

Wednesday, 14 February 2024

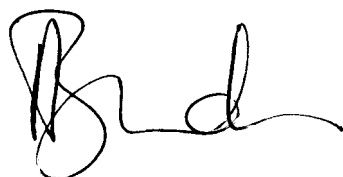
Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 22 February 2024** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
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.)

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

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**

To confirm as a correct record the minutes of the meeting of the Council held on 1 February 2024.

(Pages 5 - 9)

4. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: 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.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: 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 Civic Mayor, the Leader of the Council, the Overview and Scrutiny Co-ordinator or the Chief Executive.

6. **Public question time**

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.

(Page 10)

7. **Members' questions**

To respond to the submitted questions asked under Standing Order A12.

(Pages 11 - 15)

8. **Notice of motions - Civic Mayor's Cadet** (Page 16)
To consider the attached motion, notice of which has been given in accordance with Standing Order A13 by the members indicated.
9. **Redevelopment of St. Kilda's, Brixham** (Pages 17 - 48)
To consider the recommendations of the Cabinet and a report that seeks approval for the inclusion of the scheme into the Council's Capital Programme and to uplift the budget.
10. **Revenue and Capital Budget 2024/2025** (Pages 49 - 292)
To consider the recommendations of the Cabinet and a report on the budget proposals for 2024/2025.
11. **Council Tax 2024/2025** (To Follow)
To consider a report on the setting of the Council Tax for 2024/2025.
12. **Budget Monitoring 2023/24 - April to December 2023 Revenue and Capital Outturn Forecast** (Pages 293 - 306)
To consider the recommendation of the Cabinet and a report which provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24.
13. **Members' Allowances Scheme - Recommendation from the Independent Remuneration Panel** (Pages 307 - 321)
To consider the report of the Independent Remuneration Panel on the Members' Allowances Scheme.
14. **Draft Community and Corporate Plan** (Pages 322 - 351)
To consider the recommendations of the Cabinet and a report that seeks approval of the draft Community and Corporate Plan.
15. **Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions** (Pages 352 - 376)
To consider the recommendations of the Cabinet and a report on the Annual Pay Policy Statement and Review of Pensions Discretions.
16. **Constitution Amendment - Contract Procedures** (Pages 377 - 497)
To consider a report that seeks to amend the contract procedure rules as set out in the Constitution.
17. **Constitution Amendments - Planning Committee Various** (Pages 498 - 549)
To consider a report that sets out a number of changes to the Council's Constitution in respect of operational arrangements for the Planning Committee and to reflect the current status of the Neighbourhood Forums.
18. **Constitution Amendments - Notice of Motions** (Pages 550 - 602)
To consider a report that sets out changes to the Council's Constitution in respect of the procedure for Notice of Motions that fall within the remit of the Cabinet.

Live Streaming

To encourage more people to engage in our public meetings the Council is live streaming our Council meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

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

1 February 2024

-: Present :-

The Worshipful the Mayor of Torbay (Councillor Spacagna) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Stevens)

Councillors Amil, Atiya-Alla, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Fox, Harvey, Hutchings, Johns, Joyce, Law, Chris Lewis, Long, Maddison, Nicolaou, Penny, Pentney, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

71 Opening of meeting

The meeting was opened with a prayer.

Following the opening, Members observed a minute's silence as a mark of respect in memory of Pete Addis, a former councillor, and Jack Jennings, a Torquay resident and thought to be the last surviving veteran of the infamous Burma Railway, both of whom had recently passed away.

72 Apologies for absence

An apology for absence was received from Councillor Barbara Lewis.

73 Minutes

The Worshipful the Mayor of Torbay proposed and Councillor Stevens seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Minutes of the meeting of the Council held on 7 December 2023 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

74 Declarations of interests

No interests were declared.

75 Communications

The Leader of the Council referred to the Levelling Up Minister's (Jacob Young) visit to Torbay on 25 January 2024, when he announced the publication of proposals for

a devolution deal for Devon and Torbay. It was noted that the proposals included the transfer of a range of Government powers to enable decisions to be made locally by a new combined county local authority. It was noted the proposals would be launched for consultation and it was anticipated Devon County Council and Torbay Council (at an Extraordinary Meeting of the Council on 30 April 2024) would then determine the response for submission to the Secretary of State.

The Overview and Scrutiny Co-ordinator:

- a) thanked the Cabinet and senior officers for their time and input on the Priorities and Resources Review Panel's review of the Cabinet's draft budget proposals. The Overview and Scrutiny Board was due to finalise its recommendations on the proposals on 7 February 2024;
- b) advised that the Overview and Scrutiny Board on 10 January 2024 had triggered a report into the felling of palm trees in Torbay following receipt of a councillor call for action and the report was expected in March 2024; and
- c) highlighted the excellent work undertaken by the Children's and Young People's Overview and Scrutiny Sub-Board on their spotlight review of Children and Adolescent Mental Health Services.

76 Order of Business

In accordance with Standing Order A2.2 in relation to Council meetings, the Worshipful the Mayor of Torbay varied the order of business to enable agenda Item 6 (Members' questions) to be considered at end of the meeting.

77 Notice of Motion - 20 MPH Neighbourhoods

Further to the Council meeting held on 7 December 2023 (Minute 54/12/23 refers), members received a Notice of Motion in relation to £100,000 of one-off funding being identified to introduce 20 mph neighbourhoods (for schemes as listed in the Notice of Motion), along with the Director of Finance's report on the financial implications of the motion.

Councillor Fox proposed an amended motion as set out below:

There continue to be high levels of concerns over road safety which have been expressed to us by residents in many parts of Torbay about the excessive speed of traffic in residential areas particularly on arterial routes near or outside schools.

We believe that this is putting the safety of pedestrians at risk, including parents with young children in prams and buggies, as well as for wheelchair users, the frail and elderly, and anybody attempting just to cross a road.

We believe that some of the roads in greatest need of urgent action to control vehicle speeds include our older ex-Council estates and high density areas, which often have a predominance of terraced housing.

The principle has already been agreed by the Council to introduce 20mph neighbourhoods especially in close proximity to our schools and in relation to areas which have a high concentration of accidents. At the 22 February 2023 Transport and Parking Working Party, it was stated that there was strong support from schools across Torbay suffering from speeding traffic impacting on their pupils for such 20 mph neighbourhoods. The following schemes were earmarked for action:

Phase One

- Hayes School (Totnes Road & St Michael's Road) (Hayes Road already has permanent 20mph zone)
- Cockington School (Avenue Road & Mill Lane areas)
- Sacred Heart School (Cecil Road area)
- Barton Academy (Barton Hill Road)
- Torquay Academy (Barton Road & Cricketfield Road areas)
- St Cuthbert Maine (Teignmouth Road & Westhill Road areas) (could include St Margaret's and Homelands Schools)

Phase Two

- Roselands Primary School (Roselands Drive area)
- White Rock Primary School (Davies Avenue/Gibson Road areas)
- Sherwell Valley Primary School (Upper Cockington Lane/Drake Avenue/Hawkins Avenue areas)
- Curledge Street Primary School (will be included within the proposed Fisher Street zone but consideration to expanding zone into Dartmouth Road area)
- Ilsham Primary School (Ilsham Road and Babbacombe Road areas)
- Eden Park Primary School (in quiet residential area, no 20 limit in place)
- St Margaret Clitherow School (in quiet residential area, no 20 limit in place)
- Chestnut Primary School (in quiet residential areas, no 20 limit in place)

As at the 19 October 2023 we note with concern that the above schemes which have been earmarked for action are not being delivered at pace. One particular example where the need for reduced traffic speeds is overdue is Barton Hill Road, from the Barton shopping centre, to Hele roundabout, via Barton Academy, where there is an urgent need to reduce traffic speeds. We are also aware that accidents continue to happen in the neighbourhood of St Cuthbert Maine with a motorcycle accident where the motorcyclist was hospitalised in early October.

In light of this and in the interests of community safety, therefore the Cabinet Council is recommended:

That as part of the Cabinet's final budget proposals, consideration be given to allocating £100,000 to £150,000, from the additional Government monies, to expedite the delivery of 20 mph zones for neighbourhoods in close proximity to schools within Torbay.

~~That the Director of Finance be instructed to identify £100,000 of one-off money to provide the capacity to take these schemes (as set out above) forward within the next 12 months.—~~

At the invitation of the Worshipful the Mayor of Torbay, Councillor Virdee accepted the amendment to the original Notice of Motion. In accordance with Standing Order A13.3(a), the Worshipful the Mayor of Torbay then reported that the motion stood referred to the Cabinet meeting on 13 February 2024.

78 Amendment to the Resources and Waste Management Strategy 2020-2023

The Council considered the recommendations of the Cabinet on amendments to the Resources and Waste Management Strategy to include a positive statement that fortnightly residual waste collections would continue and to extend the timeframe of the Strategy to 2025.

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

That the Council be recommended to:

- 1. Amend the sixth paragraph under Action 2 of the Resource and Waste Management Strategy to read:**

“Whilst we will maintain fortnightly residual waste collections, we will develop operational waste collection policies. This will include a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.”

- 2. Extend the timeframe for the strategy to 2025 so that work can continue against the Actions within the Strategy.**

79 Treasury Management Mid - Year Review 2023/24

Members noted the submitted report in respect of the Treasury Management Outturn for 2023/2024.

80 Civic Mayor Elect and Deputy Civic Mayor Elect 2024/25

In accordance with the Council's Standing Orders A9.1, the Council considered selecting the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the next Municipal Year 2024/25.

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

1. **that Councillor Long be selected as Civic Mayor (Elect) for the 2024/2025 municipal year;**
2. **that Councillor Harvey be selected as Deputy Civic Mayor (Elect) for the 2024/2025 municipal year; and**
3. **that Councillor Stevens be thanked for her work as Deputy Civic Mayor for 2023/24 and in recognition of this, Councillor Stevens be selected as Civic Mayor (Elect) for the 2025/26 municipal year.**

81 Composition and Constitution of the Cabinet and Record of Delegation of Executive Functions

Members noted the submitted report which provided details of changes made by the Leader of the Council to the Cabinet.

82 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 Councillors Billings, Chris Lewis, Jackie Thomas and Tyerman, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Billings, Chris Lewis and Tyerman, arising from their responses to the questions in respect of questions 2, 3, 4 and 6.

The Worshipful the Mayor of Torbay

**Meeting of the Council, Thursday, 22 February 2024
Public Question Under Standing Order A24**

Public Question 1

John Jackson to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)

Global heating theory poses a number of problems around living and infrastructure, for many coastal and river communities, in the UK and other countries, one of which is sea and river level rises. What is Torbay Councils estimation of the average levels that will occur at high tide in 50 years and 100years time, so that the council can develop spending and planning, within adequate time frames to prepare for these events?

Meeting of the Council, Thursday, 22 February 2024

Members' Questions Under Standing Order A12

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.

First Round

Question 1

Councillor George Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

Following Operation Loki, an increase in petty theft and antisocial behaviour was reported in St Marychurch and Babbacombe. Crime was dispersed from the town centre into our more peripheral shopping areas; what action is the council taking to prevent this from happening again with the proposed PSPOs?

Answer: to Question 1 provided by Councillor Tranter

Question 2

Councillor Harvey to the Cabinet Member for Housing and Finance (Councillor Tyerman)

The Household Support Fund wasn't included in the Autumn Statement, and the Government have since announced they do not intend to fund it going forward. This decision has been made as the cost-of-living crisis continues and families in Torbay continue to struggle. In light of, the Government's announcement, how is Torbay Council tackling this gap in funding?

Answer to Question 2 provided by Councillor Tyerman

Question 3

Councillor Long to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

A recent report stated that modern slavery is reportedly surging in social care since ministers relaxed immigration rules to fill thousands of vacancies, with a growing wave of exploitation leading to workers being ripped off or living in squalor. How is Torbay Council taking account of this worrying trend?

Answer to Question 3 provided by Councillor Tranter

Question 4

Councillor Mandy Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

According to the Department for Transport, more than one in 22 people in England have a disabled parking badge, a higher proportion than before the pandemic. Has there been a similar rise in Torbay?

Answer to Question 4 provided by Councillor Tranter

Question 5

Councillor Steve Darling the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Why did it take until 15 January 2024 for Torbay to hold its first Bus Forum Meeting and what message does it send out to partners when the 3 Conservative members of the minority administration failed to attend this meeting?

Answer to Question 5 provided by Councillor Billings

Question 6

Councillor Johns to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)

In 2020 the Council was awarded Future High Streets Funding for Paignton to regeneration Victoria Square, Station Square and Torbay Road

As a Paignton Councillor, I have regularly asked about the changes to Torbay Road and following the news of Lidl moving out from Victoria square can the Cabinet Member for Place Development and Economic Growth advise whether the Future High Street Funding has been spent or has the funding been returned to the Government?

Answers to Question 6 provided by Councillor Chris Lewis

Question 7

Councillor Penny to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)

Residents, Traders, and even Visitors increasingly question the vibrancy of Paignton Town Centre. Our seafront and harbourside continue to perform overall and adapt to current expectations with private and public sector input.

Without vibrant hinterland support from outlets in e.g. Torbay and Torquay Roads, Victoria Street, Hyde Road, Palace Avenue and Winner Street, this can erode inexorably to a nothing.

Time-limited government funding is available for certain projects. Crossways has been knocked down without new growth, Torbay Road traffic flow is still unresolved, Station Square progress is stagnant, and now the loss of Lidl supermarket in Victoria Square.

Whilst Torquay gradually moves into the Twenty First Century, Paignton languishes in talk about plans and action, not in plans and action themselves. I realise the 'cost of living' crisis has had an impact and we cannot do everything at once. It takes time. However, could the Cabinet Member for Place Development and Economic Growth:

- publicly share the timescales for all the larger Paignton projects to make the most of time-limited government funds so the people are truly placed first? and
- take into account that improvements to the street scene a repaint, judicious road resurfacing, a tidying of a bin area and improved lighting, not only look good; they can encourage people to contribute to Paignton's vibrant future in partnership with the Council and local Organisations?

Answer to Question 7 provide by Councillor Lewis

Question 8

Councillor Virdee to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

A zebra crossing was due to be installed at Teignmouth Road by St.Cuthbert Mayne school, not a day goes past that a resident or student is risking serious injury crossing this road. I have seen it myself as my children attend Cuthbert Mayne school, the difficulty faced especially at peak times in crossing the road. We receive much correspondence from residents, one elderly resident finds it impossible to cross and requires assistance each time they venture out.

Can you give me a firm date when this zebra crossing will be installed?

Answer to Question 8 provided by Councillor Billings

Second Round

Question 9

Councillor Long to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

An analysis of census data by charity Independent Age, has revealed that high rental prices are forcing older tenants to move to deprived communities with already overstretched public services. The analysis shows that ten of the top 20 local authorities seeing the largest increase in older private rented households are coastal areas, which includes Torbay. Older people – many of whom live with long term conditions and disabilities - can find it harder to access necessary services such as health facilities in coastal areas, particularly those which are deprived. How is Torbay Council dealing with the increase in older tenants?

Answer to Question 9 provided by Councillor Tranter

Question 10

Councillor Harvey to the Cabinet Member for Children's Services (Councillor Bye)

In October 2022, Mark Riddell, the National Implementation Advisor for care leavers shared some ideas on how Torbay Council and our community could enhance its support for cared for and care experienced youngsters and developed the following action:

“Hold a business, community event which would further develop EET opportunities for care experienced young people.”

Since the Conservatives have taken control of the council, what progress has been made in the 9 months since?

Answer to Question 10 provided by Councillor David Thomas

Question 11

Councillor Mandy Darling the Cabinet Member for Children's Services (Councillor Bye)

In October 2022, Mark Riddell, the National Implementation Advisor for care leavers helped Torbay Council shared some ideas on how Torbay Council and our community could enhance its support for cared for and care experienced youngsters and the following action was developed:

“To set a clear target for ringfenced opportunities in the ‘family business’ and to maximise the local authority vacancies for care experienced young people.”

Since the Conservatives have taken control of the council, what progress has been made in the 9 months since?

Answer to Question 11 provided by Councillor Bye

Question 12

Councillor Johns to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

I have received an increase in the number of complaints regarding dog fouling in the Clifton with Maidenway ward. Can we have a dog warden reinstated for Torbay Council or find funding for more dog poo bins?

Answer to Question 12 provided by Councillor Tranter

Third Round

Question 13

Councillor Harvey to the Cabinet Member for Children's Services (Councillor Bye)

In October 2022, Mark Riddell, the National Implementation Advisor for care leavers helped Torbay Council shared some ideas on how Torbay Council and our community could enhance its support for cared for and care experienced youngsters and the following action was developed:

“Develop a Whole Council Approach and to consider holding a key partner event where each partner agency makes explicit their offer to care experienced young people, based on what operational staff and care experienced young people have said is important to them when services are being delivered. These offers should then be presented to the Corporate Parenting Board on the basis that this is good enough for our own children.”

Since the Conservatives have taken control of the council, what progress has been made in the 9 months since?

Answer to Question 13 provided by Councillor Bye

Council Meeting

22 February 2024

Proposed Revision to the Constitution:

1. That the Monitoring Officer, in consultation with the Civic Mayor and Group Leaders, be authorised to update the Local Protocol for Civic and Ceremonial to include the appointment of Civic Cadets.

Proposer: Councillor Spacagna

Seconder: Councillor Stevens

Redevelopment of St Kilda's, Brixham

Revised Recommendation

Cabinet Meeting

13 February 2024

(Revisions shown in bold text)

Revised Recommendation:

That Council be recommended to:

1. Approve the inclusion of the **full** St. Kilda's scheme (**including the addition of** demolition of the **former Care Home and the construction of site and development of** 23 no. new age-restricted flats for social housing) ~~with~~ in Torbay Council's Capital Programme.
- ~~2. Uplift the capital programme by £434,356 to facilitate the demolition and clearance of the site as set out in Exempt Appendix 1 for the 'Stage 1' works.~~
- ~~2. Uplift~~ **Increase** the capital programme for the St Kilda's scheme ~~by a further £5,248,808 to a total sum of £5,683,164 to include costs already incurred and the costs of demolition and construction as set out in Exempt Appendix 1. to fund the development of the scheme as set out in Exempt Appendix 1, and delegate authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to agree suitable and robust business plan parameters for the successful operation of the scheme.~~
3. Approve up to £2,667,058 of prudential borrowing funded from rent receipts, net of the costs of maintenance and management of the completed scheme.

That subject to 1 to 3 above the Cabinet:

4. In accordance with Financial Regulations, the Director of Finance be instructed to bid for (and accept) any applicable affordable housing grant from Homes England to support the scheme, subject to securing at least the Minimum Grant Level as set out in Exempt Appendix 1 for the scheme to proceed.
5. Delegate authority to the Director of Pride in Place to award a suitable contract for construction to Bidder A for the Total Contract Sum(s) identified in Exempt Appendix 1 (including any Stage 1 contract for demolition/site clearance and Stage 2 contract for main works, as necessary), along with all necessary external support services required for successful delivery of the scheme following completion of successful procurement exercises (and ~~associated~~ due diligence). Subject to any Stage 2 contract/contract for main Works not to be signed until Homes

England have confirmed that the Minimum Grant Level set out in Exempt Appendix 1 has been secured, and a Grant Agreement signed accordingly.

6. Delegate authority to the Director of Pride in Place, in consultation with the Head of Legal Services, to enter a Building License with TorVista Homes, to enable demolition to take place prior to formal transfer of the asset back to the Council (if necessary).
7. Authorise the Director of Pride in Place to enable all management provisions required for successful operation of the scheme, in accordance with the planning consent and requirements of the Regulator or Social Housing.

Meeting: Cabinet and Council **Date:** 13 February 2024 and 22 February 2024

Wards affected: St. Mary's with St. Peters; Furzeham with Summercombe

Report Title: Redevelopment of St. Kilda's, Brixham

When does the decision need to be implemented? 23 February 2024

Cabinet Member Contact Details: Cllr Alan Tyerman, Cabinet Member for Housing, Finance and Corporate Services, alan.tyerman@torbay.gov.uk

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1 Purpose of Report

- 1.1 The site known as St. Kilda's is a former care home that has been identified for redevelopment for some time. Plans for its regeneration were worked up by Torbay Development Agency (TDA) and Tor Vista Homes (TVH), which proposed the demolition of existing structures and the construction of 23 no. flats, specifically for clients aged 55+, all for social rent. The scheme includes areas of communal space, lifts, and parking in a landscaped setting, within a wider attractive residential area.
- 1.2 Following the decision to close down TDA and TVH, the scheme will now be delivered directly by Torbay Council who will contract with a construction partner to build out the scheme. There is a need to seek a series of approvals to proceed with the scheme, which are the subject of this paper. Chief amongst these is approval to bring the scheme into the Council's Capital Programme, and approval to uplift the budget (with funding strategy) accordingly.
- 1.3 A detailed business case has been developed for the scheme, which is attached to this paper at Exempt Appendix 1. The Business Case examines the key financial, technical and procurement considerations for the project, which contains extensive commercially sensitive information. Whilst there is a general desire to publish as much information as possible, this is difficult where such disclosure could unintentionally affect either the Council's interests of securing commercially advantageous terms, or where it may prejudice a contractor's/ supplier's ability to commercially operate on this or any other scheme elsewhere. The balance of interest is therefore that the Business Case must not be publicly disclosed and must remain Exempt information.
- 1.4 The remainder of this paper sets out the rationale for the proposed investment at St. Kilda's, to enable the Council to come to a view about the suitability of proceeding with the scheme. Should it support the proposal as set out here (and in the exempt appendix), the next stage would be to enter contracts with the identified supplier to deliver much-needed homes for local households.

2 Reason for Proposal and its benefits

- 2.1 The Council has taken the linked decisions to dissolve both TDA and TVH. However, it has been clear in that the commitment to deliver the existing projects remains, and therefore there is a need

to secure the necessary governance approvals for the Council to now undertake this delivery project directly, which would have previously been progressed by TVH.

- 2.2 The Council has committed to delivering homes that meet the priority need of specific often-disenfranchised groups within our communities that both struggle to access suitable accommodation and have a disproportionate effect on both Council revenue outlay and capital expenditure. In respect of providing homes specifically for older people, this may typically be for two reasons: 1) because older people may need to move to a good quality, safe, warm and easily accessible home to enable them to live independently for as long as possible (and reduce likelihood of needing to move to a residential care facility etc.); and b) in circumstances where older people are 'under-occupying' larger accommodation, it means the existing housing stock is not supporting families that may have a considerable need for such a property which therefore often results in a high cost for the Authority in terms of securing temporary or emergency accommodation in the event of homelessness.
- 2.3 As such, development of St. Kilda's is a key priority for the Council – it will help older people live independently in our communities for the long-term, in a home that is genuinely suitable to meet their needs. It will also offer an opportunity for single people or couples, currently occupying larger family-sized social housing, to downsize into something more appropriate and manageable. This means the vacated home can be refurbished and re-let to a household with children that needs a suitably sized property.
- 2.4 Delivering homes for older people can therefore benefit the council on two fronts: it can help community sustainability by providing good quality homes for people that genuinely need them and help reduce/avoid the need for otherwise costly revenue expenditure on residential care housing solutions or placing families with children in temporary accommodation.

3 Recommendation(s) / Proposed Decision

That Council be recommended to:

1. Approve the inclusion of the St. Kilda's scheme (demolition of the site and development of 23 no. new age-restricted flats for social housing) within Torbay Council's Capital Programme.
2. Uplift the capital programme by £434,356 to facilitate the demolition and clearance of the site as set out in Exempt Appendix 1 for the 'Stage 1' works.
3. Uplift the capital programme by a further £5,248,808 to fund the development of the scheme as set out in **Exempt Appendix 1**, and delegate authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to agree suitable and robust business plan parameters for the successful operation of the scheme.

That subject to 1 to 3 above the Cabinet:

4. In accordance with Financial Regulations, the Director of Finance be instructed to bid for (and accept) any applicable affordable housing grant from Homes England to support the scheme, subject to securing at least the Minimum Grant Level as set out in **Exempt Appendix 1** for the scheme to proceed.
5. Delegate authority to the Director of Pride in Place to award a suitable contract for construction to **Bidder A for the Total Contract Sum(s)** identified in **Exempt Appendix 1** (including any Stage 1 contract for demolition/site clearance and Stage 2 contract for main works, as necessary), along

with all necessary external support services required for successful delivery of the scheme following completion of successful procurement exercises (and associated due diligence). Subject to any Stage 2 contract/contract for main Works not to be signed until Homes England have confirmed that the Minimum Grant Level set out in Exempt Appendix 1 has been secured, and a Grant Agreement signed accordingly.

6. Delegate authority to the Director of Pride in Place, in consultation with the Head of Legal Services, to enter a Building License with TorVista Homes, to enable demolition to take place prior to formal transfer of the asset back to the Council (if necessary).
7. Authorise the Director of Pride in Place to enable all management provisions required for successful operation of the scheme, in accordance with the planning consent and requirements of the Regulator or Social Housing.

Appendices

Exempt Appendix 1: Full Business Case – St. Kilda’s

Background Documents

Future Structure and Operation of Tor Vista Homes Cabinet Paper – 05 December 2023

(available here:

<https://www.torbay.gov.uk/DemocraticServices/documents/s143519/TorVista%20Draft%20Dec%202023%20v3.pdf>)

Supporting Information

1 Introduction

- 1.1 Following the Cabinet and Council decisions of 19 and 20 September 2023, and 5 and 7 December 2023, TDA and TVH will be dissolved with a target date of 31 March 2024. As a result, all relevant operations, budgets, assets, and responsibilities will transfer to Torbay Council for direct delivery and operation. A consultation in relation to TUPE of posts is currently also underway for affected staff where a potential transfer into the Council has been identified.
- 1.2 A key objective of dissolving the companies is to improve the efficiency and deliverability of key capital projects and drive forward a growth agenda to generate positive outcomes for the community in Torbay. Officers are confident that this can be achieved, and plans are being worked up in respect of each key project, to facilitate their delivery in accordance with the new operating model, with the Council leading the charge.
- 1.3 One such project is the delivery of the existing social housing development commitments. There are three projects currently identified for delivery, the first of which is the redevelopment of St. Kilda's in Brixham. St. Kilda's is a former 1970s care home, which has lain vacant for some time. Planning consent has been issued for its demolition and redevelopment, which will see the construction of 23 no. new flats for people aged 55+, all for social rent. The scheme involves severing a link corridor between the former care home and the adjacent Grade II Listed Building, which has long-term potential for disposal, or for consideration to be given to bringing it back into use for residential purposes. The new housing scheme will be built on a similar footprint to the former care home, but will enable modern, high specification living in a purpose-built, sustainable location. A key driver of the scheme has been to use it to attract households that are under-occupying social housing elsewhere in Brixham to downsize, freeing up a property that could otherwise be allocated to a family in need.
- 1.4 Officers have developed a business case for St. Kilda's, based on the planning approved scheme, but amending this to be a now Council-delivered project. The business case includes a comprehensive appraisal of all key scheme elements, and considers the long-term financial implications for the Authority, in respect of its borrowing and the need for Homes England grant support.
- 1.5 A copy of the business case is provided at **Exempt Appendix 1**, which members will note provides a full and detailed appraisal of:
- scheme costs;
 - income;
 - management provisions;
 - the procurement strategy deployed; and,
 - the long-term financial model.
- 1.6 As with all projects of this type, there is a need to seek over-arching approval, along with specific delegations to resolve key matters to facilitate delivery. These are set out within this paper, and where necessary for commercial sensitivity reasons, explained in detail within the Exempt Appendix. The recommendations include formal approval to both bring the project into Torbay Council's capital programme and uplift it to enable the scheme to take place (and to enter into contract with Bidder A as set out). It is worth noting that in the revised business case attached at Exempt Appendix 1, the demolition and clearance of the site has had to be separated out from the main construction element of the scheme, but both are included in the approval in this paper.

- 1.7 The ambition is to get St. Kilda's into contract quickly, closely followed by a large Extra Care scheme at Torre Marine. Further delivery may be undertaken at the 'Crossways' site, subject to viability. In terms of any longer-term ambitions, the Cabinet meeting of 05 December endorsed an action to consider an affordable housing delivery strategy, which will cover both direct and indirect housing delivery. This process is underway and as such, greater clarity on the extent of Torbay's direct delivery ambition will be developed in the coming weeks.

2 Options under consideration

- 2.1 Exempt Appendix 1 outlines the detail of the options available to the Authority. A desensitised summary is provided below:
- 1) **Do not proceed** – cease all work, and either mothball the site or dispose on the open market;
 - 2) Adopt **Financial Model A**, and:
 - a) Award a contract to **Bidder A** (subject to completion of necessary due diligence); or,
 - b) Re-tender for an alternative form of procurement;
 - 3) Adopt the **Financial Model B**, and:
 - a) Award a contract to **Bidder A** (subject to completion of necessary due diligence); or,
 - b) Re-tender for an alternative form of procurement.
- 2.2 Option 1 would not represent good value for money. It would also not generate the much-needed housing for older people that are the chief ambition of the project. It cannot be recommended as a way forward.
- 2.3 Option 2 was originally expected to be the way forward as it matched the other financial investments undertaken by the Council. However, this financing method cannot be made viable without a considerable input of additional subsidy which also does not offer good value for money. As such, the recommendation is to proceed with Option 3, as this offers a simple and financially advantageous way of delivering the scheme in terms of considering long-term costs and incomes.
- 2.4 In respect of the sub-options, there is a clear rationale for proceeding with the procurement strategy that has been developed with Commercial Services. Bidder A has agreed to hold their current price until Cabinet/Council have had the appropriate opportunity to scrutinise the proposal. Additionally, the Head of Commercial Services has supported the identification of an appropriate procurement strategy to proceed in accordance with Torbay Council's Contract Procedure Rules (having identified a suitable framework that can be used for this purpose). Furthermore, the Council is also able to source the necessary external professional services required from the same framework provider, meaning there is a simple contracting route for delivery of the scheme.
- 2.5 Whilst it is recognised that the original procurement was undertaken some time ago, prices have increased significantly in recent months and there is not a realistic expectation that a lower cost quote (on a like-for-like basis in terms of contracting methodology) could be secured at present. Re-tendering is expensive (in terms of physical cost and officer time) and would incur a programme delay; whereas proceeding to contract as set out enables a contract to be awarded imminently and the scheme to progress to deliver much needed housing for local households.
- 2.6 As a result, and on balance, Option 3a is the recommended route for delivery.

3 Financial Opportunities and Implications

- 3.1 Exempt Appendix 1 provides a comprehensive assessment of all scheme finances, including a detailed appraisal of scheme costs, income, and management provisions, subsidy allowances, project

cashflow and interest rates on debt financing. It also provides a comprehensive assessment of the options available to the Council in respect of the financial model that could be applied to the long-term scheme financing. This paper was presented to the Capital & Growth Board on 18 January 2024 and updated subsequently to take account of additional information that is relevant to the scheme. Capital & Growth Board does not have any decision or budget setting powers; however, it is a key part of the technical assurance required to validate proposed projects and provides an opportunity for robust technical assessment against critical KPIs and industry benchmarks etc.

- 3.2 The recommendation is to proceed to contract with Bidder A, for the Stage 1 and Stage 2 Total Contract Sums as set out. These figures have been sourced via a legitimate procurement exercise, through a recognised and robust procurement framework (SWPA Lot NH3). In reaching the Total Contract Sums it should be noted that a higher contract figure was originally proposed by Bidder A; however, they highlighted in their submission that a cost saving could be generated through a Value Engineering (VE) exercise. Although a range of savings were suggested, TDA/TVH selected a change to the roofing materials palette, to move from the original standing seam zinc roof to a more traditional (and less expensive) clay tile solution. The Stage 2 Total Contract Sum set out in Exempt Appendix 1 is therefore the original price, less the VE sum.
- 3.3 Members will note the comments on form of contract in the exempt appendix. The form proposed is a relatively low risk solution to getting the scheme built out efficiently, with the contractor taking principal responsibility for risk items. The price will be fixed in the contract, with suitable legal protections to ensure the Council's investment is as protected as it can be. Regardless of how much work is put in upfront by the Council and Bidder A, there is always a chance that things might not go to plan, and additional expenditure might be required to offset any hidden or unexpected costs. It's impossible to entirely design-out this risk; however, the form of contract proposed does mean that risk is minimised with benchmarked 'provisional sums' and contingencies for the small number of cost elements that are currently unknown, as well as industry standard clauses in the contract to place the balance of risk on Bidder A to sort problems if they arise. To provide a further mitigation, the SRO has built in a small additional client risk pot into the cost plan (1.5% of Stage 2 Total Contract Sum), to provide a further financial buffer.
- 3.4 Added to the construction cost, the appraisal makes allowances for the full suite of professional fees required to deliver the project (including what's been spent to date, and what's required still to achieve project completion), a capitalisation figure to fund officers' time associated with delivery, and all other associated matters. The figures quoted in Exempt Appendix 1 are therefore 'all-in' costs to deliver the project, with the overall budget figures as set out in Recommendations 2 & 3.
- 3.5 In respect of scheme incomes, a Red Book compliant social rent valuation has been provided by a local agency, which has established the rents for both the 1- and 2-bedroom flats. A notional 2% uplift has been applied to the rent calculation to account for inflation between the date of the valuation and the expected date of occupation, being late 2025/early 2026. From the Gross Rent, allocations have been made to cover the normal management costs associated with the scheme, including allowances for:
- Management costs
 - Responsive maintenance costs
 - Void & Bad Debt
 - Major Repairs
- 3.6 A suitable interest rate to be applied to debt financing (i.e. borrowing) has been agreed with the S.151 Officer, and the scheme has been cashflowed in detail to ensure that the scheme reflects both current market conditions and the contractor's programme. Long-term inflation has also been applied to rents, based on conservative estimates.

- 3.7 The scheme has already received grant funding from the government's Brownfield Land Remediation Fund to part-fund the cost associated with demolition and site remediation. The application for this site was made to government on the basis that it would deliver 23 homes for older people, and the investment made by government on the merits this generates. As this relates to the Stage 1 works (in combination with the additional top-up funding required), this is not now part of the main scheme appraisal, but is noted here for completeness.
- 3.8 In addition to the Brownfield Land Remediation Fund grant, as a 100% social housing scheme delivered by the Local Authority, it is also eligible for funding from Homes England to support delivery of the scheme for a non-market housing product. Discussions with Homes England are underway, and the business case assumes a level of grant funding can be secured, which reflects both the viability of the scheme, as well as benchmark grant rates that are likely achievable for the type of scheme proposed. Despite positive feedback on the proposal and the Minimum Grant Level proposed, it is impossible for Homes England representatives to guarantee any grant at all until the formal bid has been submitted and a technical financial assessment has been undertaken in line with their Capital Funding Guide, and other comparable schemes.
- 3.9 In December 2023, Cabinet and Council endorsed a recommendation for the Head of Strategic Housing & Delivery to seek Investment Partner status with Homes England specifically to enable grant to be secured. This process is underway, and the application and the scheme bid will be submitted as soon as it is possible to do so. The reality is that it will take Homes England some time to undertake the assessments they need and provide confirmation of grant support and agree a form of contract with Torbay Council for the use and protection of any grant funding. As a result, the recommendation in this paper is specific that the main construction contract will not be signed unless and until we have confirmation that the Minimum Grant Level required to make the scheme viable has been secured. This is good practice to ensure there is no un-funded contractual situation; it does however, mean that start on site programme cannot be guaranteed until grant confirmation has been provided. As such, there is potential for unavoidable slippage whilst Homes England carry out their assessment and due diligence of the application, but officers will do everything possible to keep this to a minimum and support Homes England colleagues' with their assessment to provide a positive outcome.
- 3.10 This scheme may involve the Council undertaking prudential borrowing to fund the scheme. Torbay Council does not currently have a Housing Revenue Account (HRA). HRAs are ring-fenced accounts solely for the purposes of providing and managing social housing stock; they have the benefit of taking a Council's cost associated with building new homes off the 'General Fund', as operational and new growth costs are met by the income, receipts and borrowing that can be supported from net rents. They also attract a discounted rate of borrowing from the Public Works Loan Board.
- 3.11 Historically, Local Authorities were only able to build and hold stock within an HRA. The rules have recently been amended however, to encourage Local Authorities to start building homes again. There is currently an ability for the Council to build and retain a maximum of 199 homes, before it becomes necessary to re-open an HRA. Such homes are held within the General Fund and financed in the normal way as part of an existing Treasury Management Strategy.
- 3.12 There are two options available to the Council in respect of the financial model that it can adopt to deliver the scheme, and these are set out in Exempt Appendix 1 and the section above. The original expectation prior to December 2023 was that the scheme would be funded on an annuity basis, in accordance with Financial Model A in Exempt Appendix 1. Following rigorous sensitivity testing, officers have concluded that this would not be viable for the authority as it required an additional internal grant subsidy of approximately £450,000, over and above the Council's existing

financial commitments to the scheme. It would also require an inflated level of Homes England grant, which would be a risk.

- 3.13 As a result, officers have concluded that the option that provides the best value for money for the Council is an 'overdraft' approach, as described in Financial Model B. This has the benefit that loan repayments (in respect of the capital borrowing) always match the net income in any given year – as such there is no 'gap' for the Council to bridge in its business plan.

4 Legal Implications

- 4.1 The Council would be entering into contract with Bidder A, using an industry standard form of contract, known as a 'JCT Design & Build'. This is a well-established contracting route, that clearly sets the responsibilities for both employer and contractor, with notice obligations and dispute resolution mechanisms (should these be necessary). The Council would also be entering into contract with a specialist firm of external advisors to provide Employer's Agent, Principal Designer and Clerk of Works services, utilising an appropriate form of contract.
- 4.2 The Council has already accepted grant funding from DLUHC specifically to enable the redevelopment of this site. Non-delivery, or delivery in a form that is not supported may trigger a repayment event, which should be avoided.
- 4.3 As set out, the scheme is dependent upon securing Homes England grant funding. Such grant is bound by strict rules on the use, applicability, and recovery in the event of a breach of terms. The Council will also be subject to mandatory yearly audit (in years where a grant claim is made).
- 4.2 Should the Council proceed with this project, it should be cognisant of the obligations on social housing landlords, imposed by the Regulator of Social Housing. For providers that own fewer than 1,000 homes (which includes Torbay Council), the obligation is less significant than larger organisations; however, there is still a requirement to provide good quality homes that are safe and well managed, where tenants are empowered and supported. A key consideration in this regard is therefore accepting that there will be an ongoing mandatory obligation on the Council – for as long as it is landlord of these properties – to ensure that there is a suitable regime of compliance testing and works undertaken to protect tenants and ensure their homes are safe to live in. Penalties for non-compliance with minimum standards are severe and so a suitable management regime will be required throughout the life of the Council's ownership and direct management of the homes.

5 Engagement and Consultation

- 5.1 The main element of engagement has been undertaken through the planning process, where local residents, neighbours and other affected stakeholders were given an opportunity to comment and provide feedback on the proposals.
- 5.2 Once contracts have been signed for the main works, the Contractor will be required to undertake an engagement exercise with nearby and affected residents, to update them on the build programme, and provide a point of contact in the event any issues arise during the construction period.
- 5.3 The Ward Councillors will also be given a full briefing on the scheme, prior to construction work commencing.

6 Purchasing or Hiring of Goods and/or Services

- 6.1 A contractor had been identified by TorVista Homes following a procurement process, but to date a contract has not been entered into. It is the intention to appoint this contractor to deliver the scheme for the Council; however progressing the award process commenced by TorVista Homes is not an option. An alternative, compliant route to appointing the contractor (Bidder A) has been identified with the support and advice of the Council's procurement team

7 Tackling Climate Change

- 7.1 The scheme involves the demolition of a poor quality, 1970s former care home. It will be replaced by 23 new, high specification and well-built flats, designed to meet a local housing need. The homes will secure an EPC rating of B as a minimum, helping to ensure that both the carbon footprint and the cost of living in the home, is low. Building homes to this standard is important for Torbay as it moves towards net zero carbon over time; particularly as a home typically is the single largest contributor to a household's carbon footprint. Improving the thermal performance of a new home therefore helps to reduce the environmental impact, and makes a positive (albeit, small) contribution to improving the quality of the housing stock in the Bay.
- 7.2 Homes are designed with a 'fabric first' approach, and will use sustainable electric heating, linked with individual solar arrays, which will offset each household's energy use.

8 Associated Risks

- 8.1 A selection of key commercial risks are highlighted throughout Exempt Appendix 1. These principally relate to the following key themes:
- Commercial risk associated with entering into a build contract in the current market;
 - Commercial and financial risk associated with borrowing capital to invest in residential development
 - Specific site risks associated with the existing structures
 - The obligations on us as a landlord
 - Risks associated with the treasury management approach selected.
- 8.2 The development of housing, and associated borrowing to fund such development, always generates a measure of risk. The mark of a successful project, however, is identifying risks, and doing as much as is both reasonable and possible to mitigate those risks in advance.
- 8.3 Officers are confident that development risks have been mitigated as far as is practical. Full planning consent has been secured, and subject to a minor variation that is in train, we can be assured that we have a well-designed scheme that will meet local need priorities. It is impossible to cover off all risk against contractor insolvency, and there have been some high-profile contractor/supplier failures in the market of late; that said, the due diligence undertaken in respect of the credit checks etc., undertaken on Bidder A do not raise any matters for alarm. Further, the project includes a 5% bond which includes insolvency cover, and work is underway to understand if this can be increased to 10%.
- 8.4 Whilst Option 2a would match the Council's existing investment strategy, this unfortunately cannot be made to work viably on this social housing scheme without a considerable injection of additional subsidy. The only realistic way forward in this case is therefore to proceed on the basis of Option 3a, which has been endorsed by the S.151 Officer, in light of our current position.

- 8.5 It is impossible to confirm whether grant will be forthcoming, as this depends on the bid that is made, at the time that it is made. Officers are confident that there is general support, and Homes England are likely to back the scheme at officer level; we cannot, however, offer any assurance on the level of grant funding that can be secured, until after Homes England have received our bid. This is not uncommon, and the model assumes a grant figure, which officers are confident has the ability to be approved.
- 8.6 It is considered that the biggest single risk for the scheme, is leaving the existing building standing for longer than is absolutely necessary. It is never desirable to have a large, empty building in our ownership, and we are aware that there have been break-ins/trespassing in recent weeks. The simple mitigation for this is to get on and demolish the building as quickly as possible – and in advance of the main construction contract if necessary. This is the approach being taken in this instance, to limit exposure to risk of harm by neighbours, or indeed, trespassers. It should be noted, however, that demolition cannot currently take place until a) the Council has control back of the site, and b) the necessary planning conditions have been discharged in respect of habitats and ecology by the Local Planning Authority and Natural England, is a risk to programme in itself.

9 Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Homes have been designed specifically for older people and will therefore make a positive contribution to meeting the needs of this often disenfranchised element of our population.	With a restriction of 55+ in place, the downside is that younger people/families will not typically have access to this stock; however, other opportunities will be brought forward for this cohort, over time, and as part of wider efforts to increase supply.	
People with caring Responsibilities	Such people may find that those they care for are able to secure one of the new homes, meaning that they will have a safe, warm, well-designed home, which should make caring responsibilities simpler. With some homes being 2-bed, there may be opportunities for live-in/visiting carers to support people on a 1-2-1 basis, allowing a greater		

	level of independence for a longer period.		
People with a disability	Homes have been designed to M(4)(2) standard, and as such are accessible by households with limited mobility. The building includes lifts enabling access to all floors by those with limited mobility.	Homes are not specifically adapted, and therefore they may not be suitable for clients with very complex disabilities.	
Women or men			Homes will be accessible by households of any/all genders, subject to meeting age and other occupancy restrictions.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Homes will be accessible by households from all backgrounds, subject to meeting age and other occupancy restrictions.
Religion or belief (including lack of belief)			Homes will be accessible by households with any/all religious beliefs, subject to meeting age and other occupancy restrictions.
People who are lesbian, gay or bisexual			Homes will be accessible by households of any sexuality, subject to meeting age and other occupancy restrictions.
People who are transgendered			Homes will be accessible by households of all genders, subject to meeting age and other occupancy restrictions.
People who are in a marriage or civil partnership			Homes will be accessible by households that are single, married/in a civil partnership, or co-habiting, subject to

			meeting age and other occupancy restrictions.
Women who are pregnant / on maternity leave		Bearing in mind the age-restricted nature of the scheme, the scheme is likely to exclude women that are pregnant/on maternity leave.	
Socio-economic impacts (Including impact on child poverty issues and deprivation)	This scheme is specifically designed for households that are older, that are eligible for social housing. As such, it will provide considerable positive benefits for those on lower incomes and may experience greater deprivation	As a social housing scheme, those on higher incomes (but that otherwise meet the age restrictions) would not be eligible and would be excluded from the market.	
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	A good quality home is the cornerstone of a healthy, sustainable community. New homes will provide warm accommodation and prevent excess heat/cold; damp and mould will be minimised because of modern building techniques; the ability for older people to secure a well-built home that they can live in independently is considered to be a positive benefit to health outcomes, too.		

10 Cumulative Council Impact

10.1 Not applicable

11 Cumulative Community Impacts

11.1 Not applicable

Document is Restricted

Document is Restricted

Meeting: Cabinet
Council

Date: 13 February 2023
Date: 22 February 2023

Wards affected: All

Report Title: Revenue Budget 2024/2025

When does the decision need to be implemented?

Immediately

Cabinet Member Contact Details: Alan Tyerman, Cabinet Lead for Finance
alan.tyerman@torbay.gov.uk

Director/Divisional Director Contact Details: Malcolm Coe, Director of Finance,
malcolm.coe@torbay.gov.uk

1. Purpose of Report

- 1.1 The Council has a statutory responsibility to set a budget each year. By setting and approving the net revenue budget for 2024/25 and the budget allocations proposed, the budget will be used to achieve a range of objectives across several plans within the Council. This will meet the ambitions expressed within the Community and Corporate Plan and other related strategies.
- 1.2 In accordance with the Council's Constitution, members will consider the Cabinet's recommended budget proposals at the meeting of the Council being held on 22 February 2024 and are asked to either adopt the Cabinet's proposals or put forward notice of motion to amend the budget (in accordance with Standing Order A13.4).
- 1.3 Within the budget setting process, the Chief Finance Officer must statutorily provide advice as to the robustness of the budget and this report sets out this opinion.

2. Reason for Proposal and its benefits

- 2.1 The Council has a statutory responsibility to set a revenue budget each year.

3. Recommendation(s) / Proposed Decision - Partnership's Budget Proposal

- 3.1 That for 2024/25 net revenue expenditure of **£139.2m** resulting in a Council Tax requirement of **£88.4m** for 2024/25 (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved.
- 3.2 That the proposed Fees and Charges for 2024/25 be approved.
- 3.3 That, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the report) be noted.
- 3.4 That it be noted that the Brixham Town Council precept for 2024/25 of £473,471 will be included as part of the Torbay Council budget for Council Tax setting purposes.

