefore the Panel recommends from May 2019 members have the option to purchase an annual car parking permit or pay to park on an ad-hoc basis (currently 50p for six hours, £1 for 12 hours or an annual permit at £170). This would give members more flexibility whilst also delivering a fair and equitable approach. Both these options would be in line with the charges applicable to officers.
18. In looking to set the basic allowance the Panel considered a range of benchmarking data including the average basic allowances across different authorities as follows:

| | |
|-------------------------|----------------------|
| Devon County Council | £12,607 |
| Plymouth City Council | £10,788 |
| Other local authorities | £4,360 to £14,188.74 |
19. Having regard to the written and oral representations, the Panel considered that the basic allowance be set at £8,668 (current allowance plus 2% increase) and should be deemed to cover all costs which are not covered elsewhere in the Allowances Scheme, such as telephone charges, broadband, all stationery, paper, postage and travel on non-approved duties etc.
20. Payment of the basic allowance, regardless whether the Member has been re-elected or not, should be received up to four calendar days after an Election. Payment of the basic allowance after an election to be paid from the fifth calendar day after the election.

Co-opted Members

21. The Panel noted that the Co-opted Members did the job on a voluntary basis and that the allowance was a token to help cover their expenses.
22. The Panel felt that whilst the co-optees' allowance was fairly modest they did help to cover the costs of attending meetings and that they should continue to be paid at the current rate, but that they would be expected to cover the cost of travel and subsistence expenses. The co-optees would still be entitled to claim childcare and dependent carers' allowances.

Special Responsibility Allowances

23. Special Responsibility Allowances (SRA's) are payable at the Council's discretion to those Members who have significant additional responsibilities over and above the generally accepted duties of a Councillor. Members may only claim one SRA in addition to their basic allowance.
24. The Panel were of the opinion that all SRA's are in place to cover the cost of attending additional meetings within Torbay (eg meetings with officers, briefings and network meetings) as part of their role and felt the current Allowances Scheme covered this point. Where their attendance at meetings etc is required outside Torbay, this would be first agreed by the relevant Directorate and met from their service budget.
25. The Panel's were of the view that some SRA's should be based on a multiple of other allowances and applied this principal to its recommendations as referred to above.
26. Payment of all SRA's end on the last day of the term of office (four calendar days after the election). SRA's are not paid until the new/returning Councillor is formally appointed to a position which attracts a SRA.

Leader of the Council's Allowance

27. The Panel reflected on the governance arrangements which would come into effect from May 2019 and how the appointment of Leader would be made.
28. The Panel had regard to the benchmarking information which showed that the SRA for the Leader of the Council at other authorities within the geographic ranged from £31,518.00 (Devon County Council) to £8,740(West Devon) although they recognised that these were different types of authority
29. The Panel looked at using a multiplier based on the level of the Cabinet allowances for the Leader and Deputy Leader, in doing this they also looked at appropriate benchmarking data from other authorities. This led to the Panel setting a multiplier of 2.25 times the Cabinet Member SRA to set the SRA for the Leader. As the new structure embeds the Panel would wish to revisit the relative weighting of this role in light of evidence.
30. The Panel heard evidence from the Members both verbally and in writing about the austerity measures being applied to the Council and the role of a Leader of the Council. The Panel have recommended an allowance which they feel reflects the representations made to them.
31. Payment of the Mayor's Allowance ends on the last day of the term of office (four calendar days after the election). A new Leader of the Council would be paid their SRA from the start of their term of office (at their election at the Annual Council meeting following the next whole Council election).

Deputy Leader and Cabinet Members

32. The Panel noted that the current Executive Members perform an advisory role to the Elected Mayor and the scheme of delegation if the Mayor is unavailable or the Mayor has a pecuniary interest. The Panel noted that the future Leader could continue with this arrangement or elect to have a collective decision making cabinet, however also

noted that the vast majority of Leader and Cabinet models have adopted collective responsibility and have therefore assumed that collective decision making will be in place in Torbay for the purposes of this allowance review.

The Panel also noted the current number of Executive Leads and noted that a future Cabinet could be made up of a maximum of 9 Cabinet members plus the Leader. The Panel had regard to the officer structure with 5 Directors and felt that 6 Cabinet members would align to the officer structure whilst giving the Leader some flexibility in Cabinet appointments, but that more than 6 could cause duplication in work across portfolios. However, the Panel resolved that should the Leader of the Council wish to appoint more than 6 Cabinet members or if there was no collective decision making, the Panel should be reconvened to recommend revised SRA's for these positions. If this did occur the Panel would see the same level as set out in this report as the starting point maintaining the overall pot of money set aside for the Cabinet at the same level as the expectation would be that additional cabinet members would lighten the load across other portfolios.

33. Whilst undertaking their interviews the Panel sought Members' views on the differing portfolios and asked Members to weight which Portfolios they considered to have a higher level of accountability. The Panel heard evidence to suggest that Children and Adults were high profile portfolios, but each portfolio undertaken by a Cabinet member would not be significantly more onerous than other roles and that if they were all part of collective decision making they should not distinguish between them. Therefore the Panel did not recommend the portfolios receive differential SRA's.
34. Following the gathering of evidence the Panel recognised there were additional responsibilities of the Deputy Leader. The benchmarking data showed the SRA ranging from £6,184 (East Devon) to £21,571 (Plymouth).
35. As with the Leader the Panel also looked at using a multiplier based on the level of the Cabinet allowances for the Deputy Leader, in doing this they looked at appropriate benchmarking data from other authorities. This led to the Panel setting a multiplier of 1.25 times the Cabinet Member SRA to set the SRA for the Deputy Leader. As the new structure embeds the Panel would wish to revisit the relative weighting of this role in light of evidence.

Overview and Scrutiny

36. The Overview and Scrutiny Co-ordinator currently receives an SRA of £10,523 which is the same as an Executive Member who has collective decision making powers. This was originally set when the Council had a collective decision making Executive as it was felt the role of the Overview and Scrutiny Co-ordinator was on par with that of an Executive Member.
37. The Panel saw effective scrutiny as of real importance to the operation of the Council. However, having regard to evidence presented to it by members which for the most part reflected the view that the SRA for this post was set too high and taking into account benchmarking data and the belief that this is a changed role under a Leader and Cabinet model, the Panel felt that the SRA for the Overview and Scrutiny Co-ordinator should be reduced by one third to £7,155. The Panel were of the view that this is closer to the average allowance paid in other authorities which ranged from £2,147 (Reading) to £10,788 (Plymouth).

38. The Council currently has 4 Scrutiny Leads. Taking into account the written and oral representations, the Panel considered that the SRA for this post should also be reduced by one third to £2,385 and that was more in line with other authorities. They were also of the view that a cap of a maximum of 4 leads should be set.

Development Management Committee

39. The Panel reviewed the SRA for the Chairman/woman of the Development Management Committee and felt that the current SRA was appropriate and recommended the SRA should remain unchanged £7,155 (this includes the 2% pay increase).

Licensing

40. The Panel reviewed the SRA for the Chairman/woman of the Licensing Committee and Licensing Sub-Committee. The Panel noted that, although the Licensing Committee only met twice a year, it was usual for the Chairman/woman of the Committee to chair approximately 50% of the meetings of the Licensing Sub-Committee with the Vice-Chairman and possibly another member of the Committee chairing the remaining meetings of the Sub-Committee.
41. The Panel felt that any other Member who Chairs meetings of the Licensing Sub-Committee should be paid an SRA depending on the number of meetings they chair as follows:

| | |
|----------------|-------------|
| 10 + meetings | £1,155; and |
| 5 - 9 meetings | £578; |

42. This is in line with the existing allowance plus 2% pay increase.

Other Chairman roles

43. The Panel noted the respective roles of the remaining Chairman/woman of Committees. The Panel noted that the Audit Committee Chairperson received a higher SRA but did not hear any evidence to suggest that this role was more onerous than the other Chairing roles. The Panel felt that additional duties the Chairman of the Audit Committee undertake are not of significantly greater burden than the other Chairman positions (excluding the Chairman of Development Management Committee) to warrant a higher allowance and recommended this SRA's be reduced to be brought in line with the other Chairman roles at £3,578 (this includes the 2% pay increase).
44. The Panel noted that the Investment & Regeneration Committee and Housing Committee may cease to exist after the Local Election in May 2019, however, as this remains unclear they recommend that should they be re-appointed the Chairman/woman of these committees receive the same SRA as other Chairmen/women of £3,578 (this includes the 2% pay increase).

The Worshipful Mayor of Torbay (currently known as Chairman of the Council)

45. The Panel noted that Council meets bi-monthly with additional meetings required during the budget setting process. The Panel heard evidence which informed them that both the Elected Mayor and Chairman currently attend events, depending on the

nature of the event. The Panel were minded that the demands on this role could increase significantly and would like to explore this further at their next review.

46. The Panel noted that outside of the Members' Allowances Scheme the Chairman/woman of the Council also receives a civic allowance which is set by the Council and is paid in monthly instalments. The Vice-Chairman/woman of Council also receives a civic allowance. This is intended to cover the additional cost of outfits, purchase of raffle tickets, gifts to charity and helping with general expenses relating to the ceremonial aspect of the role.
47. The Panel confirmed that the Chairman's allowance is payable from the Adjourned Annual Council meeting date to the Annual Council meeting 12 months later. In the year of a Local Election and in the event the Chairman is not re-elected or does not re-stand, the SRA is still paid to the Chairman until, and including, the Annual Council Meeting.

Leaders of Political Groups

48. The Panel noted that the Political Groups no longer had the support of Political Assistants. The Panel felt the SRA for the position of Group Leader should remain unchanged, but this would not include the Group Leader as part of the calculation. The Panel have included a recommendation that Group Leaders undertake performance management of their group members and identify skills development training.
49. The Group Leaders' Allowance should be received up to four calendar days after the election. Payment of the Leaders' Allowances after an election is made once the Governance Support Manager receives written confirmation of the appointment of Group Leader.

Indexing

50. The Panel noted that the Scheme was currently updated using the annual local government pay settlement as agreed by the National Joint Committee for Local Government Services. The Panel felt that the current method for updating the Scheme should remain unchanged as it meant that staff and members will receive the same increase in pay. The method for updating the Scheme and the whole allowances scheme must be reviewed at least every four years (e.g. by no later than 2023).
51. The Panel also felt that when changes to staff policy are made in respect of travelling, subsistence and parking, the Scheme should also be changed to ensure they are aligned. This would ensure fairness and equity between members and officers.

Performance Management

52. The Panel felt that formal performance management arrangements should be introduced ideally for all Members particularly those in receipt of SRA's, to be carried out by the appropriate Group Leader or the Leader of the Council, so that there is recorded evidence as to the people appointed to these positions.

Childcare and Dependent Care

53. The current Scheme includes provision for the payment of the actual costs incurred for childcare and dependent care to be reimbursed to enable a member to carry out an approved duty. The Panel considered that the current system was fair and should be retained.

Outside Bodies

54. Members cease being representatives on outside bodies four days after the election and are re-appointed at Annual Council or by the Chief Executive under urgent powers if the outside organisation needs Councillor representation prior to the Annual Council meeting.

Significant Changes such as alterations to the Governance Arrangements, Scheme of Delegation

55. If any significant changes are made prior to the next review of Members' Allowances (for example changes to governance arrangements, the number of Cabinet/Scrutiny Lead Members, the scheme of delegation or changes to warrant a review of the current Members Allowances Scheme) the Independent Review Panel should be consulted and requested to make any recommendations to Council.

Current Special Responsibility Allowances

| | 2018/19 | 2019/20 |
|--|---------|---------|
| Elected Mayor | £56,651 | £57,784 |
| Deputy Mayor | £21,046 | £21,467 |
| Executive Members: | | |
| <input type="checkbox"/> Individual decision making | £14,031 | £14,312 |
| <input type="checkbox"/> Collective decision making | £10,523 | £10,733 |
| <input type="checkbox"/> Advisory | £7,015 | £7,155 |
| Overview and Scrutiny Co-ordinator | £10,523 | £10,733 |
| Scrutiny Lead Members | £3,508 | £3,578 |
| Chairman/woman of Development Management Committee | £7,015 | £7,155 |
| Chairman/woman of Licensing Committee | £3,508 | £3,578 |
| Chairmen/women of Licensing Sub-Committees: | | |
| <input type="checkbox"/> 20-40 meetings | £2,266 | £2,311 |
| <input type="checkbox"/> 15-19 meetings | £1,699 | £1,733 |
| <input type="checkbox"/> 10-14 meetings | £1,132 | £1,155 |
| <input type="checkbox"/> 5-9 meetings | £567 | £578 |
| Chairman/woman of Council | £3,508 | £3,578 |
| Chairman/woman of Harbour Committee | £3,508 | £3,578 |
| Chairman/woman of Audit Committee | £4,223 | £4,307 |
| Chairman/woman of Health and Wellbeing Board | £3,508 | £3,578 |
| Chairman/woman of Investment and Regeneration Committee | £3,508 | £3,578 |
| Chairman/woman of Housing Committee | £3,508 | £3,578 |
| Leaders of Political Groups (per member excluding the Group Leader) | £340 | £347 |

Please note: the 2019/20 figures reflect the 2% pay increase

Proposed Special Responsibility Allowances

| | 2019/20 |
|--|---------|
| Leader of the Council | £24,150 |
| Deputy Leader | £13,416 |
| Cabinet Member (Collective decision making) | £10,733 |
| Overview and Scrutiny Co-ordinator | £7,155 |
| Scrutiny Lead Members | £2,385 |
| Chairman/woman of Development Management Committee | £7,155 |
| Chairman/woman of Licensing Committee | £3,578 |
| Chairmen/women of Licensing Sub-Committees: | |
| <input type="checkbox"/> 10+ meetings | £1,155 |
| <input type="checkbox"/> 5-9 meetings | £578 |
| The Worshipful Mayor of Torbay | £3,578 |
| Chairman/woman of Harbour Committee | £3,578 |
| Chairman/woman of Audit Committee | £3,578 |
| Chairman/woman of Health and Wellbeing Board | £3,578 |
| Chairman/woman of Investment and Regeneration Committee | £3,578 |
| Chairman/woman of Housing Committee | £3,578 |
| Leaders of Political Groups (per member excluding the Group Leader) | £347 |

Please note: these SRA's include the 2% pay increase



Meeting: Council

Date: 31 January 2019

Wards Affected: Blatchcombe

Report Title: Capital Investment at Paignton Community and Sports Academy (PCSA) to provide Additional Secondary School Places

Is the decision a key decision? Yes

When does the decision need to be implemented? For September 2019

Executive Lead Contact Details: Councillor Stocks, Executive Lead for Children and Housing, cindy.stocks@torbay.gov.uk

Supporting Officer Contact Details: Rachael Williams, Assistant Director, Education, Learning and Skills, 01803 208743 rachael.williams@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Children's Services is seeking approval for Capital Investment at Paignton Community and Sports Academy (PCSA) to provide additional Secondary School places. The Local Authority (LA) continues to experience an increase in pupil numbers in the Paignton area and the latest forecasts indicate a shortfall of secondary school places from 2019 onwards. Capital Investment at PCSA will help address this shortfall and fulfill the LA's statutory obligation to provide sufficient school places.
- 1.2 Pupil forecasts indicate a shortfall of capacity across all 3 secondary planning areas as large primary cohorts move up and due to the fluctuating number of out of area pupils that attend Torbay grammar schools. The shortfalls start from 2019 in Paignton, 2020 for Brixham and from 2021 in Torquay. Additional secondary school places are now required to meet demand.
- 1.3 Officers have secured an agreement with PCSA for the school to admit an additional 30 pupils into the admitting year group from September 2019 and a further 30 pupils from September 2020. This will result in an increase in their Planned Admission Number (PAN) which is currently 300, to 330 from September 2019 and 360 from September 2020. This means a total of 300 extra places to be provided once fully implemented, 60 per year for Years 7-11.
- 1.4 In order to accommodate the extra 300 pupils, the school requires capital investment to provide a 5 classroom block with staff room at the Waterleat Road site, conversion of 2 classrooms to science labs (1 at Waterleat Road and 1 at Borough Road) and some minor alterations to 2 IT classrooms.

2. Reason for Proposal and associated financial commitments

- 2.1 The Council has a statutory duty to ensure there are sufficient school places to meet demand. A failure to provide additional places within the Paignton area will be in breach of the Council's statutory duty. If additional places are not provided at PCSA then the LA would be required to provide transport for pupils who cannot be given a place at their local school to attend a school in Torquay. This would present a significant revenue commitment for the Council for up to 5 years for each pupil. It would also mean that the LA is not meeting parental preference and there would be a risk to reputation and a possible increase in admission appeals.
- 2.2 The cost of providing the necessary classrooms for the additional 300 places at **PCSA is £1.84m**. The cost per school place is £6,130 which is well below the DfE benchmark for secondary school places (£14k - £16k) so the scheme offers excellent value for money.
- Funding for school places is provided by Department for Education (DfE) through Basic Need (BN) grant. Torbay LA currently has an uncommitted BN allocation for 2020/21 of £730k. The allocation for 2021/22 will be announced in April 2019. All of this will be used to support this proposal.
- 2.3 To make up the shortfall the Council will need to allocate £1.11m against future unknown BN allocations. Officers have attempted to model the level of funding expected for the 2021/22 BN allocation. The model indicates that it could be between £0.5m and £6m depending on the methodology that the DfE use for assessing 6th form capacity. This is an unknown as the DfE have not confirmed the methodology that will be applied.
- 2.4 Children's Services also receive an annual Schools Condition Allocation (SCA) for repairs & maintenance work. This fund could be top-sliced for the next two years if necessary. The SCA is expected to continue at the current level of approximately £400k per annum dependent on how many schools convert to Academy each year. A minimum of £250k per year is required to manage the LA school building estate.
- 2.5 The proposal is to fund the £1.84m as follows:
- £0.73m actual BN allocation for 2020/21 already in the Children's Services Capital Plan
 - £150,000 top slice from 2019/20 SCA allocation
 - £150,000 top slice from 2020/21 SCA allocation
 - £0.81m from as yet unknown BN 2021/22 & 2022/23 if necessary
- TOTAL £1.84m**
- 2.6 There is a risk that Torbay may receive future BN allocations less than the £0.81m required for the PCSA scheme. However, secondary numbers are continuing to rise and Officers are predicting a minimum of £0.5m for Basic Need in 2021/22. There is also scope to top-slice a larger proportion of the SCA for the next two years and possibly a third year if necessary to make up the shortfall.
- 2.9 If the BN allocation for 2021/22 is greater than £1.1m then Officers would propose that the SCA top-slice is not required and the project would be funded 100% from BN funding.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Director of Children’s Services, in consultation with the Executive Lead for Children and Housing, be given delegated authority to allocate up to £1.84m from the 2020/21 and future Basic Need Allocations and Children’s Services Schools Condition allocations to support the provision of additional accommodation at Paignton Community and Sports Academy to provide additional secondary school places.

Appendices

None

Background Documents

School Place Planning Statements
Published forecasts

Section 1: Background Information

| | |
|----|--|
| 1. | <p>What is the proposal / issue?</p> <p>Paignton continues to be an area of major urban expansion for Torbay with substantial investment in the local infrastructure, amenities and housing and the opening of several new businesses. It is evident from admissions data and the high transfer rates between cohorts that this is attracting young families to the area. As a result the Authority continues to see growth in numbers across all year groups. The Authority is currently forecasting a steady shortfall of Secondary places from 2019 onwards – increasing to a shortfall of 40 places in the admitting year by 2022.</p> <p>This pressure is not only in the admitting year but across <u>all</u> years; the shortage of places when accumulated is in excess of 120 by 2022.</p> <p>A proposal has been discussed with the PCSA to increase its PAN by 30 for September 2019 and a further 30 for September 2020. This increase in pupils will require additional accommodation and therefore capital investment. The Academy has identified the need for a 5 classroom block with staff room at the Waterleat Road site, conversion of 2 classrooms to science labs (1 at Waterleat Road and 1 at Borough Road) and some minor alterations to 2 IT classrooms.</p> <p>If Council agree the proposal, the increase in PAN should address the shortfall in Paignton and provide some capacity for Brixham pupils, thus meeting the statutory duty to provide sufficient school places for the next few years.</p> |
| 2. | <p>What is the current situation?</p> <p>As at December 2018, there were no places available in Year 7 in Paignton or Brixham. Only one school in Torbay has Year 7 places available which is St Cuthbert Mayne in Torquay.</p> <p>Pupils living in Paignton or Brixham who cannot be accommodated at their local secondary school are given the option to attend St Cuthbert Mayne but this has a cost implication as the Council then have to fund the child's travel to the alternative school. This funding requirement could be required for 5 years, placing financial pressure on revenue budgets.</p> |
| 3. | <p>What options have been considered?</p> <p>Utilising provision in other planning areas:</p> <ul style="list-style-type: none">• Whilst places may be available in Torquay, they would not be in the local community and the Council would be required to fund the additional transport costs for the next 5 years. <p>Maintaining status quo:</p> |

| | |
|------------|--|
| | <ul style="list-style-type: none"> • The Council would not be effectively managing demand and could face unknown costs arising from legal challenge or increased transport costs. • The Council would not be fulfilling its statutory obligation to provide sufficient school places. |
| 4. | <p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The proposal supports the Council’s Corporate Plan as it ensures the delivery of additional school places in an area of significant growth and regeneration.</p> |
| 5. | <p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>The proposal helps ensure all children have access to a school place within a reasonable distance from their home location.</p> |
| 6. | <p>How does this proposal tackle deprivation?</p> <p>This proposal tackles inequality by giving every child a place in their local school giving them the best possible opportunity to achieve and succeed.</p> |
| 7. | <p>How does this proposal tackle inequalities?</p> <p>This proposal tackles inequality by ensuring that every child has the opportunity to access a school place within their local community.</p> |
| 8. | <p>How does the proposal impact on people with learning disabilities?</p> <p>The proposal has no direct impact on those with learning difficulties as the provision is not specialised. However, any pupils identified as having special educational needs will be supported in their placement by the Council.</p> |
| 9. | <p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Parents and children in Paignton will benefit from the provision of sufficient school places in the area. Other key stakeholders affected are the staff, parents and pupils at Paignton Community and Sports Academy, the ESFA, the Department of Education and the Regional Schools Commissioner.</p> |
| 10. | <p>How will you propose to consult?</p> <p>Meetings and ongoing dialogue with the key stakeholders.</p> <p>School to carry out their own consultation with parents, students and staff. Planning consultation.</p> |

Section 2: Implications and Impact Assessment

11. What are the financial and legal implications?

The financial implication of approving this proposal is £1.84m of capital investment.

12. What are the risks?

If the Council is unable to support the school's request for additional accommodation then it would not be able to offer additional Year 7 places for future academic year groups.

As forecasts predict a shortfall of places from 2019 onwards, peaking in 2022, the Council would be in breach its statutory school place planning duty. The DfE recommends a 5-10% surplus to meet parental preference, in-year admissions and unforeseen growth. No surplus is available in the Paignton area for the admitting year group this academic year.

The forecast table below shows the predicted shortfall of secondary school places in the Paignton and Brixham areas for the next 5 academic years. The cells highlighted in red indicate where numbers are expected to exceed capacity.

PAIGNTON

| Academic Year | PAN | Age 11+ | Age 12+ | Age 13+ | Age 14+ | Age 15+ | TOTAL |
|--------------------|-----|---------|---------|---------|---------|---------|-------|
| 2018-19 (actual) | 300 | 298 | 272 | 298 | 250 | 219 | 1337 |
| 2019-20 (forecast) | 300 | 306 | 307 | 287 | 268 | 264 | 1432 |
| 2020-21 (forecast) | 300 | 327 | 315 | 323 | 259 | 283 | 1507 |
| 2021-22 (forecast) | 300 | 322 | 337 | 331 | 290 | 273 | 1553 |
| 2022-23 (forecast) | 300 | 340 | 332 | 353 | 296 | 305 | 1626 |
| 2023-24 (forecast) | 300 | 352 | 350 | 348 | 316 | 312 | 1678 |

BRIXHAM

| Academic Year | PAN | Age 11+ | Age 12+ | Age 13+ | Age 14+ | Age 15+ | TOTAL |
|--------------------|-----|---------|---------|---------|---------|---------|-------|
| 2018-19 (actual) | 360 | 361 | 339 | 348 | 349 | 336 | 1733 |
| 2019-20 (forecast) | 360 | 329 | 360 | 340 | 333 | 347 | 1709 |
| 2020-21 (forecast) | 360 | 378 | 329 | 362 | 326 | 332 | 1727 |
| 2021-22 (forecast) | 360 | 342 | 377 | 330 | 346 | 324 | 1719 |
| 2022-23 (forecast) | 360 | 346 | 342 | 379 | 316 | 345 | 1728 |
| 2023-24 (forecast) | 360 | 377 | 346 | 343 | 363 | 314 | 1743 |

| | |
|-------------------|--|
| <p>13.</p> | <p>Public Services Value (Social Value) Act 2012</p> <p>All works procured in connection with the new accommodation will be procured in line with the Public services Value Act 2012.</p> |
| <p>14.</p> | <p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Paignton continues to experience a period of growth through increased birth rates and housing being delivered quicker and in greater quantities than originally anticipated. Admissions data and projections show there is insufficient capacity to meet demand from 2019 onwards or provide the 5-10% surplus recommended to meet parental preference, in-year admission and any unforeseen growth.</p> <p>Approval of the proposal will mean that School places are provided within a reasonable distance from home locations.</p> <p>PCSA is the sole Secondary School in the Paignton area. Its expansion will have a positive impact on the local children who will not have to travel longer distances to school.</p> <p>Optimum learning environment in line with DfE recommendations.</p> |
| <p>15.</p> | <p>What are key findings from the consultation you have carried out?</p> <p>Not applicable.</p> |
| <p>16.</p> | <p>Amendments to Proposal / Mitigating Actions</p> <p>Not applicable.</p> |

Equality Impacts

| | | | | |
|-----|---|---|---|-----------------------|
| 17. | Identify the potential positive and negative impacts on specific groups | | | |
| | | Positive Impact | Negative Impact & Mitigating Actions | Neutral Impact |
| | Older or younger people | Sufficient Year 7 places to meet local demand School places provided within a reasonable distance from home location PCSA is the sole Secondary School in the Paignton area. Its expansion will have a positive impact on the local children who will not have a need to travel longer distances to school Optimum learning environment in line with DfE recommendations | | |
| | People with caring Responsibilities | Sufficient Year 7 places to meet local demand School places provided within a reasonable distance from home location PCSA is the sole Secondary School in the Paignton area. Its expansion will have a positive impact on the local children who will not have a need to travel longer distances to school Optimum learning environment in line with DfE recommendations | | |
| | People with a disability | Any provision will be fully DDA compliant &, wherever possible, | | |

| | | | |
|---|--|--|------------------------|
| | look to address existing issues on the site | | |
| Women or men | | | No differential impact |
| People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i> | | | No differential impact |
| Religion or belief (including lack of belief) | | | No differential impact |
| People who are lesbian, gay or bisexual | | | No differential impact |
| People who are transgendered | | | No differential impact |
| People who are in a marriage or civil partnership | | | No differential impact |
| Women who are pregnant / on maternity leave | | | No differential impact |
| Socio-economic impacts (Including impact on child poverty issues and deprivation) | Ensuring all children have the best possible opportunity to thrive and succeed | | |
| Public Health impacts (How will your proposal impact on the general health of the population of Torbay) | | | No differential impact |

| | | |
|------------------|---|--|
| <p>16</p> | <p>Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)</p> | <p>Local investment in the Paignton area into improved infrastructure, industrial and retail outlets and the completion of large housing developments is placing significant pressure on school places in the area.</p> <p>Insufficient secondary provision to meet demand will mean the Council is in breach of its statutory duty and will not be meeting it's priority to give every child the best possible start in life</p> <p>School Place Planning needs to support this investment and the aims of the Council's Local Plan. Schools have a role to play in creating an attractive and sustainable community.</p> |
| <p>17</p> | <p>Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)</p> | <p>None</p> |



Meeting: Council

Date: 31 January 2019

Wards Affected: All

Report Title: Local Government Association Finance Peer Challenge of Torbay Council and resulting action plan

Is the decision a key decision? No

When does the decision need to be implemented? Ongoing implementation of action plan

Executive Lead Contact Details: Elected Mayor Oliver, Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation

Supporting Officer Contact Details: Anne-Marie Bond, Director of Corporate Services, (01803) 207160, email: anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Local Government Association (LGA) was invited by the Council to undertake a Peer Review of the Council's financial position. The review was undertaken in November 2018.
- 1.2 This report makes available the LGA's report and sets out the resulting action plan to address the issues raised.