Background Information

- 4.1 The Cabinet has published its budget proposals, and these are available to all Members of the Council. All Members have available copies of the supporting information which has been published alongside the proposals:
 - Chief Financial Officer's Report
 - Cabinet's Response to Consultation
 - Consultation Report
 - Overview and Scrutiny report
 - Equalities Impact Assessment
 - Fees and Charges 2024/25
 - Revenue Reserves Policy 2024/25
 - Revenue Savings Plans
 - Capital Strategy 2024/25
 - Capital Investment Plan 2024/25
 - Treasury Management Strategy 2024/25

5. Robustness of the budget estimates

- 5.1 Key to budget setting is the robustness of the budget proposals, which is linked to both service demands, and the risks associated with those services. Several assumptions have been made in the development of the budget for 2024/25 to mitigate against the risks. Several specific risks and their mitigation are shown below:

Risk	Risk Rating	Mitigation
Economic impact of cost of living.	Medium	<p>Changes to the Council tax Support Scheme will provide additional support to those most in need alongside recent increases in Local Housing Allowances.</p> <p>The inclusion in the 2024/25 budget of an allocation to continue support for food banks and debt advisory service.</p> <p>A reserve has been retained for crisis support.</p>
Performance of Subsidiary Companies	Medium	<p>Council oversight as owner over its companies including attendance at Board meetings and review of performance.</p> <p>Council approval required for reserve matters and for investment/borrowing proposals.</p>
Inability to deliver a balanced budget over the next three financial years	Medium	<p>The Medium-Term Resource Plan has been revised and updated as part of the 2024/25 budget setting process with Council savings plans focussed on relevant actions required to deliver longer term financial sustainability.</p>
Identified budget reductions for 2024/25 are not achieved	Low	<p>None of the strategic saving proposals are required in order to balance the budget in 24/25. Progress against these proposals will be monitored monthly by Senior Leadership Team.</p> <p>The Council also has in place a series of regular revenue and capital monitoring reports, which are presented to the Overview and Scrutiny Board and the Council which review the budget on a quarterly basis throughout the financial year, which mitigates against the risk of inadequate financial control.</p> <p>Directors, Divisional Directors and all managers have a responsibility to ensure they maintain spend within their approved budget allocation.</p>
Overspend against the proposed 2024/25 Children's Services budget	Medium	<p>The Director of Children's Services (DCS) has a sufficiency strategy with several work streams that have been established which are being implemented, supported by a range of monitoring and performance arrangements. £3m of additional base funding has been provided in 2024/25 to address the current level of spend alongside an allocation for growth and inflation.</p>
Overspend against the proposed 2024/25 Adult Social Care budget	Medium	<p>A contract is in place with Health in which the Council pays a fixed payment to provide Adult Social Care with no exposure to any over or under spends.</p> <p>50% of the increase in the Council's Social Care grant has been allocated to this contract to partially address the level of overspending against current budget. In addition, there are additional service specific grants from central government;</p>

Risk	Risk Rating	Mitigation
		<p>Discharge Fund, Improved Better Care Fund and Market Sustainability and Improvement Fund which are passported into the integrated contract.</p> <p>Advanced negotiations are taking place between the Council and colleagues in Health to extend the integrated contract beyond its current expiry date of March 2025.</p>
Insufficient income generated	Medium	<p>Some income budgets have increased significantly in recent years resulting in some shortfalls. The cost of living may have contributed to this.</p> <p>A prudent view has been taken of income streams in 2024/25 and a contingency held in respect of varying rent levels on the Council's Commercial Investment estate.</p>
Collectability of council tax and NNDR	Low	<p>The Council has introduced a new Council Tax Support Scheme for 2024/25 which includes an additional £550k in the budget resulting in greater financial support for our residents.</p> <p>Recent increases in Local Housing Allowances should also provide financial assistance to those in rented accommodation which should have a corresponding positive impact on their ability to pay Council Tax.</p> <p>2023/24 Collection rates for both Business Rates and Council Tax are currently in line with the budget set.</p> <p>Provision for appeals and non-collection of NNDR is included in 2024/25 NNDR income estimate.</p>
Insufficient reserve levels because of a significant budget variance or unforeseen event.	Medium	<p>A revised Revenue Reserves Policy has been presented as part of the 2024/25 budget setting process.</p> <p>The General Fund balance is estimated to increase to the desired level of 5% by year end.</p> <p>The Comprehensive Spending Review Reserve is estimated to be restored to the £3m target balance at year end.</p>
Exposure to changes in interest rates	Medium	<p>Treasury Management Strategy to be approved by the Council. All historic borrowing currently on fixed rate deals.</p> <p>Interest rate rises could increase the future costs of council borrowing.</p>
Inflationary pressures	High	<p>Budget build has included estimates of inflation at a rate of 4% on main contract spend. Services will be expected to manage general non-pay inflation, but a modest central contingency is being held to address any exceptional unforeseen increases.</p> <p>Inflation has reduced from 10.1% in January 2023 and is currently 4%. Forecasts from the ONS predict CPI to be less than 3% by the end of 2024/25.</p>

Risk	Risk Rating	Mitigation
		<p>A 4% pay award has been estimated and catered for within the 2024/25 base budget.</p> <p>Capital Plan has a number of projects where there has been cost inflation and or supply chain issues that will result in project cost increases. Revised governance arrangements have been implemented to provide greater transparency, and control, over the development and delivery of capital projects.</p>
Income linked to major prudential borrowing schemes not achieved at forecast levels.	Medium	<p>Approval by Council supported by a detailed business case.</p> <p>Income streams reviewed as part of budget monitoring</p> <p>Future Business Cases which require Council borrowing will be subject to closer political scrutiny with greater financial detail provided prior to Council approval.</p>

5.2 In accordance with the requirement of the Local Government Act 2003, the Chief Financial Officer must report to the Council on “the robustness of the estimates made for the purposes of the (budget) calculations” and the “adequacy of the proposed financial reserves”.

5.3 Taking account of the financial risks facing the Council and the mitigations outlined in paragraph 5.1 above, the **Chief Financial Officer’s Statement** is as follows:

“I have taken into account information, risks and assurances from the Leader of the Council, the Cabinet and Council Directors in forming my opinion. My opinion is that the 2024/25 budget is based on robust budget estimates.

This opinion is supported by the current financial position across the Council with a relatively modest overspend forecast in 23/24 with known pressure areas being addressed through the 2024/25 budget setting process.

The key risks are outlined in the table above.

5.4 In relation to reserve levels, a thorough review of all reserves held by the Council has been undertaken, as highlighted within the Chief Finance Officer’s Revenue Reserves Policy for 2024/25. The paper states:

“With these actions taken, and with the principles detailed consistently applied, as Section 151 Officer, I believe the reserves to be adequate”.

5.5 I fully support maintaining a prudent level for the General Fund reserve at 5% of the Council’s net revenue budget to mitigate against the risks identified.

5.6 Actions are required in relation to the following key risks:

a) That the Council maintains the focus on social care, both adults and children’s, as the biggest financial risks to the Council. It is important to conclude negotiations with the Integrated Care Organisation by 31 March 2024 to provide clarity for 25/26 onwards.

b) That the Council maintains its focus on proactive prevention and support for

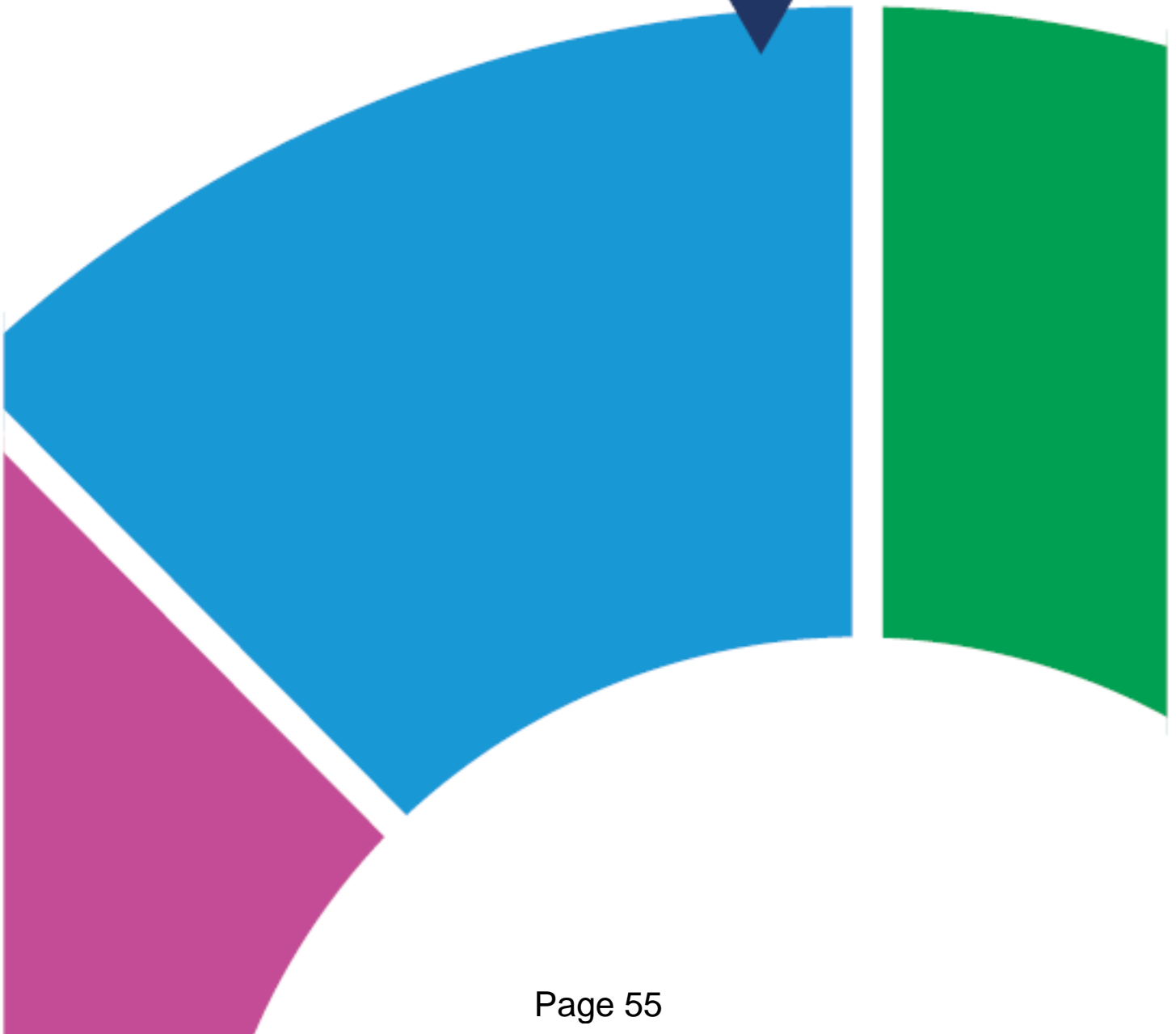
homelessness alongside managing temporary accommodation needs in an effective and efficient manner;

- c) That the Council maintains its focus on the delivery of the 'Safety Valve' Recovery Plan for reducing the deficit on the Higher Needs Block.
- d) That the Council continues to assess the financial viability of the projects with its capital plan.

Chief Finance Officer's Report

8 February 2024

Budget 2024-2025



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Introduction

1. This report by the Council's Chief Finance Officer provides further information to support the Cabinet's draft budget for 2024/25.
2. This report provides an overview of key factors, including several "technical" finance issues, that have influenced the 2024/25 budget as well as considering the financial outlook for future years.

Budget Overview

3. Budget proposals are presented in the light of continued financial uncertainty following volatile economic conditions that has seen inflation reach a rate of 10.1% (CPI) in September 2022. Although inflation is reducing the increase in prices continues to have an impact on the cost of council services and the cost of living for our residents, with a consequential effect on the demand for council services and council income levels. CPI inflation at September 2023 had reduced to 6.1%, in November it had fallen to 4.2%, with forecasts showing further reductions to 3% in 2024 and below 2% in 2025.
4. The pressures are causing financial stress across the sector, with an increasing number of local authorities issuing Section 114 notices, arising from the inability to set balanced budgets. In addition, many other councils have publicly indicated that they might need to issue similar notices over the coming months. Whilst this is not a current concern for the Council, it is vital that prudent decisions continue to be made to protect the Council into the future; ensuring that income is optimised through appropriate rises in Council Tax and local fees and charges. Council reserves need to be retained and used strategically.
5. The impact on the Council's income, expenditure and funding is outlined in the Medium-Term Resource Plan and the 2024/25 budget proposals. Clearly the financial impact in future years can only be a forecast and officers will continue to update estimates and aim to mitigate as far as possible any financial impacts.
6. The inflationary pressure on services and providers was affected further by the pay award from April 2023. This was higher than budgeted resulting in an average impact of 6% on the 23/24 pay costs. Increases in the Living Wage of almost 10% have also been announced from April 2024, further increasing spending pressures in 2024-25, especially within social care services.
7. The Final 2024/25 Local Government Finance Settlement was announced on 5 February 2024, following a provisional announcement on 18 December 2023. As expected, it provided just a one year "roll over" settlement and there continues to be considerable funding uncertainty from 2025/26 onwards with no further clarity on the delayed introduction of a new funding formula and a revised National Non-Domestic Rates (NNDR) system.

8. The Final Local Government Finance Settlement confirmed the following increases for Torbay Council:
 - Additional Social Care Grant, of which Torbay's share was £1.727m – to be split equally between Adults and Childrens Social Care.
 - An increase of £0.020m in the provisional allocation of Service Grant.
 - Public Health Grants were confirmed and the allocation for Torbay was £0.146m higher than expected.
 - We are estimating a £0.590m increase in income from our National Non-Domestic Rates (NNDR), following submission of NNDR1 forms. A net £0.470m of this is available for spend after provision for legal advice and required compliance with legislation.
9. The Final Settlement also contained details of some additional one-off funding. This related to compensating Local Authorities for the business rates exemption for green plant and machinery. Torbay's allocation is £51k.
10. The Government has also confirmed that £100 million will be released from the safety net and levy account in 2023/24 on a one-off basis, distributed using 2013/14 settlement funding assessment shares. Allocations have not been published, but we are estimating an allocation of £225k.
11. A summary of these changes are shown within the below table:

	Final 2024/25 £m	Provisional 2024/25 £m	Variance £m
BASE REVENUE FUNDING			
Council Tax	88.353	88.353	0.000
New Homes Bonus	0.225	0.225	0.000
Revenue Support Grant	8.219	8.219	0.000
Business Rates	42.407	41.817	0.590
Total Sources of Funding	139.204	138.614	0.590
Services Grant	0.227	0.207	0.020
Social Care Grant	18.685	16.958	1.727
Public Health Grant	10.697	10.551	0.146
	29.609	27.716	1.893
Specific ASC Grants:			
- Improved Better Care Fund	8.838	8.838	0.000
- Discharge Fund	2.065	2.065	0.000
- ASC Market Sustainability and Improvement Fund	3.625	3.625	0.000
- ASC MSIF Workforce	0.000	0.000	0.000
	14.528	14.528	0.000
TOTAL FUNDING	183.341	180.858	2.483
One-off Revenue Funding :			
Release of £100m safety net and levy account in 23/24	0.225	0.000	0.225
Compensation for exemption of green plant and machinery	0.051	0.000	0.051
	0.276	0.000	0.276

12. Of the £2.483m additional base revenue funding highlighted above, the largest proportion relates to the Social Care Grant, of which 50%, (£860k), will be ringfenced for Adult Social Care services provided through the Integrated Care Organisation. The level of additional Council funding already proposed for Childrens Services means that the other 50% can be used flexibly across all Council services, including Childrens. After taking into account the net increase in Business Rates and excluding the ring-fenced Public Health grant, a total of £1.350m of additional funding has been confirmed against which emerging pressures, priorities and feedback from the budget consultation have been considered.
13. Members of the Overview and Scrutiny Board (through the Priorities and Resources Review Panel) have examined the proposals in detail and stakeholders and residents have also had the opportunity to make representations on the proposals through the consultation period, finishing on 7 February 2024. The Cabinet have reviewed the responses received and the final budget proposals have been drawn up accordingly.
14. The additional funding highlighted above has enabled the residual budget gap of £0.300m to be removed and the budget to be balanced for 2024/25. It has also enabled several other changes to be recommended which are detailed in the 'Cabinet Response to Consultation' document.

15. A summary of the proposed new budget allocations from the additional £1.350m is detailed below:

- £300k - Address the 2024/25 revenue budget gap (as at draft budget stage).
- £300k - Fostering. National Fee increase of 7% (above budgeted allocation).
- £50k - Youth Justice Service overspend (Torbay Council's 50% share).
- £200k - Concessionary Fares Replenish previously reduced budget.
- £50k - Torre Abbey setting more realistic income targets.
- £70k - Subsidised Bus contracts. Maintaining and improving existing routes.
- £100k - Housing service. Additional capacity to accelerate development.
- £100k - Events. Providing stability in the staffing base to facilitate events.
- £180k - Children's Services. Further investment linked to legislation changes.

16. It is also proposed that the following priorities are addressed through the additional funding available:

- £200k - Cost of living. Supporting food banks and debt advice services (one-off funding).
- £50k - Torbay Coast and Countryside Trust transitional funding (one-off funding).
- £25k Supporting capacity to deliver new 20mph zones (one-off funding).
- £75k - Supporting Sports groups to become financially sustainable (to be funded by additional Public Health Grant for 2024/25)

17. The changes have affected the net budgets for Directorates, which have been updated and outlined in the table below. The net budget has only increased by £0.590m - due to the additional NNDR income – as per the table above. Grants are accounted for outside of our 'Sources of Funding' hence do not affect the net budget figure. Such Grants have contributed to the increase in surplus which is recorded against the Corporate Finance heading. There have also been a few "technical" adjustments between service areas.

18. A summary of the proposed 2024/25 budget by service area is detailed below:

2023/24 Net £m	Directorate/Service	2024/25 Net £m
51.4	Adult Services (Inc. Community & Customer Services)	55.9
50.2	Children's Services	54.6
10.4	Public Health	10.7
12.2	Corporate Services and Chief Executive	13.8
(11.9)	Finance	(16.6)
(4.1)	Investment Properties	(4.1)

22.7	Place Services	24.9
130.9	TOTAL	139.2
	Sources of Funding	
81.4	Council Tax – based on an increase of 2.75%	86.7
1.6	Council Tax – 2% Adult Social Care 2024/25	1.7
0.5	Collection Fund Surplus	
7.7	Revenue Support Grant	8.2
39.7	Business Rates (National Non-Domestic Rates)	42.4
0	New Homes Bonus	0.2
130.9	TOTAL	139.2

19. It is proposed by the Cabinet that the Council increases its Council Tax requirement by an inflationary 2.75% (below the allowable capped rate of 2.99%). In addition, it is proposed to increase Council Tax specifically for Adult Social Care by a further 2% in 2024/25.
20. This report supports the Revenue Budget 2024/25, to be presented to Council on 22 February 2024, along with the Revenue Reserves Policy. The 2024/25 Capital Strategy, incorporating the revised Capital Investment Programme and Treasury Management Strategy, will also be presented to Council in February 2024, to provide a complete overview of the Council's financial position and medium-term outlook.
21. In support of the headline decisions, allocations and savings proposed in the budget, a detailed Budget Digest will be produced after approval of a final budget on 22 February 2024. For reference, the 2023/24 Budget Digest can be accessed through the following link: www.torbay.gov.uk/media/18891/budget-digest.pdf

Capital Investment Plan 2024/25

22. As required by the Council's Constitution, the Capital Investment Plan for 2024/25 has been published as part of the 2024/25 Capital Strategy. This investment plan has undergone a comprehensive review in 2023/24 with regards to affordability and deliverability.
23. The level of cost inflation on construction contracts has been significant - on some projects there has been a 100% increase in costs. This will inevitably require the original business case of all capital projects to be reassessed to ensure financial viability.

24. In March 2023, the Council approved a four-year Capital Investment Programme of circa £270m. The foundations of this programme were built up over many years which, having been thoroughly reviewed, have identified the following issues:
- Some projects are represented in terms of funding available as opposed to the cost of actual delivery (which is often substantially more);
 - There are several high financial level allocations of funds for specific purposes, (such as housing delivery and economic development), without clarity as to what will actually be delivered and when;
 - Some projects have been in the programme for significant time without clarity regarding deliverability and/or outcomes;
 - There is an absence of clear Business Cases and/or Financial Cost Appraisals for some of the projects.
25. To address this, a new approach has been proposed from 2024/25 onwards, which significantly improves how we set out the Council's approved Capital Investment Plan. It in no way amends the aspiration of the Plan, instead it breaks down the detail of approved spend on the projects to progress work, and development, to the next relevant Gateway, at which point there will be a requirement for further Council approval to progress, adapt, or cease the respective project. This approach will give Members much greater oversight as projects progress.
26. A few minor changes have been made in the Capital Investment Plan for 2024/25 reflecting an updated profile of when spend is anticipated across financial years. A column has also been added to the Plan to detail, where relevant, the original estimated project costs alongside the current estimated costs (in response to a request made through the Scrutiny process).

Local Government Finance Settlement 2024/25

27. The Chancellor announced a three-year Spending Review in October 2021 that set out the total allocations for Government Departments. For local government, the allocation passported to councils is determined through the Local Government Finance Settlement (LGFS). The Chancellor, in his Autumn Statement in 2023, committed to stay within these spending totals established in the Spending Review.

The 2024/25 settlement is fundamentally a one year "roll over" from 2023/24 and provides a minimum 4% increase in Core Spending Power before local Council Tax decisions. It assumes that Councils' core funding of Council Tax will increase by 2.99% and for core funding there is a range of nil, (e.g. no inflation on Improved Better Care Fund), to 6.7% for inflation (e.g. on the Revenue Support Grant).

28. The referendum limit for Council Tax rises is maintained at 2.99%. In addition, the flexibility for councils to raise Council Tax by a further 2%, specifically for adult social care, also

continues in 2024/25. These Council Tax increases are “assumed” as part of the increase in councils’ “core spending power” often quoted by DLUHC.

29. As part of the Settlement several smaller grants were “rolled into” others such as into the Revenue Support Grant and Social Care Grant. The Social Care Grant continues and the final settlement confirmed a further £500m through this grant for councils with responsibility for adult and children’s social care. Torbay’s allocation is now £4.4m greater than in 2023/24. This additional funding will be used to support provider and other demand and inflationary costs in Children’s Services and Adult Social Care (ASC).
30. The ASC Market Sustainability and Improvement Fund, (MSIF), is continuing and initially appears to be increasing by £1.7m. However, this incorporates the MSIF Workforce Fund, which was £1.3m in 2023/2024, therefore reducing the net increase to £0.4m. This funding is ring fenced to adult social care. The Local Authority Discharge Fund also continues and is increased by £0.8m - ring fenced to adult social care and passported to the final year of the Integrated Care Organisation, (ICO), contract with Health.
31. In 2022/23 a new “one off” Services Grant of £2.2m was announced. This grant reduced to £1.3m in 2023/24 and is reduced further to just £0.2m in 2024/25. This funding is being used nationally to fund increases to other settlement grants and equalisation of the adult social care precept.

Inflationary Pressures

32. The single biggest cost pressure in the proposed 2024/25 budget is the impact of inflation on the council’s costs. Despite inflation levels reducing from over 10% to the 6.7% level reported in the September 2023 CPI figure, the 2023/2024 budget has seen significant pay awards and price increases that continue to impact on future budgets. An average inflation rate of 4% has been used in considering the 2024/25 budget and amounts have been identified to fund additional costs arising from pay awards and any significant price increases in contracts. Further work will be undertaken to ensure funding is targeted to services affected most by inflationary pressures, where such increases cannot be managed and offset within the service.
33. The latest Consumer Price Index (CPI) inflation figure published by the Office for National Statistics (ONS) is 4% and is based on December 2023 data. The Office for Budgetary Responsibility (OBR) forecast is that CPI inflation will fall to 2.8% by the end of 2024/25.
34. The higher Bank of England rates and economic conditions have also increased interest rates on both borrowing and investments. Rates have reduced slightly in recent months, but remain relatively high, increasing the cost of new borrowing and impacting the business case viability of new capital projects. For the Council, its historic borrowing is on fixed rates over a flat maturity profile so there aren’t any pressures on existing debt. Conversely the council is now earning higher investment returns on its cash balances, but these cannot be relied upon in the future and a

prudent approach has been taken to not increase the base Treasury Management income budget for 2024/25.

Dedicated Schools Grant

35. Torbay's 2024/25 Dedicated Schools Grant (DSG) allocations have increased across the three main blocks as follows:

- Schools Block £1.291m (this will be allocated to schools via the school funding formula);
- Early Years Block £4.066m;
- High Needs Block £900k.

Although the additional funding for Torbay is clearly welcome, a deficit budget will still be required for 2024/25 as demand within High Needs continues.

36. The Council will, as usual, direct the entire grant received in respect of Dedicated Schools Funding through to those areas defined in the School Finance Regulations. The value of the Dedicated Schools Grant (DSG) before academy school recoupmnt is £143m. For 2024/25 it is estimated that approximately £54.5m will be retained in the Council's budget for expenditure related to maintained Schools and other residual functions including education for High Needs.

37. The DSG and the schools funding formula is moving towards a full introduction of a new national school funding formula. The Education, Skills and Funding Agency, (ESFA), expect this to be implemented by the 2027/28 financial year but are hoping to be able to implement sooner if possible.

38. The key financial pressure within the DSG is in the High Needs Block. The pressures on the High Needs Block arise from the level of demand and referrals from schools and other agencies for support to pupils with additional needs. In recognition of this pressure, Local Authorities, in consultation with Schools Forum, can agree a 0.5% virement of funding from Schools Block to help fund the increased demand within the High Needs Block. The overspend on the DSG in 2023/24 is estimated to be £1.0m, resulting in a cumulative forecast deficit of £12.8m.

39. The Council is part of the Safety Valve programme with the Department for Education (DFE). In this arrangement the council and its partners have produced, and achieved thus far, a deficit recovery plan that leads to a balanced Higher Needs Block position by 2026/27. DFE have agreed to fund the cumulative deficit of, up to, £12.91m, as long as milestones are met during the process. To date we have received £6.193m from DfE towards the deficit.

Adult Social Care

40. In Adult Social Care, we have a long and successful history of integration which continues with Torbay and South Devon NHS Foundation Trust delivering, (statutory adult social care), services on our behalf. Integrated health and social care creates

better outcomes for our residents and all partners are, therefore, keen for these arrangements to continue. In March 2022 we signed an extension to the integrated arrangements, with an increase in cost to recognise the demands and cost pressures in adult social care. The contract fee increases by £1.1m in 2024/25 in recognition of these pressures.

41. Additional funds raised by the 2024/25 (ASC) Council Tax precept of 2%, (approx. £1.7m), will be passported for adult social care including continuation of funding to voluntary sector partners providing essential support to core service areas.
42. Despite these increases, there remains a significant gap between the amount that the Council pays for adult social care and what the Trust spends on the integrated services. We will continue to work closely with Health colleagues as part of the contract negotiation, striving for a new, sustainable, medium-term deal from April 2025. We will need to identify how savings can be made in both the short and long term and will commence a fully sourced, and joined up, ASC transformation programme, (using earmarked reserves), focussing on elements such as reablement, learning disability support and extra care provision. The residual financial gap for a revised integrated care contract, from 2025/26 onwards, remains the highest risk within our Medium-Term Resource Plan.
43. These pressures, together with the ageing profile of our population, mean that we must optimise all of the adult social care funding we have available. The Social Care Grant has been increased by £4.4m for 2024/25 and we are proposing to continue allocating our Social Care Grant equally between adult social care and children's social care to meet cost and inflationary pressures in both services.
44. The Government intended to introduce major changes to Adult Social Care funding nationally, but these continue to be delayed and will, hopefully, be addressed in the next Spending Review.
45. The following two grants, specific to adult social care are continuing into 2024/25 and we will continue to work closely with Trust colleagues to ensure they are used effectively, developing plans in partnership to meet the needs of our communities.
 - An allocation of £3.625m for the ASC Market Sustainability and Improvement Fund (MSIF);
 - An allocation of £2m in relation to the Discharge Fund – an increase of £0.8m on the 2023/2024 allocation. The Integrated Care Board will also receive a similar amount as the national allocation was split 50/50 between health and local government.

Housing and Temporary Accommodation

46. The level of homelessness and the need for temporary accommodation was particularly impacted by COVID and continues to be impacted by the pressures on the cost of living. Current levels of demand and costs are still far greater than pre-covid levels. Since 2020, there has been a 64% increase in people presenting to the

local authority as homeless and a 66% increase in those being provided with temporary accommodation. Increasingly, families are approaching the service, and overall complexity is increasing.

47. Throughout 2023/24 there has been a focus on directly purchasing and leasing property to reduce the costs associated with spot purchasing of temporary accommodation whilst increasing the stability of accommodation options available to the Housing team. At the time of writing, 31 properties have been purchased by Torbay Council, with 26 currently occupied by families. This is helping to stabilise costs and allow more work to be done to prevent homelessness and support households to find more permanent housing.
48. The Council's insourcing of the Homeless Hostel contract to improve throughput and availability of cost neutral accommodation for single people is also having a positive impact through reducing wider expenditure and placements.
49. Despite all of the positive progress being made by the Council, the level of increased demand, and costs incurred, far outweigh the associated funding provided by Government. Although the base budget was increased in 2023/24, monitoring within year has identified further significant overspending. Therefore, the draft 2024/25 revenue budget includes an additional £900k to meet the increased costs of temporary accommodation, operational costs for the Hostel and to provide support for the prevention of homelessness.
50. To further manage budget pressures that emerge in year, the service will continue their strategic work to improve accommodation pathways and commissioning plans. This will include reviewing homelessness preventative work, arrangements around Housing Management subsidy and opportunities to lever in further grant funding from Homes England.

Children's Services

51. Our continuous improvement journey within Children's Services remains crucial to the Council's medium term financial stability. As a result of the significant improvements in this service – now rated Good by Ofsted, along with additional investment, the service is far more financially stable than in previous years.
52. However, the service is vulnerable to changes in demand, in particular residential care where a relatively small change in numbers could have a significant financial impact. We have seen price increases since 21/22 of over 30% in residential and unregulated/unregistered placements. Nationally, there are significant shortages of placements for children who need them, meaning existing placements are costing more, and that children and young people are unable to step down from residential to family-based settings such as fostering placements. In addition to this, the cost-of-living pressures continue to put increased stress on households across Torbay, which threaten the stability of current living arrangements and increase the risk of families requiring support or intervention from the Council.

53. The legislation on unregulated placements changed in September 2022 and has resulted in further budget pressure. This is exacerbated by the demand arising from the cases allocated to Torbay through the National and Regional allocation of Unaccompanied Asylum Seeking Children (UASC), where costs of placement and support exceed the levels of Home Office funding.
54. Despite proactive action, budget monitoring in 2023/24 is predicting an overall overspend for Childrens Services in the region of £1.4m. In 2024/25, continued use of the Social Care Grant will enable us to invest a further £1.9 million in the Service to meet service demand and inflationary increases in pay and provider costs.
55. We remain committed to family-based solutions within Children's Services and focus on early help and prevention across the whole cohort of children. This work and development of a sustainable family hub model is helping to reduce the number of children who become cared for, which is key to managing high-cost placements and associated immediate and long-term costs. The focus on high-cost children's social care placements will also review the targeted support in relation to learning disability placements and associated joint work with Health. We are also trying to locate alternative, less expensive, accommodation for our Care Experienced Young People who were UASC, to reduce spend whilst improving quality.
56. Following the successful recruitment and retention within the service, total agency costs in 2023/24 are forecast to be more than £2m less than in 2021/2022 and work will continue to control these costs further wherever possible.
57. Further work is also planned in 2024/25 to comprehensively review the Home to School Transport provision, with the service forecasting an increasing overspend throughout 2023/24. Alongside reducing costs, this review will focus on improving the independence of our young people.

Corporate Services

58. We are currently forecasting an overspend of over £0.5m in 2023/24 in respect of Legal Support Services. This is a result of the difficulties the service has faced in recruiting permanent staff to meet levels of demand. This has meant the service has had to use more expensive agency staff to continue delivering legal support across the Council.
59. The recruitment of legal professionals in the public sector is a national issue and the Council has struggled to compete with the salaries paid by other organisations – both within the private and public sector. A further £300k is being added to the Service budget in 2024/25 to help address this pressure.
60. Legal Services is looking to applying further additional market factors in the hope this will make a difference to their ability to recruit and reduce their requirements of agency workers. A thorough review of the demand for legal services and options appraisal for best sourcing for demand will be undertaken in 2024/25.

61. As an organisation, there is an ongoing drive to work as efficiently as possible. We continue to optimise Microsoft 365 across the Council and rationalise systems where possible. However, further investment is now needed as part of implementing our IT strategy to upgrade our infrastructure and systems to meet the existing, and future, needs of the organisation. We are proposing to add £500k to the base budget in 2024/25 to meet these forecasted costs.

Finance Budgets

62. Throughout the 2023/24 financial year, as detailed in budget monitoring reports to Council, we have been achieving a surplus from financial returns on cash balances held. This has mainly been due to the exceptionally high interest rates alongside the holding of reserves and grant funding in advance of drawdown of associated spend. However, as at January 2024, interest rates have started to fall with predictions of further significant reductions in rates over the next 18 months. In addition, our holding of cash balances will significantly reduce, particularly around pump priming Adult Social Care transformation work, (in advance of a new contract with Health from April 2025) and planned capital investment.
63. Due to forward investment transactions made in 2023/24, we are forecasting a further surplus of circa £950k in the 2024/25 financial year. However, it is anticipated that, from 2025/26, the annual income achievable from Treasury Management will be much more in line with the existing base revenue budget.
64. In December 2023, Full Council approved the masterplan outlining the future for Oldway Mansion with a corresponding recommendation to identify funding of circa £1m to proceed with the first stage of urgent repairs and maintenance work on the asset. As the proposed spend on Oldway does not reflect any 'enhancement' to the value of the asset, it is highly probable that the funding will need to be sourced through revenue, (as opposed to capital). Therefore, the £950k forecasted Treasury Management surplus will be utilised to fund the required works on Oldway over the next three years whilst a funding strategy is developed for the required wider restoration works. It is anticipated that the first £200k of this funding will be drawn down within the 2024/25 financial year.
65. Due to the volatility in rates, and anticipated reduction in cash held, the base Treasury Management income budget has not been increased for 2024/25, ensuring a prudent approach of not relying on one-year monies to balance on-going spend commitments within the budget. To provide an element of stability, in November 2023, we took the opportunity to utilise some of our cash balances to repay, and reprofile, our long-term debt portfolio.
66. In 2024/25 we will look at further Treasury Management opportunities to improve the stability of our investment portfolio. We currently have an over-reliance on relatively short term, (12 months), fixed term investments which, whilst lucrative in times of high interest rates, leaves us exposed to fluctuations in rates over the coming years.

We will therefore explore the opportunity for further 'pooled fund' investments alongside our current £5m holding in the CCLA Property Fund.

67. The income we receive from our leased estate continues to remain strong, as does the income from investment properties, which helps to contribute circa. £4m to the annual revenue budget. To ensure this continues, and the financial benefits are optimised from the Council's estate, there will be a strategic review of the Council's asset base. This will form a clear strategy and criteria for holding / investing / or disposing of high value assets over the coming years. Such a strategic review will be essential alongside the Council giving consideration to any future borrowing requirement in support of our regeneration and Capital Investment Plan. Government now requires Local Authorities to review their holding of Commercial Assets in advance of approving any further funding from the Public Works Loan Board, (PWLB).
68. It is proposed that fees and charges across Council services will generally increase in line with estimated inflation for 2024/25, by 4%. This will include car park charges, where an average increase in income of 4% will offset increased prices and cost pressures within the service. There will be some exceptions, in particular planning fees where national rates will result in more significant increases. The proposed Fees and Charges schedule for 2024/25 are detailed in **Appendix 1**.

Place based Services

69. Several services within the Pride of Place Directorate had a challenging year financially in 2023/24 and have struggled to meet income targets, many of which have been increased significantly in recent years. Events income has been particularly affected with shortfall forecast for both the Airshow and Torre Abbey. Although Council contributions for the Airshow have been confirmed, and actions taken to reduce the overspend on Torre Abbey, (e.g. the café), pressures are still likely to arise in 2024/25. Rather than adjust base budgets, it is proposed to use reserves to offset these pressures in 2024/25, whilst further work is undertaken to ascertain a more sustainable medium to long term solution.
70. Planning fee income has been well below budgeted levels in 2023/24, resulting in a forecast year end overspend. Further work is required in 2024/25 to manage this pressure and the Service will continue to work closely with key stakeholders to determine planning pipelines. There will be active encouragement of the submission of pre-applications, new planning applications and the use of Planning Performance Agreements, to maximise income in the Service. New increased national Planning Application Fees were introduced in October 2023, which should help re-address the achievability of this income budget.
71. Our recycling rates are increasing, resulting in a positive financial impact on the amount we pay to dispose of residual black bin waste. However, the garden waste scheme introduced last year has not yet reached expected targets, although it is now at almost 9,000 subscribers. More work will be undertaken to further increase uptake.

72. It is proposed that £300k additional base budget is provided, through the SWISCo contract, in 2024/25 to improve the overall look and feel of the streets and general environment around Torbay, benefiting both residents and visitors. This funding will be used to ensure the streets are kept cleaner across the Bay.
73. It is also proposed to spend an additional £300k on enhanced capacity in respect of enforcement activity to respond to anti-social behaviour and environmental crime, alongside an enhanced anti-social behaviour and vulnerable people partnership response.
74. An allocation of £200k is also proposed to fund the introduction of a Residents' Discount Scheme – the details of which are being worked up.
75. The base budget held to maintain the significant portfolio of Council owned assets has been short compared to need for several years now. To ensure that the quality of the estate at least maintains its current status, it is proposed that an additional £200k per annum, (across each of the next three financial years), is added for repairs and maintenance of assets, recognising to some extent the information contained in recent condition surveys.

Wholly Owned Companies

76. The budget proposals include a base inflationary increase in the SWISCo contract for 2024/25 of £500k. This is separate to the additional investment to improve service levels. A review of commercialisation and potential for increased income generation will be undertaken in 2024/25 which will aim to further increase the efficiency of the service.
77. Torbay Council made the decision in September 2023 to dissolve Torbay Economic Development Company (TEDC), in order to organise Torbay's resources in a more efficient and effective way, focussing limited staff resource on the Bay's key strategic priorities. This change does not reduce the focus on economic growth, rather they are principally driven by the need for delivery for the residents and communities of Torbay, renewing our focus on the opportunities for regeneration.
78. Torbay Council made a further decision in December 2023 that TorVista Homes (TVH) will be dissolved with effect from 1 April 2024, (or immediately following transfer of all social housing units, if this is beyond this date). The Council approved an annual revenue budget of £150k for 2024/25 for the Council to fund and provide in house, the management and operation of activities previously undertaken by TVH.
79. The 2024/25 base budget will incorporate the activities previously provided by TEDC and TVH within the Council's overall base budget with most service activity, and associated budget changes, occurring within the Pride of Place Directorate. Any one-off costs relating to managing the transition of these wholly owned companies will be funded through reserves and reported back to Council through quarterly budget monitoring reports.

Estimation of Council Tax Surplus/Deficit

80. The Council makes an estimate of the surplus or deficit on the Collection Fund at year end from under or overachieving the estimated Council Tax collection rate. COVID-19 has had a significant ongoing impact on the collection of Council Tax with collection rates in 2023/24 remaining marginally lower than pre COVID levels.
81. As the Council sets a collection rate within its tax base equivalent to the amount collected in the 12 months of the financial year, any surplus primarily represents the collection of sums due in respect of previous years. This indicates a level of success in collecting old year debts and raises the overall, longer term, collection rate above the “in year” rate. The Council has assumed a 96% in-year collection rate however a value equivalent to 1% will continue to be held in contingency for potential losses in 2024/25.
82. The ongoing economic impact on Torbay residents linked to “cost of living” pressures including fuel and utility costs could result in more Torbay residents facing financial hardship which the Council will continue to be mindful of. In December 2023, Full Council approved a revised Council Tax Support Scheme for 2024/25 which has raised the cap on the level of support provided from 70% to 75% and significantly simplified the scheme using a banded application approach. The revised scheme equates to £530k of additional financial support being provided to the most vulnerable residents across Torbay with a further £20k added to the Council’s exceptional hardship budget for anyone facing challenges as a result of the change to the banded scheme. These amounts have been incorporated in the 2024/25 draft revenue budget.
83. As a local precepting authority, as defined in the Local Government Finance Act 2012, Brixham Town Council will not be required to fund any Council Tax deficit, nor will they be entitled to a share of any surplus on the Collection Fund.

National Non-Domestic Rates (NNDR)

84. The Council’s NNDR income comprises of three parts:
 - a 49% share of NNDR income;
 - a “s31” grant to reflect the loss of NNDR income to the council from central government changes to the NNDR (e.g. Small Business Rate Relief); and
 - a Top Up grant that reflects the difference in the Council’s assessed “need” for funding compared to its actual ability to raise NNDR income (as set in 2013).
85. The Council had a NNDR funding baseline established in 2013. Each year as part of the funding settlement DLUHC assumes a level of growth in business rates for councils which may be more or less than the actual NNDR income received by a council.

86. Since the introduction of the Business Rates Retention Scheme in April 2013, the Council is required to declare a surplus or deficit for NNDR in a similar way as set out above for Council Tax. The forecasting of NNDR involves a wide range of complex variables and influences such as forecasted business rate appeals and anticipated reliefs and is an area which remains complicated for medium term financial planning.
87. The Council, along with other Devon Councils, will continue with a NNDR pool for 2024/25 with an estimated gain to Torbay of £1.0m. The future of 'pools' and the resulting financial gains are not certain under any new National NNDR system when introduced (anticipated to be 2026).
88. Due to the significant uncertainty around the impact of the current economic conditions of business' ability to trade and therefore pay NNDR, the council will continue to budget for a contingency for non-collection.

Council Tax and Referendum Limits

89. To control the level by which local authorities can increase Council Tax, the Government has set limits at which point a referendum would be required. This continues to be at 3% or over for 2024/25. The Cabinet's budget proposal is for a 2.75% increase, which is below the Government cap. In addition, DLUHC provide upper tier Councils the flexibility to increase Council Tax by a further 2% for Adult Social care and the 2024/25 budget proposals include an additional 2% for this specific purpose.
90. The Council Tax bill sent out to residents is made up of three main component parts, namely:
 - Torbay Council (including Brixham Town Council);
 - Devon and Cornwall Police Authority; and
 - Devon and Somerset Fire and Rescue Authority.Once these have been declared by the respective bodies they will be included in the final Council Tax setting report which will be presented to the Council in February 2024.
91. The Secretary of State considers all three component parts as separate entities, not the overall Council Tax bill, and, if any one of the three organisations were to be subsequently 'capped', the Council would have to re-bill.
92. In 2023/24, Torbay had the second lowest Band D Council Tax in Devon at £2,132.74 including the Fire and Police precepts (but excluding Parish and Town Council precepts). The differential between Torbay and the other Councils increases further when Town and parish precepts are added.

Pay and Pensions

93. The 2023/24 pay award for staff (fixed increase of £1,925) has been agreed which provides certainty for the current year. The 2024/25 budget assumes a 4% pay award from April 2024.
94. In 2022 there was the triennial valuation of the Devon County Pension Fund to ensure that employer contribution rates are set for the following three financial years to meet the long-term employee pension benefits requirements. This, from 2023/24, for three years, resulted in an increase in Torbay's "primary" rate to 18.4% (from 16.7%). A further review of the Council's employer contribution rates will need to be undertaken in 2024/25 to reflect the staff returning from TEDC and TVH back into Torbay Council direct employment.
95. In addition to the cost of living increases the Council is finding it increasingly hard to attract and retain suitably experienced staff due in part to increased competition for staff (especially across specialist areas such as legal services and Children Social Care). As a result, the Council is increasingly needing to pay market supplements to both recruit and retain staff and try to avoid further cost increases from using agency staff. The use of such supplements is carefully controlled and are kept under regular review.

Reserve Levels

96. The Council's General Fund Reserve of £5.7m is at a level that represents just over 4% of the Council's net budget. The Council has previously been supportive of increasing this balance to a level that represents at least 5% of the Council's net revenue budget which is consistent with CIPFA advice. This again would be the Chief Finance Officer's recommendation for 2024/25. This can be achieved through reviewing and rationalising current reserves held. Based on a budget of £139m for 24/25 the target General Fund Reserve level would be at least £7.0m. As the revenue budget increases, year on year, we would need the General Fund Reserve to increase proportionately to £7.6m by the 2026/27 financial year in order to maintain the 5% level.
97. The Finance Director (Chief Finance Officer) has undertaken a thorough review of all Council Reserves held and subsequently updated the Financial Reserves Policy which is detailed as **Appendix 2**.
98. As outlined in the Policy, reserves will not be used to meet the costs of any on-going service provision or spend commitments and, as such, the 2024/25 budget proposals do not include any use of any earmarked reserves to fund "base budget" costs.

CIPFA Financial Resilience Index

99. To provide more information and transparency on the Councils' financial position, CIPFA issued a "Financial Resilience Index" as a comparative analytical tool.

100. The Index shows the Council's position on a range of measures associated with financial risk assessment, based on 2021/22 data, (which is the most recent national data available). The tool shows a higher risk assessment for Torbay Council in relation to the following areas:

- Adults and Children's' social care where the Council's level of spend on these services is high in relation to its net revenue expenditure;
- overall level of interest payable compared with its net revenue expenditure and the level of gross external debt and
- the proportion of fees and charges against the total service expenditure is lower than its Council comparator group.

Medium Term Resource Plan

101. The Medium-Term Resource Plan was updated at the end of April 2022 to include the impact of COVID-19 and the delays in the implementation of the new funding formula and revised NNDR retention system. The three-year 2021 Spending Review announced in October 2021 was followed up by one-year Local Government Financial Settlements for both 2022/23, 2023/24 and now 2024/25 which makes it difficult to financially plan over the longer term with uncertainty over future funding levels.

102. DLUHC's aim of implementing a new funding formula and a revised business rates retention system, (both last updated in 2013), has been delayed and are now stated to occur "in the new parliament." DLUHC are also expecting that the introduction of the 'Extended Producer Responsibility' legislation will result in a significant new income stream for councils, however this has been deferred from the planned 24/25 implementation date.

103. Despite such uncertainty, the Council has forward projected anticipated income levels and spend commitments over the next three financial years as detailed in the table below. The funding gap for 2024/25 has subsequently been addressed through the improved financial settlement but the figures for 2025/6 and 2026/27 remain the same.

Torbay Council Medium Term Resource Plan	Base 2023/24 £m	Est. Variance 2024/25 £m	Est. Variance 2025/26 £m	Est. Variance 2026/27 £m
FUNDING				
Sources of Finance	-130.9	-7.7	-5.7	-5.9
Other grant funding (Public Health, Services Grant and Social Care)	-26.0	-1.7	-0.1	-0.2
Total funding		-9.4	-5.8	-6.1
PRESSURES				
Pay		1.9	1.4	1.4
Inflation		3.1	2.3	2.3
Provider/Contractor uplifts		0.0	5.0	2.0
Demand in Adult Social Care		0.8	1.5	1.6
Demand in Chidrens Social Care		1.1	0.3	0.3
Demand in Housing and Temporary Accomodation		0.8	0.4	0.2
Other pressures		1.4	0.5	0.4
Growth and investment priorities		0.8	0.0	0.0
Total estimated spending pressures		9.9	11.4	8.2
Income from fees and charges		-0.2	-0.2	-0.2
Budget gap - to be found from savings		0.3	5.4	1.9

104. As can be seen in the figures, the Council needs to take action now in order to provide greater assurance, and sustainability, in budgets for 2025/26 and beyond.
105. A more strategic approach has been taken in setting savings plans that underpin the 2024/25 revenue budget and provide the basis for the 25/26 and 26/27 revenue budgets. These plans focus upon key significant areas of budget spend and pressures where relevant action can make the biggest difference, both in terms of outcomes and financial savings. Rather than a definitive savings target, each action has been assigned a range of potential annual savings, which will be refined further as progress is made over time.
106. Revenue savings plans are detailed in **Appendix 3** with **Appendix 4** providing the Equality Impact Assessments linked to the proposed actions. In certain cases, such as the Adult Social Care transformation programme, optimum full year savings will not be achieved for a number of months and hence the overall strategic savings plan will need to be kept under constant scrutiny and review to ensure that actions are progressed and required savings are being delivered.
107. The Medium-Term Resource Plan will be updated periodically throughout 2024/25.

Cabinet's Response to Consultation

February 2024

Budget 2024-2025

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Statement from the Leader of the Council and Cabinet Member for Finance

In accordance with the Council's Constitution, the Cabinet is proposing a balanced net Revenue Budget of £139.2 million for 2024/2025 and a 2024/2025 Capital Investment Plan of £19 million for the Council's consideration.

As we said when we launched the consultation, our approach in proposing this budget is one of strong financial management and, whilst we are absolutely looking to create a sustainable financial future, we also want to make a difference for our residents and visitors.

We'd like to thank all of those who provided feedback to the draft proposals either through completing our questionnaire, talking to us at the engagement event in St Marychurch or by responding and commenting to our social media posts. We'd also like to thank the Overview and Scrutiny Board for its time in reviewing our proposals and for providing useful observations and suggestions which we have incorporated into these final budget proposals.

It was pleasing to see that the community supported the majority of the proposals put forward and, having considered all the responses and suggestions, we have made some changes to our original draft proposals in light of the final settlement we have received.

Our aim was to take a longer-term strategic approach in developing this budget, setting the direction for the next three to four years. We are planning for known bumps in the road, with our strong foundations of stable financial management enabling us to move forward with better certainty and a clear understanding of our financial position.

The additional Government funding recently announced for social care will be split equally between adult social care and children's social care. Within adult services this will mean that £0.860 million can support the continuing spending pressures being faced by the Integrated Care Organisation.

We had already identified some additional investment for Children's Services. Therefore, the new funding, plus the estimated increase in business rates, now enables us to reinvest over £1.3 million in a range of services, not least closing the budget gap of £300,000 which existed when we started our consultation.

We are also expecting £275,000 of additional one-off funding following the Final Settlement, which has also been considered.

In determining where this additional investment could be made, we have taken account of the responses to the consultation, including the views of the Overview and Scrutiny Board, as well as emerging service pressures. The full set of recommendations from the Overview and Scrutiny Board are set out in Appendix 1 together with the Cabinet's response. The changes we are proposing to the budget for 2024/2025 are outlined later within report but include the following:

- We know that many of our residents rely on their bus passes to travel around Torbay. We will increase some of our community-based bus service contracts by £70,000 and increase the funding available for Concessionary Bus Fares by £200,000, to ensure that good quality services are retained throughout Torbay.
- We are allocating £180,000 into providing additional capacity within our Children's Services to respond and plan for the new responsibilities under the Government's reforms entitled "Stable Homes, Built on Love". An additional £50,000 will also be allocated to the Youth Justice Service, ensuring children and young people receive the support they need at an early stage to succeed in the future.
- We know that events across Torbay are an integral part of what makes us the English Riviera and are highly valued by many residents. Our proposals already included £1 million within the Events Reserve. As suggested by the Overview and Scrutiny Board, we are now proposing a further £100,000 is provided to ensure that we have the staff in place to deliver our events programme.
- We recognise the importance of sport within the community and want to support sports organisations within Torbay in accessing external funding and becoming financial sustainable for the future. We are therefore allocating £75,000 to support sports clubs in becoming more financially viable.
- With the ongoing pressures on our residents from the current cost-of-living, we will identify £200,000 of one-off funding to be available if further support for residents from Government is not forthcoming. As suggested by the Overview and Scrutiny Board this will be directed where support is most needed but will include support for food banks, social supermarkets and debt advice.

The Overview and Scrutiny Board asked that we consider allocating funding to implement 20 mph zones. Further to a meeting of the Transport and Parking Working Party, a solution was found to deliver the prioritised schemes within budget. However, a reserve of £25,000 has been earmarked to be drawn down if needed to meet the proposed scope of the scheme for 2024/25.

Within the consultation results, we were pleased to see the overwhelming support for our planned investment in two new projects – Operation Brighter Bay and Operation Town Centres.