2. Reason for Proposal and associated financial commitments

- 2.1 To make available the LGA's Finance Peer Challenge Report and to enable the resulting actions to be implemented.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Local Government Association Finance Peer Challenge Report (as set out at Appendix 1) and the resulting action plan (as set out at Appendix 2) be endorsed.
- 3.2 That the Audit Committee be requested to monitor the implementation of the action plan.

4. Background

- 4.1 The Council has faced year on year challenges to balance its budget in light of challenging demand pressures and significant grant reductions since 2010. A number of approaches and initiatives have been adopted by the Council to manage its spend. However, despite these the Council continues to face unprecedented financial challenges.
- 4.2 The LGA has provided the Council with ongoing support since its Corporate Peer Challenge in 2015. The Council requested the LGA to undertake a narrowly focused Finance Peer Challenge to assist the Council in reviewing its approach to its future financial challenges. The LGA undertook the finance peer challenge of the Council during an on-site visit (7 and 8 November 2018), with a focus on: the Council's current financial position and robustness of its efficiency plan; specific actions to address the financial challenges for the longer term; and all future options to secure the long-term viability of services for the people of Torbay.
- 4.5 At the end of their review, the Peer Challenge Team made a number of recommendations and provided feedback. Overall, the LGA consider that the Council had been very effective to date in managing its spend in the face of grant cuts for which it should be commended, however they recognise the continued financial challenges for the Council. The full LGA Finance Peer Challenge feedback report can be found at Appendix 1. An action plan to respond to the LGA's recommendations has been developed and is attached at Appendix 2.

5. Way Forward and Monitoring

- 5.1 A number of recommendations have been identified by the LGA and an action plan has been developed to ensure these are implemented. It is recommended the Audit Committee provides ongoing monitoring and progress of the action plan, alongside performance and risk reporting.
- 5.2 The LGA will continue to offer support to the Council.

6. Outline of significant key risks

- 6.1 The main risk associated with the report is the failure to consider and respond to the recommendations of the LGA Peer Review Team. This may result in the Council not responding adequately to the financial challenges it faces. The resulting action plan addresses the recommendations by the LGA.

7. Other options

- 7.1 Not to endorse the Local Government Association Finance Peer Challenge Report and resulting action plan – this is not recommended as the action plan will mitigate the risks outlined above.

8. Summary of resource implications

- 8.1 The action plan will assist the Council in meeting its future financial challenges.

9. Consultation

- 9.1 Elected members, senior officers, budget managers and the Council's external auditors contributed towards the Finance Peer Challenge and met with the Peer Challenge Team. The resulting action plan will assist the Council in sustaining its future to secure long-term viability of services for the community.

Appendices

Appendix 1: LGA Finance Peer Challenge Report November 2018

Appendix 2: LGA Finance Peer Challenge 2018 – Action Plan

Background Documents

None



Finance Peer Challenge

Torbay Council

November 2018

Report of the Peer Review Team

1. Background

For some time now, Torbay Council has been concerned about its ability to balance its budgets in the face of challenging demand pressure, and the very significant grant reductions it has faced since 2010.

The Council had a Corporate Peer Challenge (CPC) in November 2015, with a follow up report in 2016. It also commissioned a separate Financial Resilience Review from CIPFA in November 2016. These exercises led to action plans and initiatives to help the Council manage its finances.

As well as being very aware of the challenges it faces, Torbay has been very effective so far in managing down its spend in the face of grants cuts, successfully delivering reductions of £76m since 2010, for which the Council should be commended.

Since 2005 the council has had a mayoral governance model. The current Directly Elected Mayor has been in office since 2011, having been re-elected in 2015. As a result of a referendum, following the elections in 2019 the Council will revert to a Cabinet/Leader Model. This means that whatever the outcome of the election, Torbay will have new political leadership in May 2019, following all out elections. The incoming administration will then have a four year term of office.

Following ongoing operational and financial issues with Children's Services (which are currently rated 'inadequate' by Ofsted) and a review of future options led by a government appointed Commissioner, from April this year Torbay's Children's Services have been managed by a single Director of Children's Services who is also the Director of Children's Services for Plymouth City Council. Ultimate statutory accountability and financial responsibility for Children's Services however remain with Torbay .

In 2017 Local Partnerships were engaged by the Council to review how services were delivered, which included consideration of local government re-organisation. Local Partnerships commenced their work with an options appraisal in May 2017 and in the preparation of this met with the Elected Mayor and senior politicians, senior officers, and potential partner organisations. They reviewed a wide range of key documentation from both Torbay and potential partners such as Devon County Council, Plymouth City Council and South Hams and West Devon District Councils. Initially a long list of options were explored, but with input from the Elected Mayor, Members and Officers a short list was agreed, which was considered in more detail and subjected to a high level qualitative and quantitative analysis. Following discussions with potential partners and with Government, local government re-organisation was not considered to be achievable by Local Partnerships and therefore their review focused upon strategic partnering possibilities.

Ultimately the Local Partnerships review demonstrated that the level of savings to be realised from a strategic partnering arrangement were not material in the context of the budget reductions faced by the Council. It was recognised that significant officer resources would be required to deliver a strategic partnering arrangement, for which there would be an opportunity cost, plus

the actual cost of implementation. The Local Partnerships Business Case did highlight two options in respect of opportunities to increase the level of income and therefore the level of resilience to the Council, namely;

1. Raise Council Tax to levels comparable in the rest of Devon, or
2. Create Town Councils across the entirety of Torbay, who have an ability to raise income through the precept mechanism, devolve certain services to them.

In the report to Council in September 2017, the Chief Executive gave clear and unequivocal advice to Members that the Council could not allow its collective focus and limited capacity to be distracted from delivering savings through the transformation programme. He recommended that the Council did not pursue a strategic partnering arrangement with any party at that time in order to focus upon the transformation programme, but he recommended that the Council should immediately undertake a Community Governance Review to consider the devolution of services to precepting Town Councils.

Since that time, the Council has commendably put significant effort into its transformation agenda, however despite this, the Council continues to face unprecedented financial challenges and an uncertain financial future. The current iteration of the Medium Term Resource Plan (MTRP) sets out that the Council needs to identify at least £11m per annum of savings/income generation by 2021/22.

This current Finance Peer Challenge has been commissioned by the Council and the LGA to help Torbay progress in meeting its financial challenges.

2. The brief.

A narrowly focused peer review to:

- identify the Council's current financial position and robustness of its efficiency plan;
- to identify specific actions to address the financial challenges for the longer-term
- including all future options to secure the long-term viability of services for the people of Torbay.

3. Peer challenge team

The team was as follows:

- Chris West - LGA Finance and Improvement Sustainability Adviser, former Director of Resources, Coventry City Council. Chris was a member of the 2015 Peer Review Group Team, and part of the follow up to that in 2016.
- Chris Buss – Treasurer Western Riverside Waste Authority, Former Director of Finance and Deputy Chief Executive- London Borough of Wandsworth
- Emily McGuinness - LGA Adviser - South West
- Andy Bates-Principal Adviser-LGA – in his role as regional lead for the South West

4. The Council's current financial position and robustness of its efficiency plan.

There can be no doubt that Torbay Council is in a very challenging financial challenging position. It has a significantly deprived population and has as a consequence, been dependent on Government grant, and hard hit by grant reductions since 2010. As a small Unitary it lacks economies of scale, the local economy is not booming and its geography brings particular challenges. Similar points can be made about other councils and therefore it must be emphasized that the challenges are not unique to Torbay, however equally the scale of challenge for Torbay Council should not be underestimated.

During 2018/19 a significant budgetary control issue has emerged in Torbay in Children's Services – which has been a continual issue in the authority for some years. At Quarter 2, the overspend on Children's was predicted to be £3.5m, but savings elsewhere reduced the corporate forecast to a £2.4m overspend. The management team had already taken proactive and appropriate action to try to contain the overall bottom line within budget, by introducing a moratorium on non-urgent spend and recruitment.

An overspend of this size in an authority with a net budget of £115m is a matter of concern, particularly with the low level of reserves, and this means that Torbay enter the 2019/20 budget round from behind the expected starting line.

There has never been a more challenging time for local authorities to make long term financial plans. As Torbay's MTRP spells out, the scale of

potential change nationally to the local authority finance system in 2020 is huge and it is extremely difficult for councils to predict what will happen. Key issues include:

- Details of the move to 75% business rate retention
- The outcome of the Fair Funding Review and the distribution of resources between Councils
- The future of Better Care Fund and Improved Better Care Fund
- The future of New Homes Bonus
- The future of ring fenced public health grant
- The degree of damping to be applied to the new system once introduced
- Future Council Tax Referendum Limits.

The impact of events in Northamptonshire, the increasing national pressure on Children's and Adult Social Care and the possible impact of Brexit only add to a very blurred planning horizon. Nationally, it is almost impossible to have any certainty beyond the end of 2019/20.

Against this context the Council has published a MTRP covering 2019/20 and the following 2 years, which is summarized in the following table:

| Revenue Budget | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|---|----------------|----------------|----------------|----------------|
| | £m | £m | £m | £m |
| Estimated Sources of Finance (Revenue Support Grant, New Homes Bonus, National Non Domestic Rates, Council Tax & Collection Fund) | (112.0) | (111.1) | (108.8) | (108.4) |
| Investment Fund Net Income | (2.8) | (2.8) | (3.4) | (3.4) |
| Sources of Finance Including Investment Fund | (114.8) | (113.9) | (112.2) | (111.8) |
| Net Expenditure budget | | | | |
| Net expenditure base budget brought forward | 112.9 | 114.8 | 114.5 | 112.2 |
| In year movements e.g. known changes and service investments | 2.3 | (0.7) | 2.2 | 1.1 |
| Inflation and pay award | 1.9 | 1.8 | 2.0 | 2.0 |
| Children's Services | 3.0 | 3.3 | 0.5 | 0.5 |
| Adult Social Care – Council Tax precept | 1.8 | 0 | 0 | 0 |
| Less approved service savings/income | (7.1) | (0.8) | 0 | 0 |
| Budget Proposals & Transformation | 0 | (4.5) | 0 | 0 |
| Total Net Expenditure budget | 114.8 | 113.9 | 119.2 | 115.8 |
| Additional Savings required <u>in year</u> to balance budget | 0 | 0 | (7.0) | (4.0) |
| Total Net expenditure budget after savings | 114.8 | 113.9 | 112.2 | 111.8 |
| Savings required – Cumulative position: | 0 | 0 | (7.0) | (11.0) |
| Savings Identified – October 2018 | - | - | 0 | 0 |
| Balance of savings to be identified – October 2018 | 0 | 0 | (7.0) | (11.0) |

Table last updated 24 October 2018

The Council is consulting on proposals to balance its budget in 2019/20 via known savings, additional savings and transformation projects totalling £7.5m – the additional savings and transformation projects are summarised in Appendices One and Two below. This will be in addition to the £76m of savings already delivered since 2010. Despite concerns in the past, the Council is continuing to manage its finances, in the face of the challenges.

The budget is anticipated to be in deficit in 2020/21 by £7m and a further £4m in 2021/22. However, given the range of uncertainty on arrangements post 2020, these figures can only represent reasonable guesses of the potential position.

Torbay is quite early in publishing its budget, but the Review Team expect many other Councils to publish plans with only 2019/20 in balance. Gaps beyond 2020 are likely to be bigger both absolutely and relative to size in many authorities. In a challenging national context, Torbay Council are in no worse a position than many places, and better than some.

The Review Team would make the following observations on the MTRP and Draft Budget Proposals:

- The savings present a pragmatic approach to balancing the budget.
- An additional £3.3m is added to meet predicted pressures in Children's Services, reflecting very significant in year overspending in 2018/19. Whilst this is prudent, there is a pressing need to contain Children's spending. The Council is already an outlier in this area, and cannot sustain further increases in costs without serious implications for its overall financial position.
- They seem realistically deliverable, with the major caveat being the £0.55m proposal to make procurement and contract management savings in Children's Services.
- The proposals continue to leave the Council's reserve balance at a low level - the non-earmarked general fund reserves are predicted to be just £4.6m or 4% of net budget by March 2019.
- The proposal to go for the likely 3% maximum Council Tax rise makes sense given the strategic need for the Council to protect and grow its tax base for the future.
- Officers need to begin work now Council wide, on further transformation and savings proposals for the future, to present to the incoming administration in May 2019 and give them a head start and room to manoeuvre in planning the budget for 2020 and beyond.
- The Team did not review Torbay's new investment portfolio in detail, but note the positive contribution it has made to balancing the budget. The team would highlight that the Council is required to have regard to

CIPFA and MHCLG guidance in respect of the proportionality of investment activities for any future decisions regarding the Portfolio.

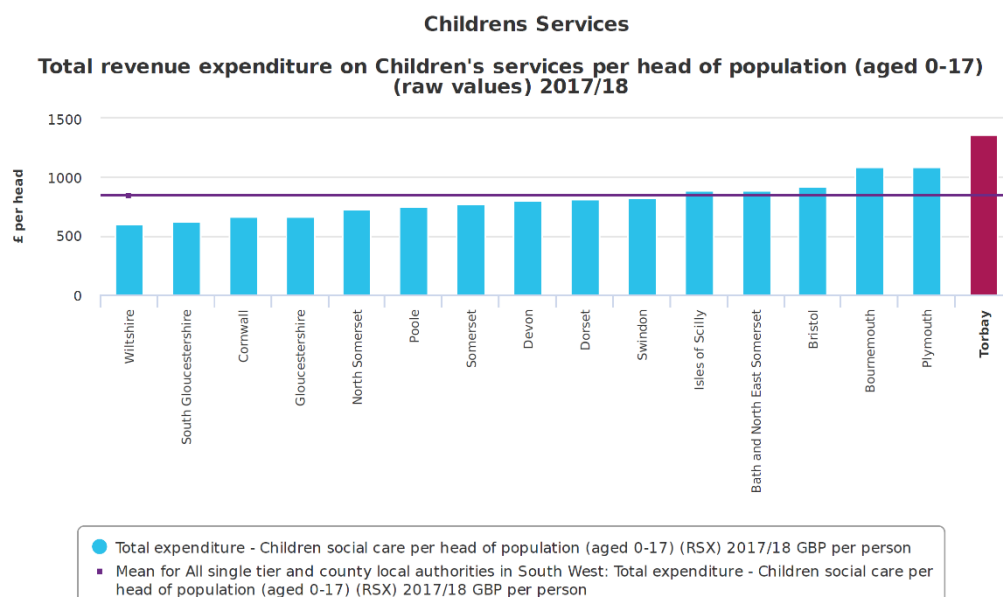
The Review Team tested views on the effectiveness of the Council's Finance Team with a number of senior service managers, and received universally positive feedback on the information, support and advice given, and on the quality of relationships. This is a laudable achievement given the pressures the Council has faced.

The Review Team also received very positive feedback on the performance of the Transformation Team, which is equally as commendable. The Transformation Team believe there is scope for the Council to use this Team further, including in Adults and Children's Services. There is also scope to extend pilots and push forward with wider, organisational transformation projects that will help drive future savings. This will include use of technology, location independent working and paperless working.

On a more general point, the Review Team felt a confidence and optimism amongst the managers with whom they met, that represents a palpable improvement from the prevailing culture 2015, when many officers felt the Council could never be viable.

Children's Services.

Torbay Council has very high numbers of looked after children and very high costs of Children's Services as a whole compared to any comparator group. The graph below for example compares spend per head of 0-17 year olds on Children's to other South West region authorities using 2017/18 data – Torbay is an outlier.



If anything marks out Torbay's financial problem as unique, it is the scale and persistence of its spending levels and pressure on Children's Services.

Following a recommendation by the DfE Commissioner, Torbay's Children's Service has a joint Director of Children's Services with Plymouth City Council. The arrangements have been formally in place since April 2018, but the new Director took up post fully from July. It is very early days to judge the effectiveness of these arrangements.

A range of views was expressed to the Review Team, with some senior members feeling they had "lost" half of a Director, and some senior managers in Children's being positive about the synergies from working with Plymouth – e.g. on Social Worker Recruitment and Placement Strategies, and the benefits that the arrangements could bring. It is essential that significant focus is given to ensure that the arrangements brings benefits for both Councils.

The position for Torbay in respect of its Children's Services is of concern. The Director of Children's Services faces significant financial challenges. Stopping the growth in Children's spending, and getting costs back closer to the expected level for an authority its size are mission critical for Torbay.

It is therefore recommended that Torbay establishes a formal saving delivery plan for Children's Services which should include an analysis of the current case load to try and determine any structural reasons as to why the Council has such a high demand for Children's services. This delivery plan should be monitored corporately at both officer and member level.

The LGA has also offered future support to Torbay to assist in the change process in Children's Services.

In addition to the position in Children's Social Care, the Council is facing considerable pressures in respect of the Higher Needs Block of the Dedicated Schools Grant. The team recognises that the Council have been proactive and established a Higher Needs Recovery Group to consider the ways in which to reduce these pressures. The group, made up of system leaders across education, health and social care have considered in detail the demands that are leading to the increased spend and they have agreed the actions required to address the same. As the Dedicated Schools Grant is ring-fenced there is no requirement for Torbay to contribute to the funding, therefore the creation of the Recovery Group, involving those whose decisions impact upon the Higher Needs Block budget, is a positive and proactive step, and should be continued.

Adult Social Care.

Torbay has an Integrated Care Organisation (ICO) with Health, that represents a highly developed partnership approach to Health and Adult Social Care (ASC), and in many ways is a model of collaborative working. The Council commits very significant budget into the arrangements, including BCF and some iBCF in return for a fixed price for social care, therefore protecting the Council from exposure to overspend in this area of increasing demand.

The risk share expires in 2020 and will need to be renegotiated well in advance of that, with a memorandum of understanding being required by the end of March 2019.

The Review Team would make the following observations as context for these negotiations:

- The NHS has enjoyed significant financial protection in its government funding since 2010, at a time when Local Government has seen year on year cash reductions.
- The arrangements in Torbay limit the capacity of the Council to achieve savings in Adult Social Care (although some £800k per annum savings are currently built into the agreement)
- Most upper tier Councils are both putting additional resources into ASC *and* seeking to drive out efficiency savings. The scope for

Torbay to do this in the current risk share arrangements is highly limited.

- This is a particular issue when Children's social care spend is at such high levels in Torbay.
- The negotiation must leave the authority in a position where it is financially sustainable as a whole and must not be conducted in isolation from the corporate position.

5. Specific actions to address the financial challenges for the longer-term

For some time now the Council has been considering the future of TOR2, its Joint Venture Company delivering a range of Environmental Services in the Bay with a total budget of c £13m pa. The contract ends in July 2020, and recently Torbay have been seeking to agree a possible early termination.

The Review Team recommend that as well as considering the early termination, there should be immediate focus on developing detailed specifications for services after the end of the contract, which in planning terms is now getting close – especially if some of the services need to be procured or if expensive vehicles and plant are to be purchased. Torbay should detail the services it wants and can afford and should seek to deliver significant ongoing savings from this process.

The review team recognise that many of the TOR2 services are public facing services which impact the built environment, but these do need to be reviewed to ensure that the arrangements for future provision enable the Council to meet public expectations in the most cost effective manner, which is unlikely to be by the same method of service delivery as under the current contractual relationship.

While on site, the Review Team have suggested a number of potential savings areas for further investigation, including pensions, alternative approaches to capital, an income generation opportunity, some possible flexibility on debt repayments, and rethinking the Council's arrangements with the TDA. More work will be required to develop these ideas into proposals, and some will inevitably fall out along the way. The LGA will provide further support in this process as required.

It is not possible to be precise about the level of savings these proposals could generate, but it could be in excess of £1m or more, if most of them come to fruition.

In addition, Torbay's s151 officer attended an LGA sponsored event in June 2018, which suggested a range of approaches to making savings. These have been reported to the management team and this provides a wider range of additional ideas to develop for the future.

The Review Team also recommend that Torbay Council review the funding of its capital programme, and where possible replace revenue, reserves or capital receipts with borrowing, and allow these resources to be used to bolster reserves to provide greater resilience in the short term. In the case of capital receipts this may involve switching them to fund revenue via the government's flexibility rules. The Team believe that up to approximately £2m could be added to reserves over the plan period by this process.

6. Future options to secure the long-term viability of services for the people of Torbay.

The Background section of this report summarises recent work in Torbay to progress structural changes to ensure its long term viability. The Review Team concur with the point reached by the Chief Executive that a major structural change is not likely in the short to medium term and Torbay should continue to plan on the basis that it is a self-standing Unitary Authority.

There are however some actions that the Council is taking or can pursue to help improve its viability;

- The Council is investigating the option of establishing Town Councils that could raise precepts and provide communities with a different set of options for future service provision. This work should be progressed to a point where members are able to make an informed decision and be capable of being implemented in April 2020 should the new administration chose to do so.
- Torbay is in discussion with Government about a possible Town Deal. This and similar approaches should continue to be pursued through the 'Torbay Together' initiative.
- Torbay should continue to explore all possible options to work regionally and sub regionally, to raise its profile and exploit any possible funding streams e.g. through the LEP.
- Torbay, in alliance with other deprived coastal communities, should lobby the government to get its characteristics recognised

in the current Fair Funding Review, in an attempt to influence the outcome. Other interest groups e.g. County Councils are already lobbying hard, and the problems facing Torbay and similar Councils need also to be on the agenda.

7. Summary Recommendations

7.1 Torbay should continue to plan on the basis that it is a self-standing Unitary Authority.

7.2 Officers need to begin work now, Council wide, on further transformation and savings proposals for the future, to present to the incoming administration in May 2019 and give them a head start and room to manoeuvre in planning the budget for 2020 and beyond.

7.3 Torbay establishes a formal saving delivery plan for Children's Services which should include an analysis of the current case load to try and determine any structural reasons as to why Torbay has such a high demand for Children's services. This delivery plan should be monitored corporately at both officer and member level.

7.4 The negotiation on the future of the ICO risk share must leave the authority in a position where it is financially sustainable as a whole and must not be conducted in isolation from the corporate position.

7.5 On the TOR2 contract, as well as considering the early termination, there should be immediate focus on developing detailed specifications for services after the end of the contract, which in planning terms is now getting close – especially if some of the services need to be procured or if expensive vehicles and plant are to be purchased. Torbay should detail the services it wants and can afford and should seek to deliver significant ongoing savings from this process.

7.6 Torbay should consider the ideas for further savings suggested by the Review Team, with a view to developing specific proposals for Member consideration.

7.7 Torbay should review the funding of its capital programme, and where possible replace revenue, reserves or capital receipts with borrowing, and

allow these resources to be used to bolster reserves to provide greater resilience in the short term.

7.8 The Council should continue to investigate the option of establishing Town Councils that could raise precepts and provide communities with a different set of options for future service provision. This work should be progressed to a point where members are able to make an informed decision and be capable of being implemented in April 2020 should the new administration chose to do so.

7.9 Torbay should continue its discussion with Government about a possible Town Deal. This and similar approaches should be pursued through the Torbay Together initiative.

7.10 Torbay should continue to explore all possible options to work regionally and sub regionally, to raise its profile and exploit any possible funding streams e.g. through the LEP.

7.11 Torbay, in alliance with other deprived coastal communities, may want to lobby the government to get its characteristics recognised in the current Fair Funding Review, in an attempt to influence the outcome. Other interest Groups e.g. County Councils are already doing so.

8. Next steps

The LGA will continue to offer support to Torbay and particularly the s151 officer in developing the proposals for additional savings summarised in section 5 above. Support will be provided via Chris West in the first instance. This support can be agreed via the LGA Adviser, Emily McGuinness.

The LGA will offer external advisory support for developing and reducing costs in Children's services. This support can be made available across both Torbay and Plymouth if this is acceptable to both authorities. This proposal can be developed and agreed through discussion with the Principal Adviser, Andy Bates.

Appendix One – Draft Proposed Savings for 2019/20

| | |
|---|-----|
| Childrens Business Support | 150 |
| Childrens Procurement and Contract Management | 550 |
| Adults Joint Commissioning team | 113 |
| Substance Misuse | 90 |
| Home Improvement Agency - Internalise | 60 |
| Environmental health income | 25 |
| Temporary Accommodation | 10 |
| Licensing | 18 |
| Members Allowances | 50 |
| Internal audit-10% reduction | 20 |
| Insurance | 80 |
| Registration of BD&M | 45 |
| Apprenticeships | 212 |
| Union Duties | 10 |
| Oldway Mansion | 25 |
| Corporate support | 20 |
| Senior Leadership team | 100 |
| Customer Services- reduced cost pf pensionms due to staff opt out | 43 |
| Customer Services- increased vacancy level 2to3% | 60 |
| Debt Recovery | 26 |
| Resort services income | 20 |
| Torbay Harbour | 50 |
| Geopark | 10 |
| Highway mtce | 320 |
| oldway premises | 118 |
| school crossing patrols | 28 |
| Asset rationalisation | 36 |
| illuminations | 30 |

| | |
|-------------------------------------|-------------|
| playgrounds | 7 |
| Asset management - reduction to RDA | 226 |
| Parking | 5 |
| Regeneration -payment to RDA | 59 |
| Natural Environment | 125 |
| events | 164 |
| Torbay coast & country park trust | 45 |
| <i>Sea Fisheries</i> | 25 |
| <i>Archives</i> | 10 |
| Joint ops team | 50 |
| Street lighting | 25 |
| TOTAL SAVINGS | 3060 |

Appendix Two – Proposed Transformation Savings for 2019/20

| Transformation Project | £000 |
|--|--------------|
| Investment Portfolio | 625 |
| Commericalism Programme: | |
| Revenue Income Optimisation <ul style="list-style-type: none"> • Advertising inc. LED Advertising • Film Friendly offer • Amazon Lockers • Room Hire | 100 |
| Review of Transport and Concessionary Fares | 78 |
| Council Tax/NNDR and Housing Benefit <ul style="list-style-type: none"> • Increase of empty homes premium • Removal of month empty and unoccupied discount | 300 |
| Review of Minimum Revenue Provision | 300 |
| Total | 1,403 |



LGA Finance Peer Challenge – November 2018

Action Plan

Purpose:

The Council undertook a narrowly focused finance peer challenge with the Local Government Association (LGA) in November 2018. The aim of review was to:

- identify the Council’s current financial position and robustness of its efficiency plan;
- to identify specific actions to address the financial challenges for the longer-term
- include all future options to secure the long-term viability of services for the people of Torbay.