Operation Brighter Bay will see additional investment, married with efficiencies within SWISCo, to help make our Bay more attractive and safer – green areas will receive more attention with additional cuts to grass verges across not just our high-profile areas, but also town centres and our residential areas. This additional investment will also enable us to continue to replace more of our white lines and yellow box markings across the whole of the Bay. We understand it will be a four-year piece of work to restore them all, but this way of looking at the budget allows us to plan for the longer term.

Operation Town Centres will see a collaboration between our Police and additional Council staff on the streets in our Town Centres with the objective of providing more enforcement against those who engage in anti-social behaviour as well as providing greater assistance to individuals needing our help and support.

We hope that the Council will approve this budget so that we can continue to deliver our ambition for Torbay, with our residents are the heart of everything we do.



Councillor David Thomas
Leader of Torbay Council



Councillor Alan Tyerman
Cabinet Member for Housing and
Finance

Introduction

This document, and the papers which support it, set out the Cabinet's final proposals for the Revenue and Capital Budgets for 2024/2025.

The Cabinet published its draft budget proposals in January 2024 for consultation. During the consultation period, feedback was gathered through an online questionnaire and an engagement event held at St Marychurch on 27 January 2024 as well as from Torbay Council's social media channels.

The report from the consultation includes the feedback from the Council's Overview and Scrutiny Board. The budget proposals issued in January 2024 have been updated and republished with the papers for the meeting of the Cabinet to be held on 13 February 2024. Also included with the papers is the consultation report.

This report reflects the feedback received and outlines the changes that have been made to the Cabinet's proposals as a result. It also reflects the further Government announcements on local authority spending which have been received since the draft budget proposals were published.

Alongside this document several others will be published and will be available on the Council's website and are listed below:

- **Chief Finance Officer's Report**
This provides a more detailed narrative in relation to the 2023/24 Council budget.
- **Fees and Charges**
The amount that the Council proposes to charge for its services over the next year.
- **Capital Investment Plan 2023/24**
This explains the outcomes that we are seeking to achieve from our Capital Plan and which capital schemes the Council plans to fund over the coming year.
- **Revenue Reserves Policy**
The Council's policy on the establishment, maintenance and adequacy of its reserves and balances.

Other documents, which will be updated and published on the Council's website, will include the Capital Strategy, and the Treasury Management Plan.

The Cabinet's final budget proposals will be considered at the meeting of the Council being held on 22 February 2024 when the budget will be decided (by a simple majority vote) and the Council Tax levels will be set. This will include the precepts from the Devon and Somerset Fire and Rescue Authority, the Devon and Cornwall Police and Crime Commissioner and Brixham Town Council, with an overall Council Tax for Torbay being set.

Details of the meetings when the budget proposals will be discussed are available on the Council's website: www.torbay.gov.uk/meetings-and-decisions

Budget 2024/2025

Proposed Changes to the 2024/2025 Revenue Budget

Since the Cabinet's budget proposals were issued in January 2024, we have continued to review the assumptions upon which we based our proposals. The final 2024/25 Local Government Finance Settlement was announced on 5 February 2024, following a provisional announcement on 18 December 2023. The Settlement confirmed increases in Torbay Council's allocation of Social Care Grant, Services Grant and Public Health Grant, totalling £1.88 million, as well as two areas of one-off funding estimated at £275,000 for Torbay.

In addition, and following final calculations, a further £470,000 of funding is expected to be received from National Non-Domestic Rates (Business Rates) in 2024/25 than compared to our earlier assumptions.

However, some additional areas of pressure have come to our attention and these final budget proposals address these matters.

We have also considered the views of the wider community and those of the Council's Overview and Scrutiny Board which have been provided during the consultation period.

A summary of the changes arising from consultation feedback and the increased funding for Torbay Council is set out in Table 1.

Description	Reduction in Expenditure/ Higher Income £k	Increase in Expenditure/ Lower Income £k	Commentary
Removal of the initial budget gap.		300	The additional funding enables the Council to balance its budget.
Fostering Allowances		300	At the end of January, the Government announced a minimum increase of 7% in National fostering rates which exceeds the 4% rate assumed within our draft budget. The budget for Children's Services has been increased to reflect this increase.
Events		100	Taking account of the views of the Overview and Scrutiny Board, additional capacity required to deliver the Events Strategy.
Bus Services		70	Additional funding to reflect the increased cost of the new bus service contracts.
Concessionary Fares		200	To increase the budget in light of recent Department for Transport

			guidance and expected increases in both price and passenger numbers.
Housing		100	Taking account of the views of the Overview and Scrutiny Board, additional capacity to accelerate affordable housing delivery.
Children's Services		180	Additional capacity required in response to new responsibilities and expectations under the Government's Stable Homes, Built on Love reforms.
Youth Justice Service		50	To fund costs, previously met by grants to deliver early intervention/prevention within the service. Partners who share the costs of providing this service, will need to contribute to ensure the continuation of activities at current levels.
Public Health (ring fenced)		150	Increased support for Public Health services, specifically including £75,000 to support sport clubs in becoming more financially sustainable.
Torre Abbey		50	Rebase some income targets, mitigating the risk of overspend within 2024/25.
Adult Social Care		860	50% of the additional Social Care Grant to be passed to the Integrated Care Organisation for delivery of Adults Social Care services.
Total change in priorities and budget	0	2,360	
Increased National Non-Domestic Rate (NNDR) income	470		Our level of NNDR income has now been forecast as higher than previously assumed. This figure is net of investment spend.
Increase in Public Health Grant	150		Confirmed in Final Settlement
Increase in Social Care Grant	1,720		Confirmed in Final Settlement
Increase in the Services Grant	20		
Total funding	2,360	0	
ONE-OFF FUNDING			
Release of business rates safety net and levy account	225		Estimate, awaiting final allocation.
Compensation for business rates	50		Confirmed in Final Settlement

exemption for green machinery			
- Cost of living support		200	To move into a reserve and be accessed if Government funding ceases - enabling continued support for foodbanks, social supermarkets and debt advice.
- Torbay Coast and Countryside Trust		50	To support the Trust in embedding actions to become financially sustainable.
- Road safety		25	Earmarked reserve towards the introduction of 20mph zones if required.
TOTALS	275	275	

Table 1: Summary of changes in income and expenditure

Revenue Budget 2024/2025

The Council is being asked to approve the Cabinet’s proposal for the total net revenue budget for 2024/2025 and the budget that will be required to be funded from Council Tax.

The Council is also being presented with the allocation of the 2024/2025 revenue budget to individual services. The allocation of budget to services is a key part of the Council’s financial control arrangements. The Financial Regulations in the Constitution govern any subsequent in-year budget changes. The approval of fees and charges for 2024/2025, in addition to supporting the achievement of budgeted income, provides clarity to services and service users. The Officer Scheme of Delegation governs any subsequent in-year changes to fees and charges.

A summary of this information is shown in the Table 2.

2023/24 Net £m	Directorate/Service	2024/25 Net £m
51.8	Adult Services (Inc. Community & Customer Services)	55.9
50.7	Children's Services	54.6
10.4	Public Health	10.7
12.3	Corporate Services (inc. Chief Executive's Unit)	13.8
(13.0)	Finance	(16.6)
(4.1)	Investment Properties	(4.1)
22.8	Place Services	24.9
130.9	TOTAL	139.2
	Sources of Funding	
81.1	Council Tax	86.7
1.6	Council Tax – 2% Adult Social Care 2023/24	1.7
0.5	Collection Fund Surplus	0
7.7	Revenue Support Grant	8.2
40.0	Business Rates (National Non-Domestic Rates)	42.4
0	Other General Grants *	0.2
130.9	TOTAL	139.2

Table 2: Revenue Budget 2023/2024 - Summary

The value of Council Tax after a rise in the Torbay element of the Council Tax of 2.75% and a 2% rise for adult social care is £88.4 million. This 4.75% rise will increase the Band D Council Tax in Torbay by £84.28 (of which the 2% rise for adult social care is £35.49), which equates to £1.62 per week.

When the Council formally sets the Council Tax for 2024/2025, the Council's budget must include the council tax requirement for Brixham Town Council. The value of this precept (£0.473m) will be included as part of the Torbay Council budget for Council Tax setting purposes.

Proposed changes to the Capital Investment Plan 2024/2025

There have been no material changes to the Capital Investment Plan. There have been some reprofiling of project spend and some small presentational changes made, which were requested during the consultation period.

Appendix 1 – Cabinet’s response the recommendations of the Overview and Scrutiny Board

Recommendations from the Overview and Scrutiny Board	Cabinet’s response
<p>1. That, if further funding through the Household Support Fund for 2024/2025 is not announced or provided by the Government, additional reserves be identified (in addition to the £1.8m Housing Reserve) to replace some of the funding previously provided through the Household Support Fund by the Government to be used, for example, to support foodbanks/food supermarkets, care leavers, Family Hub issued food vouchers and debt advice and to request the Director of Adult and Community Services to work with the third sector to help identify where the support is most needed.</p>	<p>£200,000 of additional one-off funding has been earmarked within the Council’s Reserves to be available if further support from Government is not forthcoming. As suggested by the Overview and Scrutiny Board this will be directed where support is most needed but will include support for food banks, social supermarkets and for debt advice.</p>
<p>2. Consider allocating one off funding of £100,000 to implement the 20 mph Zones identified through the submitted Motion set out at paragraph 9.6 of the report of the Overview and Scrutiny Board.</p>	<p>Proposals were presented to the Transport and Parking Working Party which demonstrated that the introduction of the 20 mph zones can be achieved without extra cost. These proposals were accepted by the Working Party. However, to provide certainty that finance will not be a barrier to implementing the programme a reserve of £25,000 has been earmarked to be drawn down if needed to meet the proposed scope of the scheme for 2024/25.</p>
<p>3. That the Cabinet be requested to work with the Head of Housing and Director of Pride in Place to progress this work [reviewing all options for the delivery of affordable housing] as a matter of urgency and, once the additional Government funding has been confirmed, the Cabinet should review how this can be used to free up funds to create an enabling fund to assist with provision of affordable housing in Torbay, to be used through the Housing Delivery Group as part of the 2024/2025 delivery plan to include activities such as:</p>	<p>£100,000 has been allocated within the proposed budget now being put forward to the Council for consideration. This would fund an initial increase in officer capacity to accelerate affordable housing delivery.</p> <p>A further review of the requirements for additional capacity and potential routes for funding will take place alongside the development of affordable housing delivery plans.</p>

- progressing Torre Marine;
- work on temporary accommodation which could include considering potential for temporary uses on some of the Council owned sites and/or acquisition of stock from market housing;
- continuing to engage with Homes England and use the Levelling Up Partnership and the new Homes England Strategy, which is more place focused, as our way to deepen the Council's connection; and
- considering as part of the review of Council assets opportunities for disposal or development of a range of sites which may require further funding to support development of the sites;

(Note: the Review Panel found that there was no evidence within the Revenue Budget on how affordable housing would be delivered, what options have been considered, including the potential for the Council to further develop its own housing stock and create a Housing Revenue Account as well as exploring opportunities to work further with registered housing providers.)

4. That the new approach to service change and savings plans, lacks a clear timeline and details of the process for the development of the nine areas and this should be provided to Overview and Scrutiny so that they can schedule the relevant areas into one of the three Boards/Sub-Boards as part of their Work Programmes for 2024/2025.

(Note: progress on Savings Plans would be reviewed as part of the Overview and Scrutiny Monthly Briefings so they can identify which ones need to go to which Board/Sub-Board)

5. That, following the motion agreed at Cabinet on 21 March 2023 where the Cabinet agreed to support the Show Us You Care Too campaign which calls for care experience to be made a protective characteristic as part of the Independent Review into Children's

Where appropriate, milestones for implementing the Revenue Savings Plans for 2024-2027 will be included in the Council Business Plan which will be considered by the Council once the Community and Corporate Plan has been approved.

In other cases, progress against the Revenue Savings Plans will be included within the Budget Monitoring reports presented on a quarterly basis to the Overview and Scrutiny Board.

Care experience will be included within the Equality Impact Assessments moving forward.

<p>Social Care, the Cabinet take a proactive approach and locally recognise care experience within future Equality Impact Assessments (EIAs).</p>	
<p>6. That a policy on asset retention and disposal of assets be developed and included within the Capital Strategy.</p>	<p>This recommendation will be considered when the Cabinet considers the Council Business Plan once the Community and Corporate Plan has been approved.</p>
<p>7. Include within the quarterly monitoring and four-year Capital Strategy, the date when project was first added to Capital Plan, when the Council made a decision to move forward and indicative costs at that time to measure the delivery against the speed of project development.</p>	<p>This will be reflected within the future versions of the Capital Investment Plan.</p>
<p>8. That a plan be developed to address how the Council and its partners can work with Torbay's community centres to help support them with their maintenance so that they don't end up in crisis and this is brought back to the Overview and Scrutiny Board for consideration.</p>	<p>This recommendation will be considered when the Cabinet considers the Council Business Plan once the Community and Corporate Plan has been approved.</p>
<p>9. That all Councillors be provided with details as to how the repainting of yellow and white lines on the highways are prioritised and what revenue consideration is given in respect of enforcement.</p>	<p>Information of how the repainting of yellow and white lines on the highways are prioritised will be provided to all councillors.</p> <p>The enforcement which will take place once those lines are reinstated will be cost neutral (and potentially positive). New civil enforcement officers have recently been recruited to previously vacant posts and we are actively recruiting to fill the remaining vacancies. The funding for all of these posts is already included within the current revenue budget.</p>
<p>10. That £75,000 Revenue funding be included in the base budget to support sport in 2024/2025 and future years.</p>	<p>The proposed budget now being put forward to the Council for consideration identifies £75,000 to be funded on a one-off basis from the increase in Public Health grant, with focus on supporting organisations to access external funding and become financially sustainable.</p>

<p>11. Ensure that the review of play parks secures their future sustainability and additional funding options be explored such as Olympic legacy funding, existing funding opportunities and grants which could help replace assets such as the Victoria Skatepark working in partnership with organisations such as Sport Torbay.</p>	<p>This recommendation will be considered when the Cabinet considers the Council Business Plan once the Community and Corporate Plan has been approved.</p>
<p>12. That the following recommendations from the Review of Events, Culture and Tourism be considered as part of the budget setting process, should additional funding be identified through the process:</p> <p>“3. That the Director of Pride in Place be requested to review the resource and capacity of the Events and Culture Team, including administrative support, and to explore how the independent, voluntary, community and business sectors could contribute to ensure that there is sufficient capacity and resources to deliver:</p> <ul style="list-style-type: none"> • the Cultural and Heritage Strategies; • projects where the Council has received significant external funding; • future ambitions of the Council and its key partners, including the continuation of the £100,000 match funding from the Council to mirror the funding that the English Riviera Business Improvement District Company puts towards the delivery of the Events Strategy and Destination Management Plan; and <p>4. that the Director of Pride in Place be requested to explore the costs of a feasibility study to assess whether Torbay’s meadows and green spaces could be utilised as show grounds.”</p>	<p>£100,000 has been allocated for additional staffing within the Events and Culture Team within the proposed budget now being put forward to the Council for consideration. This is in addition to the additional £1 million highlighted within the initial budget proposals for an Events Reserve.</p> <p>The recommendation in relation to a feasibility study on utilising Torbay’s meadows and green spaces as show grounds will be considered when the Cabinet considers the Council Business Plan once the Community and Corporate Plan has been approved.</p>

This document can be made available in other languages and formats.
For more information, please contact consultation@torbay.gov.uk

Budget 2024/2025 - Consultation Report

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Executive Summary

The Cabinet published draft proposals for the Council’s revenue and capital budget for 2024/25 in January 2024 and an online survey was created to gather public views. The consultation opened on 10 January 2024 and closed at midnight on 7 February 2024.

There were 198 responses to the consultation survey – 186 completed online, 12 completed at the Residents Engagement Event and one on paper. All percentages shown within this report use the number of people that completed the survey as the denominator. All comments within this report are shown as written by the respondent. No written representations were received.

During the course of the consultation, residents and stakeholders were encouraged to take part with posts on our Facebook, X/Twitter and LinkedIn pages as well as articles in One Torbay and Staff News. A Residents Engagement Event was held on Saturday 27 January 2024 to share information about the proposals for the council’s 2024/25 budget and answer questions.

A summary of responses to the survey are shown in the table below.

Question	Yes Actual	Yes %	No Actual	No %
Do you agree with the principle for providing early help, support and	141	76.22%	27	14.59%

prevention through Family Hubs to children and their families?				
Do you agree with the proposal to review transport arrangements for children and young people?	148	80%	27	14.59%
Do you agree with the proposal to invest £300,000 per year to bring the three town up to a standard we can all be proud of?	176	95.14%	5	2.7%
Do you agree with the proposal to invest £300,000 per year to tackle anti-social behaviour in all our town centres, to help make them safer and more welcoming?	158	85.41%	18	9.73%
Do you agree with the proposals to increase Fixed Penalty Notice Charges for dog fouling, littering, graffiti and fly posting	158	85.41%	19	10.27%
Do you agree with the proposals to invest £250,000 a year for the next four years to ensure we can deliver events?	129	69.73%	45	24.32%
Do you agree with the proposal to invest £1mill to put in place preventative measures to avoid further deterioration of Oldway?	123	66.49%	50	27.03%
Do you agree with the proposal to change venues and purchase our own equipment to run live-streaming of the Council, Cabinet and Planning Committee, deliver these at a lower cost?	123	66.49%	46	24.86%
Do you agree with the proposal to increase council tax to 4.75%	88	47.57%	81	43.78%

Alongside the consultation on the proposed budget, the Council also undertook consultation to vary the licence fees in relation to hackney carriages and private hire vehicles. The details of this consultation are included at Appendix 1.

Introduction

The Cabinet published their draft proposals for the Council's revenue and capital budget for 2024/25 in January 2024. An online survey was created to gather the views of the public as well as a face-to-face engagement event. Paper surveys were available on request.

The consultation opened on 10 January 2024 and closed at midnight on 7 February 2024.

The audience for this consultation was all those that live or run a business in one of the three towns of Torbay – Torquay, Paignton and Brixham.

An online consultation was launched, with paper copies available on request.

The consultation was promoted in a number of ways. This included:

- Media briefing
- Members briefing
- The Council's e-Newsletter One Torbay
- Through regular staff news updates (as the majority of our employees are also Torbay residents)
- Press releases
- Social media
- On the Consultation webpage on the Councils website
- Also on Have Your Say Torbay – the Council's Engagement platform

The face-to-face engagement event took place on Saturday 27 January in St. Marychurch precinct. This was the regular Residents Engagement event, and the theme was around the budget proposals.

Two press releases were sent out, one at the beginning and another later on in January, encouraging people to take part and to attend the engagement event in St. Marychurch.

24 social media posts were scheduled in total. This was across Facebook, X (Twitter), LinkedIn and Nextdoor. Across all the social media channels the posts made 16,667 impressions. There 172 clicks on the links to view the budget consultation, compared to last year there were 280 link clicks. 24 comments were left on the posts (68 last year), 22 reactions (123 last year) and 18 shares (26 last year).

Eight articles were shared through either the One Torbay or Staff News e-Newsletters. In total these articles encouraged 1,104 subscribers to click on the links to the consultation 1,790 times. In comparison to the Budget Consultation that took place in 2023, there were 251 unique clicks from the e-newsletter articles.

At the face to face engagement event in St. Marychurch, 128 visitors were logged as attending and speaking to Councillors and Officers. Approximately a further 30 people stopped to read the boards and take flyers. 12 visitors took the opportunity to look at and answer the budget questions on the Boards. These 12 visitors did not necessarily answer all the questions.

Consultation responses

The total number of responses received overall was 198.

Of these, 186 were completed online, in comparison, 67 were completed the same way last year. Also last year, 127 people voted using the social media polls.

One was from a paper survey, and 12 from the resident's engagement event.

The results below show all the responses together but the totals are different due to those taking part at the engagement event not answering all the questions.

Responses to individual survey questions

Question 1

We are proposing to increase the Children's Services budget by £1.9 million as this is necessary to meet existing demand. However, we want to continue to focus on providing early help, support and prevention through Family Hubs so children can receive the right support at the right time to meet need. This will enable more children and young people to live within their families and communities, reducing the need for statutory intervention. Do you agree with the principle for providing early help, support and prevention through Family Hubs to children and their families?

Option	Total	Percent
Yes	146	76.44%
No	28	14.66%
Prefer not to answer	17	8.90%
Total	191	100%

Question 2

Do you currently use the Family Hubs across Torbay, including the virtual Family Hub website?

Option	Total	Percent
Yes	6	3.14%
No	156	81.68%
Did not know of its existence	29	15.18%
Total	191	100%

Question 3

We want to work further with children and young people and their parents/carers to promote safe independent travel to school. By reviewing our transport arrangements for children and young people on an individual basis we can support children to become more independent when the time is right for them to safely travel around their local area. This will reduce the need for unnecessary transport on minibuses and taxis. Do you agree with this proposal?

Option	Total	Percent
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Yes	152	79.58%
No	29	15.18%
Prefer not to answer	10	5.24%
Total	191	100%

Question 4

Do you have children or young people in your family who currently use home-to-school transport?

Option	Total	Percent
Yes	6	3.16%
No	178	93.68%
Prefer not to answer	6	3.16%
Total	190	100

Question 5

We want to invest £300,000 per year to bring the three towns of Torquay, Paignton and Brixham up to a standard we can all be proud of. This will include increases in grass cutting, keeping kerbsides weed free, improving road markings, cleaning of town centres and repairing of potholes in our residential areas as well as in our high-profile tourist areas. Do you agree with this investment proposal?

Option	Total	Percent
Yes	183	95.30%
No	5	2.60%
Prefer not to answer	4	2.10%
Total	192	100%

Question 6

We want to invest £300,000 per year to tackle anti-social behaviour in all our town centres, to help make them safer and more welcoming. This will provide additional enforcement officers and support and welfare staff to address the root cause behind the anti-social behaviour. Do you agree with this investment proposal?

Option	Total	Percent
Yes	163	85.79%
No	18	9.47%
Prefer not to answer	9	4.74%
Total	190	100%

Question 7

We know that improving public spaces really matters – it is where we live, work and play. We know that litter, fly posting, graffiti and dog poo can blight our streets, parks and beaches. As well as increasing investment through Operation Brighter Bay, we are proposing an increase in the Fixed Penalty Notice Charges for dog fouling,

littering, graffiti and fly posting from £80 to £100 for dog fouling (the maximum set by our Public Spaces Protection Order) and £150 for littering, graffiti and fly posting littering. The aim is to ensure that there is a suitable and significant deterrent. Do you agree with the proposal to increase such charges?

Option	Total	Percent
Yes	165	85.90%
No	19	9.90%
Prefer not to answer	8	4.20%
Total	192	100%

Question 8

The English Riviera has a strong history of being a premier coastal resort, with a tourism sector that supports local and regional businesses, creates local jobs and contributes to the sense of pride in place and quality of life for our residents. However, in recent times we have struggled to keep pace with changing market needs. We have developed a Destination Management Plan, which sets out priority actions and delivery tasks that can help the destination succeed, but financial investment is needed to deliver against this. We want to invest £250,000 a year for the next four years to ensure we can deliver events, for our residents as well as encouraging people to visit, stay and spend in the Bay. Do you agree with this investment proposal?

Option	Total	Percent
Yes	135	70.68%
No	45	23.56%
Prefer not to answer	11	5.76%
Total	191	100%

Question 9

In December 2023 the Cabinet received a report which provides the basis to address the conservation challenges at Oldway, renewing it as an important asset. The report identified an urgent need for approximately £1 million to be identified to put in place preventative measures to avoid further deterioration of the structure of the building. We have identified funds that can deliver this first stage of repairs and maintenance at Oldway Mansion. Do you agree with this investment proposal?

Option	Total	Percent
Yes	129	67.19%
No	50	26.04%
Prefer not to answer	13	6.77%
Total	192	100%

Question 10

Over the past year we have run a trial live-streaming meetings of the Council, Cabinet and Planning Committee. Through changing the venue of these meetings and purchasing our own equipment we can continue to live stream meetings at a

lower cost. However, the quality of the live streaming is unlikely to be of the same quality as is currently provided through the trial. Do you agree with this proposal?

Option	Total	Percent
Yes	127	66.50%
No	46	24.08%
Prefer not to answer	18	9.42%
Total	191	100%

Question 11

Reflecting on the ongoing cost increases in providing adult social care, as well as the ongoing cost of providing the services you value we are proposing an increase in Council Tax. The Government assumes that local authorities with social care responsibilities will raise Council Tax by 4.99%. We are proposing to increase the Torbay Council element of Council Tax by 2.75% plus 2% for adult social care which means the total increase is proposed to be 4.75%. For more information on this please read our Budget Overview. The increase is £1.62 per week (£84.33 per year) for an average Band D property. Do you agree with this proposal?

Option	Total	Percent
Yes	100	50.51%
No	82	41.41%
Prefer not to answer	16	8.08%
Total	198	100%

Response to free text questions and boxes

In this consultation there was only one free text question which asked if there were any more comments those that took part would like to leave.. The majority of the comments did cover a number of different themes. In total there were 112 comments left.

Listed below is a summary of the themes mentioned in these comments:

- Anti-social behaviour – mentioned 17 times
 - Covering things like more enforcement, feeling safe in town centres and parks
- Oldway – mentioned 15 times
 - Invest in (mentioned 10 times)
 - Don't invest in (mentioned five times)
- Council Tax – mentioned 16 times
 - Don't increase (mentioned nine times)
 - Increase (mentioned seven times)
- Topics linked to dogs (mentioned 16 times)

- Too much dog fouling (mentioned seven times)
- Need a dog warden/enforcement (mentioned eight times)
- More dog bins (mentioned once)
- Pavilion – agreeing with doing something with (mentioned four times)
- Parks to be safe / clean / rewilding / plant more green areas (mentioned four times)
- Improve roads i.e. potholes and road markings (mentioned four times)
- Four comments that budget was well rounded / clear strategy
- Reduce litter (mentioned three times)
- Improve towns / jobs and homes (mentioned twice)
- No mention of affordable housing (mentioned twice)
- Cut grass verges (mentioned twice)
- Invest in youth activities (mentioned twice)
- Don't fund the airshow (mentioned twice)

Demographics of who took part

Which town do you live in? Select only one

Torquay	Paignton	Brixham	Responding as a business
99 (54.7%)	68 (37.57%)	13 (7.18%)	1 (0.55%)

Which of the following options best describes how you think of your gender identity? Tick one only

Female	Male	Prefer not to say
80 (43.96%)	92 (50.55%)	10 (5.49%)

Which of the following age groups applies to you? Tick one only

0-15	16-24	25-34	35-44	45-54	55-64	65-74	75 plus
1 (0.55%)	2 (1.10%)	8 (4.40%)	11 (6.04%)	34 (18.68%)	58 (31.8%)	52 (28.57%)	16 (8.79%)

Which of the following best describes your ethnic background? Tick one only

White	Mixed ethnicity	Asian or Asian British	Black or British	Chinese
170 (97.14%)	2 (1.14%)	1 (0.57%)	2 (1.14%)	0 (0%)

Employment Status - Tick one only

Working full-time in Torbay	Working full-time elsewhere in Devon	Working part-time in Torbay	Working part-time elsewhere in Devon	Self-employed – full - or part-time	Student
40 (22.6%)	11 (6.21%)	16 (9.04%)	2 (1.13%)	16 (9.04%)	0 (0%)
Looking after Family/Home	Temporary Sick	Long-Term Sick	Retired	Unemployed	
3 (1.69%)	0 (0%)	5 (2.82%)	82 (46.33%)	2 (1.13%)	

Do you consider yourself to be disabled in any way? Tick one only

Yes	No
28 (15.38%)	154 (84.62%)

If you answered "Yes", please tell us how it affects you. Tick as many as apply

It affects my mobility	It affects my vision	It affects my hearing
13 (72.22%)	2 (11.11%)	3 (16.67%)

Appendix 1 – Consultation on licencing fees (hackney carriages and private hire vehicles)

1. Background Information

- 1.1 Torbay Council regulates the Hackney Carriage and Private Hire industry through the licensing framework set out in the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 Fees for licences should be set at a figure that will recover the cost of the licensing administration including enforcement, in so far as is consistent with the particular provisions which allow licence fees to be charged. The budgets for taxi licensing are separated into the four different licence types, licensed driver, hackney carriage vehicle licence, private hire vehicle licence and private hire operator licences.
- 1.3 The majority of the licence fees were increased by 4%, however the vehicle licence for both private hire and hackney carriage vehicle fees were increased by 24% and 25% respectively to ensure the cost of full costs were covered.
- 1.4 Annex 1 contains the proposed fee increases.

2. Legal Framework

2.1 Drivers Licences

The Council may make a charge for the grant of the licences for drivers of Hackney Carriages and Private Hire vehicles by virtue of Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. The fees must be considered reasonable with a view to recovering the costs of issue and administration (including compliance) of the licence.

2.2 Vehicle Licences

The Council may make a charge for the issue of a vehicle licence for a Hackney Carriage or a Private Hire vehicle by virtue of sections 70 of the Local Government (Miscellaneous Provisions) Act 1976.

These fees can include the:

- Reasonable costs of inspection of vehicles
- Reasonable cost of providing ranks for Hackney Carriage vehicles, and;
- Any reasonable or other costs connected with the administration and compliance of Hackney Carriage and Private Hire vehicle licensing.

2.3 Operators Licences

The Council may make a charge for the issue of Private Hire Operators licences by virtue of section 70 of the Local Government (Miscellaneous Provisions) Act 1976. The Operators fee should relate to the costs for grant, renewal and of administering the licensing scheme and should be reasonable.

3 Process to vary fees

- 3.1 To be able to vary the fee structure there is a statutory process required under s.70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The fees were advertised on 10 January 2024 in the Herald Express, allowing the trade and member of the public to raise objections for 28 days. A copy of the advert can be found in Annex 2.
- 3.3 Three objections were received and these can be found in Annex 3.
- 3.4 The local authority must consider these objections and decide whether in light of the objections, to modify the fees or approve the originally proposed fees. These fees must come into effect no later than two months of the original date.

4 Objections

- 4.1 The objections are concerned about the increase to the vehicle licence renewal fees.
- 4.2 The vehicle licence fees have not increased since 2020 and the vehicle fees were reduced each year from 2020 to 2022. Please see Table 1 below.

Table 1: Taxi Licensing Fees from 2019 - 2024

	2019/20	2020/21	2021/22	2022/23	2023/24	Proposed 2024
Both Trades						
Licensed Driver (New) - 3 years	£323	£348	£348	£348	£358	£375
Driver (renewal) – 3 years	£228	£250	£250	£250	£257	£270
Drivers badge replacement	£27.50	£30	£30	£30	£30	£32
Plate	£66	£70	£70	£70	£70	£73
Replacement Bracket	£24	£25	£25	£25	£25	£35
Knowledge Test	£70	£70	£72	£72	£74	£77
Hackney Carriage						
Vehicle licence annual – New	£275	£350	£262	£244	£244	£255
Vehicle Licence - Renewal	£185	£185	£167	£149	£149	£185
Vehicle Transfer	£82	£82	£74	£70	£70	£73

Private Hire						
Vehicle licence – annual	£244	£244	£235	£225	£225	£235
Vehicle Licence – renewal	£154	£154	£140	£130	£130	£165
Operator 1 year	£67	£67	£67	£67	£67	£70
Operator 5 years	N/A	N/A	£95	£95	£110	£114

4.3 The majority of the fees were increased by between 4- 6%, however the private hire vehicle licence renewal fees were increased by 25% and the hackney carriage vehicle licence renewal fee was increased by 24%. This equates to an increase of £36 and £35 respectively. Table 2 below outlines the extra cost to the vehicle proprietor per day, week and month as a result of the proposed increase. It amounts to an increase of 10p per day.

Table 2: Recommended vehicle renewal fees (as published) with the % increases

Vehicle renewal fees	Current fee	Proposed fee	Proposed increase	% increase	Extra cost per day	Extra cost per week	Extra cost per month	Extra cost per year
Hackney Carriage Vehicle licence (1 year)	£130	£165	£35	27%	£0.10	£0.67	£2.92	£35
Private Hire Vehicle Licence (1 year)	£149	£185	£36	24%	£0.10	£0.69	£3.00	£36

4.4 It is appreciated that these increases are an additional cost, however, the income from the fees must cover the expenditure required to run the service. Any expenses incurred as part of running a business may be claimed as an allowable deduction for tax purposes.

4.5 The taxi fees must be set to ensure that all costs are recovered for each licence type as they should not be subsidised from the Council's general funds. The fees have been kept as low as possible and the majority of the taxi fees have been increased by approximately 4%. However, when reviewing the fees, it was found that the renewal fee for the hackney carriage and private hire vehicle licences did not cover the costs incurred. The costs of materials for the producing of the taxi and private hire plates and the postage and package have increased since 2020. The staffing and overhead costs have also increased as there have been a number of wage increases over the last few years. There has also been a rise in other support costs such as office accommodation

(including heating and lighting) and other supplies and services connected to the taxi licensing function.

- 4.6 The cost of a vehicle licence renewal is very similar to a new issue and many local authorities charge the same fee for new issues as renewal. The main difference is that a new issue requires a new bracket and holder and there is a small amount of additional administration.
- 4.7 The fees have not increased since 2020 and they were reduced from £185 in 2020 to £167 in 2021 and £149 in 2022. However, the cost of materials, staffing, office costs, printers, postage etc. have increased. The hackney carriage vehicle licence fees also include the cost of the unmet demand survey which is required every three years and cost over £17k this year.

5. Conclusion

- 5.1 Members need to consider the objections and the reasons for the increases as outlined within the report. The fees need to be increased to ensure full cost recovery and to prevent the account going into deficit.

Annex 1

	Existing Fees	Proposed Fees
Type of Registration/Licence/Fee	2023/24	2024/25
	£	£
Hackney Carriage		
Vehicle Annual – New (includes plate and bracket)	244.00	255.00
Vehicle Annual Renewal	149.00	185.00
Vehicle Annual Renewal [0g/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Horse drawn Annual Renewal	100.00	Withdrawn
Meter test	50.00	Withdrawn
Transfer (permanent or temporary)/change of vehicle	70.00	73.00
Transfer (permanent or temporary)/change of vehicle [0g/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Replacement Plate	70.00	73.00
Replacement bracket and holder	25.00	35.00
Private Hire		
Vehicle Annual New (Includes plate and bracket)	225.00	£235.00
Vehicle Annual New (Includes plate and bracket) [0g/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Vehicle Annual Renewal	130.00	165.00
Vehicle Annual Renewal [0g/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Transfer (permanent or temporary)/change of vehicle	70.00	73.00
Transfer (permanent or temporary)/change of vehicle [0g/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Replacement Plate	70.00	73.00
Replacement bracket and holder	25.00	35.00
Private Hire Operators Licence		
Operator (per vehicle) – 1-year licence (only in exceptional circumstances)	67.00	70.00
Operator (per vehicle) 5-year licence	110.00	114.00
Licensed Drivers		
Driver (New)	358.00	375.00
Driver (Renewal)	257.00	270.00

Drivers badge (replacement)	30.00	32.00
Knowledge test	74.00	77.00
Knowledge re-test	37.00	Withdrawn
Other Charges		
Handbook & replacements	27.00	28.00
Assistance/advice appointment	55.00	70.00

Annex 2

TORBAY COUNCIL		TORBAY COUNCIL
PUBLIC NOTICE		
Hackney Carriage and Private Hire Licence Fees 2024-25		
Local Government (Miscellaneous Provisions) Act 1976		
<p>In accordance with the provisions of Section 70 (3) of the above Act, Torbay Council gives Notice that it proposes to vary its fees in respect of Hackney Carriage, Private Hire and Operator's Licences as set out below, with such variations taking place on 1st April 2024. Any objection to the proposed variation of fees should be made in writing and addressed to the undersigned, to be received not later than 28 days from the date of this Notice.</p> <p>Dated this 10th day of January 2024</p> <p>Rachael Hind Regulatory Services Manager (Commercial) Town Hall, Castle Circus, Torquay TQ1 3DR Email: licensing@torbay.gov.uk</p>		
Type of Registration/Licence/Fee	EXISTING FEES 2023/24 £	PROPOSED FEES 2024/25 £
Hackney Carriage		
Vehicle Annual - New (includes plate and bracket)	244.00	255.00
Vehicle Annual Renewal	149.00	185.00
Vehicle Annual Renewal [Dg/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Horse drawn Annual Renewal	100.00	Withdrawn
Meter test	50.00	Withdrawn
Transfer (permanent or temporary)/change of vehicle	70.00	73.00
Transfer (permanent or temporary)/change of vehicle [Dg/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Replacement Plate	70.00	73.00
Replacement bracket and holder	25.00	35.00
Private Hire		
Vehicle Annual New (includes plate and bracket)	225.00	235.00
Vehicle Annual New (includes plate and bracket) [Dg/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Vehicle Annual Renewal	130.00	165.00
Vehicle Annual Renewal [Dg/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Transfer (permanent or temporary)/change of vehicle	70.00	73.00
Transfer (permanent or temporary)/change of vehicle [Dg/km CO2 emission vehicles (electric)]	0.00	Withdrawn
Replacement Plate	70.00	73.00
Replacement bracket and holder	25.00	35.00
Private Hire Operators Licence		
Operator (per vehicle) - 1-year licence (only in exceptional circumstances)	67.00	70.00
Operator (per vehicle) 5-year licence	110.00	114.00
Licensed Drivers		
Driver (New)	358.00	375.00
Driver (Renewal)	257.00	270.00
Drivers badge (replacement)	30.00	32.00
Knowledge test	74.00	77.00
Knowledge re-test	37.00	Withdrawn
Other Charges		
Handbook & replacements	27.00	28.00
Assistance/advice appointment	55.00	70.00

Annex 3: Taxi Licensing Fees Consultation responses 2024

Response No.	Response received	Response by Email	Further response
1	<p>Having just read the proposed Licensing fees for Hackney carriages in 2024, please could you explain to me why a vehicle license renewal is to be increased by £36. This is approximately a 25% increase, and what justifies this?</p> <p>This comes on the back of rank spaces being lost in Torquay Harbourside, 8 spaces on the Cary rank, and 3 / 4 spaces on the short rank. This loss of 11 or 12 spaces has been replaced by a temporary rank opposite the pavilion for 4 cars, with no hardstanding for the public, just a sand covered area.</p> <p>It feels very much at the moment as though we are getting a bit of a rough deal? I look forward to hearing your comments.</p>	<p>Thank you for your email. I am very sorry for not replying sooner. We have been collating any responses received as we normally respond to any objections as part of the full consultation response after the consultation has ended.</p> <p>The fees for the four licence types, Licensed Driver, Hackney Carriage vehicle, Private Hire Vehicle and Private Hire Operator, are set at a level to recover the total costs of all control, supervision, administration and/or compliance associated with the licence type.</p> <p>The taxi fees must be set to ensure that all costs are recovered for each licence type as they should not be subsidised from the Council's general funds.</p> <p>We have kept the fees as low as possible and the majority of the taxi fees have been increased by approximately 4%. However, when reviewing the fees, it was found that the renewal fee for the hackney carriage and private hire vehicle licences no longer covers the costs incurred. The costs of materials for the producing of the taxi and private hire plates and the postage and package have increased since 2020. The staffing and</p>	

overhead costs have also increased as there have been a number of wage increases over the last few years. There has also been a rise in other support costs such as office accommodation (including heating and lighting) and other supplies and services connected to the taxi licensing function.

We have reviewed the fees and the cost of a vehicle licence renewal is very similar to a new issue and many local authorities charge the same fee for new issues as renewal. The main difference is that a new issue requires a new bracket and holder and there is a small amount of additional administration.

The Hackney Carriage Vehicle Renewal fee has not increased since 2020 and it was reduced from £185 in 2020 to £167 in 2021 and £149 in 2022. The private hire vehicle renewal fee has also not increased since 2020 and it was reduced from £154 in 2020 to £140 in 2021 and £130 in 2022. However, the cost of materials, staffing, office costs, printers, postage etc. have increased. The hackney carriage vehicle licence fees also include the cost of the unmet demand survey which is required every three years and cost over £17k this year.

The hackney carriage table of fares were increased by the Council in 2019 and 2022 to ensure the taxi tariffs reflect the costs of the

		<p>trade. These are due to be reviewed again this year.</p> <p>The licence fee is also an expense incurred as part of running a business and may be claimed as an allowable deduction for tax purposes.</p> <p>We appreciate that the rank situation in Torquay is not ideal at the moment and we have raised our concerns with the TDA (Torbay Economic Development Company Limited) and the Parking Department to ensure that the situation is urgently reviewed in the short term and we are exploring longer term solutions for the final scheme. We work closely with our planning and transport teams on new developments to ensure taxi provision and private hire drop areas are considered. We will be emailing the trade as soon as we have any updates with regards to the rank provision.</p> <p>Please can you confirm if, following this explanation, you would like to withdraw your objection or if you would like me to include it within the consultation responses.</p> <p>I look forward to hearing from you.</p> <p>Kind Regards, Rachael</p>	
<p>Replies to No. 1 continued</p>	<p>Thank you for your in-depth reply to my email. I will try to respond to the points that you made in chronological order, and one or two other points that have come to mind.</p>	<p>Thank you for your email.</p> <p>I will include your emails within the consultation, and a response will be</p>	<p>Response from Taxi Licensing to details raised within the response email (this has not been emailed to the person and has only been included within this report)</p>

I fully understand the points that you made with regards to how the fees are set, and they are not subsidised by the council's general funds. Whilst I also appreciate that the cost of materials, postage and packing, staffing, overhead cost and wage increases, and other support cost such as office accommodation, there is one thing that you have not mentioned that has come to my attention. I am told that certain legal procedures carried out by your office, involved the use of barristers. Surely this is a very expensive way of taking legal advice, when maybe a lesser qualified legal person would have sufficed, if indeed was needed at all?

You go on to say that the Hackney carriage vehicle renewal fee has not increased since 2020 and indeed was reduced in 2021 and 2022. This comes as no surprise to me, for two reasons. Firstly, in the post Covid years you needed to keep funding levels down, so as not to exceed the amount of revenue that you are allowed to carry over from one financial year to the next. My understanding is that if you exceed this level, refunds have to be made to the Licensing trade via reduced renewal fees. Secondly, I would suggest that this was also done to try and protect the Hackney carriage and private hire trades, as those of us that are self-employed did not receive the level of financial support during Covid that employed people received via the furlough payment scheme. I believe that there is also the possibility of your department releasing more Hackney carriage plates? I

provided within the Cabinet and Full Council reports.

I have forwarded your concerns about the ranks to Mr Richard Salter, Lead Engineer – Urban Design, Torbay Development Agency and the Parking team so that they can respond directly to you regarding these matters. We raised the issues about the parking by contractors on the ranks at a meeting last week and they were going to speak with the contractors to stop this from happening.

Kind Regards, Rachael

The fees are set by reviewing the expenditure and income for each licence type every year. The fees for vehicle licence renewals need to increase to ensure they cover the full costs incurred. If we do not increase the costs, then there will be a deficit to the private hire and hackney carriage vehicle accounts by the end of 2024/25.

On occasion, we do, like all other Councils, use Barristers or Specialist Solicitors for advice on certain aspects of legislation and policy. On occasions we may also need to appoint barristers if there is a crown court appeal as this can only be dealt with by a barrister or solicitor with higher rights of audience. Barristers and specialist solicitors are experts in their specialist area of taxi licensing law and can provide clear guidance to assist us in making sound decisions that will affect both the taxi trade and the Council's reputation. The expense of these out ways the risk of paying expensive court costs if our decisions are not correct.

This department is currently considering the unmet demand survey report regarding the limit on the number of Hackney Carriage

feel that if this happens, it will only further dilute the amount of trade that we currently have. Our license fees over the 17 years that I've been a Hackney carriage proprietor driver have always included the cost of the unmet demand survey.

Although Hackney carriage fares were increased in 2019 and 2022, these increases do not even fall in line with the cost of inflation. If I am not mistaken, the last increase I believe was 11% which was spread over two years. When you bear in mind the cost of fuel has gone up, the cost of Hackney carriage insurance has gone up, the cost of vehicle servicing and spare parts has gone up, in real terms this last increase did not even scratch the surface. This means, along with the cost of living crisis that we are in the middle of, I am having to work longer hours to earn the same sort of money that I was taking prior to the pandemic. My turnover during 2023 was approximately 30% down year and year as a consequence. I have also not renewed my rail taxi rank permit which I held for about 10 years, as I could not justify the £440 annual fee. I know this rank is not covered by Torbay Council, but it is included in the unmet demand survey.

Moving onto the rank situation in Torquay, it appears that there was a distinct lack of planning for this prior to the extensive works commencing down on the harbourside. The Cary rank has already gone, the short rank is due to go imminently, and the temporary rank

Vehicles and this will be consulted on in due course.

The taxi fares will be reviewed this year to ensure they are set to enable a sustainable income for drivers and encourage future investment in vehicles.

outside the pavilion is a problem. The public have to walk across the grass to get to the sand covered waiting area. The taxis, spaces for only 4, park on a busy access road to the car park and businesses in that area, making it potentially unsafe for customers getting in and out of vehicles. I am led to believe that there might be a rank outside Taco Bell, the Torwood Street rank might become permanent, and the long rank on Victoria Parade might be made bigger. Surely all of this should've been planned and agreed long before the contractors started work? It also appears that since the works started in November 2023, parking services seem to have deserted the harbourside. Delivery vehicles and cars are using what taxi ranks are available as parking bays, even the contractors are parking on the temporary pavilion rank! The feeder/loading bay opposite Jacks on Victoria Parade is used as a parking bay, as too is the hatched out area on Victoria Parade near the Harvester.

As I said before, it feels very much at the moment as though we're getting a bit of a rough deal!

In conclusion, it probably will come as no surprise to you that I will not withdraw my objection, and I would like you to include it within the consultation responses.

<p>2.</p>	<p>An increase of 24% is too much, especially when everything is now done on line.</p> <p>I object to the proposed increase</p>	<p>Thank you for your email.</p> <p>The fees for the four licence types, Licensed Driver, Hackney Carriage vehicle, Private Hire Vehicle and Private Hire Operator, are set at a level to recover the total costs of all control, supervision, administration and/or compliance associated with the licence type.</p> <p>The taxi fees must be set to ensure that all costs are recovered for each licence type as they should not be subsidised from the Council's general funds.</p> <p>We have kept the fees as low as possible and the majority of the taxi fees have been increased by approximately 4%. However, when reviewing the fees, it was found that the renewal fee for the hackney carriage and private hire vehicle licences no longer covers the costs incurred. The costs of materials for the producing of the taxi and private hire plates and the postage and package have increased since 2020. The staffing and overhead costs have also increased as there have been a number of wage increases over the last few years. There has also been a rise in other support costs such as office accommodation (including heating and lighting) and other supplies and services connected to the taxi licensing function.</p>	<p>Please include my objections</p>
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We have reviewed the fees and the cost of a vehicle licence renewal is very similar to a new issue and many local authorities charge the same fee for new issues as renewal. The main difference is that a new issue requires a new bracket and holder and there is a small amount of additional administration.

The private hire vehicle renewal fee has not increased since 2020 and it was reduced from £154 in 2020 to £140 in 2021 and £130 in 2022. The Hackney Carriage Vehicle Renewal fee has also not increased since 2020 and it was reduced from £185 in 2020 to £167 in 2021 and £149 in 2022. However, the cost of materials, staffing, office costs, printers, postage etc. have increased. The hackney carriage vehicle licence fees also include the cost of the unmet demand survey which is required every three years and cost over £17k this year.

The licence fee is also an expense incurred as part of running a business and may be claimed as an allowable deduction for tax purposes.

Please can you confirm if, following this explanation, you would like to withdraw your objection or if you would like me to include it within the consultation responses.

I look forward to hearing from you.

		<p>Kind Regards, Rachael</p>	
<p>3.</p>	<p>Torbay United Drivers Association (TULDA) members have instructed me to raise an objection to the proposed extortionate increase to our licensing fees for 2024.</p> <p>Our argument is the current redevelopment of key sites disrupting traffic flow with major road closures around the harbour set to continue throughout the summer season and relocation of ranks is seriously impacting financially on Hackney and Private Hire drivers. The Hackneys rely on footfall around popular ranks like the ones round the Harbour the GPO roundabout and the Halden Centre the disruption to traffic flow will make it harder to move around the area and the general upheaval will not help to attract tourists or locals to linger in this key site they are more likely to migrate to other tourist's spots outside of the town. Private Hire will also be impacted by reduced footfall and frustrated passengers due to extended journey times and a lack of appropriate places to set down or pick up with single lane traffic around the harbour. While we have been told they can use loading bays and Bus stops unless anyone objects, but unless this is confirmed in writing they will still be at risk of cautions and fines for doing so. The entire trade will be severely affected when the Strand is shut in both directions for several weeks at what is such a very</p>	<p>Thank you for your email. I will include the objection within the consultation, and a response will be provided within the Cabinet and Full Council reports.</p> <p>We have raised the concerns regarding the taxi ranks and the redevelopment of the strand. Representatives from the Council and the TDA are considering a number of options to improve the situation. These will be communicated with the trade as soon as these are finalised.</p> <p>Kind Regards, Rachael</p>	<p>Response from Taxi Licensing to details raised within the response email (this has not been emailed to the person and has only been included within this report)</p> <p>Thank you for your objection. Whilst we are working closely with the departments involved with the redevelopment works and the taxi provision, this is out of our direct control and cannot be considered as part of the fee consultation process.</p> <p>We appreciate that drivers are recovering from the loss of trade during covid, however the cost of the taxi licensing administration including enforcement must be recovered from the fees.</p> <p>The discounts that were given to the electric vehicles and the lower application fees to encourage new drivers was not funded from the taxi licensing budget.</p> <p>This rumour is not correct. There is a Hackney Carriage vehicle licence waiting list and if vehicle proprietor licences become available, they are</p>

important time of year for the trade. Easter and summer seasons are traditionally when drivers can realistically expect to earn enough money to be able to survive the quieter months. Further regeneration projects are planned soon due to £21.9 million of Town Deal funding secured to deliver the Torquay Town Investment plan so we anticipate the trade to be impacted by road closures diversions and road works etc for a considerable time.