This action plan sets out the Council’s response to the LGA Peer Challenge’s recommendations, together with a tool to monitor progress.

| No. | Recommendation | Action | Lead officer | Target Date |
|-----|---|--|-----------------|--|
| 1. | Further transformation and savings proposals – planning for 2020 and beyond | 1.1 SLT to prepare savings proposals and approach for 2020 budget and beyond | Steve Parrock | Proposals developed ready for new administration in May 2019 |
| | | 1.2 Introduce new transformation project for organisational transformation | Anne-Marie Bond | Commence Jan 2019, then ongoing |

| No. | Recommendation | Action | Lead officer | Target Date |
|-----|--|--|--|------------------------------|
| 2. | Establish formal savings delivery plan for Children's Services, including analysis of current case load to determine rationale for Torbay's high demand on Children's Services | 2.1 Revise Children's Medium Term Resource Plan to inform formal saving delivery plan for Children's and provide monitoring reports to SLT and Audit Committee | Alison Botham/Martin Phillips | April 2019 |
| | | 2.2 Undertake analysis of demand pressures on Children's Services | Alison Botham via Children's Improvement Board | Ongoing |
| 3. | Negotiate future ICO risk share from a corporate position to ensure Council position is financially sustainable as a whole | 3.1 Negotiations on future ICO risk share to be reported to SLT at regular stages for corporate overview/input | Caroline Taylor/Martin Phillips | Ongoing |
| | | 3.2 Explore opportunities for efficiency savings with the ICO | Caroline Taylor | May 2019 |
| 4. | Tor2 Contract – development of specifications for services post contract | 4.1 Undertake options appraisal for future delivery of services currently provided by Tor2 | Kevin Mowat | January 2019 and ongoing |
| 5. | Develop outline ideas provided by LGA for further savings and for member consideration e.g. pensions, income generation opportunity and debt repayments | 5.1 Develop proposals | Anne-Marie Bond/Martin Phillips | Proposals ready for May 2019 |
| 6. | Review Capital Programme with view to replacing revenue, reserves or capital receipts with borrowing to enable these | 6.1 Review approach to Capital Programme | Martin Phillips/Capital and Growth Board | March 2019 |

| No. | Recommendation | Action | Lead officer | Target Date |
|-----|--|--|------------------------------------|----------------------------------|
| | to be used to bolster reserves for the short term | | | |
| 7. | Investigate the option of establishing Town Councils | 7.1 Undertake Community Governance Review | Anne-Marie Bond | December 2019 |
| 8. | Explore the possibility of a Town Deal with Government | 8.1 Continue discussions with Government as to Town Deal | Steve Parrock with Torbay Together | On-going |
| 9. | Regional and sub-regional work | 9.1 Seek to raise the profile of the Council and identify future funding streams | Steve Parrock and SLT | On-going |
| 10. | Lobby Government of Fair Funding Review | 10.1 Lobby and respond to consultation on the future funding formula | Martin Phillips/Steve Parrock | On-going and by 21 February 2019 |

Endorsement by: Council Meeting on 31 January 2019
Implementation monitoring by Audit Committee

V2 – 8 January 2019



Meeting: Overview and Scrutiny Board **Date:** 30 January 2019
 Council 31 January 2019

Wards Affected: All Wards

Report Title: Budget Monitoring 2018/19 – Quarter Three

Is the decision a key decision? No

When does the decision need to be implemented? n/a

Executive Lead Contact Details: Mayor Oliver, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Head of Finance,
Martin.phillips@torbay.gov.uk, 01803 207285

1. Purpose and Introduction

- 1.1. This report provides a **high level** budget summary of the Council’s revenue and capital income and expenditure for the financial year 2018/19.
- 1.2 As at the end of quarter three 2018/19 the Council’s **Revenue** budget is predicting an over spend of £2.7m for the financial year before the application of identified one off funding of (£2.6m). There was a small improvement from the quarter two position however the overspend of £4.2m within Children’s Services remains a real cause for concern and in the absence of more compensating savings in other services the Council has identified one off funding of £2.6m to fund the majority of the over spend.
- 1.3 The Council’s Senior Leadership Team put in place in August 2018 arrangements for a moratorium on all spend or recruitment that was not urgent or required to meet statutory duties. The Chief Finance Officer also arranged additional processes to monitor and challenge orders and contracts placed by officers across the Council. As reported in the quarter two monitoring report the Chief Finance Officer has also provisionally allocated the Comprehensive Spending Review (CSR) Reserve in order to contribute to meeting the in-year overspend pending after other recovery options including any proposals from the 2019/20 Review of Reserves.
- 4-3 The **Capital** Plan budget totals £212m for the 4 year programme, with £94m currently scheduled to be spent in 2018/19, including £50m on Investment Fund acquisitions and £13m on various Regeneration projects. The Capital Plan now requires £2.7 million from (new) capital receipts and capital contributions over the life of the Plan.
- 1.4 Appendix Three is an expanded narrative of the **capital schemes** expected to incur expenditure in 2018/19 with a specific update for each project. This aims to provide members with greater oversight of the progress on capital projects rather than a focus exclusively on financial issues.

2. Recommendation (s) / Proposed Decision

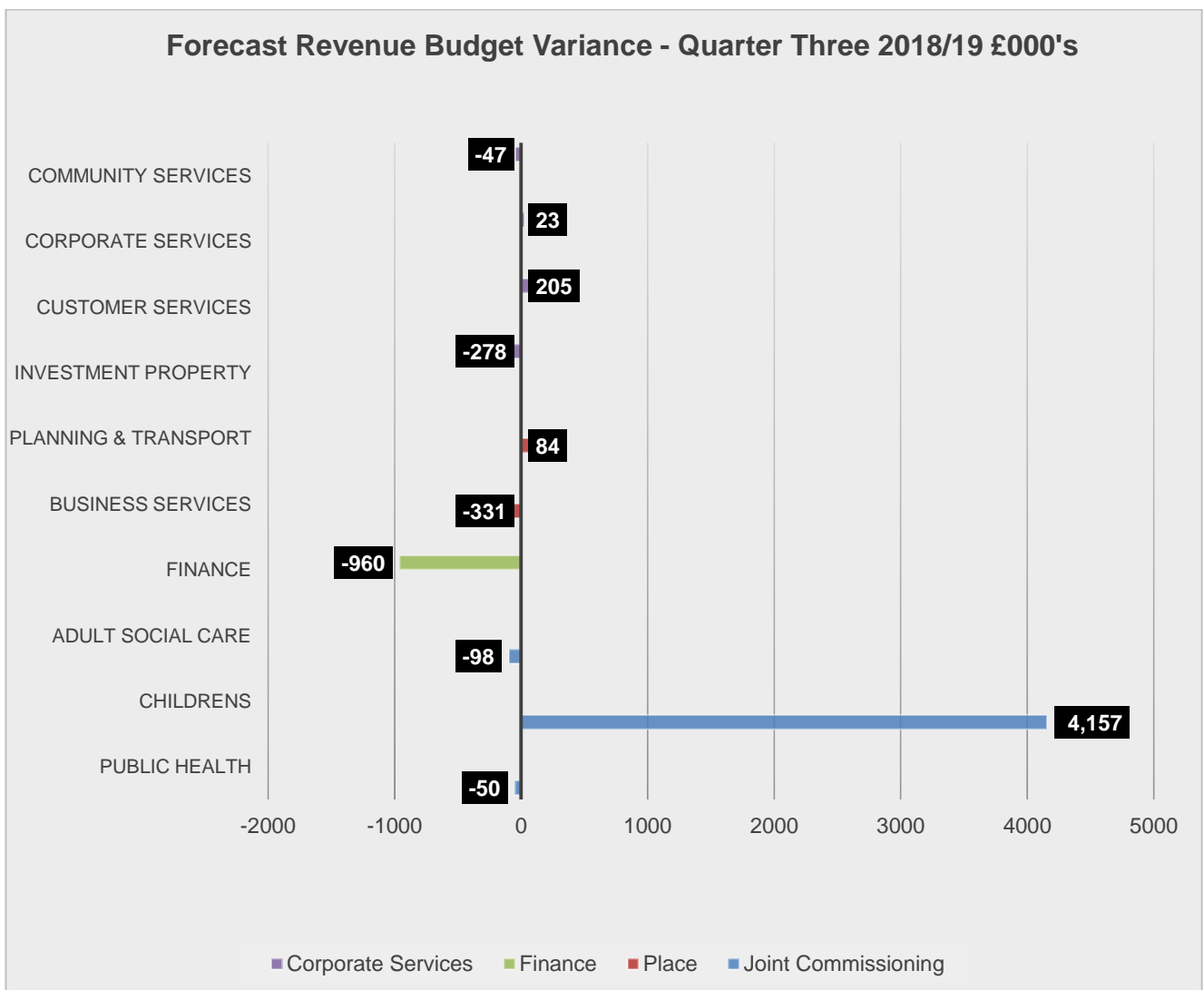
2.1 Overview and Scrutiny Board: That the Board considers the current position and make any comments and/or recommendations to the Council.

3. Reason for Recommendation/ Proposed Decision

3.1 Council: Monitoring Report for noting

4. 2018/19 Revenue Budget Summary Position

4.1 As at Quarter 3 the Council’s revenue budget is predicting an over spend for 2018/19 after the application of one off funding of £0.1m. Within this position there is a £4.2m overspend in Children’s Services, offset by under spends in other services and the application of one off funding. A bar chart summarising the projected budget variance by service for 2018/19 is as follows:



Children's Social Care

- 4.2 The 2018/19 budget for Children's social care was increased by £3m, a 10% increase on the 2017/18 budget to reflect the levels of spend, in particular on Looked After Children. As previously reported in the six months to end of June 2018 the service experienced a 20% increase in Looked After Children numbers. (In December 2017 the number of looked after children was 293 which had increased to 358 by the end of June 2018). Anecdotally other Councils in the south west and nationally are also experiencing a rise in numbers, but not at the percentage increase Torbay has experienced. Since June the total number of looked after children have stabilised, although with monthly variations in cases, their relative complexities and associated cost. As at mid-January 2019 were 357 looked after children.
- 4.4 The current forecast for the service is an overspend of £4.2m The reasons are as previously documented, namely, a clear trend that the complexity and unit cost of many care plans are increasing, and in part as a result of the national increase in demand for children's social care there is an ongoing challenge to attract and retain experienced social care staff. These challenges are in the context of the "inadequate" OFSTED judgement for the service in July 2018.
- 4.5 Based on recent activity in both looked after children cases and ongoing staffing/agency recruitment issues it could be expected that the overspend may increase in the last quarter of the year. Any increase beyond the current forecast would have to be funded from the Comprehensive Spending Review Reserve.

Higher Needs Block – Special Education Needs

- 4.7 As previously reported the schools' higher needs block in the Dedicated Schools Grant (DSG) has been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children, resulting in a forecast over spend in 2018/19 of £2.9m. The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded in future years and is not a cost that the Council will fund. The overspend in previous years has already resulted in a "negative" DSG reserve of £0.6m (after the agreed 2018/19 transfer of funding between DSG "blocks").
- 4.6 In January 2019 the Department of Education announced additional allocations of £0.268m for both 2018/19 and 2019/20 to support a degree of higher needs block cost pressures. It is clearly welcome that the DfE have recognised that financial pressures that are arising in this service, however the value of the additional support is less than 10% of the current year forecast overspend. Taking into account the extra funding, which with the support of Schools Forum will be applied to the current overspend, and the forecast overspend in year the cumulative deficit will be £3.2m. This overspend will have to be "made good" by DSG funding in future years.

Investment Property

- 4.9 In the third quarter of 2018/19 the Council completed the purchase of two properties, one in Bodmin and one in Babbacombe, for a total of £12m including purchase costs. The costs of the borrowing required for the purchases are to be funded from future rental streams.

Adult Social Care (ASC)

- 4.10 The majority of spend for this service is with the ICO under a fixed contract payment. The Council will continue to work with its partners to allocate the Improved Better Care Fund in the most effective way for all partners. The Council, in October 2018, was allocated £0.829m of one off funding for the financial year to support winter pressures in social care which has been allocated primarily to the ICO to support the domiciliary care issues. Within the 2018/19 ring fenced Improved Better Care Fund funding allocation the it has been agreed with the ICO, linked to the Risk Share Agreement, to allocate £2.0m direct to the ICO for agreed schemes to improve outcomes in health and care that were presented to the Health and Wellbeing Board in March 2018 and £1.4m for aspects of market management in line with strategy.

Provisional Local Government Finance Settlement 2019/20

- 4.12 The Provisional Local Government Finance Settlement 2019/20 was announced on the 13th December 2018. This included the one off allocation of an amount “held back” by MHCLG in 2018/19 in relation to the NNDR retention scheme that is now not required and therefore it has been released back to Councils. Torbay’s share of this is £0.491m and will be accounted for as 2018/19 income, and is therefore additional money in year and shown as a Sources of Funding in the table below.
- 4.13 Detailed Position- The budget position for each service is shown in the table below:

| Service | 2018/19 Budget | | | Forecast Full Year Variance |
|--------------------------------|-------------------|------------------|----------------|-----------------------------|
| | Expenditure £000s | Income £000's | Net £000's | £000's |
| Adult Social Care | 52,936 | (12,278) | 40,658 | (98) |
| Children's Services | 82,000 | (50,140) | 31,860 | 4.157 |
| Public Health | 10,097 | (721) | 9,376 | (50) |
| Joint Commissioning | 145,033 | (63,139) | 81,894 | 4,009 |
| Business Services | 31,110 | (16,854) | 14,256 | (331) |
| Planning and Transport | 10,317 | (2,599) | 7,718 | 84 |
| Director of Place | 41,427 | (19,453) | 21,974 | (247) |
| Community Services | 4,362 | (2,444) | 1,918 | (47) |
| Corporate Services | 6,947 | (2,073) | 4,875 | 23 |
| Customer Services | 66,890 | (63,468) | 3,422 | 205 |
| Investment properties | 5,871 | (8,923) | (3,052) | (278) |
| Corporate Services | 84,070 | (76,908) | 7,162 | (97) |
| Finance | 20,988 | (20,012) | 976 | (960) |
| Gross Revenue Budget | 291,518 | (179,512) | 112,006 | 2,705 |
| Application of one off funding | 0 | 0 | 0 | (2,122) |

| | | | | |
|---------------------------|----------------|------------------|-----------|--------------|
| Sources of Funding | 397 | (112,403) | (112,006) | (491) |
| Net Revenue Budget | 291,915 | (291,915) | 0 | 92 |

A narrative of the position in each service area is as follows:

| Service | Variance to Budget £m | Main Variances in 2018/19 |
|--------------------------------|------------------------------|--|
| Adult Social Care | (0.1) | Fixed payment agreed with ICO for 2018/19, with small underspends on some client budgets. |
| Children's Services | 4.2 | As detailed earlier |
| Public Health | (0.1) | Primarily a ring fenced budget |
| Director of Place | (0.2) | Projected over spend primarily linked to staffing issues in planning, offset by expected savings in concessionary fares and lower than budgeted waste tonnages. |
| Corporate Services | 0.2 | Projected over spend in governance, human resources, legal services and an income shortfall in printing offset in part by salary savings elsewhere in the services in this area. |
| Finance and Central | (1.0) | Primarily the £0.6m additional gain on NNDR Pilot with continued reductions on pension costs, additional investment income and a net saving within financial services. |
| Investment Properties | (0.3) | As detailed earlier |
| Sub Total | 2.7 | |
| Sources of Funding | (0.5) | One off release of NNDR funding by MHCLG announced in 2019/20 provisional local government finance settlement |
| Application of one off Funding | (2.1) | Release of unspent capital budgets and earmarked reserve |
| Total | 0.1 | Projected over spend |

5 Action to Mitigate Overspend

- 5.2 The projected overspend of £2.7m for the year based on the third quarter remains a cause for concern. The estimated "unallocated" balance on the Comprehensive Spending Review Reserve (CSR) is insufficient to fund the projected overspend. In order to protect what remains of the CSR Reserve the Chief Finance Officer has provisionally allocated this reserve to contribute to meeting the in-year overspend.
- 5.2 As previously reported the Chief Finance Officer continues to closely monitor the position with the Elected Mayor and his Executive Leads and the Senior Leadership Team.
- 5.3 In the quarter two monitoring report it was stated that the Chief Finance Officer with the support of the Senior Leadership Team would:

- a) Review earmarked reserves to both; apply reserves to spend in 18/19 where possible and transfer any “surplus” earmarked reserves to the CSR reserve. Proposals arising from this will be included in the 2019/20 Review of Reserves report.