Drivers are still trying to recover from loss of trade due to COVID and the escalating rise in cost of living. Shevaun Haviland Director General of the UK Chamber of Commerce said in a recent TV interview on Sky News that 2024 will be a very difficult year with continued workforce shortages, energy prices set to increase again as support packages for businesses are reduced and the importing of goods and services are about to become more difficult as the full impact of the Brexit transition looms. These financial pressures are likely to be past on to the public through price rises and shortages of goods. This is predicted to have a negative impact on the trade as everyone will have less disposable income impacting on leisure footfall.

The Licensing department can recover costs and like everyone, needs to balance its books. However, licensing gave discounts for electric vehicles and introduced £50 application fees for 50 new drivers and there can be no cross subsidy between fees for different licenses.

distributed through that set criteria. This has been in place for a number of years.

A separate letter has been sent to vehicle licence proprietors to explain the legal requirements surrounding this issue.

As advised above, the increase in the fees are to ensure the costs are recovered for each separate licence type.

Most existing drivers did not benefit from these initiatives but now appear to be disadvantaged as it will have impacted the departments revenue and contributed to the increased fees this year. However, our members still feel a rise more than inflation is disproportionate and will overburden drivers: Local Government (Miscellaneous Provisions) Act 1976 -sections 53 and 70; on what is set to be a very difficult time due to the economic climate and the impact of the Council plans to redevelop the Strand. Can I please ask if the department could please confirm or deny if the rumour of the department having two plates that are waiting to be assigned should someone have fully electric vehicle that fits the vehicle specifications is true? There is a little confusion amongst drivers on this point. The realignment of the V5 having to be in the same name as the one on the Hackney plate is also causing concern amongst some as historically some plates have been rented to individuals with full knowledge of the Licensing department. We do not want to see more experienced drivers leave the trade in Torbay.

Instead of imposing such a big rise in fees in order to recover previous discounts to a few perhaps we could have a more equitable approach ensuring fair distribution of costs against reduced profitability to foster a supportive environment for all licensed drivers during this difficult transitional phase.

Revenue and Capital Budget 2024/2025 – Report of the Overview and Scrutiny Board

Report to Cabinet to be considered as part of the budget consultation

Background

1. The Cabinet's Draft Revenue and Capital Budget proposals for 2024/2025 were published on 9 January 2024 and available on the Council's website at <https://yoursay.torbay.gov.uk/project/0a725c08-c77b-455a-804c-cf64d695c38b>. The Panel also considered the following documents as part of the consultation process:
 - Revenue Report:
 - Budget Overview;
 - Chief Finance Officer Statement;
 - Fees and Charges;
 - Financial Reserves policy;
 - Service changes and savings plans;
 - Equality Impact Assessments;
 - Capital Report:
 - Capital Strategy;
 - Treasury Management Strategy;
 - Grant Funding Pending List;
 - Capital Investment Plan 2023/24 to 2026/27;
 - Review of Events, Culture and Tourism – Draft Report of the Overview and Scrutiny Board;
 - Amendment to budget consultation papers; and
 - Key Lines of Enquiry/Questions and Answers.
2. The background papers to the Review can be found at:
<https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CommitteeId=1960>
3. The Priorities and Resources Review Panel 2024/25 was established to scrutinise the proposals and to make comments, observations and

recommendations as necessary. The Review Panel comprised of the Councillors on the Overview and Scrutiny Board, as they had developed a strategic and overall knowledge of the Council's revenue and capital budgets through quarterly monitoring meetings held throughout the year, namely, Councillors Bryant, Brook, Cowell, Steve Darling, Fellows, Joyce, Law, Long, Strang and Twelves (Chaired by Councillor Steve Darling).

4. The Review Panel met (via hybrid arrangements) in public on 23 and 24 January 2024 to hear evidence and on 30 January 2024 in private to agree the key findings and recommendations to the Cabinet. At its public meetings the Panel heard from the Leader and Deputy Leader of the Council and the Cabinet Members as well as from Directors and the Chief Executive.

Key Findings

5. The Panel considered the proposals for investment in services, efficiencies and income generation for 2024/2025 and the Capital Plan Budget and the findings from their meetings are set out in this report. The report was presented to the Overview and Scrutiny Board on 7 February 2024 and approved unanimously and will now be submitted to the Cabinet as part of the consultation process (to be updated after Board on 7 February).

Revenue Budget

6. Budget Overview

- 6.1 Members acknowledged the excellent work by Members and Officers over the past few years in respect of managing the Council's finances and that this approach had contributed to Torbay Council being awarded the Most Improved Council of the Year in April 2023 by the Local Government Chronicle. This improvement resulted in no specific proposed cuts to services for 2024/2025, however, savings or additional income of £300,000 would need to be identified through the budget consultation process. There were 9 areas identified for efficiencies or savings included within the consultation papers for further development. This was in the context of several Local Authorities issuing Section 114 bankruptcy notices.

- 6.2 The proposals included investing:

- £300,000 in Operation Brighter Bay;
- £300,000 in Operation Town Centres;
- £1m one off investment to the Events Reserve over a four-year period (£250,000 per year);
- £500,000 of increased discount through the revised Council Tax Support Scheme;
- £1.1m (funded through the Social Care Grant) increase in contract fee for Adult Social Care;

- £1.9m (funded through the Social Care Grant) to meet service demand and inflationary increases to pay and provider costs for Children's Services;
 - £900,000 to meet the pressures of temporary accommodation and preventing homelessness;
 - £200,000 on residents discount scheme;
 - £200,000 for repairs and maintenance;
 - £150,000 allocated to fund the management and operation of activities previously undertaken by Tor Vista Homes; and
 - £1m investment into Oldway.
- 6.3 The proposals would set a Council Tax rate of 2.75% plus the 2% for adult social care. With each 1% of Council tax generating £840,000 of additional income to deliver services.
- 6.4 In relation to an increased emphasis on affordable housing Members questioned how more affordable homes would be provided through the budget proposals. It was suggested that most of the investment in affordable housing was contained within the Capital Programme with projects such as the redevelopment of St Kilda's being brought forward shortly, and the Council was working with its regeneration partners on four key projects (2 in Paignton and 2 in Torquay) which were in their early phases, some of which may include affordable housing. There were also challenges through the Planning process where developers were demonstrating that previously approved schemes would no longer be viable if the agreed affordable housing contributions were required.
- 6.5 Members were advised that the Director of Pride in Place had tasked the new Head of Housing Delivery to review all the options for delivery of affordable housing and bring them forward to Members so that this could inform the revised Housing Strategy and future delivery of housing options, including affordable housing. Members felt there should be Revenue Budget investment to help facilitate the delivery of affordable housing in Torbay and that the options being explored should include improving relationships with housing providers and consideration of creating a Housing Revenue Account to show the Council's commitment to increasing the number of affordable housing units available and shaping the market for the delivery of more affordable housing and particularly social rented housing.
- 6.6 It was noted that the Government had announced additional funding for local authorities, although it was not yet known how much or where this money would need to be spent. Members suggested that, once the additional funding had been confirmed the Cabinet should review how this could be used to free up funds to create an enabling fund to assist with provision of affordable housing in Torbay, to be used through the Housing Delivery Group as part of the 2024/2025 delivery plan, to include activities such as:

- progressing Torre Marine;
 - work on temporary accommodation which could include considering potential for temporary uses on some of the Council owned sites and/or acquisition of stock from market housing;
 - continuing to engage with Homes England and use the Levelling Up Partnership and the new Homes England Strategy, which is more place focused, as a way to deepen the Council's connection; and
 - considering as part of the review of Council assets opportunities for disposal or development of a range of sites which may require further funding to support development of the sites.
- 6.7 Members questioned how priorities for affordable housing had been communicated with officers and were advised that key worker, affordable and temporary housing had been raised with the Department for Levelling up, Housing and Communities as part of the Levelling Up discussions for additional Government funding. Children's Services colleagues were also aware and focussed on delivering housing to care experienced young people.
- 6.8 The proposals referenced working towards an 'outstanding' Ofsted rating for Children's Services and Members questioned what needed to be done, how this was addressed within the budget and what targets had been set for officers. It was noted that this would involve embedding best practice already underway and the Cabinet Member for Children's Services gave credit to the previous Administration for the progress in Children's Services moving from 'inadequate' to 'good' making sure children are safe as well as implementing the recommendations from the Joint Area Targeted Inspection (JTAI). There was an ambition to go beyond children feeling safe, to ensure they thrive and achieve more uniformity across services. More work was needed for Special Educational Needs and Disabilities (SEND), training, accommodation and youth service accommodation. The whole Council, including both Members and Officers, were supportive of the objective to work towards 'outstanding' and Members noted that updated targets would be set once the Council's Community and Corporate Plan had been approved.
- 6.9 Members questioned the definition of investment and if the additional £1.9m for Children's Services would meet the needs of the service and young people. It was noted that the Service was looking at different ways of working for our young people, for example working with partners such as South Devon College, the Council and other employers to take on care experienced young people as well using the Family Hub model, which the Council was a trailblazer for.
- 6.10 Members challenged the delivery of the proposed savings in respect of school transport as the wording was the same as last year and no young people had successfully moved to independent travel so far and children had a statutory right to transport for their school career once granted. It was noted that the proposal for school transport needed to be developed further before it was

taken forward and that the budget did not rely on making savings in 2024/2025 and that this was one of 9 key areas being explored to inform longer term savings once all options had been developed and agreed.

7. Chief Finance Officer Statement

- 7.1 The Chief Finance Officer advised that this was the first year he had been in post and that the budget had been developed in the context of future challenges and the savings plans identified were big areas which would have a significant impact on the Council in the future if the issues were not addressed and savings made. Torbay Council was in a better financial position than other Councils, which was a testimony to the work done to date. 2025/2026 would be a challenging year with the new contract for the Integrated Care Organisation for Adult Social Care and Health, a drop in the allocation of Business Rates compared to the settlement, cost of social care going up above the level of funding provided, issues around homelessness, housing and temporary accommodation. Therefore, the Council was looking at three-year proposals taking into account the medium-term financial position of the Council.

8. Fees and Charges

- 8.1 Members noted that the fees and charges had generally been increased by 4% inflationary costs with a few areas increasing more as set out in the submitted papers.
- 8.2 Members noted the written responses to the key lines of enquiry as set out in the published document. It was noted that the webpage 'check what items can be taken' to the Household Waste Recycling Centre regarding charges for DIY waste was out of date and officers would be requested to update this to reflect that there were no longer charges for this waste, up to specified limits.

(Note: at the start of the meeting Councillor Fellows declared a pecuniary interest as a self-employed taxi driver, but did not need to leave the meeting as the fees and charges were not discussed relating to this).

9. Financial Reserves policy

- 9.1 The Director of Finance had undertaken a review of the Council's Reserves and had consolidated many of the 50 reserves which had been held for a number of years, where there had been no financial movement over a period of two years or more, and those without a clear future spend commitment had been absorbed into the General Fund Reserve or Comprehensive Spending Review Reserve following consideration of the purpose of the reserves and had included the use of one off reserves for Tor Vista, Schools/Westlands Private Finance Initiative (PFI) and Oldway, dissolving some of the smaller reserves and creating the table of reserves set out in Appendix 1 to the submitted report.

- 9.2 The Financial Reserves Policy identified the use of reserves for one off spend. The Collection Fund was high and it was proposed to reduce this to £3m and the General Fund was proposed to be increased to £7.6m which equated to 5% of the Council's NET budget.
- 9.3 Members noted the written responses to the key lines of enquiry as set out in the published document.
- 9.4 Members supported the General Fund Reserve being maintained at 5% of the Council's NET budget but questioned the reduction in the Housing related reserves from £1.809m to £1m. It was noted that this reduction was due to grants from the Government being handed out. The Housing Reserve included housing benefit and discretionary housing allowance.
- 9.5 Members acknowledged that the Council Tax collection rate for those in receipt of Council Tax Support was lower at around 59% but that it was hoped the new banded Council Tax Support scheme would help to alleviate this, but officers would need to closely monitor collection rates moving forward.
- 9.6 It was questioned whether the £100,000 identified in the motion (set out below) submitted to the Council to drive forward more 20 MPH zones had been included within the budget. It was noted that this had not been included but that the Director of Finance had written a report which would be presented to the Council meeting on 1 February 2024, which suggested that additional funding for 20 MPH Zones should be considered as part of the budget setting process and Members supported the Cabinet identifying additional funding to support this as part of this review.

Motion: "There continue to be high levels of concerns over road safety which have been expressed to us by residents in many parts of Torbay about the excessive speed of traffic in residential areas particularly on arterial routes near or outside schools.

We believe that this is putting the safety of pedestrians at risk, including parents with young children in prams and buggies, as well as for wheelchair users, the frail and elderly, and anybody attempting just to cross a road.

We believe that some of the roads in greatest need of urgent action to control vehicle speeds include our older ex-Council estates and high density areas, which often have a predominance of terraced housing.

The principle has already been agreed by the Council to introduce 20mph neighbourhoods especially in close proximity to our schools and in relation to areas which have a high concentration of accidents. At the 22 February 2023 Transport and Parking Working Party, it was stated that there was strong support from schools across Torbay suffering from speeding traffic impacting

on their pupils for such 20mph neighbourhoods. The following schemes were earmarked for action:

Phase One

Hayes School (Totnes Road & St Michael's Road) (Hayes Road already has permanent 20mph zone)

Cockington School (Avenue Road & Mill Lane areas)

Sacred Heart School (Cecil Road area)

Barton Academy (Barton Hill Road)

Torquay Academy (Barton Road & Cricketfield Road areas)

St Cuthbert Maine (Teignmouth Road & Westhill Road areas) (could include St Margaret's and Homelands Schools)

Phase Two

Roselands Primary School (Roselands Drive area)

White Rock Primary School (Davies Avenue/Gibson Road areas)

Sherwell Valley Primary School (Upper Cockington Lane/Drake Avenue/Hawkins Avenue areas)

Curledge Street Primary School (will be included within the proposed Fisher Street zone

but consideration to expanding zone into Dartmouth Road area)

Ilsham Primary School (Ilsham Road and Babbacombe Road areas)

Eden Park Primary School (in quiet residential area, no 20 limit in place)

St Margaret Clitherow School (in quiet residential area, no 20 limit in place)

Chestnut Primary School (in quiet residential areas, no 20 limit in place)

As at the 19 October 2023 we note with concern that the above schemes which have been earmarked for action are not being delivered at pace. One particular example where the need for reduced traffic speeds is overdue is Barton Hill Road, from the Barton shopping centre, to Hele roundabout, via Barton Academy, where there is an urgent need to reduce traffic speeds. We are also aware that accidents continue to happen in the neighbourhood of St Cuthbert Mayne with a motorcycle accident where the motorcyclist was hospitalised in early October.

In light of this and in the interests of community safety, therefore the Council is recommended:

That the Director of Finance be instructed to identify £100,000 of one-off money to provide the capacity to take these schemes (as set out above) forward within the next 12 months."

10. Service changes and savings plans

- 10.1 Members were advised that the Cabinet had not included the savings proposals in the Revenue Budget for 2024/2025 but the 9 areas included

within the consultation were proposals of what would be developed further and discussed with Members.

- 10.2 Members challenged the approach taken as in previous years star chambers had been held with tangible outcomes on how much savings or additional income would be realised. It was explained that the focus had been on how the Council could develop a more sustainable financial position over the medium term. The previous approach resulted in a number of savings targets being placed against budgets where, ultimately, actions were not subsequently delivered resulting in legacy budget pressures..
- 10.3 Members questioned when the Council would know what the impacts were on our communities as a result of the emerging savings plans and were advised that Equality Impact Assessments (EIAs) would be developed once the proposals had been worked upon further. A new Partnership and Inclusion Officer was now in post and was working on how to improve our EIAs.
- 10.4 In response to questions it was explained that the high, medium and low related to the initial estimated impact of the proposal and the range of figures was an estimate of the proposed savings which had been put forward to be worked on further. Members sought additional engagement with Overview and Scrutiny as the savings plan proposals develop to enable them to monitor any identified savings.

11. Equality Impact Assessments

- 11.1 Members were informed that the Equality Impact Assessment (EIA) did not fully assess the savings plans for each department and that a specific EIA would be developed as part of the governance arrangements for each proposal.
- 11.2 Members noted the written responses to the key lines of enquiry as set out in the published document.
- 11.3 The Cabinet had passed the following motion, at its meeting held on 21 March 2023, around supporting the campaign for care experienced young people to be included under the criteria for protected characteristics and Members requested a proactive approach in that this should be included within the EIA information.

Motion: "That the Cabinet resolves:

- To formally support the Show Us You Care Too campaign which calls for care experience to be made a protected characteristic as part of the Independent Review into Children's Social Care;
- For the council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views; and

- To continue to build apprenticeship opportunities for care experienced young people.”

11.4 It was questioned as to what provision was available for the LGBTQ+ community if they wanted to receive care that may not be available from their provider. Members were advised that each person was dealt with on a case-by-case basis and if a provider was unable to give this support, the person was offered direct payments and was assisted in purchasing care themselves by a social worker. Work was also being carried out to encourage people with protected characteristics to enter the care market.

Capital Report

12. Capital Strategy

12.1 Members noted the background to the revised Capital Strategy which sought to provide greater focus each year as to the progress of projects, milestones, approved budgets and deliverability. The Capital Strategy currently proposed that £22m would be spent in 2024/2025 but this was expected to increase as more business cases are approved and new projects added. A number of documents formed part of the Capital Strategy which included Treasury Management Strategy, Grant Funding Pending List, and Capital Investment Plan 2023/24 to 2026/27.

12.2 Members noted the written responses to the key lines of enquiry as set out in the published document.

12.3 Members discussed the public perception around the investment properties which had been purchased several years ago for properties outside of Torbay and what the policy was to review them and determine if or when it would be appropriate to dispose of any of them or any of the Council's other assets. It was noted that the Council had borrowed £211m to buy the investment properties which generates around £13m which funds the cost of borrowing, contingency costs and provides £4.1m for the Revenue Budget per year. Any decisions would be based on a business plan at the time to enable all options to be evaluated to determine if disposing or keeping an asset was appropriate. Members were advised that as a result of prudent treasury management it was unlikely that the Council would need to borrow further money for the next two years. However, the holding of commercial assets would need to be reviewed before the Council undertook any further borrowing. In light of a lack of a strategy to deal with the disposal of any investment property that has reached a position where it has become financially advantageous to sell off. Such a strategy should be developed within the next 6 months which would address the review of commercial assets and disposal of investment property where financial benefit was identified.

- 12.4 The 4 Year Capital Investment Plan provided an overview of the projects by category that the Council was trying to deliver. There was also a list of projects identified as feasible and developing projects which would be moved to the Plan once they had their business cases and funding approved.
- 12.5 Members had previously received a draft template for monitoring the Capital Plan and suggested that it would be useful to see the date when the project was first added to the Capital Plan, when a decision was made to move it forward and indicative costs approved to measure the speed of development and financial impact of delays to the projects.
- 12.6 Members went into private session to discuss some additional funding which had yet to be announced.

13. Key Lines of Enquiry/Questions and Answers.

- 13.1 Members questioned if the additional £900,000 for homelessness included investment in Leonard Stocks and were advised that there was a separate business case for the Leonard Stocks which was self-funded and due to be presented to Cabinet and Council in February 2024. The additional money was partly to deal with pressures on temporary accommodation and investment in prevention work. There had already been some success in reducing numbers in temporary accommodation and as this drops it would enable more investment to be directed towards prevention. The aim was to reduce the reliance on temporary accommodation and to focus more on helping people to be successful in their lives moving forward.
- 13.2 Members acknowledged the importance of supporting people with their social care and housing needs within the Adult Social Care budget and recognised that careful consideration would need to be given as the draft savings plans were developed, together with learning from successes such as reablement and focussing on supporting working age people and working with consultants to identify the best options to take forward. Approximately £400,000 had been spent on consultants which was expected to realise £10m recurrent savings.
- 13.3 Members asked how services were joining up on the upgrade/replacement of the Paris IT system. A joint options appraisal was being developed with service users to ensure that any replacement did not disadvantage frontline staff and it would replace an out-of-date system which only one other local authority uses. The new system would also present the opportunity for equality data to be collected.
- 13.4 The written response to Q1, did not mention any budget to tackle deprivation, and Members questioned how this was being addressed. A verbal response was provided that whilst there was no specific budget allocated, key issues were being addressed through the Economic Strategy to enable people to earn more. The Council continued to work with partners around employment and skills, growing jobs and upward skills and helping people to change their

careers. However, it was recognised that the Council and its partners needed to improve targeting some opportunities with Department for Work and Pensions (DWP), NHS Mental Health and South Devon College including apprenticeships and improving the way it collects data around this. Transport was another big area affecting household budgets, and the Council was encouraging active transport through 'Torbay on the Move' as this had benefits for climate, health and reduced expenditure. The Council was working in partnership around a sustainable food partnership to provide a more sustainable approach to reduce dependence on food banks and food supermarkets.

- 13.5 Torbay has the 3rd highest rates of suicide in the country and Members questioned why there was no specific budget or reference to suicide awareness training in the paperwork. Members were informed that training on suicide awareness such as SAFETALK was being rolled out. This activity was co-ordinated by the Public Health Team who leverage funds and this was also a key priority area for partners and the NHS through the Integrated Care Board. There was a commitment to Mental Health First Aid and Suicide Awareness training as well as supporting families and survivors of suicide via peer support etc. Members felt that this offer should be more widely communicated to enable more people to access support and help each other.
- 13.6 Arising from Q21 Members asked how much money was left from the 2023/2024 Household Support Fund (HSF) and if it was likely that the Government would not provide this fund for 2024/2025. It would not be known until 6 March 2024 if the HSF would be continued and Members were concerned over the impact that this would have on vulnerable residents with increasing numbers of people finding themselves in poverty. It was anticipated that all the Household Support Fund would be allocated by the end of 2023/2024. Members were advised that the Council Tax Support Scheme which added an additional £500,000 would help to mitigate this but the main risk was around food banks. The Council was working on creating a sustainable food partnership working with the food banks and food supermarkets to become more self-sufficient moving towards a social supermarket model which was better for Torbay residents. Help was also provided to reduce rents for those who were statutory homeless. Members suggested the need for assurance that further funding would be made available by the Council to replace some of the funding previously provided through the Household Support Fund. If HSF funding was not available for 2024/2025 funding provided directly by the Council could, for example, be used to support foodbanks/food supermarkets, care leavers, Family Hub issued food vouchers and debt advice etc.
- 13.7 Members were concerned about funding to support community centres and questioned what was being done to help support these valued community hubs. It was noted that most of the Council's assets, including community centres, operated under a fully repairing lease otherwise the costs would fall to the Council and additional funding would need to be found for this. The

Council has a role to support the community centres and help them access external funding which the Council is not able to access (for example Parkfield House was looking for grants to help with their maintenance costs). Members were concerned about the future viability of the community centres if the Council and other partners were unable to provide further support to them and suggested the need for a strategy to be put in place to address that concern.

- 13.8 It was raised as to whether there was funding in the budget to support Council play parks and skateparks, particularly Victoria Skatepark and what the timescale there was for this. Members were advised that Victoria Skatepark had been closed following an inspection and it was not able to be repaired and would require a wholesale replacement. With alternative skateparks in the local area, a decision would need to be made as to what would be the best use of resources. Members highlighted the importance of exploring options for Victoria Skatepark as a valued starter venue as neighbouring Skateparks supported more experienced users and skateboarding was likely to be a legacy sport with the forthcoming Olympics. A review of play parks was currently underway looking at the best options on a ward-by-ward basis. This was expected to be completed by Easter 2024 and Members requested that a copy of this be shared with all Councillors. There was no reduction in the budget for this area, but the Council was exploring how to find better ways of providing good services within existing budgets. Members sought assurance that resources would be appropriately targeted to meet the outcome of the review, taking into account the condition and lack of maintenance of play parks.
- 13.9 Members discussed difficulties in accessing Section 106 contributions towards parks in Shiphay whereas schemes had been implemented in other wards. Members were concerned over the reduction in value of the funding as a result of delays.
- 13.10 Members questioned the approach to prioritisation for highways lining etc. as previous lining seemed to have focussed on some wards and not others. It was noted that heavy duty lorries were initially used but were not suitable for many areas and a 7 tonne truck and 3 ½ tonne lining trailer had been commissioned but that this was also too large for some of the smaller roads. The Cabinet Member for Place, Transport and Parking advised that prioritisation was carried out via a matrix, firstly looking at safety, then most urgent for enforcement and then for reasons around visibility. Members sought written clarity on the prioritisation for highways lining.
- 13.11 Members questioned the split between support and enforcement for the additional £300,000 for Operation Town Centres. This was split 55% for enforcement 45% for support through partnership working with the Police, Mental Health and Homelessness Teams working from the Town Hall via a one stop shop.

- 13.12 It was noted that Community Ward Funds were included within the budget at £2,000 per Member but there was an ambition as part of the Administration's manifesto to increase this in the future.
- 13.13 Members discussed the reasons as to why no specific funding was included in the budget for Sport. It was acknowledged that this was an oversight and previously £225,000 had been included in the budget over four years (£50,000 per annum increased to £75,000 in 2023/2024) but that this had not been carried forward for 2024/2025. It was noted that 40 projects had benefited from £70,000 Back to Sports funding and individuals had also been funded through 'Believe to Achieve' funding for national sports etc. administered through Sport Torbay. It was noted that there was a need to help sports clubs to improve the quality of their bids in order for them to receive funding through the Community Infrastructure Levy (CIL). Members suggested that the Cabinet should identify £75,000 Revenue funding be added to the base budget to support sports in Torbay working in partnership with Sport Torbay.
- 13.14 Members questioned if there was a breakdown on each element of the proposed Residents' Discount Scheme. It was noted that proposals were still being developed to ensure the most cost effective solutions are realised. It was proposed that something should be done around parking and toilets, potentially through an app or card. Members questioned if the temporary Portaloo's would be provided during the season at Corbyn Head and if this was included within the budget. It was confirmed that they would be in place and were included within the budget proposals.
- 13.15 Members noted the written responses to the key lines of enquiry as set out in the published document.

14. Draft Report on the Review of Events, Culture and Tourism

- 14.1 Members heard about the importance of heritage to Torbay's economy and the ability to unlock additional funding from outside Torbay working with organisations such as the Arts Council and English Heritage and the ongoing work building relationships and working with the Place Board to secure benefits for Torbay. They also received an update on key events such as the English Riviera Airshow and the different community approach being taken this year. The Cabinet Members were confident that the Airshow would be delivered within the £100,000 match fund budget target and that this would ease pressure on the £1m reserve put in place to support events over the next four years. Members questioned the tone of some of the communications surrounding the Airshow. However, those present expressed their support and passion for the Airshow as well as supporting heritage projects, key events and the aspiration for Torbay to be The Premier Resort, working in partnership with the community, voluntary and business sector as well as key partners such as Torbay Culture and the English Riviera Business Improvement District (ERBID).

- 14.2 Members questioned if the intention was to bring forward other events in addition to headline events such as the Airshow. It was noted that potential events were set out through the Destination Management Plan with their Management Group working closely with the ERBID on a shared aspiration for events. The Bay of Lights Illumination trail was proposed to be an annual signature event from 1 December to 2 January so that businesses could prepare for this regular event and help to promote it, with the aim of increasing footfall during the Winter period. There was also an opportunity to explore more activity on and around the water of Tor Bay so that we could use all of the offer to attract more international, higher spending and longer staying visitors.
- 14.3 The Council had run free music events on Torre Abbey for the Jubilee and Coronation and Members questioned if it was proposed to run similar free events again. It was noted that these were one off free events to commemorate these two major national celebrations.
- 14.4 Members questioned if there was still a plan for a Town Centre Manager following a request from traders in Torquay, who could help put events on and help promote the Town Centre. It was confirmed that there was funding within the budget, however, focus had initially been around making the Town Centres cleaner and tackling antisocial behaviour which would be picked up through the additional funding identified through Operation Town Centres and Operation Brighter Bay. Early conversations had taken place about a Torquay Town Centre Business Improvement District (BID) but it was not known if there were sufficient businesses to take this forward.
- 14.5 Members noted the submitted draft report of the Review of Events, Culture and Tourism and endorsed the following recommendations which would be put to the Cabinet meeting on 19 March 2024:

That the Cabinet be recommended:

1. that the Director of Pride in Place be requested to review how local businesses can become more involved to help promote cultural activity within Torbay, to ensure that local businesses feel connected into UNESCO Global Geopark Status and cultural assets;
2. that the Director of Pride in Place be requested to review the activities around education and raising the profile of the UNESCO Global Geopark, exploring how to maximise opportunities for education, particularly encouraging national geologists to use the Geopark and Devonian Period etc. and to include increased signage and boards with a particular focus on attracting more out of season opportunities;
3. That the Director of Pride in Place be requested to review the resource and capacity of the Events and Culture Team, including administrative

support, and to explore how the independent, voluntary, community and business sectors could contribute to ensure that there is sufficient capacity and resources to deliver:

- a. the Cultural and Heritage Strategies;
 - b. projects where the Council has received significant external funding;
 - c. future ambitions of the Council and its key partners, including the continuation of the £100,000 match funding from the Council to mirror the funding that the English Riviera Business Improvement District Company puts towards the delivery of the Events Strategy and Destination Management Plan;
4. that the Director of Pride in Place and Chief Executive of the English Riviera Business Improvement District be requested to review the communication around how to advertise events taking place in Torbay through <https://www.englishriviera.co.uk/whats-on>, including signposting approved event's organisers to the website, to ensure greater take up especially of smaller events;
 5. that the Director of Pride in Place reviews whether the Torre Abbey pitch and putt contract remains the most appropriate use of the space to meet the Council's cultural and heritage objectives, especially in light of the ongoing damage and annual repair costs to the roof of the Spanish Barn; how the risk of damage to the Spanish Barn can be reduced in future and explore alternative uses for the area, maximising the archaeological history of the site;
 6. that the annual Business Plan for Torre Abbey be reviewed and presented annually to the Overview and Scrutiny Board together with details of performance against the previous plan;
 7. that the Director of Pride in Place be requested to ask the Destination Management Group to explore options for working more collaboratively with attractions across Torbay to establish how they can work together to encourage and incentivise visitors to multiple attractions to help increase footfall;
 8. that Members support the proposed revisions set out in the Events Strategy Suggested Updates document which ensures that it is in line with the Destination Management Plan and consider that the Events Strategy remains relevant;
 9. that a report on implementation against the Events Strategy and Destination Management Plan is submitted to the Overview and Scrutiny Board to review and monitor performance on an annual basis or earlier if budgetary or capacity concerns are identified, to ensure that delivery of the Strategy and Plan remain achievable;

10. that the Director of Pride in Place be requested to develop and implement a criteria and application form for headline and feature events based on the Events Strategy and Destination Management Plan to enable the Council to assess applications against that criteria, particularly during the shoulder seasons to ensure that the events taking place on Council land are compliant with the Events Strategy;
 11. that the Director of Pride in Place and the Events Team be requested to assess the effectiveness of the Torbay Events Advisory Panel and whether working with the ERBID and English Riviera Events Collective as an alternative would release capacity within the Team;
 12. that the Director of Pride in Place be requested to explore the costs of a feasibility study to assess whether Torbay's meadows and green spaces could be utilised as show grounds; and
 13. that the Director of Pride in Place be requested to review the information on the Council's website and documents relating to events such as the 'Events in Torbay A Guide for Organisers' and 'Apply to Hold an Event' to make them more accessible.
- 14.6 Members noted the written responses to the key lines of enquiry as set out in the published document.
- 14.7 Members noted the additional funding for Events of £250,000 per year over the next four years and suggested that recommendations 3 and 12 above should be highlighted to the Cabinet to consider as part of the budget setting process, to help alleviate the pressures facing the Events Team, should additional funding be identified as part of the budget setting process.

(Note: at the start of the second meeting, Councillor Jackie Thomas declared a non-pecuniary interest as a former member of the Review Panel and now being the Cabinet Member for Culture, Tourism & Events, and Corporate Services.)

15. Conclusions and Recommendations

- 15.1 The Priorities and Resources Review Panel reflected and debated the information provided to them, both in writing and orally, following which, recommendations were formed (as set out below). Members welcomed that due to prudent management of the Revenue Budget over the past few years, there were no specific cuts to services identified within the proposals. They also supported a more streamlined Capital Plan focussing on projects with approved funding showing where money would be spent over the next four years to enable better monitoring against delivery of projects.
- 15.2 Members were concerned over the uncertainty in respect of the future of the Household Support Fund and the impact on those in poverty and sought

assurance that alternative provision would be made through identification of further reserves. Whilst recognising the Capital projects and work around temporary accommodation, Members did not feel that the housing crisis and provision of more affordable homes had been sufficiently addressed through the budget and that more funding needed to be identified as well as a clearer steer on how the Council intends to deliver against the Housing Strategy. On being put to the vote, the motion was declared carried unanimously (to be updated after the Overview and Scrutiny Board on 7 February 2024).

15.3 That the Cabinet be recommended:

1. that if further funding through the Household Support Fund for 2024/2025 is not announced or provided by the Government, that additional reserves be identified, in addition to the £1.8m Housing Reserve, to replace some of the funding previously provided through the Household Support Fund by the Government to be used, for example, to support foodbanks/food supermarkets, care leavers, Family Hub issued food vouchers and debt advice and to request the Director of Adult and Community Services to work with the third sector to help identify where the support is most needed;
2. to consider allocating one off funding of £100,000 to implement the 20 MPH Zones identified through the submitted Motion set out at paragraph 9.6;
3. that the Cabinet be requested to work with the Head of Housing and Director of Pride in Place to progress this work as a matter of urgency and once the additional Government funding has been confirmed the Cabinet should review how this can be used to free up funds to create an enabling fund to assist with provision of affordable housing in Torbay, to be used through the Housing Delivery Group as part of the 2024/2025 delivery plan to include activities such as:
 - progressing Torre Marine;
 - work on temporary accommodation which could include considering potential for temporary uses on some of the Council owned sites and/or acquisition of stock from market housing;
 - continuing to engage with Homes England and use the Levelling Up Partnership and the new Homes England Strategy, which is more place focused, as our way to deepen the Council's connection; and
 - considering as part of the review of Council assets opportunities for disposal or development of a range of sites which may require further funding to support development of the sites;

(Note: the Review Panel found that there was no evidence within the Revenue Budget on how affordable housing would be delivered, what options have been considered, including the potential for the Council to further develop its own housing stock and create a

Housing Revenue Account as well as exploring opportunities to work further with registered housing providers).

4. that the new approach to service change and savings plans, lacks a clear timeline and details of the process for the development of the 9 areas and this should be provided to Overview and Scrutiny so that they can schedule the relevant areas into one of the three Boards/Sub-Boards as part of their Work Programmes for 2024/2025

(Note: progress on Savings Plans would be reviewed as part of the Overview and Scrutiny Monthly Briefings so they can identify which ones need to go to which Board/Sub-Board);

5. that, following the motion agreed at Cabinet on 21 March 2023 where the Cabinet agreed to support the Show Us You Care Too campaign which calls for care experience to be made a protective characteristic as part of the Independent Review into Children's Social Care, the Cabinet to take a proactive approach and locally recognise care experience within future Equality Impact Assessment (EIA) information;
6. that a policy on asset retention and disposal of assets be developed and included within the Capital Strategy;
7. to include within the quarterly monitoring and 4 year Capital Strategy, the date when project was first added to Capital Plan, when the Council made a decision to move forward and indicative costs at that time to measure the delivery against the speed of project development;
8. that a plan be developed to address how the Council and its partners can work with Torbay's community centres, to help support them with their maintenance so that they don't end up in crisis and this is brought back to the Overview and Scrutiny Board for consideration;
9. that all Councillors be provided with details as to how the repainting of yellow and white lines on the highways are prioritised and what revenue consideration is given in respect of enforcement;
10. that £75,000 Revenue funding be included in the base budget to support Sport in 2024/2025 and future years;
11. to ensure that the review of play parks secures their future sustainability and additional funding options be explored such as Olympic legacy funding, existing funding opportunities and grants which could help replace assets such as the Victoria Skatepark working in partnership with organisations such as Sport Torbay; and

12. that the following recommendations from the Review of Events, Culture and Tourism be considered as part of the budget setting process, should additional funding be identified through the process:
 - “3. That the Director of Pride in Place be requested to review the resource and capacity of the Events and Culture Team, including administrative support, and to explore how the independent, voluntary, community and business sectors could contribute to ensure that there is sufficient capacity and resources to deliver:
 - a. the Cultural and Heritage Strategies;
 - b. projects where the Council has received significant external funding;
 - c. future ambitions of the Council and its key partners, including the continuation of the £100,000 match funding from the Council to mirror the funding that the English Riviera Business Improvement District Company puts towards the delivery of the Events Strategy and Destination Management Plan; and
12. that the Director of Pride in Place be requested to explore the costs of a feasibility study to assess whether Torbay’s meadows and green spaces could be utilised as show grounds.”

Torbay Council Fees & Charges

This document outlines the fees & charges applied by Torbay Council in exchange for goods or services provided by the Council. Fees & charges are categorised to assist decision making.

Category	Description	Suggested basis for change
National	Fee set nationally in statute, by a regulator or similar. The Council is not able to vary these fees or charges.	As per national changes
Cost Recovery	Fee set based on recovery of the full cost to deliver the goods or service. The Council must ensure full cost recovery in the provision of this service.	<p>Where full cost recovery is in place, the increase should reflect any changes to the cost of delivering the service.</p> <p>An increase of at least 4% is recommended to cover the estimated pay and price increases. This approach ensures fees & charges are rising in line with the costs associated with support/delivery.</p> <p>Where full cost recovery is not in place, prices are recommended to rise to ensure full cost recovery to prevent inadvertent tax payer subsidy.</p>
Traded	This is a service which is also offered in a commercial environment and the price should reflect market factors such as supply, demand and competition.	Increase by estimated level of inflation in April 2024. Currently assumed to be 4% and matches assumptions in our MTFP.
Subsidised	Fee set below cost to deliver in order to incentivise a particular activity. This category of fee or charge is therefore subsidised by the taxpayer	Increase by at least 4% to cover the average impact of the pay award. This ensures fees & charges are rising in line with the staff costs associated with support/delivery.
Levy	Fee or retrospective charge as a result of activity which the Council is able to levy an additional charge. These fees/charges are typically higher to act as a general disincentive or penalty to prevent non-compliance or failure to meet an agreed course of activity	Increase by estimated level of inflation in April 2024. Currently assumed to be 4% and matches assumptions in our MTFP.

Building Control Fees and Charges

<http://www.torbay.gov.uk/planning-and-building/building-control/bc-fees/>

Standard application charges for new dwellings and those created by conversion (Houses, flats and maisonettes not exceeding 300m ² in area and 3 storeys in height)	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
1 dwelling	1020.00	1070.00	Traded
2 dwellings	1,280.00	1,335.00	Traded
3 dwellings	1,440.00	1,500.00	Traded
4 dwellings	1,600.00	1,665.00	Traded
5 dwellings	1,750.00	1,820.00	Traded
6 dwellings	1,900.00	1,976.00	Traded

For developments in excess of 6 units, please contact the Building Control Division for details

Standard charges for small domestic buildings, extensions, rooms in the roof	£ Current 2023/24 Full Plans Charge	£ Current 2023/24 Building Notice Charge	£ Proposed 2024/25 Full Plans Charge	£ Proposed 2024/25 Building Notice Charge	Category
VAT Rate SR					
Extension not exceeding 10m ²	500.00	565.00	550.00	630.00	Traded
Exceeding 10m ² but not over 40m ²	760.00	820.00	820.00	890.00	Traded
Exceeding 40m ² but not over 100m ²	860.00	940.00	920.00	1,020.00	Traded
Any non-exempt Garage/Carport	420.00	470.00	450.00	510.00	Traded
Loft Conversion	650.00	750.00	700.00	820.00	Traded
Conversion of domestic garage to habitable accommodation	380.00	430.00	430.00	500.00	Traded

(Areas are total floor areas of all storeys measured internally)

Where the total or the aggregation of the floor area of one or more extensions exceeds 40m², please contact the Building Control

Standard charges for the Renovation of Thermal elements, Window replacement and Electrical/Controlled Installations for small domestic buildings VAT Rate SR	£	£	£	£	Category
	Current 2023/24 Full Plans Charge	Current 2023/24 Building Notice Charge	Proposed 2024/25 Full Plans Charge	Proposed 2024/25 Building Notice Charge	
Renovation of a thermal element to a single dwelling, (replacement roof covering, render, internal plaster or insulation)	200.00	200.00	250.00	250.00	Traded
Controllable electrical work to a domestic dwelling, (not competent persons)	175.00	175.00	180.00	180.00	Traded
Electrical work comprising of re- wiring a whole house (not competent persons)	240.00	240.00	270.00	270.00	Traded
Replacement of windows/doors (not competent persons) 1-4	150.00	150.00	155.00	155.00	Traded
Replacement of windows/doors (not competent persons) 5+	220.00	220.00	230.00	230.00	Traded
Installation of microgeneration systems or the installation of solid fuel, gas or oil fired appliances	150.00	150.00	200.00	200.00	Traded

Standard charges for all other building work (including Renovation of thermal elements to Non Domestic Buildings) VAT Rate SR	£	£	£	£	Category
	Current 2023/24 Full Plans Charge	Current 2023/24 Building Notice Charge	Proposed 2024/25 Full Plans Charge	Proposed 2024/25 Building Notice Charge	
Under £2,000	210.00	240.00	240.00	300.00	Traded
£2,001 – £5,000	330.00	370.00	380.00	440.00	Traded
£5,001 – £10,000	420.00	500.00	470.00	560.00	Traded
£10,001 – £25,000	650.00	650.00	700.00	700.00	Traded
£25,001 – £50,000	790.00	790.00	840.00	840.00	Traded

For developments in excess of £50,000 please contact the Building Control Division for details

Regularisation Fees Domestic Extensions and Alterations	£ Current 2023/24
VAT Rate OS	
Extension not exceeding 10m sq	695.00
Exceeding 10m sq but not over 40m sq	990.00
Exceeding 40m sq and over	1,230.00
Any garage/carport	590.00
Conversion of domestic garage to habitable accommodation	550.00
Loft conversion	1,120.00
Renovation of a thermal element to a single dwelling, (replacement roof covering, render, internal plaster or insulation)	290.00
Installation of microgeneration systems or the installation of solid fuel, gas or oil fired appliances	220.00
Controllable electrical work to a domestic dwelling	250.00
Electrical work comprising of re- wiring a whole house	310.00
Replacement of windows 1-4	220.00
Replacement of windows 5+	300.00
Regularisation Fees The Building or Conversion of New Dwellings	£ Current 2023/24
VAT Rate OS	
1 dwelling	1,150.00
2 dwellings	1,490.00
3 dwellings	1,750.00
4 dwellings	1,920.00

£ Proposed 2024/25
835.00
1,188.00
1,476.00
710.00
710.00
1,344.00
340.00
290.00
260.00
340.00
230.00
312.00
£ Proposed 2024/25
1,280.00
1,600.00
1,820.00
1,996.80

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Regularisation Fees Calculation of Charges for all Other Building Work: Estimated Cost of Work	£ Current 2023/24
VAT Rate OS	
Under £2,000	310.00
£2,001 – £5,000	520.00
£5,001 – £10,000	774.00
£10,001 – £25,000	950.00
£25,001 – £50,000	1,150.00

£ Proposed 2024/25
400.00
541.00
805.00
990.00
1,200.00

Category
Levy
Levy
Levy
Levy
Levy

For works with an estimated value over £50,000 please contact

Parking - Off Street

Off Street Parking Places – Zone 1 (charges apply 7am to midnight)

VAT Rate SR

Brixham

Car Park	Up to 30 minutes	Up to 1 hour	Up to 2 hours	Up to 3 hours	Overnight ²
Brixham Central Car Park ¹	£0.90	£1.60	£2.80	£4.00	£4.90

¹ – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

² - Overnight is available 6pm to midnight

Paignton

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight ³
Churchward Road Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Crown & Anchor Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Great Western Car Park ¹	£1.60	£2.80	£4.00	n/a	n/a	£4.90
Preston Gardens Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Station Lane Car Park ²	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Victoria Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a

¹ – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

² – Long stay car park also has a section of parking bays that allow a maximum stay of 60 minutes.

³ - Overnight is available 6pm to midnight

Torquay

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight ⁵
Brunswick Square Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Chilcote Close Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Lower Union Lane Multi Storey Car Park ³	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Lower Union Lane Shoppers Car Park ⁴	£1.60	n/a	n/a	n/a	n/a	£4.90
Lymington Road Coach Station Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Melville Street Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
St Marychurch Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Town Hall Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a
Union Square Car Park	£1.60	£2.80	£4.00	£5.10	£9.40	n/a

³ – Pay on exit car park.

⁴ – Maximum stay of 1 hour permitted during the period 7am to 6pm every day.

⁵ - Overnight is available 6pm to midnight

Off Street Parking Places – Zone 2 (charges apply 7am to midnight)

VAT Rate SR

Brixham

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Freshwater Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Oxen Cove Car Park	£1.70	£2.90	£4.10	£5.30	£10.10

Paignton

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Clennon Valley Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Roundham Car Park ¹	£1.70	£2.90	£4.10	£5.30	£10.10

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Torquay

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Hamilton Avenue Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Harbour Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Meadfoot Road Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Princes Street Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Shedden Hill Car Park	£1.70	£2.90	£4.10	£5.30	£10.10
Torre Valley Car Park ¹	£1.70	£2.90	£4.10	£5.30	£10.10
Walls Hill Car Park	£1.70	£2.90	£4.10	£5.30	£10.10

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Winter Tariff (only available during the period 1st November to 20th March – dates inclusive) – the above charges apply outside of this period

Car Park	Up to 1 hour	Up to 2 hours	Up to 4 hours	Up to 17 hours
Roundham Car Park	£1.00	£1.40	£2.30	£3.40
Torre Valley Car Park	£1.00	£1.40	£2.30	£3.40

Off Street Parking Places – Zone 3 (charges apply 7am to midnight)

VAT Rate SR

Brixham

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Breakwater Car Park ¹	£1.80	£3.10	£4.50	£5.60	£10.70

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Paignton

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight ³
Broadsands Car Park ¹	£1.80	£3.10	£4.50	£5.60	£10.70	n/a
Cliff Park Road Car Park ¹	£1.80	£3.10	£4.50	£5.60	£10.70	n/a
Colin Road Car Park	n/a	£3.10	£4.50	£5.60	£10.70	n/a
Goodrington ²	n/a	£3.10	£4.50	n/a	n/a	£5.00
Quaywest Car Park	n/a	£3.10	£4.50	£5.60	£10.70	n/a
Youngs Park Car Park	n/a	£3.10	£4.50	£5.60	£10.70	n/a

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of Schedule 7.

² – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

³ - Overnight is available 6pm to midnight

Torquay

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Abbey Park Car Park	n/a	£3.10	£4.50	£5.60	£10.70
Beacon Quay Car Park	n/a	£3.10	£4.50	£5.60	£10.70
Kilmore Car Park ¹	£1.80	£3.10	£4.50	£5.60	£10.70
Meadfoot Beach Car Park ¹	£1.80	£3.10	£4.50	£5.60	£10.70

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Winter Tariff (only available during the period 1st November to 20th March – dates inclusive) – the above charges apply outside of this period

Car Park	Up to 1 hour	Up to 2 hours	Up to 4 hours	Up to 17 hours
Breakwater	£1.00	£1.40	£2.30	£3.40
Broadsands	£1.00	£1.40	£2.30	£3.40
Cliff Park Road	£1.00	£1.40	£2.30	£3.40
Kilmorie	£1.00	£1.40	£2.30	£3.40
Meadfoot Beach	£1.00	£1.40	£2.30	£3.40

Off Street Parking Places – Commercial Vehicle Locations (Charges apply 7am to midnight)

VAT Rate SR

Brixham

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Freshwater Car Park	£5.90	£11.90	£18.20

Paignton

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Clennon Valley Car Park	£5.90	£11.90	£18.20
Victoria Car Park	£5.90	£11.90	£18.20

Torquay

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Hampton Avenue Car Park	£5.90	£11.90	£18.20
Lymington Road Coach Station Car Park	£5.90	£11.90	£18.20
Shedden Hill Car Park	£5.90	£11.90	£18.20

Promotional Parking Charges

VAT Rate SR

<u>Parking period up to:</u>	<u>Charge</u>
Parking Promotion 1 – up to 6 hours	50p
Parking Promotion 1 – up to 12 hours	£1.00

Car Parking - Pay and Display Charges

Agreed charges for 2024/25

On Street Parking Places – Zone 1

VAT Rate OS

Paignton

Street	Charging Hours	Up to 4 hours	All day
Sands Road	8am to 6pm, daily	£1.90	£3.00
Stearfield Road	8am to 6pm, daily	£1.90	£3.00

Torquay

Street	Charging Hours	Up to 4 hours	All day
Lymington Road (commuter spaces)	9am to 5pm, Mon-Sat	£1.90	£3.00
Magdalene Road	9am to 5pm, Mon-Sat	£1.90	£3.00
Newton Road	8am to 6pm, daily	£1.90	£3.00

On Street Parking Places – Zone 2

VAT Rate OS

Paignton

Street	Charging Hours	Up to 30 minutes	Up to 1 hour	Up to 1.5 hours	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 5 hours	Up to 6 hours	All day
Adelphi Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Dendy Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Hyde Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Palace Avenue	9am to 6pm, Mon-Sat	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Queens Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Torbay Road	9am to 6pm, daily (one section is 10am to 6pm daily)	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Farquay Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20

Torquay

Street	Charging Hours	Up to 30 minutes	Up to 1 hour	Up to 1.5 hours	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 5 hours	Up to 6 hours	All day
Abbey Road	9am to 5pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Babbacombe Road	8am to 6pm, Mon-Sat (one section is 8am to 6pm, daily)	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Briary Lane	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Castle Road	8am to 6pm, Mon-Sat	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Lymington Road	8am to 6pm, Mon-Sat	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Market Street	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Parkhill Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Palmico	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
The Terrace	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Torwood Gardens Road	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Torwood Street	8am to 6pm, daily	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20
Union Street	8am to 6pm, Mon-Sat	£1.20	£1.80	£2.80	£3.40	£4.50	£5.70	£6.70	£7.80	£11.20

On Street Parking Places – Zone 3

VAT Rate OS

Paignton

Street	Charging Hours	Up to 30 minutes	Up to 1 hour	Up to 1.5 hours	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 5 hours	Up to 6 hours	24 hours
Eastern Esplanade	24 hours a day, daily	£1.30	£2.00	£2.90	£3.60	£4.80	£5.90	£7.00	£8.10	£11.60
Marine Drive	24 hours a day, daily	£1.30	£2.00	£2.90	£3.60	£4.80	£5.90	£7.00	£8.10	£11.60

Torquay

Street	Charging Hours	Up to 30 minutes	Up to 1 hour	Up to 1.5 hours	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 5 hours	Up to 6 hours	24 hours
Forbay Road	24 hours a day, daily	£1.30	£2.00	£2.90	£3.60	£4.80	£5.90	£7.00	£8.10	£11.60

On Street Parking Permits

VAT Rate OS

Permit Type	Current Charge	Proposed Charges	Category
Annual On Street Permit (up front)*	£670.00	£700.00	Traded
Monthly On Street Permit	£99.00	£105.00	Traded
Monthly Commuter On Street Permit	£60.00	£63.00	Traded
Healthcare and Emergency Badge	£15.00	£15.00	Cost recovery
Controlled Parking Zone	£30.00	£30.00	Cost recovery

* Note – Cost of Annual Permit increases to £748.00 if paid for using Direct Debit option

Parking Permits and Commercial Parking - Fees and Charges

Types of Parking Permits – Off-Street		Current Charges	Proposed Charges	Category
VAT Rate SR		2023/24	2024/25	
Permit Type	Coverage			
Annual (up front)	Covers use in all Torbay Council car parks	£440.00	£455.00	Traded
Monthly	Covers use in all Torbay Council car parks except the Harbour and Lower Union Lane	£72.00	£75.00	Traded
8 days	Covers use in all Torbay Council Car Parks except The Harbour and Lower Union Lane	£50.00	£52.00	Traded
4 days		£28.00	£29.00	Traded
Off Peak	Valid 3.00 p.m. to 10.00 a.m. and covers use in all Torbay Council car parks except pay-on-exit (i.e. The Harbour and Lower Union Lane).	£72.00	£75.00	Traded
Disabled Persons Parking Permit	All Pay & Display Car Parks	£45.00	£46.50	Cost recovery
Administration fee to change vehicle registration details on car park permits	All car park permits	£25.00	£25.00	Cost recovery

Note – Cost of Annual Permit increases to £501.50 if paid for using Direct Debit option

Reserved Bays		Charges	Charges	Category
		2023/24	2024/25	
Beacon Quay	3 spaces	£660.00	£680.00	Traded
Breakwater	2 spaces	£660.00	£680.00	Traded
Chilcote Close	10 spaces	£660.00	£680.00	Traded
Freshwater	24 spaces	£660.00	£680.00	Traded
Harbour Car Park	Not specified	£660.00	£680.00	Traded
Harbour Car Park - Museum Road	Not specified	£660.00	£680.00	Traded
Lymington Road Coach Station	Innovation centre tenants only (28 spaces) Not for general public sale	N/A	N/A	Traded
St Dominics Close	4 spaces	£660.00	£680.00	Traded
Victoria	40 spaces	£660.00	£680.00	Traded
Shedden Hill Car Park	Torquay Lawn Tennis Club only (10 spaces)	N/A	N/A	Traded
Southern Quay	Residential	£715.00	£740.00	Traded
Southern Quay	Business	£1,500.00	£1,545.00	Traded
Reserved Bays	Notification of change of business	£50.00	£50.00	Cost recovery

Commercial Parking (includes coaches)		£	£	Category
Car Parks		Current Charges	Proposed Charges	
VAT Rate SR		2023/24	2024/25	
Time Period - All year round				
Up to 1 hour		£5.70	£5.90	Traded
Up to 4 hours		£11.50	£11.90	Traded
Up to 24 hours		£17.60	£18.20	Traded
Weekly		£71.00	£74.00	Traded

Community Safety Fees & Charges

Food, Health & Safety and Public Safety Discretionary Fees

Body alteration registrations http://www.torbay.gov.uk/business/licensing/skin-piercing/	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Tattooing, Electrolysis and Body Piercing (excluding cartridge systems) – Premises	185.00	192.40	Cost Recovery
Tattooing, Electrolysis and Body Piercing (excluding cartridge systems) – Practitioner	90.00	93.60	Cost Recovery
Tattooing, Electrolysis and Body Piercing : Amendment to registration	52.00	54.08	Cost Recovery
Ear piercing using an approved cartridge system – Premises	100.00	104.00	Cost Recovery
Ear piercing using an approved cartridge system – Practitioner	75.00	78.00	Cost Recovery
Ear piercing: Amendment to registration	55.00	57.20	Cost Recovery

Fish Export Certificates	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
*Export Certificates (fish) – Basic	30.00	31.20	Cost Recovery
*Export Support Attestation	120.00	124.80	Cost Recovery
*Any Export Certificates (fish) – Advanced	120.00	124.80	Cost Recovery
*Export Certificates (fish) – Advanced (where re-issued required due to error caused by business)	120.00	124.80	Cost Recovery

* Charges applicable Monday-Friday

Factual reports to Solicitors following accidents	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Factual report	230.00	239.20	Cost Recovery
Photocopying per sheet	1.65	1.72	Cost Recovery
Photographs	Actual costs	Actual costs	Cost Recovery

Sports Grounds	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
General or Special Safety Certificate (Sports grounds) - new	3,500.00	3,640.00	Cost Recovery
General or Special Safety Certificate (Sports grounds) – alteration requested by sports grounds	1000.00	1040.00	Cost Recovery
Regulated Stand (Sports grounds) - new	1000.00	1040.00	Cost Recovery
Regulated Stand (Sports grounds) - alteration requested by sports grounds	500.00	520.00	Cost Recovery

Licensing Discretionary Fees

Street Trading http://www.torbay.gov.uk/business/licensing/street-and-trading/street-trading/	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Annual	1,132.00	1,177.28	Cost Recovery
Seasonal	893.00	928.72	Cost Recovery
3 months	505.00	525.20	Cost Recovery
1 month	215.00	223.60	Cost Recovery
Daily	165.00	171.60	Cost Recovery
Replacement or amendment	38.00	39.52	Cost Recovery
Small Traders 0-15			
1-3 days #	340.00	353.60	Cost Recovery
4-6 days	497.00	516.88	Cost Recovery
7-9 days	652.00	678.08	Cost Recovery
10-12 days	807.00	839.28	Cost Recovery
13-15 days	962.00	1,000.48	Cost Recovery
16+ days	1,116.00	1,160.64	Cost Recovery
Medium Traders 16-30			
1-3 days	824.00	856.96	Cost Recovery
4-6 days	1,210.00	1,258.40	Cost Recovery
7-9 days	1,597.00	1,660.88	Cost Recovery
10-12 days	1,988.00	2,067.52	Cost Recovery
13-15 days	2,374.00	2,468.96	Cost Recovery
16+ days	2,685.00	2,792.40	Cost Recovery
High Traders 31+			
1-3 days	1,320.00	1,372.80	Cost Recovery
4-6 days	1,946.00	2,023.84	Cost Recovery
7-9 days	2,563.00	2,665.52	Cost Recovery
10-12 days	3,184.00	3,311.36	Cost Recovery
13-15 days	3,797.00	3,948.88	Cost Recovery
16+ days	4,427.00	4,604.08	Cost Recovery
Miscellaneous Other - Local Community Event #	137.00	142.48	Cost Recovery
Miscellaneous Special - Larger Community Event #	412.00	428.48	Cost Recovery
Torbay Council soley run event #	412.00	428.48	Cost Recovery

If an applicant applying for an event/events, applies for a number of days within a given time period, even if those days are not consecutive or not at the same location then the charge will be based upon total number of days applied for. However this cannot be done in retrospect.

Community Partnership Events applications can be co-ordinated using the same criteria, even if the events are run by different Community Partnerships.

One Street Trading Consent can then be issued for all those events applied for and they will be listed within the Consent.

Local Community Street Trading Events (i.e. friend of park etc.) where the purpose is charitable, but where stall holders only pay a contribution for charitable purposes - (with agreement from Council)

Larger Community Street Trading Events (i.e. Carnivals, BMAD etc.) where the purpose is charitable, but where stall holders only pay a contribution for charitable purposes - (with agreement from Council)

Council Event, run by the Events Team (as opposed to an event support by TBC)

Charitable Street Trading Events, where ALL money raised is for charitable purposes - Free (with agreement from Council)

Zoo Licensing	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/animals/zoo/			
VAT Rate OS			
First ever licence	995.00	1034.80	Cost Recovery
Statutory six yearly inspection	400.00	416.00	Cost Recovery
Periodic three year inspection	500.00	520.00	Cost Recovery
Informal annual inspection	500.00	520.00	Cost Recovery
Transfer of Licence	260.00	270.40	Cost Recovery

Dangerous Wild Animal Licences	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/animals/			
VAT Rate OS			
Dangerous Wild Animals Act 1976**	575.00	598.00	Cost Recovery
<i>** Plus costs of vets fees as required</i>			

All Animal Licences (except Zoo and DWA) (see Footnote)	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/animals/			
VAT Rate OS			
Home Boarding **	424.00	440.96	Cost Recovery
Kennels inc Catteries **	495.00	514.80	Cost Recovery
Pet Shops	526.00	547.04	Cost Recovery
Dog Breeding **	526.00	547.04	Cost Recovery
Day Care **	466.00	484.64	Cost Recovery
Horses (Riding Establishments) **	642.00	667.68	Cost Recovery
Performing Animals **	466.00	484.64	Cost Recovery

*** Plus costs of vets fees as required*

Footnote:

In all cases where there is more than one activity per licence. The fee will be:

Highest Cost Activity - Full Fee, plus;

Second (or second Highest) Cost Activity - 30% of fee

Any third or subsequent activity add 10% of fee

Sex Entertainment Premises	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/sex-entertainment-venue/			
VAT Rate OS			
Sex Shop Establishment: New Application (non refundable)	7,212.00	7,500.48	Cost Recovery
Sex Shop Establishment: Annual Licence Fee (non refundable)	4,208.00	4,376.32	Cost Recovery
Sex Shop Establishment: Transfer of Licence (non refundable)	4,208.00	4,376.32	Cost Recovery
Sexual Entertainment Venue: New Application (non refundable)	7,212.00	7,500.48	Cost Recovery
Sexual Entertainment Venue: Annual Licence Fee (non refundable)	4,208.00	4,376.32	Cost Recovery
Sexual Entertainment Venue: Transfer of Licence (non refundable)	4,208.00	4,376.32	Cost Recovery
Premises Variation	616.00	640.64	Cost Recovery

Distribution of printed matter	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/street-and-trading/leaflets/			
VAT Rate OS			
Consent under CNEA to distribute free printed matter – one distributor	138.00	143.52	Cost Recovery
For each additional distributor up to a maximum of six	26.00	27.04	Cost Recovery

Park Homes	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/caravan-and-park-home-sites/			
VAT Rate OS			
Annual Licence Fee (Lower band)	160.00	166.40	Cost Recovery
Annual Licence Fee (Higher band)	3,000.00	3,120.00	Cost Recovery
Application Fee for a Site Licence	775.00	806.00	Cost Recovery
Application to Transfer a Site Licence	412.00	428.48	Cost Recovery
Application to vary conditions on a Site Licence	412.00	428.48	Cost Recovery
To post site conditions on Council website	96.00	99.84	Cost Recovery
Compliance Notice – Cost of Notice*	96.00	99.84	Cost Recovery

*The costs of enforcement will then be added to this figure

Hackney Carriage	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/taxis/hackney-carriage/			
VAT Rate OS			
Vehicle Annual - New (Includes plate and bracket)	244.00	253.76	Cost Recovery
Vehicle Annual Renewal	149.00	154.96	Cost Recovery
Vehicle Annual Renewal [0g/km CO2 emission vehicles (electric)]	0.00	0.00	Cost Recovery
<i>[Withdrawn] Vehicle Seasonal Review</i>	<i>Withdrawn</i>	<i>Withdrawn</i>	<i>Withdrawn</i>
Horse drawn annual	100.00	104.00	Cost Recovery
Meter test	50.00	52.00	Cost Recovery
Driver (New)	358.00	372.32	Cost Recovery
Driver (Renewal)	257.00	267.28	Cost Recovery
Drivers badge (replacement)	30.00	31.20	Cost Recovery
Transfer (permanent or temporary)/change of vehicle	70.00	72.80	Cost Recovery
Transfer (permanent or temporary)/change of vehicle [0g/km CO2 emission vehicles (electric)]	0.00	0.00	Cost Recovery
Plate	70.00	72.80	Cost Recovery
Replacement bracket	25.00	26.00	Cost Recovery
Knowledge test	74.00	76.96	Cost Recovery
Knowledge re-test	37.00	38.48	Cost Recovery

Vehicle inspection fee levied at cost following procurement process

Private Hire Vehicles	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/taxis/private-hire/			
VAT Rate OS			
Vehicle Annual New (Includes plate and bracket)	225.00	234.00	Cost Recovery
Vehicle Annual New (Includes plate and bracket) [0g/km CO2 emission vehicles (electric)]*	0.00	0.00	Cost Recovery
Vehicle Annual Renewal	130.00	135.20	Cost Recovery
Vehicle Annual Renewal [0g/km CO2 emission vehicles (electric)]	0.00	0.00	Cost Recovery
Driver (New)	358.00	372.32	Cost Recovery
Driver (Renewal)	257.00	267.28	Cost Recovery
Drivers badge (replacement)	30.00	31.20	Cost Recovery
Operator (per vehicle) - only in exceptional circumstances	67.00	69.68	Cost Recovery
Operator (per vehicle) 5 year licence NEW	110.00	114.40	Cost Recovery
Transfer (permanent or temporary)/change of vehicle	70.00	72.80	Cost Recovery
Transfer (permanent or temporary)/change of vehicle [0g/km CO2 emission vehicles (electric)]	0.00	0.00	Cost Recovery
Plate	70.00	72.80	Cost Recovery
Replacement bracket	25.00	26.00	Cost Recovery
Knowledge test	74.00	76.96	Cost Recovery
Knowledge re-test	37.00	38.48	Cost Recovery

* Operators Licence still required at £105

Other Charges	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Handbook & replacements	27.00	28.08	Cost Recovery
Assistance/advice appointment	55.00	57.20	Traded
Gambling Fees	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/business/licensing/gambling/gambling-premises-licence/			
VAT Rate OS			
Application for new premises licence			
Small Casino	8,000.00	8,000.00	National
Bingo Premises	3,500.00	3,500.00	National
Betting Premises (Tracks)	2,500.00	2,500.00	National
Betting Premises (Other)	3,000.00	3,000.00	National
Adult Gaming Centres	2,000.00	2,000.00	National
Licensed Family Entertainment Centre	2,000.00	2,000.00	National
Application to vary premises licence			
Small Casino	4,000.00	4,000.00	National
Casino (existing)	2,000.00	2,000.00	National
Bingo Premises	1,750.00	1,750.00	National
Betting Premises (Tracks)	1,250.00	1,250.00	National
Betting Premises (Other)	1,500.00	1,500.00	National
Adult Gaming Centres	1,000.00	1,000.00	National
Licensed Family Entertainment Centre	1,000.00	1,000.00	National

1st Annual Fee			
Small Casino	5,000.00	5,000.00	National
Casino (existing)	3,000.00	3,000.00	National
Bingo Premises	1,000.00	1,000.00	National
Betting Premises (Tracks)	1,000.00	1,000.00	National
Betting Premises (Other)	600.00	600.00	National
Adult Gaming Centres	1,000.00	1,000.00	National
Licensed Family Entertainment Centre	750.00	750.00	National
Application to transfer the premises licence			
Small Casino	1,800.00	1,800.00	National
Casino (existing)	1,350.00	1,350.00	National
Bingo Premises	1,200.00	1,200.00	National
Betting Premises (Tracks)	950.00	950.00	National
Betting Premises (Other)	1,200.00	1,200.00	National
Adult Gaming Centres	1,200.00	1,200.00	National
Licensed FEC	950.00	950.00	National
Application for re-instatement of premises licence			
Small Casino	1,800.00	1,800.00	National
Casino (existing)	1,350.00	1,350.00	National
Bingo Premises	1,200.00	1,200.00	National
Betting Premises (Tracks)	950.00	950.00	National
Betting Premises (Other)	1,200.00	1,200.00	National
Adult Gaming Centres	1,200.00	1,200.00	National
Licensed Family Entertainment Centre	950.00	950.00	National
Application for a provisional statement			
Small Casino	8,000.00	8,000.00	National
Bingo Premises	3,500.00	3,500.00	National
Betting Premises (Tracks)	2,500.00	2,500.00	National
Betting Premises (Other)	3,000.00	3,000.00	National
Adult Gaming Centres	2,000.00	2,000.00	National
Licensed Family Entertainment Centre	2,000.00	2,000.00	National
Application for a premises licence for a premises which already has a provisional statement			
Small Casino	3,000.00	3,000.00	National
Bingo Premises	1,200.00	1,200.00	National
Betting Premises (Tracks)	950.00	950.00	National
Betting Premises (Other)	1,200.00	1,200.00	National
Adult Gaming Centres	1,200.00	1,200.00	National
Licensed Family Entertainment Centre	950.00	950.00	National
Application checking service for Licensing & Gambling applications*			
Premises Licence & Club Premises Certificate applications (Licensing Act 2003 & Gambling Act 2005)	55.00	57.20	Traded
Transfer and Vary DPS application (Licensing Act 2003 & Gambling Act 2005)	22.00	22.88	Traded
Personal Licence applications (Licensing Act 2003)	17.00	17.68	Traded
Permits (Gambling Act 2005)	17.00	17.68	Traded
Rate per hour for other application checks	75.00	78.00	Traded

Advice and Support	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Licensing advice and support visits for Businesses*			
Application licence advice (Up to 2 hours, including site visit & short report, identifying key issues)	150.00	156.00	Traded
Food and Safety training, advice and support visits for Businesses*			
VAT Rate OS			
New Business Health Check (Up to 2 hours, including site visit & short report, identifying key priorities)	135.00	140.40	Traded
FHRS Rescore visit	180.00	187.20	Traded
Training			
VAT Rate EX			
Training on pre arranged Food Hygiene training courses (Course will run if there are sufficient delegates),per delegate	70.00	72.80	Traded
On site training for companies for up to 12	495.00	514.80	Traded
H&S Courses 1/2 day	350.00	364.00	Traded
H&S Courses full day	690.00	717.60	Traded

*These services are in the process of being developed and further notification will be given before the service and

Page 5	Pavement Cafe Permit (per annum) and A Boards http://www.torbay.gov.uk/roads/highways-licenses/street-café/	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS				
Band 1-up to 10sqm		335.00	348.40	Cost recovery
Band 2- 10 to 20sqm		493.00	512.72	Cost recovery
Band 3 - 20 to 30sqm		663.00	689.52	Cost recovery
Band 4 - over 30sqm		827.00	860.08	Cost recovery
In addition to Band above - Permit to include non amplified music		110.00	114.40	Cost recovery
Temporary Event for amplified music		82.00	85.28	Cost recovery
Appeal to Licensing Committee		230.00	239.20	Cost recovery
Variation		210.00	218.40	Cost recovery
A Board application		132.00	137.28	Cost recovery

Environmental Protection Discretionary Fees	£ Current 2023/24	£ Proposed 2024/25	Category
http://www.torbay.gov.uk/asb-environment-and-nuisance/			
VAT Rate OS			
Stray Dogs			
Carriage of Stray Dogs	80.00	83.20	Cost Recovery
Carriage of Stray Dogs (Government Fine £25.00) plus dog warden transportation costs	112.00	116.48	Cost Recovery
Payment Plan Arrangement Fee	17.00	17.68	Cost Recovery

Private Water Supply Charges			
Risk Assessment	251.00	261.04	Cost recovery
Sampling Visit	106.00	110.24	Cost recovery
Investigation	132.00	137.28	Cost recovery
Granting Authorisation	132.00	137.28	Cost recovery
Missed Appointment	45.00	46.80	Cost recovery
Scrap Metal Act			
Site Licence Application Fee (3 years)	976.00	976.00	National
Collectors Licence Application Fee	499.00	499.00	National
Variation Cost	112.00	112.00	National
Renewal Fee – Site Licence	731.00	731.00	National
Renewal Fee - Collector	366.00	366.00	National

Environmental Crime - Fixed Penalty Notice Charges	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Littering	80.00	80.00	National
Dog Control Offences	80.00	80.00	National
PSPO (Dog off lead)	100.00	100.00	National
Graffiti	80.00	80.00	National
Fly-posting	80.00	80.00	National
Abandoning a Vehicle	200.00	200.00	National
Fly tipping	400.00	400.00	National
Failure to Produce a Waste Transfer Note	300.00	300.00	National
Domestic Waste Receptical Offences	60.00	60.00	National
Industrial and Commercial Waste Receptical Offences	110.00	110.00	National

Private Sector Housing http://www.torbay.gov.uk/housing/advice-for-landlords/hmo/	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
HMO Licensing - New application	1,639.00	1,704.56	Cost Recovery
HMO Licensing - New application (enforced)	2,512.00	2,612.48	Levy
HMO Licensing - Renewal	1,362.00	1,416.48	Cost Recovery
HMO Licensing – Renewal (enforced)	1,689.00	1,756.56	Levy
Charges for Housing Act Notices plus reasonable costs incurred by the Council	Variable from 151.00 to 755.00	Variable from 151.00 to 755.00	Cost Recovery
Immigration Inspection Fee	190.00	197.60	Cost Recovery
Administrative Charge for landlords who fail to submit documentation when requested	55.00	57.20	Levy
Works in Default (minimum admin charge)	£115 or 30% of total works (whichever is greater)	£119.60 or 30% of total works (whichever is greater)	Levy

General Fees for all services	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Personal Search/Solicitor Enquiries	90.00	93.60	Traded
Contaminated Land Searches (per hour)	105.00	109.20	Traded
Repayment of fee where error was the applicant's	36.00	37.44	Traded
Replacement licence certificates	42.00	43.68	Traded

Note: Visits carried out partly or entirely outside normal office hours may incur a surcharge of 50% on the standard fee

Domestic Minimum Energy Efficiency Standard Regs (MEES)	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Civil Penalty	From 1,000 to 5,000 as per policy	From 1,000 to 5,000 as per policy	Levy Levy Levy

Disabled Facility Grant (Agreed via Housing Assistance Policy)	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Project Management Fee	25%	25%	Traded

Temporary Accomodation VAT Rate	£ Current 2023/24 weekly rate	£ Proposed 2024/25 weekly rate	Category
<p>Council Tax - Tenants are liable for full amounts, subject to valid housing and Council tax claim and amount of award given</p> <p>Licence Fee - Tenants are liable for full amounts, subject to a valid housing and Council tax claim and amount of award given.</p> <p><i>*Note: Council Tax and weekly licence charges will vary depending on the size of the property and Council tax banding. Examples of these charges are shown below:</i></p> <ul style="list-style-type: none"> - Council Tax charge for 1 bed home in Council Tax band A - Weekly Service charge for 1 bed home in Council Tax band A <p>Utilities - Depending on the nature of the accommodation provided, a contribution towards utilities will be charged or the licensee will be fully liable through the utility provider. <i>Note: Where the licensee has sole use of a property at an address, e.g. whole house or self contained flat, they will be liable for utilities through the utility provider.</i></p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p>	<p>See notes</p> <p>See notes</p> <p>26</p> <p>103.56</p> <p>See notes</p>	

Council Tax & Business Rates Services Fees and Charges

	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Court Costs - Issue of Summons	60.00	60.00	Cost Recovery
- Issue of Liability order	25.00	25.00	Cost Recovery
Penalty Charge for failure to provide information requested for Council Tax purposes	70.00	70.00	Levy
Business Rates Statement of Accounts (Cost per rating list that the request covers. This would be for information relating to each of the following 1990-1994; 1995-1999; 2000-2004; 2005-2009 and 2010-2014 etc)	100.00	100.00	Cost Recovery
For information where there is a request to check each rating list published prior to 2017. The charge will apply to each list checked.	100.00	100.00	Cost Recovery

Customer Services Fees and Charges

	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Copies of Housing Benefit payment schedules to Landlords & Agents –			
Requests for schedules less than 6 months	26.25	27.30	Cost Recovery
Requests for schedules over 6 months, per property	105.00	109.20	Cost Recovery

Culture & Sport

Outdoor Sport http://www.torbay.gov.uk/leisure-sports-and-community/sports/sports-facilities/ VAT Rate OS	£ Current 2023/24	£ Proposed Charge 2024/25	Category
Soccer, Rugby, Hockey - Per Match			
Seniors: including showers/changing x 1 game	64.50	67.10	Subsidised
Seniors:excluding showers/changing x 1 game	31.00	32.30	Subsidised
Juniors (15 and under): including showers/changing x 1 game	25.00	26.00	Subsidised
Juniors (15 and under): excluding showers/changing x 1 game	15.50	16.10	Subsidised
Football League Clubs - Only League and Cup fixtures Season Fee x 12 games (2 hours) (including showers/changing and cutting/marketing)			
Senior	550.00	572.00	Subsidised
Junior (15 and under)	130.00	135.20	Subsidised
Senior: Additional games	45.00	46.80	Subsidised
Junior: Additional games	11.00	11.50	Subsidised
Netball Courts - Upton park, Lymmington Road		0.00	
U18's per hour	14.00	14.50	Subsidised
seniors	20.00	20.80	Subsidised
Training Sessions			
marking) per session	20.00	20.80	Subsidised
Use of field x 2 hours including showers/changing (Not Pitch - there will be no cutting or marking) per session	45.00	46.80	Subsidised

Outdoor Sport <i>Continued</i> http://www.torbay.gov.uk/leisure-sports-and-community/sports/sports-facilities/	£ Current 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate OS			
Schools			
Schools Sports Day: No marking or changing rooms	25.00	26.00	Subsidised
Schools Sports Day: With Changing rooms (no marking)	50.00	52.00	Subsidised
Cricket			
Weekend fixtures (full day) including changing rooms	91.00	94.60	Subsidised
Weekend fixtures (full day) excluding changing rooms	65.00	67.60	Subsidised
Afternoon or evening matches: Excluding Saturday and Sunday	65.00	67.60	Subsidised
Athletics Training Session			
Torre Valley North, including marked track and changing facilities	51.00	53.10	Subsidised
Torre Valley North, including marked track. No changing rooms	40.00	41.60	Subsidised
Rounders			
Use of field based on a 2 hour session (No charge per pitch)	20.00	32.30	Subsidised
Use of field based on a day event (tournament/charity day)	65.00	67.60	Subsidised

Torre Abbey Mansion https://www.torre-abbey.org.uk/plan-your-visit/	£ Current 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate SR			
Adults	10.50	£11.00	Traded
Special events admission i.e. "Winter Fest"	3.30	3.50	Traded
Children - (5 - 18 yrs) (under 5's free)	4.00	4.00	Traded
Family 2 adults plus children	23.10	24.00	Traded
Family 1 adult plus children	14.30	15.00	Traded
Annual Ticket Adult	21.00	24.00	Traded
Joint Annual Ticket for 2 adults	33.00	38.00	Traded
Annual Family Ticket 2 adults plus children	35.00	42.00	Traded
Annual family ticket 1 adult plus children	23.00	28.00	Traded
Educational group membership for schools etc.	27.50	30.00	Traded

Groups		0.00	
Foreign language schools GROUPS of 15+ under 18's	4.50	5.00	Traded
Adult Group (10+) House and Gardens inc.	6.60	7.00	Traded
Adult Group (10+) House and Gardens including a tour	9.50	10.00	Traded
House and Garden Workshop/Activities			
VAT Rate EX			
Formal education activities (under 18s 10+) half day workshop per student	6.00	6.50	Traded
Formal education activities (under 18s 10+) full day workshop per student	9.50	10.00	Traded
Workshop/Activities for adults (including lectures)	11.50	12.00	Traded
Lectures			
VAT Rate EX			
Lecture off site (flat rate)	55.00	58.00	Traded

Torre Abbey Mansion - Room Hire	£	£	
VAT Rate EX (unless additional facilities/services provided)	Current 2023/24	Proposed Charge 2024/25	Category
Spanish Barn (3 day) Friday to Sunday 1st April - 30th Sept	3,850.00	4,000.00	Traded
Spanish Barn (3 day) weekday & weekends 1st Oct - 31st March	2,200.00	2,500.00	Traded
Spanish Barn (3day) Monday to Thursday 1st April - 30th Sept	3,300.00	3,500.00	Traded
Spanish Barn 09.00 - 18.00 (1day)	1,000.00	1,250.00	Traded
Spanish Barn half day	550.00	650.00	Traded
Ballroom (1 day hire up 9:00- 18:00) 1st April - 30th Sept	500.00	600.00	Traded
Ballroom (1 day hire 9:00- 18:00) 1st Oct - 31st March	400.00	450.00	Traded
Gathering Space weekends 1st April -30th Sept (1 day hire 9:00-18:00)	400.00	450.00	Traded
Gathering Space weekends 1st Oct -31st March (1 day hire 9:00-18:00)	300.00	350.00	Traded

Room/Venue Hire - Ceremonies	£	£	
VAT Rate SR	Current 2023/24	Proposed Charge 2024/25	Category
Spanish Barn (3 day) Friday to Sunday 1st April - 30th Sept	4,500.00	4,750.00	Traded
Spanish Barn (3 day) weekday & weekends 1st Oct - 31st March	2,500.00	2,600.00	Traded
Spanish Barn (3day) Monday to Thursday 1st April - 30th Sept	3,750.00	3,900.00	Traded
Spanish Barn wedding ceremony only up to 200 Sunday to Friday	1,100.00	1,150.00	Traded
Spanish Barn wedding ceremony only up to 200 Saturdays	1,250.00	1,300.00	Traded
Wedding ceremony only capacity 70 1st April - 30th Sept Mon-Fri	650.00	680.00	Traded
Wedding ceremony only capacity 70 1st April - 30th Sept Sat-Sun	800.00	850.00	Traded
Wedding ceremony only capacity 70 31st Oct -31st March Mon-Fri	550.00	575.00	Traded
Wedding ceremony only capacity 70 31st Oct -31st March Sat-Sun	700.00	750.00	Traded
[Closed] Chapel All Year	Closed	Closed	Traded
Palm House ceremony (max capacity 20)	300.00	350.00	Traded
Marquee land charge (per day)	900.00	1,000.00	Traded
Formal gardens and ruins (per hour) (photography)	120.00	125.00	Traded
Formal gardens and ruins (per hour) (receptions)	150.00	175.00	Traded
House after 6pm (per hour)	225.00	250.00	Traded
Spanish Barn extended hours (3 day hire past 12pm) (per hour)	300.00	350.00	Traded
Gathering space (only applicable for; Spanish Barn, Chapel, Palm House (per hour)	175.00	200.00	Traded

Room Hire - Learning Lab			
VAT Rate EX (unless additional facilities/services provided)			
Commercial Day Rate	250.00	260.00	Traded
Non-commercial day rate (This rate can also be applied to Undercroft & Ballroom - Undercroft & Ballroom hire - VAT Rate SR)	130.00	135.00	Traded

Data Protection Subject Access Requests - Fees and Charges

	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Subject Access Request per person	No Charge	No Charge	
Repeated Subject Access request per person per hour (where we have already dealt with a request)	60.00	62.40	Cost Recovery

Development Control Fees and Charges

http://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

(2023/24 Fees Link)

A Guide to the Fees for Planning Applications in England (planningportal.co.uk)

(6 December 2023 Fees Link)

All Outline Applications	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Sites up to and including 2.5 hectares (per 0.1 hectare or part thereof)	£462.00	N/A subdivided see below	National
Dwellinghouses not more than 0.5 hectares (per 0.1 hectare or part thereof)	£462.00	£578.00	National
Dwellinghouses between 0.5 and 2.5 hectares (per 0.1 hectare or part thereof)	£462.00	£624.00	National
Dwellinghouses more than 2.5 hectares (per 0.1 hectare or part thereof)	£11,432 + £138 per 0.1 hectare in excess of 2.5 to a maximum of £150,000	15,433+ £186 for each additional 0.1 hectare (or part thereof) in excess of 2.5 hectares Maximum fee of £202,500	National
Buildings (Not Dwellinghouses) not more than 1 hectare (per 0.1 hectare or part thereof)	£462.00	£578.00	
Buildings (Not Dwellinghouses) between 1 hectare and 2.5 hectares (per 0.1 hectare or part thereof)	£462.00	£624.00	National
Sites in excess of 2.5 hectares (Not Dwellinghouses)	£11,432 + £138 per 0.1 hectare in excess of 2.5 to a maximum of £150,000	15,433+ £186 for each additional 0.1 hectare (or part thereof) in excess of 2.5 hectares Maximum fee of £202,500	National
Householder Applications	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Alterations/extensions to a single dwelling, including works within boundary	£206.00	£258.00	National

Full Applications (and First Submissions of Reserved Matters)	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Alterations/extensions to a single dwelling, including works within boundary	£206.00	£258.00	National
Alterations/extensions to two or more dwellings (inc flats), including works within boundaries	£407.00	£509.00	National
New dwellings up to and including 50 (per dwelling)	£462.00	N/A subdivided see below	National
New dwellings up to and including 10 (per dwelling)	£462.00	£578.00	
New dwellings between 10 and 50 (per dwelling)	£462.00	£624.00	
New dwellings more than 50	£22,859 + £138 per additional dwelling in excess of 50 up to a maximum fee of £300,000	£30,860 + £186 for each additional dwellinghouse in excess of 50 Maximum fee of £405,000	National
Erection of buildings (not dwellings, agricultural, glasshouses, plant nor machinery):			
No increase in gross floor space or no more than 40m ² created by the development	£234.00	£293.00	National
Increase in gross floor space of more than 40m ² but no more than 1,000 (formerly 75) m ² created by the development	£462.00	£578.00	National
Increase in gross floor space of more than 1,000 (formerly 75) m ² but no more than 3,750m ² created by the development	£462 for each 75m ² or part thereof	£624 for each 75 square metres (or part thereof)	National
Increase in gross floor space of more than 3,750m ² created by the development	£22,859 + £138 for each additional 75m ² in excess of 3750m ² to a maximum of £300,000	£30,680 + £186 for each additional 75 square metres (or part thereof) in excess of 3,750 square metres Maximum fee of £405,000	National

The erection of buildings (on land used for agriculture for agricultural purposes)	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Not more than 465m ² gross floor space to be created by the development	£96.00	£120.00	National
More than 465m ² but not more than 540m ² gross floor space to be created by the development	£462.00	£578.00	National
More than 540m ² but not more than 1,000m ² gross floor space to be created by the development	£462 for first 540m ² + £462 for each 75m ² in excess of 540m ² (or part thereof)	578 for first 540 square metres + £578 for each additional 75 square metres in excess of 540 square metres	National
More than 1,000m ² but not more than 4,215m ² gross floor space to be created by the development	£462 for first 540m ² + £462 for each 75m ² in excess of 540m ² (or part thereof)	£624 for first 1,000 square metres + £624 for each additional 75 square metres in excess of 1,000 square metres.	National
More than 4,215m ² gross floor space to be created by the development	£22,859 + £138 for each 75m ² in excess of 4,215m ² (or part thereof) up to a maximum of £300,000	£30,860 + £186 for each additional 75 square metres (or part thereof) in excess of 4,215 square metres Maximum fee of £405,000	National

Erection of glasshouses (on land used for the purposes of agriculture)	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Not more than 465m ² gross floor space to be created by the development	£96.00	£120.00	National
More than 465m ² but not more than 1,000m ²	£2,580.00	£3,225.00	National
More than 1,000m ²	£2,580.00	£3,483.00	National

Erection/alterations/replacement of plant and machinery	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Site area not more than 1 (formerly 5) hectares per 0.1 hectare (or part thereof)	£462.00	£578.00	National
More than 1 hectare but not more than 5 hectares per 0.1 hectare (or part thereof)	£462.00	£624.00	National
Site area more than 5 hectares	£22,859 + additional £138 for each 0.1 (or part thereof) in excess of 5 hectares to a maximum of £300,000	£30,860 + £186 for each additional 0.1 hectare (or part thereof) in excess of 5 hectares Maximum fee of £405,000	National

Applications other than Building Works	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Car parks, service roads or other accesses (For existing uses)	£234.00	£293.00	National
Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)			
Site area Not more than 15 hectares For each 0.1 hectare (or part thereof)	£234.00	£316.00	National
More than 15 hectares	£34,934 + £138 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £78,000	£47,161 + £186 for each additional 0.1 hectare (or part thereof) in excess of 15 hectares Maximum fee of £105,300	National

Operations connected with exploratory drilling for oil or natural gas			
Site area not more than 7.5 hectares for each 0.1 hectare (or part thereof)	£508.00	£686.00	National
Site area more than 7.5 hectares	£38,070 + additional £151 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £300,000	£51,395 + £204 for each additional 0.1 hectare (or part thereof) in excess of 7.5 hectares. Maximum fee of £405,000	National
Operations (other than exploratory drilling) for the winning and working of oil or natural gas			
Site area not more than 15 hectares For each 0.1 hectare (or part thereof)	£257.00	£347.00	National
Site area more than 15 hectares	£38,520 + additional £151 for each 0.1 in excess of 15 hectare up to a maximum of £78,000	£52,002 + additional £204 for each 0.1 hectare in excess of 15 hectares Maximum fee of £105,300	National
Other operations (winning and working of minerals) excluding oil and natural gas			
Site area not more than 15 hectares For each 0.1 hectare (or part thereof)	£234.00	£316.00	National
Site area More than 15 hectares	£34,934 + additional £138 for each 0.1 in excess of 15 hectare up to a maximum of £78,000	£47,161 + additional £186 for each 0.1 hectare in excess of 15 hectares Maximum fee of £105,300	National

Other operations (not coming within any of the above categories)	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Any site area	£234 for each 0.1 hectare (or part thereof) up to a maximum of £2,028	£293 for each 0.1 hectare (or part thereof) up to a maximum of £2,535	National
Change of Use of a building to use as one or more separate dwellinghouses, or other cases			
Not more than 50 dwellinghouses (per dwellinghouse)	£462.00	N/A subdivided see below	National
Not more than 10 dwellinghouses (per dwellinghouse)	£462.00	£578.00	National
Between 10 and 50 dwellinghouses (per dwellinghouse)	£462.00	£624.00	National
More than 50 dwellinghouses	£22,859 + £138 for each dwellinghouse in excess of 50. Maximum fee of £300,000	£30,860 + £186 for each additional dwellinghouse in excess of 50 Maximum fee of £405,000	National
Other changes of use of a building or Land	£462.00	£578.00	National

Lawful Development Certificate			
LDC – Existing Use - in breach of a planning condition	Same as equivalent full application	Same as equivalent full application	National
LDC – Existing Use LDC - lawful not to comply with a particular condition	£234.00	£293.00	National
LDC – Proposed Use	Half the equivalent normal planning fee.	Half the equivalent normal planning fee.	National

Prior Approval	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Larger Home Extensions (from 19 August 19)	£96.00	£120.00	National
Additional storeys on a home	£96.00	£120.00	National
Agricultural and Forestry buildings & operations or demolition of buildings	£96.00	£120.00	National
Demolition of Buildings	£96.00	£120.00	National
Communications (Previously referred to as Telecommunications Code Systems Operators)	£462.00	£578.00	National
Change of use from commercial/Business/Service (use Class E), or Betting office or Pay Day Loan Shop to mixed use including up to two flats (Use Class C3)	£96.00	£120.00	National
Change of Use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E), Hotels (Use Class C1), Residential Institutions (Use Class C2), Secure Residential Institutions (Use Class C2A) to a State Funded School	NA	£120.00	National
Change of Use of a building and any land within its curtilage from an Agricultural Building to a State-Funded School	£96.00	£120.00	National
Change of Use of a building and any land within its curtilage from an Agricultural Building to a flexible commercial use within Commercial/Business/Service (Use Class E), Storage or Distribution (Use Class B8), or Hotels (Use Class C1)	NA	£120.00	National
Change of use from shops, financial services, takeaways, betting offices, pay day loan shops or launderettes to offices	£96.00	NA	National
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96.00	£120.00	National
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwelling house)	£96.00	NA	National
Proposed Change of Use of Agricultural Building to a Dwelling house (Use Class C3), where there are no Associated Building Operations	£96.00	£120.00	National
Proposed Change of Use of Agricultural Building to a Dwelling house (Use Class C3), and Associated Building Operations	£206.00	£258.00	National
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwelling house), where there are <u>no</u> Associated Building Operations	£96.00	NA	National
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwelling house), and Associated Building Operations	£206.00	NA	National

Prior Approval continued...	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
Notification for Prior Approval for a Change of Use from light industrial (Class B1c) and any land within its curtilage to Dwelling houses (Class C3)	£96.00	NA	National
Change of use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E) to Dwellinghouses (Class C3) for each dwellinghouse	£100.00	£120.00	National
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwelling houses (Class C3)	£96.00	£120.00	National
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwelling houses (Class C3) and Associated Building Operations	£206.00	£258.00	National
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Genris Uses) to Restaurants and Cafes (Class A3)	£96.00	NA	National
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Genris Uses) to Restaurants and Cafes (Class A3) and Associated Building Operations	£206.00	NA	National
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2) Betting Offices, Pay Day Loan Shops and Casinos (Sui Genris Uses) to Assembly and Leisure Uses (Class D2)	£96.00	NA	National
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop	£96.00	£120.00	National
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with the Use	£96.00	£120.00	National
Provision of Temporary School Buildings on Vacant Commercial Land and the use of that land as a State-funded School for up to 3 Academic Years	NA	£120.00	National
Notification for Prior Approval for Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt	£96.00	£120.00	National
Prior Approval for Construction of new dwellinghouses (from 2 September 2020) - not more than 50 for each dwellinghouse	£334.00	N/A subdivided see below	National
Prior Approval for Construction of new dwellinghouses (from 2 September 2020) - not more than 10 for each dwellinghouse	£334.00	£418.00	National
Prior Approval for Construction of new dwellinghouses (from 2 September 2020) - between 10 and 50 for each dwellinghouse	£334.00	£451.00	National
Prior Approval for Construction of new dwellinghouses (from 2 September 2020) - more than 50	£16,525 + £100 for each dwellinghouse in excess of 50 Maximum fee of £300,000	£22,309 + £135 for each dwellinghouse in excess of 50 Maximum fee of £405,000	National

Reserved Matters	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £462.00 due	Full fee due or if full fee already paid then £578.00 due	National

Approval/Variation/discharge of condition	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Application for removal or variation of a condition following grant of planning permission	£234.00	£293.00	National
Discharge of conditions or request for confirmation that one or more planning conditions have been complied with - Householder	£34.00	£43.00	National
Discharge of conditions or request for confirmation that one or more planning conditions have been complied with - All Other	£116.00	£145.00	National

Advertising	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Relating to the business on the premises	£132.00	£165.00	National
Advance signs which are not situated on or visible from the site, directing the public to a business	£132.00	£165.00	National
Other advertisements	£462.00	£578.00	National

Application for a Non-material Amendment Following a Grant of Planning Permission	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Applications in respect of householder developments	£34.00	£43.00	National
Applications in respect of other developments	£234.00	£293.00	National

Application for Permission in Principle	£ Current 2023/24	£ Proposed 2024/25 (implemented 6/12/23)	Category
VAT Rate OS			
Site Area for each 0.1 hectare (or part thereof)	£402.00	£503.00	National

CONCESSIONS

Please note: Not all concessions are valid for all types of application types. Upon receipt of your application, the local authority will check the

Application types with no current fee:

Listed Building Consent

Planning permission for relevant demolition in a Conservation Area

Works to Trees covered by a Tree Preservation Order or in a Conservation Area

Hedgerow removal notice

EXEMPTIONS FROM PAYMENT (removed from legislation but remain valid as per below)

An application that is the first and only revision of a previous application of the same type,

An application that is the first and only revision of a previous application, for display

EXEMPTIONS FROM PAYMENT

An application solely for the alteration or extension of an existing dwellinghouse; or works in

- Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or
- Facilities designed to secure that person's greater safety, health or comfort.

An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or

If the application relates to an alternate use of buildings or land within the same Use Class that requires planning permission only by the

If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same

If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question

If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant

If the application is for a Certificate of Lawfulness of Proposed Works to a listed building

If an application for planning permission (for which a fee is payable) being made by the same applicant on the same date for the same site,

If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then

If the application is being made on behalf of a parish or community council then the fee is 50%

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for

Fees for cross boundary applications

Where an application crosses one or more local or district planning authorities.

Governance Fees and Charges

Copies of Agendas, Reports, Minutes, Constitution, Forward Plan	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Electronic	FOC	FOC	N/A
Hardcopy: per A4 side	2.75	2.86	Cost recovery
Audio recordings of Council and Development Management Committee Meetings (electronic, per disc)	24.00	24.96	Cost recovery

Copies of Electoral Register			
Copies of the Electoral Roll per Ward (Calculated pro rata)	cost of request as set out in legislation	cost of request as set out in legislation	

Admission Appeals and Exclusion Reviews	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Cost per appeal in the circumstances where an appeal is arranged and heard	210.00	225.00	Subsidy
Cost if an appeal is withdrawn 2 weeks before the hearing date	145.00	160.00	Subsidy
Cost of exclusion review*	£900 per half day (based on one student) for the first 4 hours and then £350 per hour thereafter	£950 per half day (based on one student) for the first 4 hours and then £400 per hour thereafter	Subsidy

* Note normal appeals increase by £15 and exclusions by £50 each year.