This review has been undertaken and the 2019/20 Review of Reserves report is issued as part of the Elected Mayor’s final budget proposals. The Adult Social Care Reserve of £1.552m will be released in full to support adult social care spend in 2018/19.

- b) Review the Capital Plan to “return” any revenue funding allocated to as yet unspent capital projects.

This review has been undertaken. The funding for the unspent capital budgets for Empty Homes (£0.457m not spent since 2013) and Housing Grant (£0.113m not spent since 2009) will be returned as one off revenue funding in 2018/19. The Empty Homes budget was established in 2013 from a top slice of the (revenue) New Homes Bonus Grant to invest to increase future grant. However with the expected ending of the New Homes Bonus Grant in 2020/21 this budget is no longer needed.

- c) Review corporate expenditure to consider whether any expenditure can be transferred to future years.

This review has been undertaken. No MRP will be charged in year on Investment Properties purchased within the year (£0.278m reported in quarter two).

- d) Review the Capital Plan to consider the “pausing” of capital projects, including schemes using prudential borrowing that are funded from the Council’s revenue budget.

This review has been undertaken: There are no projects for which a pause would result in a change in the revenue budget as the majority of capital expenditure is funded from borrowing to be repaid from future income.

- 5.4 All the above measures, with a total of £2.1m of funding to be applied in quarter three, are short term or “one off” measures to support the current position. The implications of the 2018/19 forecast on both the 2019/20 budget and reserve levels were included in the Elected Mayor’s Final budget proposals issued in late January 2019.

Risks & Sensitivity

- 5.5 The predictions for the full year outturn in this report are based on nine months of financial information and will be subject to changes in assumptions, demand and the impact of the action taken in year to mitigate the projected overspend.
- 5.6 There are a number of financial risks facing the Council as shown below:

| Risk | Impact | Mitigation |
|---|--------|---|
| Achievement of approved savings for 2018/19 | Medium | 18/19 Budget monitoring and "saving tracker" monitored by senior staff. |

| | | |
|---|--|---|
| Achievement of Children's Services cost reduction plan | High | Regular monitoring of performance and recovery plan. |
| Identification, and achievement, of £14.7m of savings for 2019/20 to 2021/22 per Medium Term Resource Plan March 2018 | 19/20 Low 20/21 and 21/22 High | Transformation Team set up to coordinate the implementation of potential transformation savings. Mayor's 2019/20 final budget proposals issued in January 2019 proposes a balanced budget Senior Leadership Team and Mayor's Executive Group considering options for future years. |
| Unable to recruit staff and need to use agency staff. | High | Children's Services have experienced difficulties for several years. This issue is now appearing in other services including planning and legal services. |
| Pressure achieving income targets in some services | Low | A small number of services are not meeting their income targets (which increase by 3% each year). |
| Additional demand for services particularly in children's social care | High | 18/19 Budget monitoring, use of service performance data and recovery plan. |
| Investment Property Income changes | Low | Regular review of income and tenant negotiation |

6. Balance Sheet issues

Borrowing

- 6.1 In quarter three the Council borrowed a further £5m, primarily to fund investment property loans and acquisitions. Total borrowing as at 31 December was £285m. Borrowing is still below the approved Operational and Authorised limits for the year.

Council Subsidiary Companies

- 6.2 The Council has interests in a number of companies. The financial performance for 2017/18 of these companies is included in the Council's statement of accounts (link below). <http://www.torbay.gov.uk/council/finance/statement-of-accounts/>
- 6.3 All of these companies form part of the Council's group boundary, therefore Members should be aware of the assets and liabilities of these companies.

Debtor – Write offs

- 6.4 The total value of debtor write offs in the third quarter of 2018/19 was:

| Service | Number of records written off | Value of write offs £000's |
|-----------------|-------------------------------|----------------------------|
| Council Tax | 1273 | 122 |
| NNDR | 19 | 115 |
| Housing Benefit | - | 101 |

7 Capital Plan Summary Position

- 7.1 The Capital Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached at Appendix 1. The Plan now totals £212m over the 4 year period of which £94.1 m relates to 2018/19 and £90.8m relates to 2019/20.
- 7.2 The movements in the estimate of expenditure in 2018/19 on the Capital Plan between the last monitoring report at September 2018 of £83.4m and the current approved budget for 2018/19 of £94.1m are shown below. Please note the format of this table shows schemes ordered by Council's Targeted Actions, as is Appendix 1.

| Scheme | Variation in 2018/19 | Change £m | Reason |
|--|-----------------------------|--------------|---|
| Estimate as at Q1 2018/19 | | 83.4 | Capital Plan Update – 2018/19 Quarter 2 (Report 5 th Dec 2018) |
| Budget changes since last report (Q2 2018/19) | | | |
| Protecting Children | | | |
| Capital repairs & maintenance 16/17 & 17/18 | Reallocation of part budget | (0.2) | Allocated to Medical Tuition Service relocation |
| Medical Tuition Service | Increase budget | 0.2 | Transfers from other schemes |
| New Paignton Primary School | Budget moved | (0.6) | Budget to 2019/20 when payment expected |
| Secondary School Places | Reduced budget | (0.1) | Reduced school contribution |
| | | (0.7) | |
| More Prosperous Torbay | | | |
| Better Bus Area | Budget reinstated | 0.1 | Unused budget reinstated |
| Edginswell Business Park | Budget moved | 3.0 | Budget transferred from 19/20 to fund site acquisition. |
| Investment Fund | Budget adjustment | 9.9 | To reflect Harbour View now part of Town Centre Regen |
| | Part budget rephased | (5.0) | Rephased budget to 2019/20 |
| Land acquisitions from TCCT | New budget | 2.4 | Acquire sites from TCCT |
| TEDC Capital Grant | Budget reduced | (0.2) | Residual budget not required |
| TEDC Capital Loan | New budget | 1.5 | Loan for purchase and development of industrial site |
| Town Centre Regeneration | Budget adjustment | 0.3 | Harbour View transferred from Investment Fund and rephased |
| Transport – Highways Maintenance | Budget increase | 0.6 | Increased Government allocation |
| Transport – Western Corridor | Budget increase | 1.3 | Additional budget required to complete final (Windy Corner) phase of project. |
| | Budget to 2019/20 | (1.0) | |

| | | | |
|--|---------------------------|------------------------------------|--|
| | | | Rephased for Windy Corner works |
| | | 12.9 | |
| Attractive and Safe place | | | |
| CCTV Equipment | Moved budget | (0.3) | Budget transferred to 2019/20 to reflect spending patterns. |
| Flood Alleviation - Cockington | Rephased budget | (0.1) | Part of Budget moved to 2019/20 |
| Flood Alleviation - Monksbridge | Rephased budget | (0.1) | Part of Budget moved to 2019/20 |
| Hollicombe Cliffs | Reduced budget | (0.2) | Reduced external contributions |
| | | (0.7) | |
| Protect and Support Vulnerable Adults | | | |
| Affordable Housing | Rephased budget | (1.0) | Budget moved to 2019/20 |
| Disabled Facilities Grant | Increased budget | 0.2 | Additional 2018/19 Government grant allocation. |
| | | (0.8) | |
| Corporate Support | | | |
| Fleet acquisitions | New budget (future years) | Council 31 January 2019 | Acquisition of refuse vehicles for TOR2 contract (£4.3m in future years) |
| | | 0.0 | |
| Estimate – Quarter Three 2018/19 | | 94.1 | |

8 Updates to Capital Plan:

There are a number of variations to budgets on various schemes as detailed below.

8.1 Protecting Children

8.2 Capital Repairs and Maintenance 2014/15 and 2016/17 to 2017/18 – Total of £0.159m from these budget lines have been transferred to Medical Tuition Service relocation.

8.3 Ellacombe Academy Early Years – additional funding for increased costs from redesign required for Planning. The additional resources have been transferred from savings on Secondary School Expansion (Torquay Academy) scheme.

8.4 Medical Tuition Service relocation – Resources previously anticipated from savings on other Education schemes have now been identified and transferred to this project.

8.5 New Paignton Primary School – The Council's contribution to the new school is not likely to be required until 2019/20 and consequently £0.6m budget has been transferred to next financial year.

8.6 Secondary School Expansion – Project has been completed and savings have reduced the school contribution and other savings used to support Ellacombe Early Years project.

- 8.7 Youth Modular Projects – the remaining funds on this budget line have been transferred to the Medical Tuition Service relocation.
- 8.8 **More Prosperous Torbay**
- 8.9 Better Bus Area – Last quarter it was reported that the remaining budget for this scheme was being removed. However there are currently discussions on related potential uses of these funds and consequently the budget of £0.09m has been reinstated pending further options and results of these discussions.
- 8.10 Claylands Redevelopment – Tenders for the building contract have been received and the successful bidder will be appointed in the New Year, after the lease for the building has been agreed.
- 8.11 Edginswell Business Park – The Council completed the acquisition of this site just before Christmas 2018 for £3.0m (including purchase costs). The site will now be developed to provide a commercial unit. The budget was held in 2019/20 but £3.0m has now been moved to the current year to fund the site purchase.
- 8.12 Investment Fund – A further acquisition has been made to increase the Council's Investment portfolio with the purchase of a site in Bodmin which has an existing tenant. In addition the development of a hotel adjoining the Terrace Car Park which was being funded from these resources has been transferred to Town Centre Regeneration and there is a consequent budget adjustment of £10.8m between the two budget lines. The budgets have similarly been rephased to reflect this change.
- 8.13 Land acquisition from TCCT – The surrender of land at Preston Down Road and Collaton St Mary for approx. £2.450m (including SDLT) from TCCT was approved by Council on 18 December 2018. The acquisitions will ultimately be funded from capital receipts to be received from the future sales of the sites for development. In the short term however it may be necessary to use temporary borrowing to fund the expenditure until the disposal proceeds are realised in full.
- 8.14 Land Release Fund – As reported to Council in December 2018, a negotiated deal has now been agreed with the TCCT to enable the Council to acquire the sites at Preston Down Road and Collaton St Mary to enable the development of housing units as required under the terms of the Land Release Fund grant received.
- 8.15 TEDC Capital Loan/Grant – Funding available to TEDC for work at Kings Ash House (an old scheme) was not required and consequently the remaining budget of £0.15m has been removed from the Capital Plan. There are still funds available, if required, for development work at Cockington Car Park.
- 8.16 A further £1.5m loan to the TDA was approved by Council on 18 December 2018 to enable the purchase of land and subsequent development of industrial units at Torbay Business Park, Whiterock, Paignton.

- 8.17 Town Centre Regeneration – this budget will now be used to fund the Harbour View hotel development (as noted in paragraph 8.12 above). The budget has been adjusted to reflect this change.
- 8.18 Transport – Highways Maintenance – Following the Government Budget announcements in November 2018 the Council has been allocated £0.646m to help improve the repair of local roads (including potholes) and structures.
- 8.19 Transport Integrated Transport Schemes – A further transfer of future years' budgets (£0.35m) has been made to support the final (Windy Corner) phase of the Western Corridor project.
- 8.20 Transport –Western Corridor – Tenders have now been received for the Windy Corner phase of works along the Western Corridor and the latest business case has been presented to the Local Enterprise Partnership (LEP) who have approved this final phase of the scheme. The budget has been increased by a total of £1.6m to reflect the likely remaining costs and then, £1m of the Western Corridor budget has been rephased to future years to reflect the latest expenditure predictions.
- 8.21 This increase in scheme cost has resulted in a potential funding shortfall in the existing funding allocated to the Western Corridor in the Capital Plan. Funds have been identified by officers which should cover the shortfall (mainly Section 106 agreements) but there are risks associated with some of these resources as some are not yet paid and others unlikely to be received for two or three years. In addition the use of a further £0.35m from Integrated Transport resources (in future years) is now required. It is also proposed that the sale proceeds from the proposed disposal of a property (Smallcombe, Kings Ash Road) which was acquired to provide land for the road improvements be used to fund the project. The property was originally purchased from the scheme resources.

8.22 **Attractive and Safe Place**

- 8.23 CCTV Equipment – Progress on replacing equipment has been slower than expected for a number of reasons and consequently £0.27m budget has been moved to next year. The Council has received a contribution from the Office of the Police and Crime Commissioner towards the project.
- 8.24 Council Fleet Vehicles – As due to be reported to Council on 31 January 2019 there is a proposal to purchase 22 no. replacement kerbside recycling vehicles and 6 no. refuse collection vehicles at a total cost of £4.308m. These purchases will be spread between 2019/20 (11 kerbside recycling vehicles and 6 refuse vehicles, total £2.7m) and 2020/21 (11 kerbside recycling vehicles £1.6m). The vehicles purchased in 2019/20 will be leased to TOR2 for the continuation of the refuse collection contract.
- 8.25 Cockington Flood alleviation – work to be tendered in January 2019 with start on site expected February 2019 and completion in December 2019. £0.125m budget has been moved to next year to reflect this. The Monksbridge Flood alleviation scheme is similarly to be tendered in January 2019 again expecting to start on site in February

2019 and works expected to be complete by October 2019. Further, budget of £0.075m has been moved to match the estimated spending pattern. Some Council funding of approx. £0.04m to support these projects is still to be identified but is hoped to become available from savings on related projects.

- 8.26 Flood Defence schemes (with Env Agency) – Projects for Paignton/Preston Flood Defence, Collaton St Mary, Paignton and River Fleet, Torquay are listed with the Environment Agency as potential projects requiring Environment Agency grant in aid in the coming years. The grant application for the Collaton St Mary Flood Alleviation scheme has been submitted to the Environment Agency with expected grant support of £0.238m and a Council contribution of £0.259m which will come from the Land Release Fund resources. It is estimated that works could commence in October 2019. If approved by the EA the scheme will be added to the Capital Plan. Applications in respect of the other schemes will follow, at which time those details will be reported.
- 8.27 Hollicombe Cliffs Rock Armour – this scheme has been finalised and the saving has been used to provide some of the Council's match funding required for current flood alleviation schemes at Cockington and Monksbridge.
- 8.28 Princess Pier Structural repair – The remaining works planned for this year should be completed in February which means that £0.05m can be moved to next year for further work.
- 8.29 **Protect and Support Vulnerable Adults**
- 8.31 Affordable Housing – Whilst work continues to identify suitable sites and schemes it is unlikely that significant expenditure will occur this financial year so £1m of the available budget has been transferred to next financial year.
- 8.32 Disabled Facilities Grants – An additional DFG grant allocation of £0.159m has been awarded by the Government and it is proposed to add this allocation to the current year DFG budget. There is a requirement to spend this (new) allocation by 31 March 2019.
- 8.33 Extra Care Housing – As presented to Housing Committee January 2019 the potential purchase of a site for Extra Care Housing funded from ring fenced Adult Social Care resources.
- 8.34 **Corporate Support** - no significant issues to report.

9 Receipts & Funding

- 9.1 The funding identified for the latest Capital Plan budget is shown in Annex 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

| | 2018/19 | 2019/20 | 2020/21 | 2020/21 | Totals @ Q3 18/19 |
|-----------------------|-----------|-----------|-----------|----------|-------------------------|
| Funding | £m | £m | £m | £m | £m |
| Unsupported Borrowing | 68 | 73 | 24 | 0 | 165 |
| Grants | 20 | 11 | 3 | 0 | 34 |
| Contributions | 1 | 1 | 0 | 0 | 2 |
| Revenue | 1 | 2 | 0 | 0 | 3 |
| Reserves | 1 | 1 | 0 | 0 | 2 |
| Capital Receipts | 3 | 3 | 0 | 0 | 6 |
| Total | 94 | 91 | 27 | 0 | 212 |

10. Grants

10.1 The Council has been notified of the following capital grant allocations:

Dept. for Transport – Grant of £0.646 million to repair local roads (including potholes) and structures.

Ministry of Housing, Communities and Local Government – additional Disabled Facilities Grant allocation for 2018/19 of £0.159m

11. Capital Receipts

11.1 To date in 2018/19 under £0.1m of capital receipts have been generated with an expected £0.8m to be received in February 2019. Amendments to the Capital Plan during Quarter 3 2018/19 has altered the overall funding position of the Plan and currently the approved Plan relies upon the generation of a total of £2.7 million additional capital receipts from asset sales.

12. Capital Contributions – S106 & Community Infrastructure Levy

12.1 No significant Section106 capital contributions have so far been received in 2018/19.

12.2 The Council's Community Infrastructure Levy (CIL) scheme came into effect from 1 June 2017. The main capital project identified for funding from CIL receipts is the South Devon Highway. No significant CIL funds have yet been received in 2018/19.

Appendices:

Appendix 1 - Capital Plan expenditure and funding summary – Quarter Three 2018/19

Appendix 2 Capital Plan Project update – Quarter 2 2018/19

CAPITAL PLAN - QUARTER 3 2018/19 - EXPENDITURE

Appendix 1

| | | | | | | | Revised 4-year Plan Dec 2018 | | | | | | |
|---|--|-------------|------------------------|--|-------------------------------------|-------------------------------|------------------------------|---------------------|-----------------------|--------------|--------------|----------|-----------------------|
| | | Cost Centre | Latest Est Scheme Cost | Expend in Prev Years (active schemes only) | Actuals & Commitments 2018/19 Qtr 3 | Previous 2018/19 (@ Q2 18/19) | 2018/19 Q3 Adjustments | New Schemes 2018/19 | Total 2018/19 Revised | 2019/20 | 2020/21 | 2021/22 | Total for Plan Period |
| PB = Approved Prudential Borrowing schemes | | | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 |
| Protecting children and giving them the best start in life | | | | | | | | | | | | | |
| | Brookfield Site / Brunel Academy Phase 1 | YEC10 | 1,050 | 497 | 496 | 553 | | | 553 | | | | 553 |
| | Brunel Academy Ph 2 Vocation Classrooms | YEC14 | | | 12 | 250 | | | 250 | 750 | | | 1,000 |
| | Capital Repairs & Maintenance 2014/15 (incl. Furzeham) | YEE39 | 743 | 743 | | 9 | (9) | | 0 | | | | 0 |
| | Capital Repairs & Maintenance 2016/17 and 2017/18 | YEE41 | 113 | | 107 | 263 | (150) | | 113 | | | | 113 |
| | Capital Repairs & Maintenance 2018/19 | YEE42 | 378 | | 239 | 358 | | | 358 | 20 | | | 378 |
| | Cockington Primary expansion | YEA24 | 3,144 | 3,142 | 2 | 5 | (3) | | 2 | | | | 2 |
| | Devolved Formula Capital | YEE10 | | | 75 | 156 | | | 156 | | | | 156 |
| | Early Years - Ellacombe Academy Nursery | YEA41 | 908 | 275 | 603 | 588 | 45 | | 633 | | | | 633 |
| | Early Years - White Rock Primary Nursery | YEA40 | 420 | 406 | 2 | 14 | | | 14 | | | | 14 |
| | Education Review Projects | YET01 | | | 42 | 0 | 3 | | 3 | 125 | 729 | | 857 |
| | Healthy Pupils Capital Fund | YEE50 | 39 | | 37 | 39 | | | 39 | | | | 39 |
| | Medical Tuition Service - relocation | YEC13 | 601 | | 59 | 200 | 196 | | 396 | 205 | | | 601 |
| | New Paignton Primary school | YEA39 | 609 | 7 | | 602 | (600) | | 2 | 600 | | | 602 |
| | Roselands Primary - additional classroom | YEA42 | 599 | | 32 | 40 | | | 40 | 559 | | | 599 |
| | Secondary School places | YEB22 | 2,187 | 937 | 1,202 | 1,420 | (170) | | 1,250 | | | | 1,250 |
| | Special Provision Fund (SEND) | YEC12 | 616 | | 157 | 282 | | | 282 | 167 | 167 | | 616 |
| | Torbay School Relocation | YEC11 | 1,200 | 182 | 2 | 18 | | | 18 | 500 | 500 | | 1,018 |
| | Youth Modular Projects | YEF11 | 372 | 372 | | 37 | (37) | | 0 | | | | 0 |
| | | | 19,540 | 6,561 | 3,067 | 4,834 | (725) | 0 | 4,109 | 2,926 | 1,396 | 0 | 8,431 |
| Working towards a more prosperous Torbay | | | | | | | | | | | | | |
| PB | Claylands Redevelopment | YNA12 | 10,400 | 185 | 721 | 1,529 | | | 1,529 | 7,310 | 1,376 | | 10,215 |
| | DfT Better Bus Areas | YJC02 | 1,183 | 1,095 | | 0 | 88 | | 88 | | | | 88 |
| PB | Edginswell Business Park | YNA14 | 6,620 | 25 | 3,476 | 95 | 3,000 | | 3,095 | 3,500 | | | 6,595 |
| PB | Employment Space, Torbay Business Park | YNA13 | 6,644 | 5,011 | 1,604 | 1,633 | | | 1,633 | | | | 1,633 |
| PB | Innovation Centre Ph 3 (EPIC) | YNA05 | 7,749 | 777 | 5,761 | 6,295 | | | 6,295 | 677 | | | 6,972 |
| PB | Investment Fund | YAB42-44 | 200,200 | 119,744 | 32,923 | 45,000 | 4,883 | | 49,883 | 30,573 | 0 | | 80,456 |
| | Land acquisitions from TCCT | YNA33 | 2,444 | | | | | 2,444 | 2,444 | | | | 2,444 |
| | Land Release Fund projects | YNA30-32 | 0 | 0 | 59 | | | | 0 | 0 | | | 0 |
| | Old Toll House, Torquay | YCE26 | 20 | 9 | 11 | 11 | | | 11 | | | | 11 |
| PB | Oxen Cove Landing Jetty | YMB05 | 1,966 | 119 | 723 | 1,847 | | | 1,847 | | | | 1,847 |
| | Oxen Cove Shellfish processing facility -design work | YMB06 | 0 | 0 | 0 | 0 | | | 0 | 0 | | | 0 |
| PB | South Devon Highway - Council contribution | YJC07 | 20,224 | 17,694 | 556 | 2,123 | | | 2,123 | 407 | | | 2,530 |
| PB | TEDC Capital Loans/Grant | YNA11 / 06 | 4,040 | 1,965 | | 725 | (150) | 1,500 | 2,075 | | | | 2,075 |

CAPITAL PLAN - QUARTER 3 2018/19 - EXPENDITURE

Appendix 1

| | | | | | | | Revised 4-year Plan Dec 2018 | | | | | | |
|---|--|------------------------|--|-------------------------------------|-------------------------------|------------------------|------------------------------|-----------------------|---------|---------|---------|-----------------------|---------|
| | Cost Centre | Latest Est Scheme Cost | Expend in Prev Years (active schemes only) | Actuals & Commitments 2018/19 Qtr 3 | Previous 2018/19 (@ Q2 18/19) | 2018/19 Q3 Adjustments | New Schemes 2018/19 | Total 2018/19 Revised | 2019/20 | 2020/21 | 2021/22 | Total for Plan Period | |
| | | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | |
| PB | = Approved Prudential Borrowing schemes | | | | | | | | | | | | |
| PB | Town Centre Regeneration Programme | YNA20-23 / YA | 25,016 | | | 0 | 266 | 266 | 16,750 | 8,000 | | 25,016 | |
| | Transport Highways Structural Maintenance | YJA01/YJB01 | | 504 | 1,555 | | 646 | 2,201 | 1,174 | 1,174 | | 4,549 | |
| | Transport Integrated Transport Schemes | YJC01/YJD01 | | 755 | 775 | | 12 | 787 | 550 | 562 | | 1,899 | |
| | Transport - Torquay Gateway Road Improvements | YJC18 | 2,927 | 1,050 | 89 | 63 | | 63 | 1,764 | 50 | | 1,877 | |
| | Transport - Torquay Town Centre Access | YJC17 | 530 | 414 | 6 | 116 | | 116 | | | | 116 | |
| | Transport - Tweenaway Junction | YJC06 | 4,899 | 4,899 | 9 | | | 0 | | | | 0 | |
| | Transport - Western Corridor | YJC14 | 12,271 | 7,324 | 2,390 | 2,600 | 277 | 2,877 | 1,870 | 200 | | 4,947 | |
| PB | Upton Place, Lymington Road (Student Accom - Town Hall Car Park) | YNA15 | 0 | | | 0 | | 0 | 0 | | | 0 | |
| | | | 307,133 | 160,311 | 49,587 | 64,367 | 9,022 | 3,944 | 77,333 | 64,575 | 11,362 | 0 | 153,270 |
| Ensuring Torbay remains an attractive and safe place to live and visit | | | | | | | | | | | | | |
| | Babbacombe Beach Road | YJE02 | 70 | 0 | | 70 | | 70 | | | | 70 | |
| | Brixham Harbour - Breakwater | YMB04 | 3,853 | 0 | 3,532 | 3,853 | | 3,853 | | | | 3,853 | |
| | Brixham Harbour - Fendering | YMB07 | 300 | 6 | 306 | 294 | | 294 | | | | 294 | |
| PB | CCTV equipment | YBD02 | 472 | 0 | 152 | 362 | (210) | 152 | 320 | | | 472 | |
| | Clennon Valley Sport Improvements | YCE28 | 70 | 2 | 30 | 68 | | 68 | | | | 68 | |
| | Flood Alleviation - Cockington | YKA30 | 328 | 6 | 30 | 250 | (125) | 125 | 197 | | | 322 | |
| | Flood Alleviation - Monksbridge | YKA31 | 412 | 10 | 37 | 275 | (75) | 200 | 202 | | | 402 | |
| | Flood Defence schemes (with Env Agency) | YKA17/20/21/ | 630 | 630 | 1 | 1 | (1) | 0 | | | | 0 | |
| PB | Freshwater Cliffs Stabilisation | YKA27 | 375 | 330 | 41 | 45 | | 45 | | | | 45 | |
| | Haldon Pier - Structural repair Phase I&2 | YMA04 | 3,045 | 3,045 | | 19 | (19) | 0 | | | | 0 | |
| | Hollicombe Cliffs Rock Armour | YKA26 | 1,351 | 1,330 | 22 | 213 | (192) | 21 | | | | 21 | |
| | Libraries Unlimited ICT Upgrades | YCA04 | 107 | 0 | | 107 | | 107 | | | | 107 | |
| PB | Paignton Harbour Light Redevelopment | YMC01 | 600 | 0 | 98 | 100 | | 100 | 500 | | | 600 | |
| PB | Parkwood Loan re Torbay Leisure Centre | YCE29 | 1,700 | 515 | 1,185 | 1,185 | | 1,185 | | | | 1,185 | |
| | Princess Gardens Fountain | YCE30 | 122 | 117 | 65 | 5 | | 5 | | | | 5 | |
| | Princess Pier - Structural repair (with Env Agency) | YMA04 | 1,683 | 85 | 885 | 981 | (31) | 950 | 648 | | | 1,598 | |
| PB | Public Toilets Modernisation Programme | YKA29 | 1,180 | | 732 | 770 | 10 | 780 | 400 | | | 1,180 | |
| | Torbay Leisure Centre - structural repairs | YCE21 | 541 | 541 | | 0 | | 0 | | | | 0 | |
| | Torre Abbey Renovation - Phase 2 | YCB04 | 5,010 | 4,992 | | 18 | | 18 | | | | 18 | |
| | Torre Abbey Renovation - Phase 3 (Torbay Council commitment) | YCB06 | 0 | | | 0 | | 0 | 0 | | | 0 | |
| | Torre Valley North Enhancements | YCE25 | 127 | 40 | | 87 | | 87 | | | | 87 | |
| | Torquay Harbour - Beacon Quay Decking | YMA11 | 80 | | 80 | 80 | | 80 | | | | 80 | |
| | Torquay Harbour - Town Dock Pontoons Replacement | YMA10 | 263 | 263 | 15 | | | 0 | | | | 0 | |
| | | | 22,319 | 11,912 | 7,211 | 8,783 | (643) | 0 | 8,140 | 2,267 | 0 | 0 | 10,407 |
| Protecting and supporting vulnerable adults | | | | | | | | | | | | | |