Green Space

Helicopter Landings	£	£	
http://www.torbay.gov.uk/roads/helicopters/	Current	Proposed	Category
VAT Rate SR	2023/24	Charge	
		2024/25	
Week Days 09.00 - 17.00: Per landing - up to 2hrs	107.69	112.00	Traded
Additional hourly rate	37.95	39.47	Traded
Out of Hours inc 5pm till dusk: per landing - up to 2hrs	153.01	159.13	Traded
Additional hourly rate	55.00	57.20	Traded
Saturday: Per landing up to 2 hrs	153.01	159.13	Traded
Additional hourly rate	55.00	57.20	Traded
Sunday: Per landing up to 2hrs	199.12	207.08	Traded
Additional hourly rate	76.54	79.60	Traded

Allotments (Annual Charge)	£	£	
http://www.torbay.gov.uk/leisure-sports-and-community/parks/allotments/	Current	Proposed	Category
VAT Rate OS	2023/24	Charge	
		2024/25	
Per 25 Square Metre with water	5.35	5.56	Subsidised
Per 25 Square Metre without water	3.36	3.49	Subsidised
Tool Lockers – Sherwell Valley	3.15	3.28	Subsidised

Tor Bay Harbour Authority Fees and Charges

Tor Bay Harbour Authority Fees and Charges were agreed at the Harbour Committee on 4th December 2023

Link to the agenda for Harbour Committee - Wednesday, 4 December 2023 5.30 pm

[Agenda for Harbour Committee on Monday, 4 December 2023, 5.30 pm \(torbay.gov.uk\)](#)

Link to fees & charges appendix which were resolved unanimously at the meeting

<http://corp->

[modgov2/documents/s134515/Draft%20Tor%20Bay%20Harbour%20Authority%20charges%202023-24%20appendix%201.pdf?LO\\$=1](http://corp-modgov2/documents/s134515/Draft%20Tor%20Bay%20Harbour%20Authority%20charges%202023-24%20appendix%201.pdf?LO$=1)

Highways Fees and Charges

<http://www.torbay.gov.uk/roads/highways-licenses/>

License	Chargeable Matter	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS				
Permission to place skip on the public highway (Section 139) or Scaffolding and gantry licence (Section 169) or Consent to deposit building materials / make temporary excavation in the highway. (Section 171) or Consent not to erect hoarding or fence during building (Section 172)	Consideration and administration of application (10 days) Within H/A published notice period (more than 10 days) or renewal of existing licence (more than 5 days notice).	57.65	59.96	Traded
	Consideration and administration of application (10 days) Outside H/A published notice period (10 days and less)	115.30	119.91	Traded
	Where a site visit is required during consideration of application (per visit)	115.30	119.91	Traded
	Where an inspection of the site reveals non-compliance (per visit)	115.30	119.91	Traded
	Where the operation obstructs an on-street parking bay administered by the Council (Charge for loss of revenue)	29.15	30.32	Traded

Inspection of hoarding or fence set up during building (Section 172 & 173)	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Inspections made by H/A to monitor compliance with statutory duties (per visit)	110.95	115.39	Traded
Adopted Highway	56.00	58.24	Traded

Control of construction of cellars under street	£ Current 2023/24	£ Proposed 2024/25	Category	
VAT Rate OS				
(Section 179) Or (Section 180[1]) Or Control of light into cellars (Section 180 [2])	Consideration and administration of application	115.30	119.91	Traded
	Where a site visit is required during consideration of application (per visit)	115.30	119.91	Traded
	Where an inspection of the site reveals non-compliance of application (per visit)	115.30	119.91	Traded

Vehicle crossings over footways and verges (Section 184)	£	£	
	Current 2023/24	Proposed 2024/25	Category
VAT Rate OS			
Consideration of a request to execute such works as are specified in the request for constructing a vehicle crossing when works executed by H/A contractor	172.70	179.61	Traded
Consideration of a request to execute such works as are specified in the request for constructing a vehicle crossing when works executed by applicants contractor	57.65	59.96	Traded
Where a site visit is required during consideration of application (per visit)	115.30	119.91	Traded
Where an inspection of the site reveals non-compliance (per visit)	115.30	119.91	Traded

Clearance of accident debris	£	£	
	Current 2023/24	Proposed 2024/25	Category
VAT Rate SR			
Requests which do not form part of the Council's service e.g. removal of items from gullies	At cost	At cost	Cost
VAT Rate OS			
Clearance of accident debris under Section 41 /Section 130	At cost	At cost	Cost

Road closure & traffic restrictions (Section 14[1] & [2])	£	£	
	Current 2023/24	Proposed 2024/25	Category
VAT Rate OS			
Anything done by traffic authority in connection with the making of an order			
Under section 14 (1)	1,704.80	1,772.99	Traded
	1,873.45	1,948.39	Traded
Under section 14 (2) (under 5 days)	335.30	348.71	Traded
Optional signing schedule for alternative route for Section 14 (2) (under 14 days)	167.70	174.41	Traded
Additional exceptional administrative work by traffic authority See New Roads & Street Works Act, Co-Ordination Code of Practice S7.3.22	At cost	At cost	Cost
Advertising	At cost	At cost	Cost

Suspension of parking (Section 49 [4])	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Anything done by the local traffic authority in connection with or in consequence of a request to suspend the use of a parking place or part of it	At cost	At cost	Cost

Route signs (Section 65 [1])	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Consideration of request to permit a traffic sign to indicate the route to specified land or premises	At cost	At cost	Cost Recovery
The placing by the traffic authority of a sign in accordance with a request of the kind referred to in the previous	At cost	At cost	Cost Recovery
Provision of Disabled Parking Bay (Anything done by the local traffic authority in connection with or in consequence of a request to provide a disabled parking bay)	100.00	104.00	Subsidised
Disabled Bay Refresh	100.00	104.00	Subsidised
Provision of access lines (Anything done by the local traffic authority in connection with or in consequence of a request to place access lines)	220.20	229.01	Traded
Access Line Refresh	180.50	187.72	Traded
Consideration of requests for Tourism Signage	90.25	93.86	Traded

Street Naming & Numbering	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Amending House/Number change (Cost per address)	55.45	57.67	Traded
New Development - Naming Street (Cost per street)	241.90	251.58	Traded
New Development - Per plot (Cost per plot)	51.95	54.03	Traded

Legislation reference Traffic Signs & General Directions Regs 1994	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Design consultancy	At cost	At cost	Cost Recovery
VAT Rate OS			
Portable traffic signals (Reg 32 para 47 & TD 21/85)	At cost	At cost	Cost Recovery
Damage to council property (Anything done by the authority to repair damage caused by others)	At cost	At cost	Cost Recovery
Technical information			
<i>(Any documentation supplied by the authority to others)</i>			
Basic Search	235.10	244.50	Traded
Large Search	406.75	423.02	Traded
Extra Large Search	754.30	784.47	Traded
Traffic Data Request	309.45	321.83	Traded

Street Works Regulation Made Under NRSWA 1991	£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate OS			
Random sample (Section 75). Fee per unit of inspection	48.90	48.90	national
Investigatory work from routine inspection. Fee per unit of inspection	72.10	72.10	national
Investigatory works from third party report (Section 72 [1]) Fee per unit of inspection	72.10	72.10	national
Defect inspection (Section 72 [2]), Joint visit, remedial works in progress, remedial works complete - per unit of inspection	51.50	51.50	national
Defect Notice (per copy)	57.40	57.40	national
Inspection checklist (per copy)	57.40	57.40	national

Street Works Licence (Section 50)	£	£	
VAT Rate OS	Current 2023/24	Proposed 2024/25	Category
Licence for new apparatus			
1. Capitalised fee	239.40	248.98	Traded
2. Administration fee	276.40	287.46	Traded
3. Inspection fee (3 phases)	185.85	193.28	Traded
Authorisation for works on existing apparatus			
1. Administration fee	156.95	163.23	Traded
2. Inspection fee (3 phases)	185.85	193.28	Traded

Overhead structures (including tower cranes, banners etc.)	£	£	
VAT Rate OS	Current 2023/24	Proposed 2024/25	Category
Consideration and administration of application Within H/A published notice period (3 days or less)	50.85	50.85	national
Consideration and administration of application Outside H/A published notice period (3 days or less)	101.70	101.70	national
Where a site visit is required during consideration of application (per visit)	101.70	101.70	national
Where an inspection of the site reveals non-compliance (per visit)	101.70	101.70	national

Street Works Permits	£	£	
VAT Rate OS	Current 2023/24	Proposed 2024/25	Category
Provisional Advance Authorisation			
Traffic Sensitive	105.00	105.00	national
Non Traffic Sensitive	35.00	35.00	national
Major Works (>10 Days)			
Traffic Sensitive	240.00	240.00	national
Non Traffic Sensitive	75.00	75.00	national
Major Works (4 to 10 Days)			
Traffic Sensitive	130.00	130.00	national
Non Traffic Sensitive	40.00	40.00	national
Standard Works (4 to 10 Days)			
Traffic Sensitive	130.00	130.00	national
Non Traffic Sensitive	40.00	40.00	national
Major Works (<3 days)			
Traffic Sensitive	65.00	65.00	national
Non Traffic Sensitive	25.00	25.00	national
Minor			
Traffic Sensitive	55.00	55.00	national
Non Traffic Sensitive	25.00	25.00	national
Intermediate			
Traffic Sensitive	55.00	55.00	national
Non Traffic Sensitive	25.00	25.00	national
Permit Variation			
Traffic Sensitive	45.00	45.00	national
Non Traffic Sensitive	35.00	35.00	national

Inspection fees for Agreements under Section 38 and Section 278 (Highways Act 1980)	£	£	
VAT Rate OS	Current 2023/24	Proposed 2024/25	Category
Section 38 Agreement Fees			
Works Estimated by Highway Authority to be below £25,000 Value (fixed fee)	1,500.00	1,500.00	national
Works Estimated by Highway Authority to be between £25,000 to £50,000 Value (percentage of estimated	10%	10%	national
Works Estimated by Highway Authority to be between £50,000 to £150,000 Value (percentage of estimated	8%	8%	national
Works Estimated by Highway Authority to be between above £150,000 Value (percentage of estimated works	6%	6%	national
Section 278 Agreement Fees			
Works Estimated by Highway Authority to be below £25,000 Value (fixed fee)	1,500.00	1,500.00	national
Works Estimated by Highway Authority to be between £25,000 to £50,000 Value (percentage of estimated	10%	10%	national
Works Estimated by Highway Authority to be between £50,000 to £150,000 Value (percentage of estimated	8%	8%	national
Works Estimated by Highway Authority to be between above £150,000 Value (percentage of estimated works	6%	6%	national
Agreements which Include Public Realm or Town Centre Improvement Works			
Additional fee to be added to the Agreement Fees stated above (percentage of estimated works value)	1%	1%	national

Household Waste and Recycling Centre

Chargeable Waste at the Household Waste and Recycling Centre (HWRC)	Unit	£ Current Minimum Charge 2023/24	£ Proposed Minimum Charge 2024/25	Category
VAT Rate SR				
The following charges are applicable where the free allowance of DIY waste has been exceeded. For further details please see the website: https://www.torbay.gov.uk/recyclingcentre				
Soil and rubble: Includes bricks, blocks, slates, tiles, rubble, paving slabs, concrete, gravel, tarmac, stones, soil, sand, hardcore and sanitary ware (ceramic toilets, sinks, pedestals etc).	Per bag/item	£2.60	£2.70	Cost recovery
Tyres: Commercial and agricultural vehicle tyres will not be accepted. No charge for bicycle tyres.	per tyre	£4.40	£4.58	Cost recovery
Clean plasterboard: Includes plaster and gypsum related products.	per sheet/bag	£5.20	£5.41	Cost recovery
Plasterboard (with other materials attached): such as tiles, foil insulation or any other materials	per sheet/bag	£9.50	£9.88	Cost recovery
Plastic window: With or without glass. Single pane window only (double charge for multiple pane plastic windows).	each	£4.40	£4.58	Cost recovery
Plastic door or door frame: With or without glass. Single door or door frame only (double charge for double door or door + frame combined).	each	£4.40	£4.58	Cost recovery
Bath or shower tray (plastic, fibreglass or composite): Single bath or shower tray only.	each	£4.40	£4.58	Cost recovery
Shower screen: Plastic or glass shower screen/enclosure.	each	£4.40	£4.58	Cost recovery
Insulation materials: 1 sheet or 1 bag.	per sheet/bag	£4.40	£4.58	Cost recovery
Roofing felt	per bag/roll	£4.40	£4.58	Cost recovery
All DIY plastic: Plastic pipes, guttering, fascia, soffit, skirting, cladding, loose plastics etc.	for up to 5 lengths/ pieces	£4.40	£4.58	Cost recovery
Water tanks, panels, roofing sheets, plastic sanitary ware etc.	each	£4.40	£4.58	Cost recovery
Asbestos: bonded asbestos only. Please note that asbestos must be double wrapped in tough plastic and completely sealed. Site staff will not be able to assist with loading asbestos into the skip. There is a maximum sheet size of 10ft (3m) x 4.5ft (1.5m).	per sheet/bag	£11.70	£12.17	Cost recovery
Sheet Glass	Per Pane	£2.47	£2.57	Cost recovery
Carpet, Underlay and linoleum per bag	Per bag	£2.47	£2.57	Cost recovery
Carpet, Underlay and linoleum per roll	Per roll	£10.00	£10.40	Cost recovery

Chargeable waste collection	Unit	£ Current Charge 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate OS				
Household Garden Waste Collection	Per Bin	£50.00	£50.00	Traded
Household Garden Waste Collection (CTSS discount)	Per Bin	£40.00	£40.00	Subsidised
Bin delivery	Per Bin	£0.00	£0.00	Subsidised
Initial sign up	Per Bin	£0.00	£0.00	Subsidised

Local Land Charges Department Fees and Charges

<http://www.torbay.gov.uk/planning-and-building/land-charges/land-charges-fees/>

	£ Current 2023/24	£ Proposed Charge 2024/25	Category
Official search in the whole or any one part of the Local Land Charges (LLC) Register (including the issue of an Official Certificate of Search):			
VAT Rate OS			
In respect of one parcel of land (a)	29.46	30.65	National
In respect of each additional parcel of land (subject to agreement) (c)	5.67	5.90	National
Personal search in the whole or any one part of the LLC Register (regardless of the number of parcels of land)	FOC	FOC	National
Replies to all Required Enquiries of Local Authorities (Form Con 29R):			
VAT Rate SR			
In respect of one parcel of land (b)	87.01	90.50	National
In respect of each additional parcel of land (subject to agreement) (d)	16.32	17.00	National
Total cost of providing 'Standard' (LLC1 and CON29) Search on one parcel of land. (a+b)	116.47	121.15	National
Total cost of providing 'Standard' (LLC1 and CON29) Search on each additional parcel of Land. (c+d)	21.98	22.90	National
Ask a question of your own	20.39	21.20	National

Replies to individual enquiries on Form Con 29R:	£ Current 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate SR			
Administration fee	13.60	14.15	National
Question 1.1 (a) to (i) - Planning decisions and pending applications	9.52	9.90	National
Question 1.1 (j) to (l) - Building regulation decisions and pending applications	6.80	7.10	National
Question 1.2 - Local development plans	FOC	FOC	National
Question 2.1 (a) - Roads, footways and footpaths	5.44	5.65	National
Question 2.1 (b) to (d) - Roads, footways and footpaths	4.08	4.25	National
CON29 Question 2.2 to 2.5 Public rights of way	5.44	5.65	National
Question 3.1 - Land required for public purposes	1.36	1.41	National
Question 3.2 - Land to be acquired for road works	1.36	1.41	National
Question 3.3 (a) to (c) - Sustainable drainage systems	FOC	FOC	National
Question 3.4 (a) to (f) - Nearby road schemes	1.36	1.41	National
Question 3.5 (a) to (b) - Nearby railway schemes	1.36	1.41	National
Question 3.6 (a) to (l) - Traffic schemes	8.16	8.50	National
Question 3.7 (a) to (g) - Outstanding notices	9.52	9.90	National
Question 3.8 - Contravention of building regulations	2.72	2.83	National
Question 3.9 - Notices, orders, directions & proceedings under Planning acts	5.44	5.65	National
Question 3.10 (a) to (h) - Community Infrastructure Levy	6.80	7.10	National
Question 3.11 - (a) to (b) - Conservation area	1.36	1.41	National
Question 3.12 - Compulsory purchase	1.36	1.41	National
CON29 Question 3.13 (a) to (c) - Contaminated land	1.36	1.41	National
Question 3.14 - Radon gas	FOC	FOC	National
Question 3.15 (a) to (b) - Assets of community value	FOC	FOC	National
Replies to Optional Enquiries of Local Authority (Con 29O) – each enquiry	13.60	14.15	National
Additional enquiry – each (subject to agreement)	20.39	21.20	National

Legal Services Fees and Charges

Type of Document	£ Current 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate SR			
A3 colour plan hardcopy	8.10	10.11	Cost Recovery
A3 black and white plan hardcopy	3.80	4.74	Cost Recovery
Plans larger than A3 (hardcopy)	POA	POA	Cost Recovery
A4 black and white sheet (hardcopy per sheet)	0.25	0.31	Cost Recovery
Admin Fee (minimum)	13.05	16.29	Cost Recovery

If there is a requirement for significant research the administration charge will increase. The requestor will be advised prior to processing the request

Libraries Fees and Charges

Link: <https://www.torbaylibraries.org.uk/>

Torbay Library Services are managed by Libraries Unlimited.

Planning Pre-Application Fees and Charges

<http://www.torbay.gov.uk/planning-and-building/planning/pre-planning/>

Type	£ Current 2023/24	£ Proposed Charge 2024/25	Category
VAT Rate SR			
Householder development enquiry	109.00	115.00	Traded
Shaping Enquiry	NA	230.00	Traded
Minor Residential: Single Dwelling	230.00	260.00	Traded
Minor Residential: 2 to 14 dwellings £217.00 for first dwelling then £93.00 per additional dwelling	230.00	260.00	Traded
Major Residential: 15 dwellings or more per 5,000 m2 (0.5 hectares) up to a maximum of £10,000	1,650.00	1,850.00	Traded
Commercial: No new floor space (per unit)	100.00	115.00	Traded
Commercial: Creation of new floor space (including change of use) per 100m ² up to a maximum of £5,000.	100.00	115.00	Traded
Waste, Minerals and Recycling Operations: Waste Management, mineral processing, extraction or storage	1,000.00	1,125.00	Traded

Please note:

Pre-application fees are non-refundable

Householder pre-applications are covered by our development enquiry service.

Any pre-application enquiry which involves a Listed Building will be subject to an additional charge of £115 (incl. VAT).

For mixed use development; please add the residential and commercial fees together as a cumulative fee will be applicable.

All other proposals will be charged at the hourly rate of £115 (incl. VAT) contact us for further information.

These charges cover the costs associated with an officer providing an initial response to a pre-application enquiry. One further written response will be charged at £115 per hour (or part thereof).

In some instances the Council will wish to refer development proposals to the independent Torbay Design Review Panel. A separate fee will be required to cover the cost of using the Panel Site Visits and Meetings £115 per officer per hour (please contact us for details)

Registration Service Discretionary Fees and Charges

Due to the nature of ceremonies often being booked years in advance, the fees & charges for this service are shown for multiple years

<http://www.torbay.gov.uk/registrar/>

Marriage or Civil Partnership Ceremonies	£ Current 2023/24	£ Proposed 2024/25	£ Proposed 2025/26	£ Proposed 2026/27	Category
VAT Rate OS					
Attending at Approved Premises in the Torbay District					
Monday to Thursday - up to 6pm	560.00	590.00	620.00	645.00	Traded
Monday to Thursday - 6pm to 8pm	580.00	610.00	640.00	665.00	Traded
Monday to Thursday - from 8pm	640.00	680.00	715.00	745.00	Traded
Friday & Saturday - up to 6pm	580.00	610.00	640.00	665.00	Traded
Friday & Saturday - after 6pm	640.00	680.00	680.00	710.00	Traded
Sunday or Bank Holiday	680.00	750.00	750.00	780.00	Traded
Cockington Court in the Ceremony Room(up to 10 guests)					
Monday to Thursday	100.00	110.00	115.00	120.00	Traded
Friday & Saturday	150.00	160.00	170.00	180.00	Traded
Sunday or Bank Holiday	200.00	210.00	220.00	230.00	Traded
Cockington Court in the Ceremony Room(up to 25 guests)					
Monday to Thursday	200.00	210.00	220.00	230.00	Traded
Friday & Saturday	300.00	320.00	335.00	350.00	Traded
Sunday or Bank Holiday	375.00	400.00	420.00	440.00	Traded
Cockington Court in the Ceremony Room(up to 55 guests)					
Monday to Thursday	400.00	420.00	440.00	460.00	Traded
Friday & Saturday	550.00	580.00	610.00	635.00	Traded
Sunday or Bank Holiday	600.00	630.00	630.00	655.00	Traded

Torbay Register Office, Paignton Library (Max 2 guests-statutory fee)	£ Current 2023/24	£ Proposed 2024/25	£ Proposed 2025/26	Proposed 2026/27	Category
Wednesday - up to 12.30 pm	57.00	57.00	57.00	57.00	National
At a registered building-statutory fee	86.00	86.00	86.00	86.00	National
Combination Ceremony (Statutory Ceremony + Celebration Ceremony)					
Monday - Sunday up to 6pm	660.00	700.00	730.00	760.00	Traded
Giving Notice (statutory fees)					
Giving a notice of intent to marry or form a civil partnership (each partner)	35.00	35.00	35.00	35.00	National
Attendance of a Registrar to verify the declaration of a house-bound person	47.00	47.00	47.00	47.00	National
Attendance of a Registrar to verify the declaration of a detained person	68.00	68.00	68.00	68.00	National

Premises License					
Pre inspection meeting to discuss the process (deductable from licence fee when application is submitted)	120.00	130.00	135.00	140.00	Traded
License for Approved Premises to hold ceremonies - NEW (valid 3 years)	1,730.00	1,820.00	1,900.00	1,975.00	Traded
License for Approved Premises to hold ceremonies - RENEW (valid 3years)	1,250.00	1,320.00	1,370.00	1,425.00	Traded
Additional room to be added to a current licence	150.00	160.00	165.00	170.00	Traded

Renewal of vows/celebration/naming ceremonies at Cockington Ceremony Room Note: fees listed excl VAT	£ Current 2023/24	£ Proposed 2024/25	£ Proposed 2025/26	Proposed 2026/27	Category
VAT Rate SR					
Up to 10 guests					
Monday to Thursday - up to 6pm	100.00	110.00	115.00	120.00	Traded
Monday to Thursday - 6pm to 8pm	POA	POA	POA	POA	Traded
Friday & Saturday up to 6pm	150.00	160.00	165.00	175.00	Traded
Friday & Saturday 6pm - 8pm	POA	POA	POA	POA	Traded
Sunday and Bank Holidays up to 6pm	200.0	210.00	220.00	230.00	Traded
Renewal of vows/celebration/naming ceremonies at Cockington Ceremony Room Note: fees listed excl VAT					
VAT Rate SR					

Up to 25 guests					
Monday to Thursday - up to 6pm	200.00	210.00	220.00	230.00	Traded
Monday to Thursday - 6pm to 8pm	POA	POA	POA		Traded
Friday & Saturday up to 6pm	300.00	320.00	335.00	350.00	Traded
Friday & Saturday 6pm - 8pm	POA	POA	POA		Traded
Sunday and Bank Holidays up to 6pm	375.0	400.00	415.00	430.00	Traded
Renewal of vows/celebration/naming ceremonies at Cockington Ceremony Room Note: fees listed excl VAT					
VAT Rate SR					
Up to 55 guests					
Monday to Thursday - up to 6pm	400.00	420.00	420.00	420.00	Traded
Monday to Thursday - 6pm to 8pm	POA	POA	POA		Traded
Friday & Saturday up to 6pm	550.00	580.00	580.00	580.00	Traded
Friday & Saturday 6pm - 8pm	POA	POA	POA		Traded
Sunday and Bank Holidays up to 6pm	600.00	630.00	630.00	630.00	Traded
Renewal of Vows/Celebration/Naming Ceremony at Approved Premises					
Monday to Thursday - up to 6pm	400.00	420.00	420.00	420.00	Traded
Monday to Thursday - 6pm to 8pm	POA	POA	POA		Traded
Friday & Saturday up to 6pm	550.00	570.00	570.00	570.00	Traded
Friday & Saturday 6pm - 8pm	POA	POA	POA		Traded
Sunday and Bank Holidays up to 6pm	600.0	620.00	620.00	620.00	Traded
Ceremony run through discusion-face to face	25.00	25.00	25.00	25.00	Traded
Via E-mail	FOC	FOC	FOC	FOC	Traded
Ceremony Booking Fee	25.0	30.00	30.00	30.00	Traded
Citizenship					
VAT Rate OS					
Private Citizenship Ceremony per person	160.00	170.00	170.00	170.00	Traded

Resort Services Fees and Charges

Chalets/Cabins	£	£	
VAT Rate SR	Current 2023/24	Proposed 2024/25	Category
Annual			
Meadfoot – Annual 1st Floor	2,081.25	2,165.00	Traded
Meadfoot – Annual 1st Floor : Sun Terrace	3,185.60	3,313.00	Traded
Meadfoot – Annual Ground	1,770.45	1,841.00	Traded
Broadsands - Annual Charge 1-25 Sea facing	2,031.30	2,113.00	Traded
Broadsands - Annual Charge 26 - 50 Green facing	1,991.34	2,071.00	Traded
Oddicombe - Annual Charge	2,053.50	2,136.00	Traded
Per Week			
Meadfoot - Per week - April to June and September	137.50	143.00	Traded
Meadfoot- Per week - July and August	160.60	167.00	Traded
Broadsands if available - Per week - April to June and September	137.50	143.00	Traded
Broadsands if available- Per week - July and August	160.60	167.00	Traded
Goodrington - Per week - April to June and September	104.34	109.00	Traded
Goodrington - Per week - July and August	121.00	126.00	Traded
Preston - Per week - April to June and September	104.34	109.00	Traded
Preston - Per week - July and August	121.00	126.00	Traded
Less than a week			
Goodrington - Per day - April to June and September	36.16	38.00	Traded
Goodrington - Per day - July and August	41.07	43.00	Traded

Beach Hut	£	£	
VAT Rate SR	Proposed 2023/24	Proposed 2024/25	Category
Annual			
Site Only - Broadsands	649.35	675.00	Traded
Site Only - Breakwater	599.40	623.00	Traded

Site Only – Summer Season	£	£	
VAT Rate SR	Proposed 2023/24	Proposed 2024/25	Category
Corbyn Head	484.00	503.00	Traded
Broadsands, Goodrington North, Youngs Park, Oddicombe and Roundham	360.75	375.00	Traded
Preston & Preston Marine Parade & Goodrington South	382.95	398.00	Traded
Corbyn self-maintained	116.55	121.00	Traded

Council Beach Huts Winter Season	£ Proposed 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Beach Huts – Winter Storage			
Stored off site	242.00	252.00	Traded
Store on site	236.50	246.00	Traded
Miscellaneous Charges	£ Proposed 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Beach Hut transfer charge	115.50	120.00	Traded
Beach Hut scrappage charge	143.00	149.00	Traded
Beach Hut List Charge	25.00	26.00	Traded
Administration charge (on cancellation of facilities and other instances at the discretion of Tor Bay Harbour Master)	55.00	57.00	Traded

Beach Furniture	£ Proposed 2023/24	£ Proposed 2024/25	Category
VAT Rate SR			
Deckchair per week	16.00	16.00	Traded
Deckchair per day	4.00	4.00	Traded
Directors chair per week	22.00	22.00	Traded
Directors chair per day	6.00	6.00	Traded
Sunlounger per week	22.00	22.00	Traded
Sunlounger per day	6.00	6.00	Traded
Parasol per day	4.00	4.00	Traded
Windbreak per day	4.00	4.00	Traded
Event Deckchair Hire			
Deckchair per day	4.00	4.00	Traded
Delivery/Collection – prices on application but minimum charge	80.30	84.00	Traded
Event			
Filming charges upon application to Torbay Council			

Assembly Hall Fees and Charges

Room Hire		£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate EX				
BASIC HIRE (Minimum session hire 5 hours)	Full Rate Per Hour	35.50	37.00	Traded
	Discounted Rate Per Hour	28.50	30.00	Traded
Late surcharge (after 11pm)	Full Rate Per Hour	71.50	75.00	Traded
Sunday surcharge	Full Rate Per Hour	16.50	18.00	Traded
Kitchen - used for supply/sale of refreshments	Full Rate Per Hour	19.50	21.00	Traded
Kitchen - access to water for cleaning only	Per Session	19.50	21.00	Traded
Badminton charges	Per Court per hour	18.00	19.00	Traded

Note: The above are basic charges for room hire and if additional services are required, the price is available on application.

Paignton Library Room Hire - Fees and Charges

<https://www.torbaylibraries.org.uk/web/arena/discover->

Room Hire		£ Current 2023/24	£ Proposed 2024/25	Category
VAT Rate EX				
Triple meeting room (10, 11, 12)	Full Rate Per Hour	36.50	38.00	Traded
	Discounted Rate Per Hour	18.00	19.00	Traded
Double meeting room (10, 11) or (11, 12)	Full Rate Per Hour	30.50	32.00	Traded
	Discounted Rate Per Hour	15.00	16.00	Traded
Single Meeting room (10) or (11) or (12) or (13)	Full Rate Per Hour	24.00	25.00	Traded
	Discounted Rate Per Hour	12.50	13.00	Traded

Note: An additional fee of £48 will be charged to set up rooms outside of hours and at weekends, if the rooms above require set up.

The above are basic charges for room hire and if additional services are required, the price is available on application.

Spatial Planning Fees and Charges

Type of Document	£ Current 2023/2024	£ Proposed 2024/25	Category
VAT Rate SR			
Torbay Local Plan			
Hardcopy incl. pen drive	FOC	FOC	Subsidised
Hardcopy postage	FOC	FOC	Subsidised
Pen drive only	FOC	FOC	Subsidised
Online	FOC	FOC	Subsidised
View in Person	FOC	FOC	Subsidised
Supplementary Planning Documents (SPDs) plus a wide range of documents forming the evidence base for the existing and emerging Torbay Local Plan (Hardcopy)	Prices vary depending on document. Cost can be obtained from the Strategy and Project Delivery Team	Prices vary depending on document. Cost can be obtained from the Strategy and Project Delivery Team	Cost Recovery
Type of Document			
Hardcopy Decision Notices	27.85	28.96	Cost Recovery
Hardcopy Tree Preservation Orders	55.70	57.93	Cost Recovery
Hardcopy Section 106 Agreements	55.70	57.93	Cost Recovery
Hardcopy Committee Reports	16.71	17.38	Cost Recovery
Online	FOC	FOC	Subsidised
Type of Document			
Other A4/A3 size documents up to 10 sheets	11.14	11.59	Cost Recovery
Other A4/A3 size documents over 10 sheets (each sheet)	1.11	1.16	Cost Recovery
A2 Plans per sheet	11.14	11.59	Cost Recovery
A1 Plans per sheet	16.71	17.38	Cost Recovery
A0 Plans per sheet	27.85	28.96	Cost Recovery
Planning History Searches E-mail or Hardcopy (per site per hour)	83.55	86.89	Cost Recovery

**Large quantities of documents may take a longer turnaround period.*

Enforcement Charges	£ Current 2023/2024	£ Proposed 2024/25	Category
VAT Rate OS			
Withdrawal of an enforcement notice	87.60	91.11	Levy
Confirmation of no enforcement action	87.60	91.11	Levy

Section 106 / CIL	£ Current 2023/2024	£ Proposed 2024/25	Category
VAT Rate OS			
Confirmation of compliance with an obligation	83.55	86.89	Cost recovery

Town Diary Fees and Charges

	£	£	
	Current 2023/24	Proposed 2024/25	Category
VAT Rate SR			
Admin Fee for charity, fundraising and information stands - price is per day	50.00	52.00	Cost Recovery
Small Displays with a table and chairs/leaflets/information/gazebo/display stands - price is per day	80.00	85.00	Traded
Commercial companies with a discount for block bookings - price is per day 3 months bookings - 5% discount 6 months bookings - 10% discount 9 months bookings - 12.5% discount 12 months (year) bookings - 15% discount	240.00	250.00	Traded
VAT Rate SR			
Banner sites Victoria Park, Paignton (fences along Torquay Road) Kings Gardens Torquay only Banners advertising specific companies Fee is payable on the approval of the application for each site Organisations will be charged the same price for the removal of banners for non-compliance of terms and conditions Banners can be displayed for a minimum of two weeks at a time. Extension may be available subject to vacant space. They should be removed immediately after this agreed period by the advertising organisation.	50.00	52.00	Traded
Banner sites Victoria Park, Paignton (fences along Torquay Road) Kings Gardens Torquay only Banner removal fee	40.00	42.00	Traded
VAT Rate SR			
Event Notices - Removal fee if not taken down from site.	50.00	52.00	Levy
Events Booking System Admin Fees Community /Charity Events	25.00	20.00	Cost Recovery
Commercial/Major Events - booking system	110.00	20.00	Traded
Commercial event fees over 1000 attendance - ticketed - £1 per person attending		£1p/p	Traded
Poster sites 187 single poster sites around Torbay Fee is charged per poster per week.	3.50	3.70	Traded

Revenue Reserves Policy

January 2024

1. Purpose of this Policy

- 1.1 The requirement for financial reserves is acknowledged in statute. Sections 31A, 32, 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure.
- 1.2 It is the 'Chief Finance Officer's (Finance Director), duty to report on robustness of estimates and adequacy of reserves (under Section 25 of the Local Government Act 2003) when the authority is considering its budget requirement.
- 1.3 However, there is no specified minimum level of reserves that an authority should hold and it is the responsibility of the Chief Financial Officer (CFO) to advise the Council about the level of reserves and to ensure that there are procedures for their creation, maintenance and use.
- 1.4 Torbay Council will hold reserves for the following main purposes:
 - Earmarked funds to meet known or predicted time limited spend requirements or improvement projects;
 - funds earmarked for statutory reasons (e.g. Elections and Insurance);
 - funds being held on behalf of partner organisations and/or ring-fenced activity (e.g. Public Health, Harbours and Adult Social Care);
 - holding of specific grant funding in advance of drawing down spend and,
 - a General Reserve (or working balance), to help cushion the impact of uneven cash flows, provide contingency, and avoid any unnecessary temporary borrowing.
- 1.5 This policy on the establishment, maintenance and adequacy of reserves and balances will be reviewed annually.

2. General Fund Reserves

- 2.1 The use of general fund reserves is not restricted. They can be used to smooth the impact of uneven cash flows, offset the budget requirement, or can be used to respond to unexpected events or emergencies.
- 2.2 In line with CIPFA advice, it is recommended that the Council maintains its General Fund Reserve, (or 'Working Balance'), at 5% of the net revenue budget at the commencement of any given financial year. If any of the General Fund reserve is drawn down in any given year, replenishment should be provided for in the next annual budget setting process.
- 2.3 As the Council budget increases year on year, the objective is that the General Fund Reserve should also grow on a proportionate basis to remain at the desired level of at least 5%. For 2024/25, 5% would represent circa £7m required, increasing to £7.6m by 2026/27.

2.4 In addition to the General Fund Reserve the Council, for a number of years, has maintained a Comprehensive Spending Review (CSR) Reserve. This reserve acts as a 'buffer' for the General Fund Reserve and is utilised in a flexible way, to respond to any significant unforeseen or emergency one-off spend within any given financial year, as well as being used to provide funding for transformational activities that will result in long term revenue savings.

2.5 Wherever possible, the Council will strive to maintain a CSR Reserve of £3m at the commencement of each financial year in order to 'smooth' and manage the Council's overall revenue budget.

Financial Risks faced by the Council

2.6 Revenue budgets are set to reflect known and anticipated service demands and costs. However, there are number of financial risks that the Council do not 'budget' for, but keep under constant review and scrutiny.

2.7 The major financial risks faced by the Council as at March 2024 include:

- Delivery of the Dedicated School Grant (DSG) 'Safety Valve' Improvement Plan (addressing a £12m legacy DSG deficit);
- Re-negotiation of the Adult Social Care services contract with the Integrated Care Organisation (ICO). With an annual spend, as at March 2024, being circa £15m above budgeted levels. The contract is due for renewal at the end of March 2025;
- High, and escalating, cost of Children Social Care placements and the potential impact of legislation that will require the Council to subscribe to a 'Regional Care Co-operative';
- The high and rising costs, over and above budget levels, of tackling the housing crisis – supporting local residents through the 'cost of living crisis' and addressing homelessness across the Bay;
- The viability and volatility of numerous capital investment projects that the Council is striving to deliver and the associated risk of abortive revenue costs for any potential undeliverable schemes;
- Security and uncertainty regarding future revenue income streams. With a dwindling Revenue Support Grant from Government, emphasis is placed firmly on generating income through local sources but there is a significant risk that service demand, costs and pressure will outweigh our ability to raise additional income over the medium term through extra Council Tax, Business Rates and/or local Fees and Charges (such as Planning and Car Parking)

- 2.8 At any point of time, any such risk could materialise which would significantly impact on the Council's ability to maintain a balanced revenue budget hence the requirement to maintain adequate and reasonable General Fund and CSR Reserves.

3. Procedure and Governance

- 3.1 The Council's Chief Finance Officer, (Section 151 Officer), holds responsibility for creating and reviewing a reserve with a requirement for regular reporting (at least annually) to Cabinet, Overview and Scrutiny Board and Council. When instigating a new reserve, the following will always be considered:
- The reason for / purpose of the reserve;
 - how and when the reserve can be used;
 - procedures for the reserve's management and control and
 - a process and timetable for a review of the reserve to ensure continuing relevance and adequacy.
- 3.2 A statement of all significant reserves held, with their anticipated balance at financial year end will be produced annually as part of the Council's budget setting papers for approval by Council. This statement will represent formal sign off from the Council's Section 151 Officer confirming the adequacy of reserve holdings and that the reserves have been reviewed.
- 3.3 Any drawdown exceeding £100k, within year, from an earmarked reserve, or General Fund reserve, will require the Section 151 Officer to issue a formal 'Record of Decision' with the drawdown subsequently reported within the next scheduled budget monitoring report presented to Cabinet (and Council).
- 3.4 Any new reserve(s) exceeding £100k, created from approved budgeted funds, also requires the Section 151 Officer to issue a formal 'Record of Decision' (ROD). However, any new reserve(s) created in year as a result of receiving specific grant funding will be incorporated and reported in the next scheduled monitoring report to Committee without the need for a ROD.
- 3.5 The Section 151 Officer will maintain a detailed schedule of all reserves, as required, forming part of the statutory accounts process.

Principles applied to the holding of Reserves

- 3.6 The Council will adopt the following principles with regards to the holding of reserves:
- All Reserves must have a clearly defined purpose with evidence supporting its requirement and desired value of holding;
 - the Council's Section 151 Officer maintains overall responsibility and management of the Council's reserves – but each specific earmarked reserve must have a designated

Senior Officer who will maintain regular overview of the reserve's required drawdown and on-going adequacy;

- where possible, the Council will rationalise and simplify the holding of Reserves, holding a fewer number of strategic reserves supported by a clear rationale and purpose;
- reserves will be reviewed annually as part of the budget setting process. There will be specific challenge of the on-going need for any reserve that has not had financial movement in excess of two consecutive financial years;
- where reserves are identified as no longer needed, if feasible and allowable, (e.g. specific grant requirements), remaining funds will be absorbed back within the Council's General Fund and/or CSR Reserve;
- reserves can only be used to fund 'one-off', unforeseen, costs and not offset, or underpin, any on-going revenue service delivery or pressure and
- similarly, reserves will not be used to offset any future year Medium Term Resource Plan pressures (unless there are clear action plans to address any funding gaps and the reserve is used to smooth any implementation of such plans)

3.7 Reserves can be used to 'pump prime' and/or provide limited capacity to deliver future year efficiencies (invest to save) subject to the approval (from the Section 151 Officer), of a supporting business case.

4. Earmarked (Specific) Reserves

4.1 For statutory purposes, there is only the need to maintain a single revenue reserve, the 'General Fund' Reserve. However, the Chartered Institute of Public Finance and Accountancy, (CIPFA) Code of Practice states that when reviewing medium-term financial plans and preparing annual budgets, local authorities should consider the establishment of sub reserves (known as earmarked reserves).

4.2 Earmarked reserves may be reported separately but remain legally part of the General Fund. Separate reporting of earmarked reserves has no financial reporting or legislative necessity though they are used extensively by local authorities and as such the Code requires separate disclosure of material earmarked reserves.

4.3 The main 'earmarked reserves' that are held by the Council are detailed below:

(a) Collection Fund

For NNDR the Council bears a 49% share of the risk and reward of changes in the level of National Non-Domestic Rate income. Changes in yield and collection of

National Non-Domestic Rate will result in a Collection Fund surplus or deficit which will impact on the following financial year. The Council holds a Collection Fund reserve to help smooth the volatility of income. Estimates of future year surpluses or deficits are included in the Budget Setting process and reflected in the Medium-Term Resource Plan. Any shortfall incurred in a given year is made good through the Collection Fund Reserve with a corresponding adjustment made to the budgeted income levels in the following financial year.

Collection Fund income, (Council Tax and NNDR), has been volatile in recent years and is likely to continue to be volatile in future years both from the ever-changing NNDR reliefs and from the collectability of the taxes due to the cost of living crisis and economic circumstances.

(b) Adult Social Care (ASC);

Under the existing Adult Social Care contract with the Integrated Care Organisation, (ICO), the Council has maintained an element of the Council Tax precept in order to invest in future transformation and improving sustainability of the service. With the current ICO contract expiring in March 2025, a number of 'invest to save' proposals are being considered as part of the contract negotiations with colleagues from Health. These include targeted support for learning disabilities, increased capacity of the existing re-ablement service, improved governance and commissioning of services and capital investments to enable the building of extra care placements.

In addition to the core ASC reserves as maintained and managed by the Council, there is also a designated Section 256 reserve which is passported Health funding held by the Council in advance of required drawdown.

(c) Childrens Social Care

As part of the 2022/23 budget, to mitigate against volatility of cost and demand for placements, a new earmarked reserve was established with an initial level of £1.0m. Despite further investment into the 2023/24 base revenue budget, the service continues to spend above set budget by approx. £2m. The difficult provider market, with the associated high cost of placements, continues to be a regional and national issue and pending legislation which could lead to a Regional Care Co-operative provides another significant financial risk on the service moving forwards.

The key objective of this reserve is to focus on relevant 'invest to save' opportunities for the service whereby investment in one-off transformational activity can seek to drive efficiencies in relation to future on-going spend.

(d) Schools and Private Finance Initiative

The Council holds a revenue reserve which represents the end of year delegated Schools budget share balances across the Bay's Schools. Although this features within the Council's Reserve analysis, any drawdown, or top up, within this reserve is wholly reliant on, and managed by, the Schools.

In addition, the Council needs to account for the remaining time limited costs that will be incurred (above set revenue budget) for the Private Finance Initiative, (PFI), funding which expires in 2027.

(e) Reserves linked to specific funding streams

There are a number of reserves whereby the Council is required to hold funding, and account for spend, specific to the funding's required purpose. Two such reserves are the **Harbours Reserve** where a separate ring-fenced budget is maintained, reporting into the Harbour Committee, and the **Public Health Reserve** against which the Council has to evidence spend linked to identified public health outcomes, which has to be formally evidenced through annual reports.

(f) Capital Reserves

This Capital reserve is maintained to cover the risk of higher construction costs, contractor instability and higher borrowing costs in relation to projects within the approved capital programme. For some projects, there is also a risk of abortive revenue costs in relation to projects that do not proceed to completion.

The Capital reserve also contains the £400k surplus, which was delivered in 2022/23, which Full Council approved to be allocated to commission much needed staff capacity to help deliver the Council's capital investment aspirations.

A separate, IT (Capital) Replacement Reserve, is also maintained to meet the costs of priority driven replacements, and required upgrades, to the Council's ICT infrastructure. Annual charges are made to the revenue account with subsequent drawdowns from the accumulated funding subject to business case approval.

(g) Investment Reserve

The Council has invested over £235m in investment property and capital loans. Following on from HM Treasury updated guidance, the Council is no longer purchasing such assets, but it retains its previous investments.

The Investment Reserve mitigates any variations in income or costs associated with Investment Fund properties such as void and rent-free periods. The reserve was created, and is maintained, through financial contributions from the rental income received.

Any variations in rent, either from market conditions, voids or rent-free periods are regularly monitored to ensure any potential issues are mitigated in advance. Annual valuations of Commercial Assets are undertaken and included in Treasury Management reports to Audit Committee and Council.

Alongside the Investment Reserve, the Council also maintains a specific 'retail reserve' in terms of the operations and required investment in Fleet Walk.

(h) Developer Contributions

Section 106 and Community Infrastructure Levy are funds received from developers towards the cost of providing the required infrastructure linked to the delivery of specific developments. A reserve is maintained which holds the funds prior to approved drawdown and spend.

(i) Service Transformation / Re-design

Specific reserve targeted at delivering significant re-design / efficiencies through different ways of working. Recent holding, and drawdown, includes the move to an integrated Customer Relationship Management service and write-off of TorVista working capital loan (as approved by Council in September 2023)

(j) Events Reserve (including Torbay airshow)

The previous three-year reserve, which was set up to support the facilitation of various events across the Bay, was exhausted in 2023/24. A further allocation has been provided, through the January 2024 review of reserves, which will provide much needed certainty, over the medium term, for event sponsors and providers whilst enabling the Council to explore a different blend of commercial opportunities alongside public sector financial support.

(k) Housing Related Reserves

The Housing Reserves have three main components. The first is to mitigate any significant variations to the Council's Housing Benefit subsidy, (which is highly volatile and difficult to predict), with a separate sub reserve held for making discretionary housing benefit payments, (against set criteria), for our residents. Some, (residual grant), funding is also maintained for 'crisis support' grants which supplements the Council's 'exceptional hardship' budget.

(l) Highways Reserve

Funding is received for Highways capital investment works which can often be spread over more than one financial year. The reserve is maintained which holds the government funding received prior to drawdown of spend which mainly relates to works under Section 38 and 278 agreements.

(m) Treasury Management 2024/25 surplus / Oldway Maintenance Reserve

Throughout the 2023/24 financial year, as detailed in budget monitoring reports to Council, we have been achieving a surplus from financial returns on cash balances held. This has mainly been due to the exceptionally high interest rates alongside the holding of reserves and grant funding in advance of drawdown of associated spend. However, as at January 2024, interest rates have started to fall with predictions of further significant reductions in rates over the next 18 months. In addition, our holding of cash balances will significantly reduce, particularly around pump priming Adult Social Care Transformation work, (in advance of a new contract with Health from April 2025), and planned capital investment.

Due to forward investment transactions made in 2023/24, we are forecasting a further surplus of circa £950k in the 2024/25 financial year. However, it is anticipated that, from 2025/26, the annual income achievable from Treasury Management will be much more in line with the existing base revenue budget.

In December 2023, Full Council approved the masterplan outlining the future for Oldway Mansion with a corresponding recommendation to identify funding of circa £1m to proceed with the first stage of urgent repairs and maintenance work on the asset. As the proposed spend on Oldway does not reflect any 'enhancement' to the value of the asset, it is highly probable that the funding will need to be sourced through revenue, (as opposed to capital). Therefore the £950k forecasted Treasury Management surplus will be utilised to fund the required works on Oldway over the next three years whilst a funding strategy is developed for the required wider restoration works. It is anticipated that the first £200k of this funding will be drawn down within the 2024/25 financial year.

Provisions

- 4.4 In addition to earmarked and general reserves the Council also holds provisions, where appropriate, for issues where the Council has a potential liability which is likely to result in a payment but the amount and timing of the potential payment is uncertain. The council also holds provisions where there is a risk of future claims being made in areas such as **insurance** and NNDR appeals.

5. 2024/25 Review of Reserves

5.1 Adopting the principles as detailed in this Policy, the Finance Director (Section 151 Officer) has undertaken a thorough review of all reserves held by the Council as at January 2024. This review has resulted in the following action:

- Any reserves showing no financial movement over a period of two years or more, without a clear future spend commitment, have been absorbed into the General Fund Reserve or Comprehensive Spending Review Reserve;
- the General Fund Reserve has been 'topped up' to represent 5% of the Council's proposed 2024/25 Revenue budget;
- the balance of the Comprehensive Spending Review Reserve has been restored to its recommended level of £3m and,
- the Collection Fund Reserve has been thoroughly reviewed regarding the likelihood of future liabilities, (such as NNDR appeals), with a corresponding reduction in the amount now maintained;
- Known significant liabilities have been addressed, and accounted for such as £2.4m for the remaining School's PFI costs and £1.6m for the write off of TorVista Homes 'working capital' loan (as approved by Council in September 2023)

5.2 With these actions taken, and with the Principles detailed above consistently applied, as Section 151 Officer, I believe the reserves to be adequate.

5.3 The Council's Reserve Statement, as at January 2024, is detailed in Appendix 1.

Appendices

Appendix 1: Council Reserve Statement as at January 2024

Report clearance:	This Policy has been reviewed and approved by:	Date:
Director of Finance	Malcolm Coe	

Torbay Council Reserves Statement (January 2024)

Reserve Narrative	Actual 1/4/23 £000	Estimate 31/3/24 £000	Forecast 31/3/25 £000	Forecast 31/3/26 £000	Forecast 31/3/27 £000
General Fund Reserve	5,744	7,600	7,600	7,600	7,600
Comprehensive Spending Review	3,944	3,400	2,800	2,300	1,900
	9,688	11,000	10,400	9,900	9,500
Earmarked Reserves					
Collection Fund	4,526	3,200	3,000	3,000	3,000
Adult Social Care (Revenue)	4,701	4,000	2,000	1,000	0
Adult Social Care (Health Funding)	8,418	5,000	0	0	0
Children's Social Care	1,000	900	600	500	500
Schools related (incl. balances held)	3,073	3,000	3,000	3,000	3,000
(Schools) Private Finance Initiative	0	2,400	1,600	800	0
Harbours (ring-fenced)	1,038	500	600	700	800
Public Health (ring-fenced)	3,240	3,000	2,600	2,300	2,000
Other Ring-fenced funding held	472	260	0	0	0
Capital Funding Reserve	2,128	2,000	1,700	1,500	1,500
ICT Replacement	291	500	300	100	0
Investment (Commercial Assets)	3,120	3,000	3,000	3,000	3,000
Regeneration & Retail Reserve	1,019	500	500	500	500
Developer Contributions	1,115	1,000	800	800	800
Insurance Reserve / Provision	3,490	3,500	3,500	3,500	3,500
Transformation / Service re-design	1,200	1,000	400	0	0
TorVista - loan write off & 23/24 costs	0	1,615	0	0	0
TDA / TorVista transition	0	250	0	0	0
Torbay Events	0	1,000	750	500	250
Housing related reserves	1,809	1,000	750	500	250
Highways	1,155	1,000	1,000	1,000	1,000
Service Carry forwards	5,204	2,500	1,500	1,000	500
Treasury Management 24/25 (Oldway)	0	0	750	500	250
Grants received not yet spent	8,695	4,000	4,000	4,000	4,000
Other Earmarked (under £500k)	2,289	2,000	2,000	2,000	2,000
Total (Earmarked Reserves)	57,983	47,125	34,350	30,200	26,850
Total (all Reserves held)	67,671	58,125	44,750	40,100	36,350

Draft Revenue Budget 2024/2025
Children’s Services – Revenue Savings Plans for 2024-2027

Responsible Officer: Nancy Meehan, Director of Childrens Services
Cabinet Member: Councillor Nick Bye, Cabinet Member for Children’s Services

Proposal	Anticipated Outcomes	Associated Risks	Environmental Impact	Economic Impact	Equality Impact	2024/25 Estimated Impact £000
<p>Children Social Care Placements Continued focus on early help, prevention and the development of a sustainable Family Hub model to help reduce the number of children who become cared for and identify less expensive accommodation for our Care Experienced young people (including those who have previously been Unaccompanied Asylum Seeking Children). Review the targeted support in relation to learning disability placements and associated joint work with Health.</p>	<p>More children maintained within a family based environment.</p> <p>Improved management of high-cost placements and associated immediate and long-term costs.</p> <p>Identification and recognition of contribution required from health colleagues supporting young people.</p>	<p>Continued strain on the current market for Children’s Services placements.</p> <p>Challenges regarding influencing positive impacts on the existing care cohort and placements.</p> <p>Economic (cost of living) environment continues to place demand pressure on the service.</p> <p>Ability to recruit, and maintain, the quality staff capacity required by the service.</p>	<p>There would be no differential environmental impact.</p>	<p>Through having high aspirations for all of our children and young people, including those who are care experienced, there will be a positive economic impact across Torbay.</p>	<p>We would seek to see a positive impact on young people who are enabled to be maintained in family based placements wherever possible.</p> <p>Further details are included within the Draft Equality Impact Assessment.</p>	<p>Medium £500k to £1m</p>
<p>Home to School Transport A thorough review, and revision, of the current home to school transport provision through the promotion of independent travel and a review of single occupancy taxis, as well reduced costs of escorts</p>	<p>The promotion of independent travel enables greater independence and contributes to the skills required for transition to adulthood. The proposal would reduce the need for transport on minibuses and taxis for identified individuals.</p> <p>Single use occupancy taxis are required to support the needs of some children that dysregulate on shared transport. By consistently reviewing the risks and mitigations for individual children we will seek to ensure a return to multiple occupancy vehicles at a quicker rate.</p> <p>A more consistent and skilled workforce for our children and young people.</p>	<p>Not all young people identified for independent travel training will be able to manage all journeys/routes. This needs to be carefully risk assessed and managed through a staged process. Any reduction of bus routes and public transport will limit the impact of this action.</p> <p>Carefully assessed risks and mitigations need to be planned and reviewed for all young people on a regular basis to ensure that any changes are supportive of the identified needs of individuals</p> <p>Escort recruitment is challenging, and retention of staff is a key risk to the service to ensure all routes are covered.</p>	<p>The plans set out actions that would limit the use of individual journeys and create greater opportunities for travel by multiple occupancy vehicles and public transport, thereby having a positive climate change impact.</p>	<p>Reduced transport related costs through targeted reductions in support provided.</p>	<p>We would seek to see a positive impact on children and young people with Special Educational Needs and/or Disabilities being provided with training and support to promote independence and life skills.</p> <p>Further details are included within the Draft Equality Impact Assessment.</p>	<p>Low £50k to £500k</p>

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Draft Revenue Budget 2024/2025 Adult and Community Services – Revenue Savings Plans for 2024-2027

Responsible Officers: Joanna Williams, Director of Adult Services

Cabinet Members: Councillor Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities
Councillor Alan Tyerman, Cabinet Member for Housing, Finance and Corporate Services

Proposal	Anticipated Outcomes	Associated Risks	Environmental Impact	Economic Impact	Equality Impact	2024/25 Estimated Impact £000
<p><u>Integrated (Adult) Social Care Contract</u> We will work closely with our Health colleagues to identify how savings can be made in both the short and long term and will commence a fully sourced, and joined up, adult social care transformation programme focusing on elements such as reablement, learning disability support and extra care provision.</p>	<p>Maintaining a high quality of services for our residents through the adoption of a new, sustainable, medium-term contract for integrated social care from April 2025.</p>	<p>The level of spend in the existing Integrated Care Contract is significantly higher than the budget available. This financial liability currently rests with Health.</p> <p>Affordability levels for both the Council, and Health, to agree a new contract for 2025 and beyond will be a challenge with a high probability of additional resources being required.</p>	<p>The integrated care model promotes independence and support for people to remain in their own home. This results in positive outcomes with regards to mitigating the need for lengthy stays in residential / nursing / hospital placements.</p> <p>Promoting a positive social environment</p>	<p>The integrated care model promotes independence and support for people to remain in their own home. This results in positive outcomes with regards to mitigating the need for lengthy stays in residential / nursing / hospital placements.</p> <p>Promoting a positive economic environment</p>	<p>Residents will remain being assessed considering the best possible targeted support to provide the care required through the integrated model.</p> <p>Further details are included within the Draft Equality Impact Assessment.</p>	<p>High £1m+</p>
<p><u>Focus on prevention and relief of homelessness</u> Continued strategic work to improve accommodation pathways and commissioning plans. To explore/clarify use of grant funding from Homes England;</p> <p>Additional focus on:</p> <ul style="list-style-type: none"> - Homelessness preventative work; - Housing Management subsidy arrangements; - Grant funding from Homes England; - Implementation of a Temporary Accommodation charging procedure. 	<p>Wherever practical and feasible, maintaining people within stable, sustainable, self-funded housing through targeted intervention.</p> <p>Optimisation of housing subsidies and available grants to provide a more sustainable costing model for the Council.</p> <p>Additional income to offset costs through encouraging individuals to budget for their living costs</p> <p>Continue to focus on timely move-on from temporary accommodation.</p>	<p>The current economic climate continues to place demand pressure on the service.</p> <p>Lack of affordable housing and social rent provision across Torbay.</p> <p>High cost of existing temporary accommodation placements.</p>	<p>There would be no differential environmental impact.</p>	<p>Supporting individuals, and families, to remain in stable, sustainable housing provision will have a positive economic impact.</p>	<p>All individuals, and families, will continue to be assessed based on their identified needs without prejudice.</p>	<p>Medium £500k to £1m</p>

Draft Revenue Budget 2024/2025
Pride in Place – Revenue Savings Plans for 2024-2027

Responsible Officers: Alan Denby, Director of Pride in Place

Cabinet Members: Councillor Adam Billings, Cabinet Member for Pride in Place, Culture, Events and Parking,

Proposal	Anticipated Outcomes	Associated Risks	Environmental Impact	Economic Impact	Equality Impact	2024/25 Estimated Impact £000
<p>SWISCO Contract Fee Reduction in SWISCO contract fee as a result of continued investment in improved back-office functions, new technology and vehicles, and through the opportunity for further commercial growth.</p>	<p>Further efficiencies enabling the management fee payable to SWISCO to be reduced (whilst maintaining and improving service quality)</p>	<p>There are risks associated with the achievement of this proposal if prices and associated costs to SWISCO continue to rise, resulting in financial pressures in 2024/25.</p>	<p>There would be no differential environmental impact although technology (such as route mapping) has a positive impact on travel incurred.</p>	<p>There would be no differential economic impact.</p>	<p>There would be no differential equality impact.</p>	<p>Low £50k to £500k</p>
<p>Optimisation of Council Assets Review and revision of the strategy and criteria for holding / investing / disposing of high value assets.</p>	<p>Optimisation of the Council’s asset base. Potential for freeing up funding to facilitate Council borrowing for Torbay regeneration and local capital investment.</p>	<p>There are minimal risks associated with this proposal. Potential risk of on-going lost revenue income if disposing of existing commercial asset(s) which will need to be mitigated through clear Business Cases (prior to any disposal).</p>	<p>There would be no differential environmental impact. However, environmental impacts will need to be considered when planning any further investment in, (or acquisition of), assets.</p>	<p>Potential greater positive economic impact for Torbay if funding from existing assets is prioritised into local capital investment.</p>	<p>There would be no differential equality impact.</p>	<p>Medium £500k to £1m</p>
<p>Events Consider options for a more financially sustainable (commercial) model for Council delivery of major events held across Torbay.</p>	<p>Reduce reliance on one-off reserve funding. Provide greater certainty and assurance to event organisers and promoters.</p>	<p>Risk that there might not be a commercial model available to mitigate Council subsidy.</p>	<p>Any alternative options will consider relevant environmental impacts.</p>	<p>Maintaining a healthy and comprehensive events programme has a significant positive impact on the local economy.</p>	<p>Equality Impact Assessments will be undertaken if any alternative arrangements are considered by the Council.</p>	<p>Low £50k to £500k</p>

Draft Revenue Budget 2024/2025
Corporate Services – Revenue Savings Plans for 2024-2027

Responsible Officers: Matthew Fairclough-Kay, Director of Corporate Services
Cabinet Members: Councillor Alan Tyerman, Cabinet Member for Housing, Finance and Corporate Services

Proposal	Anticipated Outcomes	Associated Risks	Environmental Impact	Economic Impact	Equality Impact	2024/25 Estimated Impact £000
<p>Legal Services Undertake a review of current staffing resource within Legal Services to include:</p> <ul style="list-style-type: none"> - Review current demand and usage of Legal Services and the internal commissioning arrangements across services; - Consider alternative delivery arrangements including shared services and / or shared commissioning of external legal support; - Review current market supplements to understand if further increases would improve recruitment and reduce costs. 	<p>Better understanding of where demand sits proportionally within the Council and more accurate charging across Services.</p> <p>Improved recruitment of solicitors, resulting in less reliance on the use of agency staff, with associated cost savings.</p> <p>Ultimately ensuring that Value for Money is delivered through Legal Services support.</p>	<p>Increased costs from market supplements might still be unable to recruit into vacant posts.</p> <p>Demand for legal services continue to rise in excess of capacity available.</p>	<p>There would be no differential environmental impact.</p>	<p>There would be no differential economic impact although action will ensure that Value for Money is delivered by the service.</p>	<p>There is no differential equality impact.</p>	<p>Low £50k to £500k</p>
<p>Streaming of Council Meetings Review live streaming of public meetings, including the purchase of suitable equipment and look to use internal meetings rooms instead of hiring external rooms.</p>	<p>Reduction in the costs associated with the live streaming of meetings.</p>	<p>Less engagement from the community in Council decision making and governance arrangements (can be partially mitigated by implementing alternative arrangements) if new streaming arrangements are less engaging.</p>	<p>Potential risk of additional travel to meetings if new streaming arrangements are not successful.</p>	<p>There would be no differential economic impact.</p>	<p>Risk that individuals who are unable to drive or who have mobility challenges find it too difficult to attend meetings that they would wish to attend should new streaming arrangements be unsuccessful.</p> <p>Further details are included within the Draft Equality Impact Assessment.</p>	<p>Low £50k to £500k</p>

Budget 2024/25 Equality Impact Assessment

Overview

This Equality Impact Assessment (EIA) assesses the proposed council budget for 2024/25 which is being considered by Council. This EIA specifically assesses the potential impact of the proposal to increase Council Tax, the proposal to increase fees and, the proposal to review the venue and streaming of council meetings. The EIA considers the potential impacts arising from budget management proposals on those with protected characteristics. Given the close links between vulnerability and socioeconomic inequality, the EIA also considers the impact of proposals from this perspective. Torbay ranks the 38th most deprived upper tier local authority in England out of a total of 151 local authorities, according to the Indices of Multiple Deprivation (IMD) 2019.

This EIA does not fully assess Revenue Savings Plans for each department as these will be further assessed as the proposals develop and go through the decision-making cycle independently. Where departments are receiving additional funding, for example, through the Events Reserve, attention will be given to ensure that equality considerations are factored into spending decisions.

The Revenue Savings Plans currently being considered as part of the budget setting and the ongoing management of budget pressures throughout 2024/25 include:

Children's services

- Children Social Care Placement
- Home to school transport

Adult and Community Services

- Integrated Adult Social Care Contract
- Focus on prevention and relief of homelessness

Pride in Place

- SWISCO contract fee
- Optimisation of council assets
- Events

Corporate Services

- Legal services
- Venue and streaming of council meetings

Council Tax

In determining the funding settlement for local authorities, the government has assumed that councils would increase council tax by a maximum of 2.99% with an additional 2% increase for the adult social care precept. In recognition of the ongoing significant spending pressures facing adult social care and to support the integrated arrangement with the NHS, it is proposed that the 2% adult social care precept is charged in 2024/2025.

Recognising the cost-of-living pressures that our residents continue to face, the Cabinet is proposing to increase Council Tax below the government cap with an increase of 2.75% rather than the 2.99% cap. This will allow us to increase the support that is available to support the communities who need it the most and to continue to invest in services while minimising as much as possible the financial impacts for our residents.

Whilst it is not possible to fully mitigate the impact of Council Tax increases, Torbay Council operates a Council Tax Support Scheme which limits the amount of Council Tax that eligible recipients are required to pay to up to 75%. The current Council Tax Support Scheme caseload has been analysed to help identify if there may be an indirect impact on one or more groups with protected characteristics because of the proposed increases to Council Tax. Where available, this information has been included in the evidence for each group of people with protected characteristics below. Other data included within the EIA has been sourced from the Joint Strategic Needs Assessment.

Fees and charges

It is proposed that fees and charges across Council services will generally increase in line with estimated inflation for 2024/25, by 4%. This will include car park charges, with increased levels of income offsetting increased prices and cost pressures within the service. There will be some exceptions, in particular planning fees where national rates will result in more significant increases.

Budget consultation

Cabinet published its draft budget proposals in January 2024 for consultation. During the consultation period, feedback was gathered through an online questionnaire and an engagement event held at St Marychurch as from Torbay Council's social media channels. To ensure that those who participate in our engagement activities are representative of the local community was asked for demographic information from respondents to help us identify any patterns in our engagement activities. Where appropriate, data for each protected characteristic has also been included from the budget consultation.

Protected characteristics under the Equality Act	Data and insight	Equality considerations including any adverse impacts	Mitigation activities	Lead department and timeframe
Age	<ul style="list-style-type: none"> 18 per cent of Torbay residents are under 18 years old. 	Revenue saving plans Due to their overrepresentation as service users, older people could be	Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in	Director of Adult and Community Services and

	<ul style="list-style-type: none"> • 55 per cent of Torbay residents are aged between 18 to 64 years old. • 27 per cent of Torbay residents are aged 65 and older. <p>This age profile can lead to significantly higher demand for health and care services tailored towards an older population.</p> <p>Council Tax Support Scheme caseload data Pension age households represent just over 44.7% of the current Council Tax Support caseload.</p> <p>Budget consultation 37.36% of those who responded to the budget consultation were aged 65 or over.</p>	<p>disproportionately impacted by revenue saving plans in Adult Social Care.</p> <p>Due to their overrepresentation as service user children and younger people could be disproportionately impacted by revenue saving plans in Children’s Services especially around home to school transport budget decisions.</p> <p>Council Tax and fees and charges Older people may be disproportionately impacted by increases to Council Tax and fees and charges due to the increased likelihood of them experiencing poverty during retirement. Younger people may be disproportionately impacted by increases to Council Tax due to the increased likelihood of them experiencing low earnings.</p>	<p>their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision-making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.</p> <p>Council Tax and fees and charges A Council Tax Support Scheme is in place which limited the amount that eligible applicants are required to pay to 75%. The Exceptional Hardship Fund is also available to provide financial support to eligible applicants facing exceptional financial hardship.</p>	<p>Director of Children’s Services to assess the impact of budget savings within their departments.</p> <p>Financial Services Continue to raise awareness of the Council Tax Support Scheme.</p>
<p>Care experienced individuals</p>	<p>Torbay has a higher proportion of young people with care experience when compared to the rest of the Southwest and England.</p>	<p>Revenue saving plans Due to their overrepresentation as service user children and younger people could be disproportionately impacted by revenue saving plans in Children’s Services especially</p>	<p>Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive</p>	<p>Director of Children’s Services to assess the impact of budget</p>

		around home to school transport budget decisions.	support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision-making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.	savings within their departments
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care. Although, it is generally accepted that the 2021 Census under-identified carers. Torbay has a much higher than average number of carers providing over 20 hours of care. Torbay is the 6th highest in England for carers undertaking 50+ hours of care. Unpaid carers require support to help deliver this care and to look after their own health and wellbeing. Extensive and ongoing engagement has taken place with local carers. In addition, the National Carers' Survey shows that carers' quality of life is	<p>Revenue saving plans Due to their overrepresentation as both direct service users and service beneficiaries' carers may be disproportionately impacted by revenue saving plans in Adult Social Care and Children's Services provisions.</p> <p>Council Tax and fees and charges Carers may be disproportionately impacted by increases to Council Tax and fees and charges due to the increased likelihood of them experiencing poverty.</p>	<p>Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision-making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.</p> <p>Council Tax and fees and charges</p>	<p>Director of Adult and Community Services and Director of Children's Services to assess the impact of budget savings within their departments</p> <p>Financial Services Continue to raise awareness of the Council</p>

	deteriorating year on year which is mirrored in Torbay.		A Council Tax Support Scheme is in place which limited the amount that eligible applicants are required to pay to 75%. The Exceptional Hardship Fund is also available to provide financial support to eligible applicants facing exceptional financial hardship.	Tax Support Scheme and to ensure that equality is considered.
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness. This was significantly higher than England (17.3%) and South West (18.6%), the difference was particularly marked in those stating that their day-to-day activities were limited a lot.</p> <p>Council Tax Support Scheme caseload data Around 2% of all working age households receive a Disability or Severe Disability Premium.</p> <p>Budget consultation Of those who responded to the budget consultation, 15.38% said that they had a disability. 84.62%</p>	<p>Revenue saving plans Due to their overrepresentation as service users people with disabilities may be disproportionately impacted by budget management decisions in Adult Social Care and Children's Services provisions.</p> <p>Council Tax and fees and charges People with disabilities may be disproportionately impacted by increases to Council Tax and fees and charges due to the increased likelihood of them experiencing poverty.</p> <p>Venue and streaming of council meetings People with disabilities may be disproportionately impacted by the decision to change the venue of the council's meetings as they may find it more difficult to travel to in person meetings.</p>	<p>Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.</p> <p>Council Tax and fees and charges A Council Tax Support Scheme is in place which limited the amount</p>	<p>Director of Adult and Community Services and Director of Children's Services to assess the impact of budget savings within their departments.</p> <p>Financial Services Continue to raise awareness of the Council Tax Support Scheme and</p>

	of respondents said that they did not have a disability.		<p>that eligible applicants are required to pay to 75%. The Exceptional Hardship fund is also available to provide financial support to eligible applicants facing exceptional financial hardship.</p> <p>Venue and streaming of council meetings Meeting dates will continue to be published in good time to encourage maximum attendance. Minutes of the meeting are published online so that those unable to attend can stay informed of Council decisions. Consideration will be given to ensuring that any alternative venues are accessible and that reasonable adjustments are put in place where required.</p>	<p>to ensure that equality is considered.</p> <p>Corporate Services to ensure that Council meetings remain accessible.</p>
Gender Reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	<p>Revenue saving plans People with the protected characteristic of gender reassignment may disproportionately impacted by reductions in Adult Social Care and Children's Services provisions if the ability to put in place appropriate and considered care and support is limited. Due to the limited data collected locally, it is not possible to fully understand the possible impacts on this group of service users.</p>	<p>Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further</p>	<p>Director of Adult and Community Services and Director of Children's Services to assess the impact of budget savings</p>

			assessed as proposals develop and go through the decision making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.	within their departments.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no expected adverse impacts anticipated.	Not applicable.	Not applicable.
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	Venue and streaming of council meetings Those who are pregnant or recently had a child may be disproportionately impacted by the decision to change the venue of public meetings as they may find it more difficult to travel to in person meetings.	Venue and streaming of council meetings Meeting dates will continue to be published in good time to encourage maximum attendance. Minutes of the meeting are published online so that those unable to attend can stay informed of Council decisions. Consideration will be given to ensuring that any alternative venues are accessible and that reasonable adjustments are put in place where required.	Corporate Services to ensure that Council meetings remain accessible.
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of	Revenue saving plans Revenue savings plans in Adult Social Care and Children's Services provisions may disproportionately impact people from different cultural backgrounds if the ability to put in place culturally appropriate and considered care and support is limited.	Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their	Director of Adult and Community Services and Director of Children's Services to

	<p>Torbay classified as being amongst the 20% most deprived areas in England.</p> <p>Budget consultation 97.14% of those who responded to the budget consultation described their ethnic background as White, 0.57% as Asian or Asian British, 1.14% as Black or Black British and 1.14% as being mixed or of multiple ethnic groups.</p>	<p>Council Tax and fees and charges People from black, Asian and minority ethnic backgrounds may be disproportionately impacted by increases to Council Tax and fees and charges due to the increased likelihood of financial insecurity.</p>	<p>individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.</p> <p>Council Tax and fees and charges A Council Tax Support Scheme is in place which limited the amount that eligible applicants are required to pay to 75%. The Exceptional Hardship fund is also available to provide financial support to eligible applicants facing exceptional financial hardship.</p>	<p>assess the impact of budget savings within their departments</p> <p>Financial Services Continue to raise awareness of the Council Tax Support Scheme and to ensure that equality is considered.</p>
Religion or belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>Revenue Savings Plans Revenue savings plans in Adult Social Care and Children's Services provisions may impact people from different cultural backgrounds if the ability to put in place culturally appropriate and considered care and support is limited.</p>	<p>Revenue saving plans Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further</p>	<p>Director of Adult and Community Services and Director of Children's Services to assess the impact of budget savings</p>

			assessed as proposals develop and go through the decision making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.	within their departments.
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p> <p>Council Tax Support Scheme caseload data Based on current data there is a higher percentage of working age women claiming Council Tax Support 4,048 (61%) when compared to their representation in the Torbay population 71,493 (51.31%). There are 1,842 lone parents receiving Council Tax Support, which represents 28% of all working age households. 1,703 or 92.4% of lone parent households are women.</p> <p>Budget consultation 50.55% of those who responded to the budget consultation were male and 43.96% were female. 5.49 per cent of respondents preferred not to provide this information.</p>	<p>Council Tax and fees and charges Females may be disproportionately impacted by increases to Council Tax and fees and charges due to the increased likelihood of lone parent households experiencing poverty.</p>	<p>Council Tax and fees and charges A Council Tax Support Scheme is in place which limited the amount that eligible applicants are required to pay to 75%. The Exceptional Hardship fund is also available to provide financial support to eligible applicants facing exceptional financial hardship.</p>	<p>Financial Services Continue to raise awareness of the Council Tax Support Scheme and to ensure that equality is considered.</p>

<p>Sexual orientation</p>	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>	<p>Revenue saving plans</p> <p>Revenue savings plans in Adult Social Care and Children’s Services provisions may impact people from LGBT+ communities if the ability to put in place appropriate and considered care and support is limited. Due to the limited data collected locally, it is not possible to fully understand the possible impacts on this group of service users.</p>	<p>Revenue saving plans</p> <p>Services will continue to take a case-by-case approach and person/ child centred approach in their delivery of services to ensure that individuals receive support tailored to their individual needs and circumstances. To ensure that equality is fully considered, individual decisions will be further assessed as proposals develop and go through the decision making cycle independently. In addition, where relevant existing council policies will continue to be followed to ensure that service delivery is equitable.</p>	<p>Director of Adult and Community Services and Director of Children’s Services to assess the impact of budget savings within their departments</p>
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Capital Strategy 2024/2025

January 2024

DRAFT FOR CONSULTATION

Budget 2024-2025

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1. Introduction

The Council has a range of capital resources at its disposal, which are used to deliver services and to achieve strategic objectives. These resources include land and buildings, such as offices, schools, parks and open spaces, leisure centres and more.

The Council's ability to maintain these assets, in order to ensure and enhance their role in the delivery of services, is crucial to its financial resilience. If assets fall into disrepair, and are no longer able to fulfil their primary purpose, the Council's ability to deliver the associated services is impaired, and it has resources tied up in sub-optimal assets.

Planning and managing the use of the Council's capital resources is, therefore, vital. This includes understanding the role that these assets play in the delivery of services and ensuring that the Authority's asset base remains fit for purpose.

The Capital Strategy provides a high-level overview of how capital expenditure, capital financing, investments, liabilities and treasury management activity contribute to the provision of services, together with an overview of how the associated risk is managed, and the implications for future financial sustainability.

The Corporate Asset Management Plan provides information on the sustainability of these assets, and the efficient use of the asset portfolio to provide value for money. This Plan is available on the Council's website.

When incurring capital expenditure there is an element of risk that needs to be managed by the Council. This risk could be:

- the probability of whether an asset will deliver the projected outcomes;
- the accuracy of the forecasted future running costs and income at the time of acquisition;
- whether it is prudent to borrow for this expenditure

Like other authorities, the Council previously purchased property to provide multiple benefits, including an investment return. This investment return has provided an income stream to the revenue budget and helped to offset some of the budget pressures arising from increased demand and reduced funding from central government. The Council, whilst no longer acquiring such assets, manages existing assets which will have different characteristics and risks.

During the past three years HM Treasury have taken actions to prohibit the purchase of investment assets bought primarily for yield. Torbay Council removed any further such purchases ('debt for yield') from its capital plans. In May 2022, the HM Treasury Public Works Loans Board (PWLB) Borrowing guidance was further updated by reinforcing its expectation that councils do not engage in more commercial activity such as the purchase of investment property and avoid activity that is "primarily for yield". The Council has to submit information to HM Treasury on an annual basis to demonstrate compliance with the guidance. The guidance further defines "regeneration" with a list of characteristics of what HM Treasury would regard as a permissible regeneration project. In summary the Council can only undertake regeneration projects to address market failure, acting only when the private sector cannot deliver and the Council is making a change to

the asset by significant investment or significant change. These regulations apply to all types of borrowing (not just from PWLB).

Economic Conditions

During 2023/24 the Council's capital programme experienced further significant increases in costs owing to instability in the contractor market, and to rises in borrowing costs; the impact of these market challenges is likely to continue over the next few years. These changes reduce the financial viability of capital projects, including those being funded by grants, where the grants have not increased to meet the increased costs.

Where it is considered necessary to proceed with a capital project, (say to secure grant funding or to complete a project already started), the Council can allocate additional borrowing to that project; however, the impact of the additional borrowing costs will need to be assessed and funded in future year revenue budgets.

These additional costs do not alter the Capital Strategy, but rather focus attention that compliance with both the Capital Strategy and the Prudential Code is vital to ensure that capital expenditure and investment decisions are "prudent, affordable and sustainable".

Regulation

Authorities are required by regulation to have regard to the Prudential Code for Capital Finance in Local Authorities (2021) when carrying out their duties in England and Wales under Part 1 of the Local Government Act 2003. The key message from the Code is, in relation to capital expenditure, the consideration of Prudence, Affordability and Sustainability.

CIPFA's Prudential Code provides a framework for the self-regulation of the authority's capital financing arrangements. It requires local authorities to set limits on the amount they can afford to borrow in the context of wider capital and revenue planning.

A Capital Strategy is part of the Prudential Code requirements and sets out the long-term context in which capital expenditure and investment decisions are made; the strategy must give due consideration to both risk and reward and to the impact of the strategy on the achievement of the authority's priority outcomes.

The Financial Management Code of Practice has been issued by CIPFA 'to provide guidance for good and sustainable financial management in local authorities and will provide assurance that authorities are managing resources effectively'. The Financial Management Code applies to all local authorities and brings together statutory requirements and Codes of Practice into one document.

The Capital Strategy will therefore need to reflect the standards outlined in the CIPFA Financial Management Code of Practice.

Objectives of the Capital Strategy

The Capital Strategy is one of the Council's key documents; it provides a medium/long term plan, consistent with the plans and strategies shown below, to provide a fully integrated and transparent Plan for the Council:

- Corporate Asset Management Plan;
- Medium Term Resource Plan;
- Capital Investment Plan;
- Revenue Budget;
- Treasury Management Strategy;
- Regeneration Fund Strategy

The Capital Strategy is therefore the policy framework document that sets out the principles to be used to guide the allocation of capital investment across all the Council's services. It informs decisions on capital spending priorities within the Council's 4-year Capital Investment Plan. In addition, as part of the Strategy, the Director of Finance, (Chief Finance Officer), reports explicitly on the affordability and risk associated with the Capital Strategy.

Inevitably the full picture of the control system around the Council's wide range of capital expenditure, and its funding, is reflected in a range of documents, monitoring and management arrangements.

Capital investment is defined as: "*Expenditure on the acquisition, creation, or enhancement of 'non-current assets'* i.e. items of land, property and plant which have a useful life of more than one year". Expenditure outside this definition will therefore be classified as revenue expenditure.

Most non-current assets are properties that are used in service delivery. The Council's land, buildings and infrastructure asset base had a Balance Sheet value as at 31/03/23 of approx. £608 million (compared to £600m at 31/03/22), of which £182 million, (compared to £211m as at 31/03/22), are Investment Properties. The outstanding borrowing as at 31/03/23 was £383m, (compared to £389m at 31/03/22), with £27m of long-term liabilities in relation to PFI schemes. The Council repaid several long term loans in November 2023, reducing overall borrowing to £364m (as at 30 November 2023)

The Capital Strategy is presented to Council as a part of the Policy Framework, and links with both the Treasury Management Strategy, Medium Term Resource Plan and the Corporate Asset Management Plan (being the key operational asset plan covering repairs and maintenance).

In considering the principles, the Council needs a balance between guidance and prescription to allow a flexible approach to be taken but reflective of times of uncertainty. This Strategy focuses on the key policies for the allocation of capital resources to schemes in line with Council priorities and statutory responsibilities.

2. Guiding Principles

Approach to Borrowing

The Council is able to borrow money on the money market or from the Public Works Loans Board (PWLB) to fund capital schemes or, on a short-term basis, is able to use its own internal resources (i.e., cash flow). However, for all capital schemes initially funded from borrowing, the Council will have to fund the principal repayment and interest costs.

All schemes funded from prudential borrowing are approved by Full Council, although in some cases approval of individual schemes within an overall allocation agreed by Council have an alternative delegated approval process.

The Prudential Code requires authorities to ensure that decisions for capital expenditure are made with sufficient regard to the long-term financing implications, and potential risks, to the authority - including effective due diligence.

Due to the high level of existing Council borrowing, and viability and affordability issues across a number of approved capital projects, the Council has renewed its approach to setting a Capital Investment Plan for 2024/25, only detailing the specific stages, (gateways), of individual projects based on the corresponding funding available. Various grants received, or due to be received, by the Council will be held within a 'project pending' list awaiting drawdown subject to robust and realistic business cases. By taking this approach the specified need for future Council borrowing has been significantly reduced with any new borrowing required being closely scrutinised in terms of security of repayment and fit within the Council's overall debt portfolio.

The Council takes a prudent approach to new borrowing, paying particular regard to the robustness of the business case, including forward projections of affordability; the aim is for projects to be self-funding (i.e. create a revenue stream so that the cost of borrowing is cost neutral). Based on current economic forecasts, an interest rate of 4.5% should be assumed for any new borrowing in 2024/25.

Following the changes to PWLB the Council no longer acquires commercial properties using 'debt for yield'; however, the risks around income on the properties previously purchased, and the ongoing cost of the borrowing, will still need to be managed. All new proposals for a self-funding or invest-to-save scheme supported by borrowing, must have a robust business case that is presented to the Council's Finance Director, (Chief Finance Officer), prior to approval by Full Council.

Each business case, as appropriate, must clearly identify and consider the ongoing revenue implications of:

- fixed interest and principal repayment costs;
- associated income stream(s) and sensitivity analysis;
- volatility of the income stream(s);
- the contribution to the General Fund and breakeven points;
- the sensitivity of that contribution;

- achieving the target return linked to the purpose of the spend;
- ensuring asset value exceeds outstanding debt;
- demonstrating value for money;
- project sustainability;
- exit strategy and costs

All of the above need to be considered for the whole life of the asset.

Each business case must clearly identify and consider the ongoing balance sheet implications of:

- the change in the level of Council debt;
- address how changes in asset value will be funded, i.e. capital appreciation and impairment, and the total of assets funded by borrowing;
- maintenance of asset to ensure sustainable use

To ensure all Members are fully informed of the risks and rewards associated with borrowing, reporting will include:

- total Council debt;
- the underlying assets funded by that debt;
- affordability - ongoing revenue costs of principal and interest;
- income streams associated with that asset;
- implications of changes in asset values or income streams

To support its revenue budget the Council will continue to evaluate any capital investment projects, (whether the expenditure is either fully-Council, or shared with partners), that will produce an ongoing revenue income stream for the Council, as part of service delivery, or reduces on-going revenue requirements.

There may be the need for borrowing that has no identifiable future revenue stream, for example, to repair or construct infrastructure assets. Here a broader view can be taken of the value of repairing the asset to the overall economy of the Bay. Such cases must be exceptional in nature as the Council will need to set on-going revenue budget provision for meeting the cost of such borrowing.

Where economic conditions impact the costs of a scheme, and additional borrowing may be deemed necessary for completion of a project, the cost of such borrowing falls on the revenue budget through repayments of debt on the Council's revenue account over a specified period. There may still be a need for such borrowing, but each proposal will be reviewed on a case-by-case basis, with the project re-evaluation clearly stating how the borrowing is to be afforded. Given the ongoing financial challenges facing the Public Sector over the next few years, it is important that such schemes are exceptions.

The Council's Treasury Management Strategy provides further information on the Council's borrowing strategy for the coming financial year which is detailed as [Appendix 1](#).

www.torbay.gov.uk/council/policies/finance-policies/treasury-management/

Long Term Capital Liabilities

The Council can also finance capital expenditure by means of a long term Private Finance Initiative (PFI) contract, whereby a private sector company will build and then supply an asset back to the Council for a specified number of years (usually with services as well). At the end of the contract the asset transfers to the ownership of the Council. The value of the asset, and the associated liability over the life of the contract to fund that asset, is reflected on the Council's balance sheet. As with borrowing, any Council decisions on agreeing contracts that result in long-term liabilities are made with sufficient regard to the long-term financing implications and potential risks to the authority and include effective due diligence.

Councils may also lease assets for service delivery rather than purchase. Depending on the lease terms, including the length of lease, these assets, and the associated liability over the life of the lease to fund that asset are reflected on the Council's balance sheet. Changes in International Financial Accounting Standards (IFRS16) in relation to lease recognition are planned to be introduced in 2024/25 (with a restated comparative year of 2023/24) and will result in the leased assets and liabilities being reflected on the Council's balance sheet.

Grant Allocations

The Council receives capital grant funding from central government and can bid for grant funding directly to government departments, or from other grant awarding bodies. Such recent awards include Town Deal Funding for Torquay, (£21.3m), Future High Streets Fund for Paignton, (£13.9m), £20m Levelling Up Fund Round 3, £20m Long Term Plan for Towns for Torquay, and a presumptive £20m for the bay through the Levelling Up Partnership.

All significant capital grants received will be reported to Council. The presumption is that the grants will be allocated in line with the service intentions of the identified government body awarding the grant; however, on occasions, the Council will seek to reallocate funding for certain projects that either (a) can no longer be delivered within the specified timespan of the grant and/or (b) costs of the project differ significantly from the original bid and subsequent grant allocated.

The Council continues to bid for additional external grant funding for schemes which support corporate priorities or statutory service objectives, and where it can be proved that the project is sustainable, and requirements for match-funding, and any future revenue consequences have been considered and approved. All bids are agreed with the Director of Finance prior to submission. Where external grants are used, the grant conditions (linking the capital grant to the future use of the asset) must be adhered to.

The governance around capital bids and acceptance of capital funding requires:

- (i) that Council Directors ensure all bids submitted for their portfolio are checked for accuracy;
- (ii) that significant decisions made by Officers should each have a formal Record of Decision;
- (iii) that all bids for Government money must be made and submitted in accordance with the Council constitution and relevant Council policies;

- (iv) that the Council's Finance Director signs off any bid that requires the Council to provide match funding and/or might result in on-going spend being incurred by the Council.

Having received formal approval of grant funding awards, the Council will maintain an active list of all such funding in a 'Grant Project Pending' list awaiting formal business cases to be developed, and approved, demonstrating full delivery, and targeted outcomes, from capital investment. The Council's Grant Project Pending list as at January 2024, is detailed in [Appendix 2](#).

Construction and delivery costs of specific projects will only move from the grant pending list to the formal approved Council Capital Investment Programme following Business Case approval which must include a robust analysis of costs and sources of funding available to complete.

3. Capital Receipts and Capital Contributions

The Council receives capital receipts and capital contributions from:

- Asset Disposals
- Right-to-Buy Clawback
- Section 106 agreements and Community Infrastructure Levy (CIL)
- Repayment of loans for a capital purpose

Asset Disposals

Purchases of assets are primarily to be retained in the long term. However, the benefit of selling the assets will be regularly reviewed by the Director of Pride of Place for potential disposal at which point any outstanding debt will be repaid. The review will need to consider the resulting impact on the Council's revenue budget and any impact of operational delivery from the lost income stream and any costs of disposal.

The policy is to pool all receipts from the sale of all assets sold to support the Capital Investment Plan in line with funding the Council's priorities, including the potential sale of any investment properties. The Capital Investment Plan might have a capital receipts target, and all capital receipts received should be allocated to support this target and not allocated to new schemes. An asset disposal will be deemed to occur when the Council transfers the freehold or a long lease (usually for leases over 40 years where the lease term is significant compared to the asset life).

The Council will aim to maximise its capital receipts, where possible, by enhancing the land prior to disposal, e.g., by obtaining planning permission or providing a development plan. As appropriate the Council may dispose of assets by tender or by public auction. A direct sale can be transacted however, such a transaction must be supported by a 'Red Book Valuation' demonstrating that the sale price represents appropriate 'value' for the Council.

Asset Disposals at nil consideration or below market value

In considering asset disposals, the Council will comply with its Asset Management Framework and the need to consider the policy on Community Asset Transfers. The Council will consider, on a

case-by-case basis, the potential transfer of assets to an alternative provider after a full assessment of the long term (full life) risks and rewards of the transfer, including the achievement of best value, including potential market value, linked to the Council's aims and objectives.

The Localism Act 2011 introduced the "Community Right to Bid" and placed a duty upon local authorities in England to maintain a list of assets of community value. Once an asset is "Listed" any disposal will be under the Community Asset Transfer policy, or for market value by tender/auction.

Where the Council proposes to dispose of, or grant a long lease, at nil consideration or at a value below market value, this is required to be approved by Cabinet. This will also apply where the disposal is for a community or service benefit.

Right-to-Buy Clawback

100% of these receipts are currently used to support the provision of the approved Housing Strategy, although this policy could be reviewed to provide additional resources for projects in other service areas.

Section 106 contributions and Community Infrastructure Levy (CIL)

Section 106 monies are received from developer contributions through the planning system. Unless there are service specific conditions on the use of the S106, the monies should be used to support existing Council priorities and commitments rather than be allocated to new schemes.

Any monies received for infrastructure from the Community Infrastructure Levy will not be allocated to a specific service but will be allocated under the CIL arrangements, ("the Regulation 123 List"), in line with Council's Capital Investment Plan priorities, including any specific funding requirements, with the allocation of the "neighbourhood proportion" made after the funds have been received.

Repayment of loans for a capital purpose

Where the Council provides a loan for a capital purpose this will be approved by Full Council and accounted for as capital expenditure. The repayment of a loan by the borrower will be treated as a capital receipt; however, any receipts of this nature will be specifically applied to reduce the value of the Council's outstanding loans.

Capital Receipts Strategy

The Department of Levelling Up, Housing and Communities (DLUHC) have continued to revise their statutory guidance in relation to the Local Government Act 2003 on the use of capital receipts for the period to March 2025. This provides Councils with the flexibility to use capital receipts for "*the revenue costs of service reform*". This flexibility is subject to a Strategy for the use of capital receipts being approved by Full Council, and for the Council to submit "*planned use of the flexibility*" to DLUHC in advance of the financial year.

Potential uses for capital receipts, (subject to the capital receipts being received and Council approval of changes to capital plan), would be applied to any implementation costs for the

Council's transformation programme. DLUHC within their statutory guidance have included a number of examples of the type of expenditure that would meet the definition of "revenue costs of service reform".

The Council has not used this flexibility to date and there is no plan for its use in the 2024/25 revenue budget.

4. Revenue and Reserves

The Council can use revenue funding and reserves for capital schemes. The Council's policy is generally not to use revenue or reserve funds to directly fund capital projects beyond the initial feasibility stage of a project.

Once a revenue contribution has been applied to a capital project it cannot be returned to revenue. However, the Council would be able, subject to the approval of the Director of Finance, to use prudential borrowing to replace any revenue or reserve funding used or proposed to be used. This will result in a one-off return of revenue funding to the Council's revenue budget, offset by higher Minimum Revenue Provision, (MRP), and interest costs to fund the prudential borrowing costs in future years.

Prioritisation and Approval

It is always difficult to make choices between competing priorities within a top tier Council that delivers so many varied services. It is the responsibility of senior officers to recommend to Members the prioritisation of competing demands for capital resources in the context of the limited central government funding awarded.

The Council maintains and reports on a rolling four-year capital plan, (including its funding), that is updated and reported to Cabinet, Directors and Members through Overview and Scrutiny on a quarterly basis. The Capital Investment Plan will include any capital expenditure approvals by Council in the previous quarter.

The key stages in the Council's prioritisation and approval process are as follows:

1. A service can submit a capital business case for initial consideration to the Director of Finance and the Capital and Growth Board at any stage of a financial year. The capital business case will be linked to that service's needs.
2. For a specific scheme to be approved/funded there will be a requirement for a detailed capital business case. The capital business cases are to be initially submitted to both the Director of Finance and the Capital and Growth Board prior to wider consideration by Directors and the Cabinet.
3. If a scheme is to be funded from previously approved, (Council), allocations the scheme will progress in accordance with the stated approval process. If new (confirmed) funding is to be used for a scheme, (e.g. a specific grant), it will be reported to Full Council.

If funding has been allocated by Council to a service without individual schemes being identified at the time of approval, (such as a general allocation to schools for "basic

need” projects), individual schemes within that allocation are subject to approval by the relevant Director and subsequently reported into the Capital and Growth Board and to members through the quarterly reporting.

4. Proposals for invest-to-save or self-financing schemes, (usually financed from prudential borrowing), will also require a detailed capital business case. The capital business case is to be initially submitted to the Director of Finance and the Capital and Growth Board. If the scheme is supported, it will be recommended to Council for approval.
5. Any recommendations for new schemes to be approved by Council will be included in the next quarterly Capital Investment Plan Update Report (or Council Budget Monitoring Report).
6. Where there is a proposal to transfer capital resources from a previously approved scheme to a new scheme and there is a change of “policy”, the new scheme will be approved by Council.

Affordability and Sustainability of Proposals

The Prudential Code also requires that, in making its capital investment decisions, the Council should have explicit regard to option appraisal and risk, asset management planning, strategic planning for the authority and achievability of the forward plan.

The Capital Business Case will identify the projected running costs and financing costs of the relevant asset and assess the affordability of the proposals both for the initial investment and over the life of the asset. In all cases the capital expenditure and any ongoing costs must be sustainable in relation to the Council’s medium-term financial plans.

This will include consideration of:

- service objectives, e.g., strategic planning for the authority;
- stewardship of assets, e.g., asset management planning;
- value for money, e.g., option appraisal;
- prudence and sustainability, e.g., risk, implications for debt and whole life costing;
- affordability, e.g., implications for council tax/district rates;
- practicality, e.g., achievability of the forward plan.

Where an asset is directly linked to generating an income or rental stream for service delivery, the initial Capital Business case will need to consider the future risks to those revenue returns and how these will be mitigated. This may result in the creation of an earmarked reserve for both income volatility and future asset-related expenditure.

Capital Investment Plan 2023/24 to 2026/27

In March 2023, the Council approved a four- year Capital Investment Programme of circa £270m. The foundations of this programme were built up over many years which, having been thoroughly reviewed, have identified the following issues:

- Some projects are represented in terms of funding available as opposed to the cost of actual delivery (which is often substantially more);
- There are several high financial level allocations of funds for specific purposes, (such as housing delivery and economic development), without clarity as to what will actually be delivered and when;
- Some projects have been in the programme for some significant time without clarity regarding deliverability and/or outcomes;
- There is an absence of clear Business Cases and/or Financial Cost Appraisals supporting several projects.

To address this, a new approach is proposed from 2024/25 onwards which significantly scales back the components of spend within the Council's approved Capital Investment Plan. Approved spend for each project will progress work, and development, of the project to the next relevant Gateway at which point there will be a requirement for further Council approval to progress, adapt or cease the respective project.

The level of external grant funding that the Council has attracted over recent months has been significant. Ranging from Town Deal Funding, Future High Streets, Station Funding, Levelling Up Round 3 and the forthcoming Levelling Up Partnership, overall grant funding will exceed over £100m as we progress through 2024/25.

To improve transparency and promote strong governance, all grant funding, linked to the associated projects that they relate to, will be maintained as a separate 'pending' monitoring sheet which will sit outside of the Council's approved Capital Investment Plan. Projects, and associated funding will only move across from the 'Grants Pending List' to the approved Capital programme following the development, and approval, of a fully costed and deliverable Business Case (approved by Council).

The 'Grant Pending (approved Business Case) List', as at January 2024, is detailed as [Appendix 2](#) to this document, with the revised 2023/24 to 2026/27 Capital Investment Plan for the Council detailed in [Appendix 3](#).

Management and Monitoring of Capital Investment Plan

The key objective of the Council's management and monitoring of the Capital Plan is to ensure that all Members and the Council's senior leadership team, have visibility of the Capital Investment Plan and the approval of individual capital projects to encourage collective responsibility for the capital expenditure on a project. and the success of the schemes themselves.

The Council's Director Group will ensure that progress against the programme – in terms of expenditure and timescales – is in line with what has previously been agreed. Where projects are exhibiting cost overruns or delays in the completion schedule, these should be addressed promptly.

Arrangements include:

1. Overview and Scrutiny Board and Cabinet will receive three quarterly monitoring reports and one outturn report each year (this could, on occasions, be integrated within quarterly budget monitoring reports).
2. A Capital Investment Plan (and associated budget) for the forthcoming year will be part of each financial year's budget proposals
3. The Capital and Growth Board regularly reviews the Council's Capital Investment Plan and the governance arrangements associated with its various projects
4. Directors and the Cabinet have responsibility for the oversight and challenge on the delivery of the Capital Investment Plan including slippage and outcomes.
5. Capital business cases are to be submitted to both the Director of Finance and the Capital and Growth Board prior to wider consultation with the Council's senior leadership team and for consideration by the Cabinet and Council (as appropriate).

Alternative Funding and Delivery Opportunities

The Council, as appropriate, will continue to consider other methods of supporting capital expenditure within the Bay, using alternative funding, such as social investment, private sector finance and third sector funding or by other bodies delivering capital schemes instead of the Council. The Council can use its assets to support schemes or aim to maximise funding from any source possible.

The Council continues to bid for additional external funding and/or work with other bodies to secure capital investment and to consider use of its own assets in a development which supports corporate priorities or statutory service objectives. An assessment of the opportunity costs of alternative options must be considered with any agreement needing approval through the Director of Finance prior to submission and/or contractual commitment.

The Partnership agreement, approved by Council in December 2023, to work with Milligan and Wilmott Dixon will explore all available funding options in order to address viability across a number of Council owned development sites across the Bay.

5. Non-Treasury (Commercial) Investments

Linked to its approach to borrowing, the Council has previously considered, where opportunities arose and there was a "multiple benefit", the purchase of land and property as an investment to generate an ongoing income. As reported above, CIPFA has classified investment properties as a Non-Treasury Investment for reporting purposes and they are included in the Treasury Management Code of Practice. The Council will comply with the DLUHC statutory guidance, and any sector-led commentary and opinions associated with this activity. Consequently, all Council Investment Fund purchases have now ceased following the Government's decision to disallow all PWLB borrowing for authorities with any further plans for such investments.

The original Investment Fund was £235m which comprised loans and commercial property. Over time the value of these assets will change which will be reported in the Treasury Management Mid-Year Report and Outturn reports.

It should be noted that if an investment property is sold, the funds received will be a capital receipt and cannot be taken to the revenue account e.g., to offset the loss of an income stream.

In relation to non-treasury investments the updated 2021 **Prudential Code** is clear in that “an authority must not borrow to invest primarily for financial return”

“Councils with existing commercial investments are not required by this Code to sell these investments, however Councils that have an expected need to borrow should review options for exiting their financial investments for commercial purposes and summarise the review in their annual Treasury Management Strategy. These reviews should evaluate whether to address expected borrowing needs by taking new borrowing or repaying investments based on a financial appraisal that takes into account of financial implications and risk reduction benefits”

The Council’s investment properties are diversified over a number of sectors and are expected in 2024/25 to produce a net surplus, after borrowing costs and reserve provision, of over £4m. If any of these assets are sold, the Council will need to fund the revenue shortfall resulting from lost rent receipts going forward through either;

- applying the capital receipt from the asset sale to another project, to either avoid borrowing costs on that project, or to reinvest in a project that generates an income stream to replace the revenue shortfall;
- apply the capital receipt to repay borrowing subject to any early repayment penalties;
- applying the ongoing borrowing costs of the asset now sold to another project, where the income from the new project will be able to cover the borrowing costs

The chosen action will need to be in place ideally from date of sale to avoid any ongoing cost of carry of both the old debt and ongoing revenue shortfall.

6. Loans for Capital Purposes

Loans for a capital purpose can be approved by Full Council subject to a business case and due diligence on the borrower, including, as appropriate, guarantees and bonds to secure the repayment of the loan. The loan value should not exceed the value of the underlying asset and there should be no third parties legal charge on the asset. Interest will be charged on the loan at a market rate. This will ensure compliance with Subsidy Control Regulations.

With the new PWLB guidance, the Council’s ability to issue capital loans will be extremely limited, unless they are to its own subsidiary companies.

Capital spend and assets held by wholly owned subsidiary companies

The Council has overall control of these entities and therefore is ultimately responsible for the companies’ assets and liabilities. The governance of any subsidiary’s activities are controlled by the Council through ‘reserved matters’ listed within the Memorandum and Articles of Association of

the company. These 'reserved matters' cover capital expenditure and the making of any borrowing. The assets and liabilities of all Council companies are consolidated into the Council's Group Accounts.

As these capital assets and liabilities are part of the Council's overall financial position, the Council will report on the total group assets and liabilities and the associated risk and reward.

Training and Skills

The Council needs to ensure that all decisions in relation to capital are properly informed.

In relation to skills, the Director of Finance, Monitoring Officer and Director of Pride of Place will ensure that the appropriate expertise is always resourced in relation to any financial, legal and asset related due diligence required.

The Council's knowledge and skills will be complemented by the use of advisers and agents as required.