CAPITAL PLAN - QUARTER 3 2018/19 - EXPENDITURE

Appendix 1

| | | | | | | | Revised 4-year Plan Dec 2018 | | | | | |
|---|--|------------------------|--|-------------------------------------|-------------------------------|------------------------|------------------------------|-----------------------|---------------|---------------|----------|-----------------------|
| | Cost Centre | Latest Est Scheme Cost | Expend in Prev Years (active schemes only) | Actuals & Commitments 2018/19 Qtr 3 | Previous 2018/19 (@ Q2 18/19) | 2018/19 Q3 Adjustments | New Schemes 2018/19 | Total 2018/19 Revised | 2019/20 | 2020/21 | 2021/22 | Total for Plan Period |
| | | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 |
| PB = Approved Prudential Borrowing schemes | | | | | | | | | | | | |
| | Adult Social Care | | | 42 | 780 | | | 780 | | | | 780 |
| | Affordable Housing | 2,883 | 1 | | 1,497 | (1,000) | | 497 | 2,385 | | | 2,882 |
| | Extra Care Housing | 1,400 | | | | | | | 1,400 | | | 1,400 |
| PB | | | | | | | | | | | | |
| | Housing Rental Company - Loan | | | | 0 | | | 0 | 12,500 | 12,500 | | 25,000 |
| | Housing Rental Company - Aff Hsg Developments | 100 | | 18 | 100 | | | 100 | | | | 100 |
| | Sanctuary HA - Hayes Road Pgn | 250 | 250 | | 0 | | | 0 | | | | 0 |
| | Disabled Facilities Grants | | | 482 | 1,338 | 159 | | 1,497 | | | | 1,497 |
| | Empty Homes Scheme | 500 | 43 | | 0 | | | 0 | 457 | | | 457 |
| | Private Sector Renewal | | | | 0 | | | 0 | 113 | | | 113 |
| | | 5,133 | 294 | 542 | 3,715 | (841) | 0 | 2,874 | 16,855 | 12,500 | 0 | 32,229 |
| Corporate Support | | | | | | | | | | | | |
| PB | | | | | | | | | | | | |
| | Corporate IT Developments | 1,035 | 417 | 184 | 618 | | | 618 | | | | 618 |
| PB | | | | | | | | | | | | |
| | Council Fleet Vehicles | 4,771 | 333 | | 130 | | | 130 | 2,694 | 1,614 | | 4,438 |
| PB | | | | | | | | | | | | |
| | Essential Capital repair works | 872 | 0 | | 0 | | | 0 | 872 | | | 872 |
| | Enhancement of Development sites | 327 | 125 | 71 | 202 | | | 202 | | | | 202 |
| | Flexible Use of Capital Receipts (NB. Not Capital expenditure) | 657 | 300 | | 357 | | | 357 | | | | 357 |
| | Office Rationalisation Project - Electric House refurbishment | 700 | 326 | 370 | 374 | | | 374 | | | | 374 |
| | Payroll Project | 370 | 358 | 10 | 9 | | | 9 | 3 | | | 12 |
| | General Capital Contingency | 631 | 0 | | 0 | | | 0 | 631 | | | 631 |
| | | 9,363 | 1,859 | 635 | 1,690 | 0 | 0 | 1,690 | 4,200 | 1,614 | 0 | 7,504 |
| TOTALS | | | 180,937 | 61,042 | 83,389 | 6,813 | 3,944 | 94,146 | 90,823 | 26,872 | 0 | 211,841 |
| CAPITAL PLAN - QUARTER 3 2018/19 - FUNDING | | | | | | | | | | | | |
| | Unsupported Borrowing | | | | 58,641 | 7,543 | 1,500 | 67,684 | 73,907 | 23,470 | | 165,061 |
| | Grants | | | | 19,882 | 109 | | 19,991 | 10,315 | 3,336 | | 33,642 |
| | Contributions | | | | 749 | 32 | | 781 | 1,485 | | | 2,266 |
| | Revenue | | | | 452 | 283 | | 735 | 1,640 | 203 | | 2,578 |
| | Reserves | | | | 1,250 | (205) | | 1,045 | 1,096 | (137) | | 2,004 |
| | Capital Receipts | | | | 2,415 | (949) | 2,444 | 3,910 | 2,380 | | | 6,290 |
| | Total | | | | 83,389 | 6,813 | 3,944 | 94,146 | 90,823 | 26,872 | 0 | 211,841 |

| Capital Plan Projects | | Project status report |
|---|---|--|
| PB | = Approved Prudential Borrowing schemes | |
| Protecting children and giving them the best start in life | | |
| | Brookfield /Brunel Academy Phase 1 | Project on site. Completion end of Feb 2019. |
| | Brunel Academy Phase 2 Vocational Classrooms | Design work underway. Planning application expected early 2019. |
| | Capital Repairs & Maintenance 2016/17 & 2017/18 | Agreed programme underway. Various works. |
| | Capital Repairs & Maintenance 2018/19 | Agreed programme underway. Various works. |
| | Cockington Primary expansion | Project complete. |
| | Devolved Formula Capital | On-going delegated funding stream for maintained schools. Various works underway. |
| | Early Years - Ellacombe Academy Nursery | Project complete & final account agreed. Project overbudget due to redesign for planning. |
| | Early Years - White Rock Primary Nursery | Project complete. Small retention to be paid Jan 2019. Building Regulation issue still to be resolved |
| | Education Review Projects | Resources earmarked for future secondary school expansion. Options/feasibility work underway. |
| | Healthy Pupils Capital Fund | Agreed programme underway. Various works. |
| | Medical Tuition Service relocation | Awaiting planning decision in Jan 2019. Start on site March. Completion by 1st Sept. |
| | New Paignton Primary school | Council contribution. Awaiting invoice from ESFA. |
| | Roselands Primary Bulge Classroom | Awaiting planning decision in Jan 2019. Start on site Feb/March. Completion by 1st Sept. |
| | Secondary School places | Project complete. Final account agreed and project below budget. School contribution reduced from £225k to £100k |
| | Special Provision Fund | Action plan detailing agreed investment published. Year 1 projects underway. |
| | Torbay School Relocation | Feasibility underway. Update report to Members Jan 2019. Works to start Summer 2019. |
| Working towards a more prosperous Torbay | | |
| PB | Claylands Redevelopment | Successful building tenderer to be appointed in New Year, when lease agreed and work will commence on site. |
| | DfT Better Bus Areas | Budget reinstated pending review of potential usage. |
| PB | Edginswell Business Park | Site now purchased. |
| PB | Employment Space | Scheme completed and tenant in occupation |
| PB | Investment Fund | Nine sites acquired with one other at 'exchanged contracts' stage. Others opportunities being considered. |
| | Land acquisitions from TCCT | Expected to acquire sites in Feb 2019 |
| | Land Release Fund projects | Schemes at 3 locations to enable land to be released for future housing developments - budget and costs now initially in revenue. |
| PB | NGP - Torbay Innovation Centre Ph 3 (EPIC) | Work is progressing well. The building is weather tight and remains on programme to open in April 2019. Works are currently focused on the internals and M&E elements. |

| Capital Plan Projects | | Project status report |
|---|---|---|
| PB | = <i>Approved Prudential Borrowing schemes</i> | |
| PB | Oxen Cove Landing Jetty | Still awaiting MMO licence to commence works: expected by Feb 19 |
| PB | South Devon Highway - Council contribution | Post construction costs |
| PB | TEDC Capital Loans/Grant | Funds available to draw on as required by TEDC to finance capital schemes |
| PB | Town Centre Regeneration Programme | Harbour View hotel development now part of Town Centre regeneration and incurring expenditure |
| | Transport Integrated Transport Schemes | Fleet Street Complete, works in connection with approved Business Cases under way |
| | Transport Structural Maintenance | Surface Dressing Programme complete, Resurfacing and reconstruction programme is well advanced |
| | Transport - Torquay Gateway Road Improvements | Shiphay Lane to Lowes Bridge land acquisition being progressed |
| | Transport - Torquay Town Centre Access | Works complete pending final inspection |
| | Transport - Tweenaway Junction | Noise compensation claims nearing completion |
| | Transport - Western Corridor | Brixham Road Widening continuing, Windy Corner Improvement due to commence in early 2019 |
| Ensuring Torbay remains an attractive and safe place to live and visit | | |
| | Babbacombe Beach Road | Awaiting progression of Developments |
| | Brixham Harbour - Breakwater structural repairs | Contractors on site early Dec; stoneworks will commence late Dec with est. project finish date May 19 |
| | Brixham Harbour - Fendering | Parts ordered and awaiting delivery. Est. completion date March 19 |
| PB | CCTV equipment | The project has been implemented more slowly than planned due to unforeseen third party building issues, that have need to have lease agreements in place, and the loss of Victoria Car Park as a key staging post for the wireless system, which has meant that Paignton and Brixham are being re-designed. |
| | Clennon Valley Sport Improvements | Order placed for some works |
| | Flood Alleviation - Cockington | Detailed design works underway. Further grant in aid funding from EA was claimed in December 2018. Works will be tendered in January 2019 and commence on site late February/early March 2019. All works should be completed by end of December 2019 (please note no works will be carried out during the ,main tourist season). |
| | Flood Alleviation - Monksbridge | Detailed design works completed. Further grant in aid funding from EA was claimed in December 2018. Works are to be tendered in January 2019 and will commence on site in February 2019. All works should be completed by end of October 2019. |
| PB | Freshwater Cliffs Stabilisation | All works completed. |
| | Hollicombe Cliffs Rock Armour | Retention money now paid, invoices received from Royal Haskoning and these have been paid in December. The compensatory work requested by Natural England have been agreed and the cost of these has now been paid to TCCT . |
| | Libraries Unlimited ICT upgrades | Required for Library ICT upgrades - replacement of un supported kit |
| PB | Paignton Harbour Light Redevelopment | Rent negotiations being reviewed in light of recent site visit by prospective tenant. Expect plans to be submitted to Development Management in Jan 19 |
| PB | Parkwood Loan re Torbay Leisure Centre | Project due for completion in February 2019 |
| | Princess Gardens Fountain | Project completed, over budget but additional funds (Section 106) to be agreed to be transferred into project. |
| | Princess Pier - Structural repair (with Env Agency) | Majority of works planned this year are already complete. The final section of work to apply the protective coatings to the steel supporting frame above the water level is ongoing and is approximately 75% complete. All works this financial year should be completed by the end of February 2019. Please note that the cost of the Beacon Quay decking (£82,047.70) is included within these figures. |

| Capital Plan Projects | | Project status report |
|--|---|--|
| PB | = <i>Approved Prudential Borrowing schemes</i> | |
| PB | Public Toilets Modernisation Programme | Refurbishment of several toilet blocks has commenced and a clear project plan is in place. We would not anticipate any change in the set budget although some works timing is linked to obtaining planning consent. |
| | Torre Abbey Renovation - Phase 2 | Final draft of monograph has come in, there are a few minor amendments before finally concluded. |
| | Torre Valley North Enhancements | These funds need to be reallocated and consideration might be given to ring-fencing their future use for abnormal costs related to sports leases. |
| | Torquay Harbour - Beacon Quay decking | Project completed - see also Princess Pier note. |
| Protecting and supporting vulnerable adults | | |
| | Adult Social Care | Project(s) still to be identified although proposals are being discussed. |
| | Affordable Housing | Initial investigation work underway at some appropriate sites |
| PB | Housing Rental Company - Loan | Finance approved to help establish and resource Housing Company |
| | Housing Rental Company - Affordable Housing development | Funds for necessary works to obtain planning permission on Council sites. |
| | Disabled Facilities Grants | Statutory provision of financial assistance for adaptations to private residences enabling independence for recipients |
| Corporate Support | | |
| PB | Corporate IT Developments | Required for Corporate hardware replacements |
| PB | Council Fleet Vehicles | Balance of funding available for acquisition of Council's fleet vehicles as required. Consideration will need to be given to replenishing this fund in future years and thought should also be given to allocating the borrowing and running costs to the operational service areas to help drive a culture of cost control. |
| PB | Essential Capital repair works | Consideration will need to be given to replenishing this fund in future years. |
| | Enhancement of Development sites | Budget to enable moderate expenditure to enhance value of potential sites. |
| | Flexible Use of Capital Receipts | Government has introduced flexibility to allow use on transformative projects which produce ongoing savings |
| | Office Rationalisation Project - Electric House refurbishment | Works to update office accommodation are largely complete. Some residual costs to pay. |
| | Payroll Project | The budget is still required to implement outstanding modules which includes Recruitment and HR Case Management. Progress has been slow in 2018 due to resources generally in the Payroll Team, but it is hoped that the last remaining modules will be implemented in the early part of 2019, or work will commence as a minimum. |
| | General Capital Contingency | Contingency for unforeseen emergencies or funding shortfalls |

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 31 January 2019**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Chairman of the Council, or (if there is no Chairman/woman of the Council appointed) the Vice-Chairman/woman of the Council, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table overleaf sets out this information:

Page 103

| Matter for decision | Decision-taker | Reasons for urgency | Consultation |
|-----------------------------------|-----------------------|--|---|
| Extension of Healthwatch Contract | The Elected Mayor | <p>The Elected Mayor on 17 December 2017 approved the extension of the existing local Healthwatch contract with the current provider (Healthwatch Torbay) for one year until March 2020.</p> <p>This is to support the development of a longer-term, more sustainable, strategic model that takes into account the current direction of travel across the wider county footprint and Devon Sustainability and Transformation Partnership (STP) and associated plan/programme; realising opportunities for partnership working, joined-up service delivery and the pooling of resources. This would require Torbay Council to extend its existing contract with for a further year (via a contract waiver) to align with Devon County</p> | The Overview and Scrutiny Co-ordinator was consulted on 17 December 2018. |

Agenda Item 14

| | | | |
|--|--------------------------|---|--|
| | | <p>Council's re-procurement window timescales.</p> <p>The Council would then re-procure the contract for Healthwatch in Torbay, as part of a wider tender with Devon County Council and Plymouth City Council. The output would be one contract for delivering the local Healthwatch functions across the whole of the geographical area of Devon, jointly commissioned by Devon, Plymouth and Torbay Councils, in partnership with the CCGs. The new contract would commence in April 2020.</p> <p>Any delay likely to be caused by the call-in process would prejudice the Council's and the public's interests.</p> | |
| <p>Alliance Contract around Housing First/Rough Sleeping</p> | <p>The Elected Mayor</p> | <p>The Elected Mayor on 9 January 2019 approved a decision to enter into an alliance contract with Shekinah for the delivery of Housing First Service in Torbay from February 2019 until 31 March 2021.</p> <p>Shekinah had sourced funding for a Crisis report on the evaluation of Housing First in Torbay and have invested resources to supply surrounding services for Housing First e.g. volunteering, employment services.</p> <p>Any delay likely to be caused by the call-in process would prejudice the Council's and the public's interests and would not allow Shekinah to commission providers to deliver the Housing First service.</p> | <p>The Overview and Scrutiny Co-ordinator was consulted on 7 January 2019.</p> |