Treasury Management Links

All capital decisions to be funded by prudential borrowing will directly impact on the Council's Treasury Management activities. The level and timing of the capital expenditure will be reflected in the Capital Investment Plan once approved and in the strategic cash flow forecasts to plan for the required borrowing. The resulting costs (Interest and MRP) and any income to fund those costs, will be included in the standard budget monitoring and budget setting process.

Total borrowing will also be monitored by the annual setting of both the Operational and Authorised Limits for borrowing.

Balance Sheet Issues

The impact of capital projects and any prudential borrowing involved, will be seen in the Council's balance sheet through;

- Increase in the value of the Council's non-current assets
- Increase in the value of Council's long-term debtors (if capital loan provided)
- Increase in the Council's long-term borrowing
- Maturity profile of borrowing and repayment of borrowing
- Profile of capital loan repayments
- Increase/decrease in Capital Financing Requirement (CFR) - borrowing offset by MRP.
- Annual depreciation on operational assets
- Annual revaluation of, or impairment on, operational assets
- Annual valuations of investment properties
- Impact on Council's cash flow in delivery stage or on purchase
- Impact on Council's cash flow at time of borrowing

The value of non-current assets should always aim to exceed the value of the outstanding liabilities. In addition, the value of the outstanding liabilities should not exceed, in the medium term, the Capital Financing Requirement (which is the measure of a Council's underlying need to borrow).

7. Director of Finance: Statement on Delivery, Affordability and Risk of Capital Strategy

Background

The current guidance for a Council's level of borrowing is the Prudential Code (December 2021) and as "proper practice" it must be adhered to. The following extracts from the Code summarise the Code's approach to level of borrowing (self-regulating) and the governance that should apply.

"the local authority shall ensure that all its capital and investment plans are affordable, prudent and sustainable." *"A local authority shall determine and keep under review how much money it can afford to borrow."*

"the level of capital investment that can be supported will, subject to affordability and sustainability, be a matter for local discretion."

"a local authority must not borrow more than or in advance of their needs purely in order to profit from the investment of the extra sums borrowed."

Torbay Council Borrowing Position

The Council's borrowing position, and costs, are summarised in the table below:

	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 estimate	2026/27 estimate
External Borrowing	£385m	£359m	£355m	£349m	£347m
Other Debt liabilities (PFI)	£15m	£14m	£13m	£12m	£11m
Net Revenue Stream	£122m	£131m	£138m	£143m	£148m
Financing costs (£m)	£18m	£19m	£18m	£18m	£18m
Proportion of net revenue	14.8%	14.5%	13.0%	12.6%	12.2%
<i>Financing costs exclude income from Investment Property portfolio which is included within the Net Revenue.</i>	£14m	£14m	£14m	£14m	£14m
<i>Percentage of Financing Costs to Net Revenue Stream inc. Investment Property Gross Rental Income</i>	3.3%	3.8%	2.9%	2.8%	2.7%

During the course of 2023/24, the Director of Finance has reviewed the overall long term debt liability of the Council alongside investments and cash balances held. This has resulted in a proportion of long term debt being repaid, (taking advantage of the relatively high interest rates in year), with total debt estimated to reduce to £359m at 31 March 2024.

The Council's Capital Investment Plan has also been thoroughly reviewed, and revised, to ensure future affordability and sustainability. This has significantly reduced our forward looking borrowing requirements with the consideration for any new borrowing coming under much closer scrutiny and governance through robust Business Cases and comprehensive financial appraisals.

Borrowing - Risks for the Council

The Council's risk principally lies in:

- (a) **Commercial Investment portfolio** – where borrowing is financed through rental income from the assets held. As mitigation, an Investment Reserve is maintained to address forecasted fluctuations, (e.g. break periods), however, future economic conditions could result in the level of income generated being less than that needed to fund the debt. Current annual income, covering debt costs, maintenance of assets and revenue contribution is circa £14m per annum. The robustness and sufficiency of the Investment Reserve will be reviewed regularly by the Director of Finance and Cabinet Portfolio Holder for Corporate Services, Finance and Housing;
- (b) **Affordability of Capital Investment Plan** – the Council had an ambitious, four year, Capital Investment Plan of circa £270m which was approved in March 2023 of which circa £90m was planned to be spent in 2023/24. The foundations of this Plan were set several years ago under different economic and construction cost conditions. To mitigate this risk the Plan has been reviewed as part of the budget setting process for 2024/25, being significantly scaled down to reflect affordability and deliverability over the medium term;
- (c) **Maintenance of Council Assets** – whereas annual budgets are set aside for on-going repairs and maintenance of assets held by the Council, the funding for any significant repairs and major investment, (e.g. roof replacement), that might occur in the future is inconsistent across the estate. As mitigation, the Council needs to review, and update, its Strategic Asset Management Plan and Asset Management Strategy to ensure that future funding and / or relevant mitigating action is addressed;
- (d) **Robustness of Business Cases** – the Council will continue to deliver significant capital projects over the coming years, particularly around Town Centre Regeneration and, much needed, local housing development. Such projects will require the Council to consider further borrowing alongside alternative funding opportunities. Long term revenue affordability of any future borrowing must be robustly challenged through appropriate and comprehensive business cases.

Due to historic low borrowing rates, the Council has fixed all its loans and adopted a flat maturity profile, mitigating the risk of increasing rates on this historic debt. Future borrowing will increase the Council's fixed interest and borrowing costs, which will be an annual charge to the revenue budget.

8. Director of Finance Report

Within the Prudential Code It is the responsibility of the Chief Finance Officer to explicitly report on the delivery, affordability and the risks associated with this Strategy.

Delivery

The delivery of the individual schemes on the Capital Investment Plan are directly linked to the original approval of the capital project supported by each project having a client officer and a project manager who are responsible for the delivery of the project.

Members, via Overview and Scrutiny Board and Cabinet, will receive quarterly updates to the Capital Investment Plan. These updates are driven by the requirement by financial reporting, however in doing so Members can review, and challenge, the delivery of projects and any changes to both the timing, cost and intended outcomes from the various projects.

The Council's Directors Team, supported by the Capital and Growth Board, has oversight for the delivery of and challenge to the Capital Plan.

Affordability

Affordability is critical in applying the capital strategy and approving projects for inclusion in the Capital Investment Plan. This is demonstrated by a specific report on the project being presented to Council for approval, supported by a Business Case identifying the expenditure and funding, appraisal of alternative options and the risks and rewards of the scheme.

All projects need to have a clear funding source. If external funding such as an external grant is to be used there needs to be a clear funding commitment prior to committing financial liability for the Council. Affordability of each project needs to be understood, not only for the funding of the capital spend, but also to cover any ongoing costs of the operation and funding of that capital spend.

Where borrowing is to be used, the affordability is key - and that affordability has to include the interest costs of that borrowing and the provision for the repayment of the borrowing. This repayment is matched to a prudent asset life and any income streams estimated to fund this asset must be sustainable.

At no stage should the asset value be lower than the value of outstanding debt, other than for a short period, unless there is a clear plan to mitigate that shortfall or to sell that asset.

Affordability of the Council's entire Capital Investment Plan has been thoroughly reviewed and updated as part of the 2024/25 budget setting process adopting a gateway process whereby individual projects will be challenged, regarding deliverability and affordability, at various stages of their progression.

Risks

The risks associated with the Capital Plan with a significant level of borrowing can be mitigated (and indeed should be mitigated) as “business as usual”, i.e. all capital projects are supported by business plans, have adequate project management and/or project boards, suitable skills for the delivery of the project, tax planning, cash flow, clear operational plan for the use of the asset, use of specific committees, security and due diligence on loans and purchases, use of external advice where appropriate, project contingencies, full tender process and regular and transparent reporting to Members.

There are clear links from the Capital Investment Plan to both the Treasury Management strategy, prudential indicators, authorised borrowing limits and the revenue budget. These are also subject to review and oversight by members at Audit Committee and Council.

For any new borrowing, and this is a greater risk where the cost of borrowing rises, this increases the Council’s overall liabilities that will need to be repaid in the future. In addition, this increases the Council’s level of fixed interest and repayment costs that it will incur each year. This is a clear risk that all Members need to be aware of.

However, this risk for all assets is mitigated by a robust business case and a full Minimum Revenue Provision that will repay the borrowing costs over a (prudent) asset life.

As outlined above in the position statement, housing and regeneration properties are a different type and level of risk. Risk arises from both variations in income streams (tenant non-renewal etc.) and from asset values (impact of economic conditions and retail trends etc.).

Conclusion

The current system of borrowing is still a self-regulatory system which means that responsibility for borrowing decisions, and the level of borrowing incurred by a Council, are determined at a local level.

The responsibility for decision making and ongoing monitoring in respect of capital expenditure, investment and borrowing, including prudential indicators, remains with Full Council as specified in the Prudential Code.

Borrowing decisions result in a long-term commitment to fund that borrowing, and as such, all decision making and ongoing reporting should be as transparent as possible to all Members and the residents of Torbay.

The pace and level of change in the Council’s borrowing linked to potential regeneration and housing schemes is still potentially significant. The Council’s capital financing requirement (i.e. its underlying need to borrow) needs to be realistic and kept under regular review by the Director of Finance, Cabinet and Full Council.

Director of Finance (Chief Finance Officer)

January 2024

Treasury Management Strategy 2024/25

January 2024



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For more information please contact financial.services@torbay.gov.uk

1 Introduction

Treasury management is the management of the Council's cash flows, borrowing and investments, and the associated risks. The Council borrows and invests substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Council's prudent financial management.

Treasury risk management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2021 Edition* (the CIPFA Code) which requires Full Council to approve a Treasury Management Strategy before the start of each financial year. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code and also complies with CIPFA Prudential Code for Capital Finance in Local Authorities 2021 guidance.

The Strategy for 2024/25 covers:

- Capital expenditure and Prudential Indicators
- the Minimum Revenue Provision (MRP) policy
- forecasts for future interest rates;
- the Borrowing Strategy;
- the Investment Strategy;
- treasury indicators which limit the treasury risk and activities of the Council
- policy on use of external service providers;
- reporting arrangements and management evaluation

2 Capital Expenditure and Prudential Indicators

The Council's capital expenditure plans are a key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators below, which are designed to assist Members' overview.

Capital Expenditure and Financing

Capital expenditure is where the Council spends money on assets, such as property or vehicles, which will be used for more than one year. In local government this includes spending on assets owned by other bodies, and loans and grants to other bodies enabling them to buy assets.

A different approach is being taken in respect of setting an approved Capital Investment Programme for 2024/25, whereby various elements of grant funding are being held within a 'Project Pending' list prior to establishing affordable, tangible business cases for each respective project. The proposed 2024/25 capital expenditure of £23m, as at January 2024, only reflects the true costs, and timing, of progressing each project to the next stage, (or gateway), of Council approval which might be Initial feasibility, Outline Business Case, Full Business Case or Final Delivery.

Table 1: Prudential Indicator: Estimates of Capital Expenditure in £ millions

£M	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 budget	2026/27 budget
General Fund services	33	61	23	11	5

It is anticipated that, during the course of the year, these figures will significantly increase as projects work through the gateway process and subsequent approvals granted which will move projects, and funds, from the pending list into the approved Capital Investment Programme. Such changes will be reported in, and approved through, quarterly budget monitoring reports presented to Overview and Scrutiny, Cabinet and Council.

All capital expenditure must be financed, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts) or debt (borrowing, leasing and Private Finance Initiative). The planned financing of the above expenditure is as follows:

Table 2: Capital financing in £ millions

£M	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 budget	2026/27 budget
External sources	18	29	18	7	5
Own resources	1	2	1	1	0
Debt	14	30	4	3	0
TOTAL	33	61	23	11	5

Debt is only a temporary source of finance, since loans and leases must be repaid, and this is therefore replaced over time by other financing, usually from revenue which is known as Minimum Revenue Provision (MRP). Alternatively, proceeds from selling capital assets (known as capital receipts) may be used to replace debt finance. Planned MRP is set out in Table 3:

Table 3: MRP for financing debt on maturity in £ millions

£M	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 budget	2026/27 budget
Minimum Revenue Provision	8	8	9	9	9

The Council’s full policy on **Minimum Revenue Provision** is set out at Appendix 1

Affordable borrowing limit: The Council is legally obliged to set an affordable borrowing limit, (also termed the authorised limit for external debt), each year. In line with statutory guidance, a lower “operational boundary” is also set as a warning level should debt approach the limit.

Whereas Council borrowing will still be an integral part of delivering much needed capital investment within the Bay, the level of long-term debt, as reported in the 2023/24 Treasury Management Strategy was £385m (almost three times the Council’s net annual revenue budget). Therefore, future borrowing requirements have been constructively challenged with any future approvals needing to be supported by robust and realistic revenue streams sufficient to repay the debt and interest incurred.

Table 4: Prudential Indicators: Authorised limit and operational boundary for external debt in £m

	2023/24 limit	2024/25 limit	2025/26 limit	2026/27 limit
Authorised limit – borrowing	600	480	500	520
Authorised limit – PFI and leases	20	20	20	20
Authorised limit – total external debt	620	500	520	540
Operational boundary – borrowing	500	430	450	470
Operational boundary – PFI and leases	20	20	20	20
Operational boundary – total external debt	520	450	470	490

Revenue Budget Implications

Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue, offset by any investment income receivable. The net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Council Tax, business rates and general government grants.

Table 5: Prudential Indicator: Proportion of financing costs to net revenue stream

	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 estimate	2026/27 estimate
Net Revenue Stream	£122m	£131m	£138m	£143m	£148m
Financing costs (£m)	£18m	£19m	£18m	£18m	£18m
Proportion of net revenue stream	14.8%	14.5%	13.0%	12.6%	12.2%
<i>Financing costs exclude income from Investment Property portfolio which is included within the Net Revenue.</i>	£(14)m	£(14)m	£(14)m	£(14)m	£(14)m
<i>Percentage of Financing Costs to Net Revenue Stream inc. Investment Property Gross Rental Income</i>	3.3%	3.8%	2.9%	2.8%	2.7%

3 Local Context

In November 2023, the Council repaid circa £19m of long-term debt in order to provide a better balance of the overall level of debt compared with relatively high cash balances held over recent years. As a result, as at 30th November 2023, the Council held £364m of borrowing and £63m of treasury investments. Forecast changes in these sums are shown in the balance sheet analysis in table 6 below.

Table 6: Balance sheet summary and forecast:

	31.3.23 Actual £m	31.3.24 Estimate £m	31.3.25 Forecast £m	31.3.26 Forecast £m	31.3.27 Forecast £m
Capital Financing Requirement	428	449	444	439	430
Less: Other debt liabilities *	(15)	(14)	(13)	(12)	(11)
Loans CFR	413	435	431	427	419
Less: External borrowing	(385)	(359)	(355)	(349)	(347)
Internal borrowing	28	76	76	78	72
Less: Usable reserves	(96)	(86)	(76)	(76)	(75)
Less: Working capital and other cash backed balance sheet items	(23)	(46)	(46)	(45)	(47)
Treasury investments	(91)	(56)	(46)	(43)	(50)

* PFI liabilities that form part of the Council's total debt

The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while balance sheet resources are the underlying sums available for investment. The Council's current strategy is to apply its cash resources in place of external borrowing in the short term, i.e. internal borrowing.

The Council has a reducing CFR, due to the finite Capital Plan and ongoing MRP adjustments, which can be funded from internal resources over the medium term thereby delaying the need to borrow.

As part of the 2024/25 budget setting process, the Council has reviewed and revised the affordability and deliverability of its Capital Investment Programme. The updated programme will reduce the overall Capital Financing Requirement and future loans required when the Council's Balance sheet is restated at the end of the 2023/24 financial year.

CIPFA's *Prudential Code for Capital Finance in Local Authorities* recommends that the Council's total debt should be lower than its highest forecast CFR over the next three years. Table 6 shows that the Council expects to comply with this recommendation during 2024/25.

Liability benchmark: The Code requires a "liability benchmark" to be calculated showing the lowest risk level of borrowing. This assumes the spend forecasts as detailed in table 1, but that cash and investment balances are kept to a minimum level of £20m at each year-end to maintain sufficient liquidity but minimise credit risk.

The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

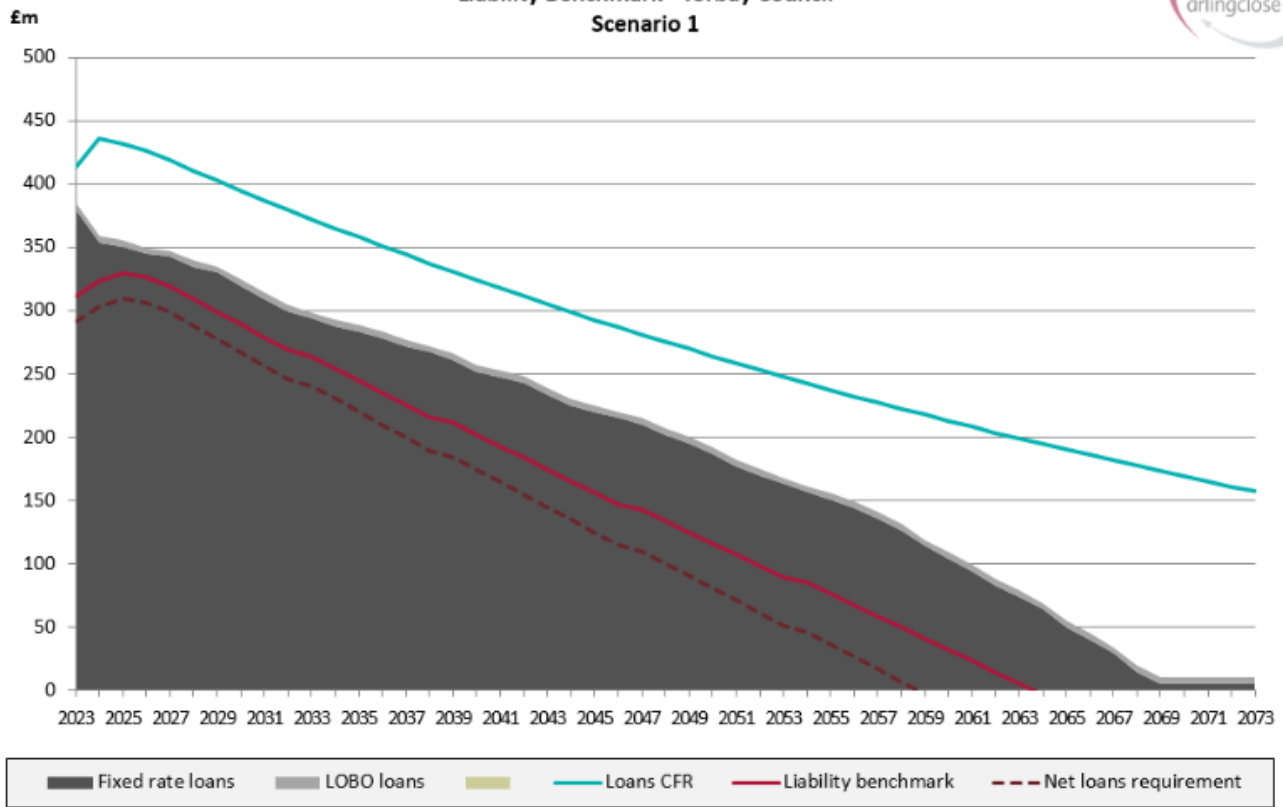
However, consideration will be given regarding the use of cash balances, at a point in time, to fund a long-term borrowing requirement as this could result in risks around higher debt costs when borrowing is required.

Table 7: Prudential Indicator - Liability benchmark

	31.3.23 Actual £m	31.3.24 Estimate £m	31.3.25 Forecast £m	31.3.26 Forecast £m	31.3.27 Forecast £m
Loans CFR	413	435	431	427	419
Less: Balance sheet resources	(119)	(132)	(122)	(121)	(122)
Net loans requirement	294	303	309	306	297
Plus: Liquidity allowance	20	20	20	20	20
Liability benchmark	314	323	329	326	317

The maturity profile of the Council's existing borrowing compared with the Capital Financing Requirement and 'Liability Benchmark' are detailed in the following graph:

Liability Benchmark - Torbay Council
Scenario 1



4 Economic and Interest Rate Forecast

The Council's advisors, Arlingclose Ltd have provided an economic commentary (updated for November 2023) detailed as Appendix 2 together with their interest rate forecasts for future years as shown in table 8:

Table 8: Arlingclose Ltd interest rates forecast

	Current	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26
Official Bank Rate													
Upside risk	0.00	0.25	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00	1.00
Central Case	5.25	5.25	5.25	5.25	5.00	4.75	4.25	4.00	3.75	3.50	3.25	3.00	3.00
Downside risk	0.00	0.00	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
3-month money market rate													
Upside risk	0.00	0.25	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00	1.00
Central Case	5.40	5.40	5.40	5.30	5.15	4.80	4.30	4.10	3.80	3.50	3.25	3.05	3.05
Downside risk	0.00	0.00	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
5yr gilt yield													
Upside risk	0.00	0.50	0.70	0.70	0.85	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Central Case	4.28	4.35	4.30	4.25	4.10	4.00	3.75	3.50	3.40	3.30	3.30	3.30	3.35
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
10yr gilt yield													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.32	4.40	4.35	4.30	4.25	4.15	4.00	3.80	3.75	3.65	3.60	3.65	3.70
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
20yr gilt yield													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.78	4.70	4.65	4.55	4.45	4.35	4.25	4.25	4.25	4.25	4.25	4.25	4.25
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
50yr gilt yield													
Upside risk	0.00	0.50	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20
Central Case	4.38	4.30	4.25	4.20	4.15	4.15	4.10	4.10	4.10	4.10	4.10	4.10	4.10
Downside risk	0.00	-0.55	-0.75	-0.85	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00

Note: The Council will borrow at PWLB certainty rate which is the relevant gilt yield + 0.80%

Arlingclose have highlighted the following key points:

- Bank Rate has most likely peaked at 5.25%
- The Monetary Policy Committee (MPC) will cut rates in the medium term to stimulate the UK economy but will be reluctant to do so until it is sure there will be no lingering effects. Rate cuts are likely to commence from Q3 2024 to a low of around 3% by early-mid 2026.
- The immediate risks around Bank Rate remain on the upside, but these diminish over the next few quarters and shift to the downside before balancing out, due to the weakening UK economy and dampening effects on inflation.
- Gilt yields are likely to eventually fall from current levels, (amid continued volatility), reflecting the lower medium-term path for Bank Rate. However, yields will remain higher than in the past, due to quantitative tightening and significant bond supply.

5 Borrowing Strategy

The Council currently holds £364 million of loans, a decrease of £21 million on the previous year. The balance sheet forecast in table 6 shows that the Council does not expect to need to borrow in 2024/25 due to internal resources being available to fund capital expenditure in the short term. However, should the Capital Plan be expanded, the Council may borrow to pre-fund future years' requirements providing this does not exceed the Authorised Limit for borrowing.

Objectives: The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans should the Council's long-term plans change is a secondary objective.

Strategy: Given the significant cuts to public expenditure, particularly to local government funding, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans instead.

By doing so, the Council is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when forecasts expect long-term borrowing rates to rise modestly.

In the event of any new external borrowing requirements over and above internal borrowing capacity, the Council will look to the PWLB to secure long-term funding of projects. However, alternative sources will be considered. This approach may also be combined with short-term borrowing to augment the affordability criteria.

PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield; the Council intends to avoid this activity in order to retain its access to PWLB loans.

The budget for payment of interest on debt for 2024/25 has been based on an assumed £359m of "historic" borrowing as at 31/03/24 with an overall borrowing rate of 2.91% (2.98% in 2023/24).

Sources of borrowing: The approved sources of long-term and short-term borrowing are:

- HM Treasury's PWLB lending facility (formerly the Public Works Loan Board)
- UK Infrastructure Bank Ltd
- any institution approved for investments
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except Peninsula Pension Fund)
- capital market bond investors
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues

- Municipal Investments using loans and bonds
- “Green” bonds (loans to Council)

Other sources of debt finance: In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- leasing
- hire purchase
- Private Finance Initiative
- sale and leaseback
- similar asset based finance

Municipal Bonds Agency: UK Municipal Bonds Agency plc was established in 2014 by the Local Government Association as an alternative to the PWLB. It issues bonds on the capital markets and lends the proceeds to local authorities. This is a more complicated source of finance than the PWLB for two reasons: borrowing authorities will be required to provide bond investors with a guarantee to refund their investment in the event that the agency is unable to for any reason; and there will be a lead time of several months between committing to borrow and knowing the interest rate payable.

Short-term and variable rate loans: These loans leave the Council exposed to the risk of short-term interest rate rises and are therefore subject to the interest rate exposure limits below in section 7 Treasury Management Indicators.

Debt rescheduling: The PWLB allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. Other lenders may also be prepared to negotiate premature redemption terms. The Chief Finance Officer may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk. The recent rise in interest rates means that more favourable debt rescheduling opportunities should arise than in previous years. In response to this the Council repaid circa £19m of long-term loans in November 2023.

6 Investment Strategy

The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year the Council's investment balance has ranged from a high of £102 million down to around £62 million currently. That current level is likely to be maintained in the forthcoming year.

Objectives: The CIPFA Code requires the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested for more than one year, the Council will aim to achieve a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested. The Council aims to be a responsible investor and will consider environmental, social and governance (ESG) issues when investing.

Strategy: As demonstrated by the liability benchmark in Section 2 above, the Council expects to be a long-term investor and treasury investments will therefore include both short-term low risk instruments to manage day-to-day cash flows and longer-term instruments where limited additional risk is accepted in return for higher investment income to support local public services.

To achieve this the Director of Finance is reviewing opportunities for further diversification into strategic investments with the expectation that a proportion of available cash will be placed early in 2024/25 following a robust evaluation process.

The policy for who the Council can invest with, (counterparty selection), and investment limits is detailed in Appendix 3.

Non-Financial Investments Strategy

The Government and CIPFA have extended the meaning of 'investments' to include both financial and non-financial investments. The current schedule of non-financial investments is detailed at Appendix 4. All decisions have followed the appropriate risk management framework and strategy for non-financial investments as approved by Council.

Any involvement by the Council in community investment schemes such as Credit Unions and Mutual Banks would fall into this category and would not be managed within the treasury management policies.

Guidance within the Prudential Code states that, "councils with existing commercial investments are not required by this Code to sell these investments.....however councils that have an expected need to borrow should review options for exiting their financial investments for commercial purposes and summarise the review in their annual treasury management strategy. These reviews should evaluate whether to meet expected borrowing needs by taking new borrowing or repaying

investments, based on a financial appraisal that takes account of financial implications and risk reduction benefits” The last review was set out in the Treasury Management Strategy 2023/4.

Environmental, Social and Governance (ESG) Investments

Environmental, social and governance (ESG) considerations are increasingly a factor in global investors’ decision making, but the framework for evaluating investment opportunities is still developing and therefore the Council’s ESG considerations do not currently include ESG scoring or other real-time ESG criteria at an individual investment level. Officers will continue to monitor and evaluate ESG investment opportunities, and these may be incorporated into future investment strategies subject to yield and security. Given the limited range of counterparties the Council can use for its investments and that borrowing is mainly from the Government there are limited opportunities to apply ESG principles in this Strategy.

7 Treasury Management Indicators

The Council measures and manages its exposures to treasury management risks using the following indicators.

Security: The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating/credit score of its investment portfolio. The credit score is calculated by applying a value to each investment (AAA=1, AA+=2, A=6 etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit risk indicator	Target
Portfolio average credit rating (score)	A (6)

Liquidity: The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling one-month period, without additional borrowing.

Liquidity risk indicator	Target
Total cash available within 1 months	£10m

Interest rate exposures: This indicator is set to control the Council's exposure to interest rate risk.

The Council's debt portfolio is virtually all at fixed rate and therefore has no exposure to fluctuations in interest rates. As such, no specific limits are proposed on interest rate exposure but any new borrowing will be restricted to a maximum **30%** of the total portfolio exposed to variable interest rate.

Maturity structure of borrowing: This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	Upper limit	Lower limit
Under 12 months	10%	0%
12 months and within 24 months	15%	0%
24 months and within 5 years	30%	0%
5 years and within 10 years	40%	10%
10 years and within 20 years	50%	10%
20 years and within 30 years	50%	10%
30 years and within 40 years	50%	10%
40 years and above	50%	0%

Principal sums invested for periods longer than a year: The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

Price risk indicator	2023/24	2024/25	2026/27
Limit on principal invested beyond year end	£40m	£40m	£40m

8 Treasury Management Consultants

Arlingclose Ltd was appointed as the Council's external Treasury Management advisor for three years from April 2020, following a full tender process. An option to extend the term for a further two years was subsequently exercised by the Council.

The Council recognises that responsibility for Treasury Management decisions always remains with the organisation and will ensure that undue reliance is not placed upon the services of our external service providers. All decisions will be undertaken with regard to all available information including, but not solely, our treasury advisers.

9 Reporting Arrangements and Management Evaluation

Members will receive the following reports for 2024/25 as standard in line with the requirements of the Code of Practice:

- Annual Treasury Management Strategy
- Mid-Year Treasury Management Review report
- Annual Treasury Management Outturn report

The Director of Finance, (CFO), will inform the Cabinet Member for Corporate Services, Finance and Housing of any long-term borrowing or repayment undertaken or any significant events that may affect the Council's treasury management activities. The CFO will maintain a list of staff authorised to undertake treasury management transactions on behalf of the Council.

The Director of Finance is authorised to approve any movement between borrowing and other long-term liabilities within the Authorised Limit. Any such change will be reported to the next meeting of the Council.

The impact of these policies will be reflected as part of the Council's revenue budget and therefore will be reported through the quarterly budget monitoring process.

The Council's management and evaluation arrangements for Treasury Management will be as follows:

- Monthly monitoring report to the Director of Finance (Chief Finance Officer);
- Quarterly monitoring report to the Cabinet Member for Corporate Services, Finance and Housing;
- Quarterly meeting of the Director of Finance, Treasury Manager and Treasury Advisors (Arlingclose) to review previous quarter performance and plan following period activities;
- Ad-hoc meetings with the Council's treasury advisors as required;
- Regular Investment benchmarking against other local authorities

The Audit Committee is the governance body responsible for the scrutiny of Treasury Management, making any relevant recommendations and amendments through Cabinet and Full Council.

The CIPFA Code requires the Chief Finance Officer to ensure that members with responsibility for treasury management receive adequate training. In compliance with this, a comprehensive briefing, and training event, was held on 6th December 2023, delivered by Arlingclose and the Director of Finance.

The training needs of treasury management officers are periodically reviewed.

Appendix 1

Policy on Minimum Revenue Provision for 2024/25

The Minimum Revenue Provision is a statutory charge that the Council is required to make from its revenue budget. This provision enables the Council to generate cash resources for the repayment of borrowing.

The basis for the calculation of the provision is prescribed by legislation (Local Authorities (Capital Finance and Accounting (England) (Amendment)) Regulations 2012 and supported by statutory guidance, which states that Councils are required to “determine for the current financial year an amount of MRP that it considers to be prudent” and prepare an annual statement on their MRP calculation to their Full Council.

One of the aims of this legislation is to ensure that the repayment of principal owed for Capital expenditure is charged on a prudent basis. Central Government guidance says:

“the broad aim of prudent provision is to ensure that debt is repaid over a period that is reasonably commensurate with that over which the Capital expenditure provides benefits”

For Supported Borrowing, (borrowing funded by central government), the Council will charge MRP at 2% of the balance after deduction of the value of Adjustment A (a set valuation in 2004), to clear the borrowing liability over a period of 50 years.

In relation to transferred debt from Devon County Council the Council deem it prudent to allocate a VRP, (voluntary revenue provision), calculated in line with the supported borrowing calculation, based on a total repayment period of 50 years.

For capital expenditure funded from unsupported borrowing the Council will make a MRP based on the cumulative expenditure incurred on each asset, (including investment fund properties), in the previous financial years using a prudent asset life, which reflects the estimated usable life of that asset.

The MRP for each asset will be calculated on the asset life method using an annuity calculation. MRP will be calculated on the total expenditure on that asset, in the financial year **after the asset becomes operational** or 12 months after operational or when there is an income stream in relation to that asset.

The Council will continue to charge services for their use of unsupported borrowing using a prudent asset life (or a shorter period) on an annuity calculation. Where possible the same asset life and borrowing interest rate will be used for both the charge to services and the calculation of the MRP.

To mitigate any negative impact from the changes in accounting for leases and PFI schemes the Council will include in the annual MRP charge an amount equal to the amount that has been taken to the balance sheet to reduce the balance sheet liability for a PFI scheme or a finance lease. The calculation will be based on the annuity method using the Internal Rate of Return (IRR) implicit in the PFI or lease agreement.

Where loans are given for capital purposes, they come within the scope of the prudential controls established by the Local Government Act 2003 and the Local Authorities (Finance and Accounting) (England) Regulations 2008.

The Capital Financing Requirement (CFR) will increase by the amount of the loan. Once the funds are returned to the local authority, the returned funds are classed as a capital receipt with those receipts being earmarked specifically to that loan, and the CFR and loan will reduce accordingly. If the expectation is that funds will be repaid in full at some point in the future, there is no requirement to set aside prudent provision to repay the debt liability in the interim period, so there is no MRP application. The position of each loan will be reviewed on an annual basis by the Chief Finance Officer.

Where relevant, the suggested asset lives for certain types of capitalised expenditure as detailed in the MRP statutory guidance issued by DLUCH will be used. The latest guidance issued in March 2018 suggests a maximum asset life of 50 years.

In terms of **Council led Housing developments**, the MRP charge can be based on the life of the housing assets developed. A life of more than 50 years can be applied if supported by an independent valuer's report.

Each asset life will be considered in relation to the asset being constructed (primarily to ensure the MRP period does not exceed asset life); however, as a guide the following are typical ranges for asset lives that will be used.

Asset Type	Range of Asset Life
Freehold Land (speciifed in DCLG statutory gudiance)	50 years
Buildings	20-40 years
Investment Properties	25-50 years
Software	5-10 years
Vehicles & Equipment	5-8 years
Highway Network	25-40 years
Structural Enhancements	10-25 years
Infrastructure	25-50 years

For capital expenditure where land and buildings are not separately identified a blended asset life can be used.

Appendix 2

Economic Commentary

(Provided by Arlingclose Ltd, November 2023)

Economic background: The impact on the UK from higher interest rates and inflation, a weakening economic outlook, an uncertain political climate due to an upcoming general election, together with war in Ukraine and the Middle East, will be major influences on the Council's treasury management strategy for 2024/25.

The Bank of England (BoE) increased Bank Rate to 5.25% in August 2023, before maintaining this level in September and then again in November. Members of the BoE's Monetary Policy Committee voted 6-3 in favour of keeping Bank Rate at 5.25%. The three dissenters wanted to increase rates by another 0.25%.

The November quarterly Monetary Policy Report (MPR) forecast a prolonged period of weak Gross Domestic Product (GDP) growth with the potential for a mild contraction due to ongoing weak economic activity. The outlook for CPI inflation was deemed to be highly uncertain, with near-term risks to CPI falling to the 2% target coming from potential energy price increases, strong domestic wage growth and persistence in price-setting.

Office for National Statistics (ONS) figures showed CPI inflation was 6.7% in September 2023, unchanged from the previous month but above the 6.6% expected. Core CPI inflation fell to 6.1% from 6.2%, in line with predictions. Looking ahead, using the interest rate path implied by financial markets the BoE expects CPI inflation to continue falling, declining to around 4% by the end of calendar 2023 but taking until early 2025 to reach the 2% target and then falling below target during the second half 2025 and into 2026.

ONS figures showed the UK economy grew by 0.2% between April and June 2023. The BoE forecasts GDP will likely stagnate in Q3 but increase modestly by 0.1% in Q4, a deterioration in the outlook compared to the August MPR. The BoE forecasts that higher interest rates will constrain GDP growth, which will remain weak over the entire forecast horizon.

The labour market appears to be loosening, but only very slowly. The unemployment rate rose slightly to 4.2% between June and August 2023, from 4.0% in the previous 3-month period, but the lack of consistency in the data between the two periods made comparisons difficult. Earnings growth remained strong, with regular pay (excluding bonuses) up 7.8% over the period and total pay (including bonuses) up 8.1%. Adjusted for inflation, regular pay was 1.1% and total pay 1.3%. Looking forward, the MPR showed the unemployment rate is expected to be around 4.25% in the second half of calendar 2023, but then rising steadily over the forecast horizon to around 5% in late 2025/early 2026.

Having increased its key interest rate to a target range of 5.25-5.50% in August 2023, the US Federal Reserve paused in September and November, maintaining the Fed Funds rate target at this level. It is likely this level represents the peak in US rates, but central bank policymakers emphasised that any additional tightening would be dependent on the cumulative impact of rate rises to date, together with inflation and developments in the economy and financial markets.

US GDP grew at an annualised rate of 4.9% between July and September 2023, ahead of expectations for a 4.3% expansion and the 2.1% reading for Q2. But as the impact from higher rates is felt in the coming months, a weakening of economic activity is likely. Annual CPI inflation remained at 3.7% in September after increasing from 3% and 3.2% consecutively in June and July.

Eurozone inflation has declined steadily since the start of 2023, falling to an annual rate of 2.9% in October 2023. Economic growth has been weak, and GDP was shown to have contracted by 0.1% in the three months to September 2023. In line with other central banks, the European Central Bank has been increasing rates, taking its deposit facility, fixed rate tender, and marginal lending rates to 3.75%, 4.25% and 4.50% respectively.

Credit outlook: Credit Default Swap (CDS) prices were volatile during 2023, spiking in March on the back of banking sector contagion concerns following the major events of Silicon Valley Bank becoming insolvent and the takeover of Credit Suisse by UBS. After then falling back in Q2 of calendar 2023, in the second half of the year, higher interest rates and inflation, the ongoing war in Ukraine, and now the Middle East, have led to CDS prices increasing steadily.

On an annual basis, CDS price volatility has so far been lower in 2023 compared to 2022, but this year has seen more of a divergence in prices between ringfenced (retail) and non-ringfenced (investment) banking entities once again.

Moody's revised its outlook on the UK sovereign to stable from negative to reflect its view of restored political predictability following the volatility after the 2022 mini-budget. Moody's also affirmed the Aa3 rating in recognition of the UK's economic resilience and strong institutional framework.

Following its rating action on the UK sovereign, Moody's revised the outlook on five UK banks to stable from negative and then followed this by the same action on five rated local authorities. However, within the same update the long-term ratings of those five local authorities were downgraded.

There remain competing tensions in the banking sector, on one side from higher interest rates boosting net income and profitability against another of a weakening economic outlook and likely recessions that increase the possibility of a deterioration in the quality of banks' assets.

However, the institutions on Arlingclose's counterparty list remain well-capitalised and their counterparty advice on both recommended institutions and maximum duration remain under constant review and will continue to reflect economic conditions and the credit outlook.

Interest rate forecast (November 2023): Although UK inflation and wage growth remain elevated, the Authority's treasury management adviser Arlingclose forecasts that Bank Rate has peaked at 5.25%. The Bank of England's Monetary Policy Committee will cut rates in the medium term to

stimulate the UK economy but will be reluctant to do so until it is sure there will be no lingering second-round effects. Arlingclose sees rate cuts from Q3 2024 to a low of around 3% by early-mid 2026.

Arlingclose expects long-term gilt yields to eventually fall from current levels (amid continued volatility) reflecting the lower medium-term path for Bank Rate. However, yields will remain relatively higher than in the past, due to quantitative tightening and significant bond supply. As ever, there will undoubtedly be short-term volatility due to economic and political uncertainty and events.

Like the BoE, the US Federal Reserve and other central banks see persistently high policy rates through 2023 and 2024 as key to dampening domestic inflationary pressure. Bond markets will need to absorb significant new supply, particularly from the US government.

Appendix 3

Creditworthiness Policy and Investment Limits

The Council may invest its surplus funds with any of the counterparty types in table 9, subject to the cash limits, (per counterparty), and the time limits shown. The Chief Finance Officer will exercise his delegated powers “to take any decisions, (including Key Decisions), and to exercise all legal powers relevant to the Council’s borrowing, investments and financial management)” (s.7.1 of the Constitution – Officer Scheme of Delegation) to vary these limits at any time to ensure they remain viable and relevant during any market or political volatility.

Table 9: Approved investment counterparties and limits

Sector	Time limit	Counterparty limit	Sector limit
The UK Government	3 years	Unlimited	n/a
Local authorities & other government entities	3 years	£15m	Unlimited
Secured investments *	3 years	£15m	Unlimited
Banks (secured)*	3 years	£15m	Unlimited
Banks (unsecured) *	13 months	£6m	Unlimited
Building societies (unsecured) *	13 months	£6m	£18m
Registered providers (unsecured) *	3 years	£6m	£20m
Money market funds *	n/a	£15m	Unlimited
Strategic pooled funds	n/a	£10m	£30m
Real estate investment trusts	n/a	£10m	£20m
Other investments *	3 years	£6m	£15m

This table should be read in conjunction with the notes below

*** Minimum credit rating:** Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than A. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be considered.

For entities without published credit ratings, investments may be made where external advice indicates the entity to be of similar credit quality.

Government: Loans to, and bonds and bills issued or guaranteed by, national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Government are deemed to be zero credit risk due to its ability to create additional currency and therefore may be made in unlimited amounts for up to 50 years.

Secured investments: Investments secured on the borrower’s assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the

investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.

Banks and building societies (unsecured): Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. See below for arrangements relating to operational bank accounts.

Registered providers (unsecured): Loans to, and bonds issued or guaranteed by, registered providers of social housing or registered social landlords, formerly known as housing associations. These bodies are regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

Money market funds: Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a small fee. Although no sector limit applies to money market funds, the Council will take care to diversify its liquid investments over a variety of providers to ensure access to cash at all times.

Strategic pooled funds: Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives will be monitored regularly.

Real estate investment trusts: Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

Other investments: This category covers treasury investments not listed above, for example unsecured corporate bonds and company loans. Non-bank companies cannot be bailed-in but can become insolvent placing the Authority's investment at risk.

Operational bank accounts: The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments but are still subject to the risk of a bank bail-in, and balances will therefore be kept below £15,000,000 per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Authority maintaining operational continuity.

Risk assessment and credit ratings: Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:

- no new investments will be made,
- any existing investments that can be recalled or sold at no cost will be, and
- full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as "rating watch negative" or "credit watch negative") so that it may fall below the approved rating criteria, then only new investments that can be withdrawn on the next working day will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

Other information on the security of investments: The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council's treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.

Reputational aspects: The Council is aware that investment with certain counterparties, while considered secure from a purely financial perspective, may leave it open to criticism, valid or otherwise, that may affect its public reputation, and this risk will therefore be taken into account when making investment decisions.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008, 2020 and 2022, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Council will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Council's cash balances, then the surplus will be deposited with the UK Government or, on an exception basis, with other local authorities. This will cause investment returns to fall but will protect the principal sum invested.

Investment limits: The Council's revenue reserves available to cover investment losses are forecast to be £86 million on 31st March 2024. In order that no more than 20% of available reserves will be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government) will be £15 million. A group of banks under the same ownership will be treated as a single organisation for limit purposes. Limits will also be placed on fund managers, investments in brokers' nominee accounts, foreign countries and industry sectors as

below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country since the risk is diversified over many countries.

Table 10: Additional investment limits

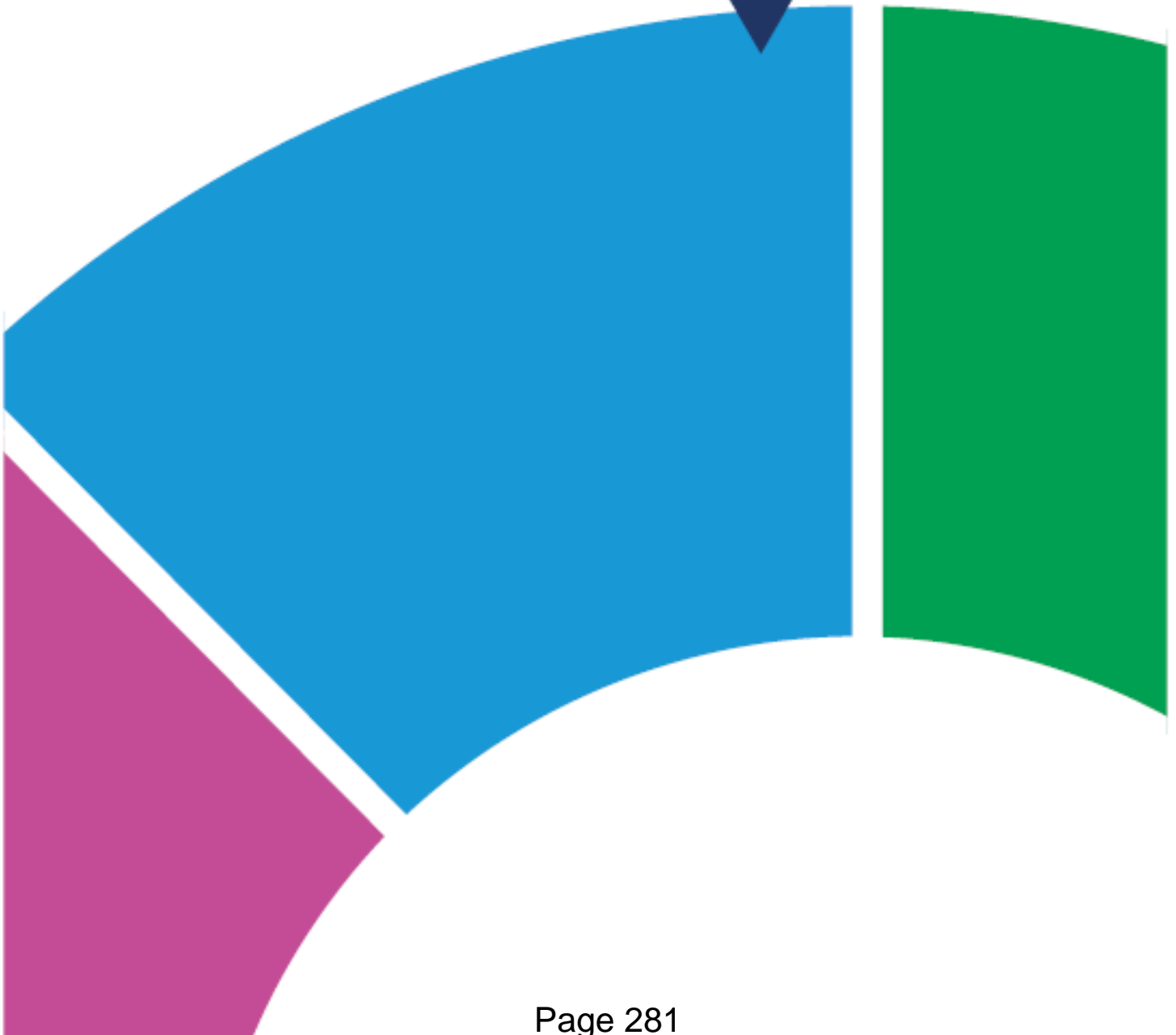
	Cash limit
Any group of pooled funds under the same management	£30m per manager
Foreign countries	£30m per country

Document is Restricted

Capital Investment Plan

January 2024

Budget 2024-2025



Capital Investment Plan - Introduction

As detailed in the 2024/25 Capital Strategy, we have fundamentally reviewed the Capital Investment Plan for the period 2024/25 to 2026/27 to provide stronger governance and project management discipline whilst giving greater transparency on the overall funding available for capital investment and the status of existing projects.

The Council remains ambitious in its capital investment aspirations. We have successfully attracted more than £90m of grant funding to support our investment programme with indications that further allocations will follow.

However, challenges remain within the industry with exceptional increases in construction inflation over the last two years and high borrowing costs resulting in financial viability issues across a number of key projects. Often this means that the true cost of delivering a capital project is now well in excess of the original business case submitted and subsequent grant funding attracted.

To provide a greater understanding of the deliverability, and timing, of progressing key work, we have adopted an approach whereby initial funding is only allocated to projects to progress them to either Outline, or Final Business Case stage. Such projects have been grouped under the heading 'Feasibility and Development' and will only move into the full Delivery / Construction section of the Capital Investment Plan following an approved, fully costed, Final Business Case which clearly identifies the sources of finance required and any risks associated with delivery.

Details of the current status of the Feasibility and Development projects are detailed within this document. At the February 2024 Council meeting, formal decisions will be sought to move the following projects into full delivery / construction stage:

- St Kildas affordable housing scheme;
- Nightingale Park Solar Farm;
- Brokenbury Solar Farm

The 2024/25 Capital Investment Plan has assumed that these projects will be approved at the February 2024 meeting. Amendments to the programme will be made should any recommendations not be supported.

Moving forwards, it is envisaged that individual projects will move from 'Feasibility and Development' to 'Delivery /Construction' throughout the financial year. Relevant Business Cases will be presented to Cabinet, Overview and Scrutiny and Council prior to capital budget amendments being formally approved through the regular Budget Monitoring Reporting process.

Projects under Feasibility and Development

There are a number of large projects that the Council is aiming to deliver, against which various grant funding streams have been identified. These projects will remain under the Feasibility and Development section of the approved Capital Investment Plan until such time as a fully costed Business Case has been approved by Council (following consideration by the Capital and Growth Board, Cabinet and Overview and Scrutiny).

Title and lead officer	Project description	Expected outcome	Planned completion date	Progress to date	Key delivery milestones 24/25	Total expenditure to date £000	Residual expected spend for 23/24	Planned expenditure 24/25 £000	Future planned expenditure £000
Crossways, Paignton (Director of Pride in Place)	Demolition and redevelopment of the (Paignton) Shopping Centre site.	Delivery of affordable housing, (and potential extra care), units linked to Town Centre regeneration	October 2026	<ul style="list-style-type: none"> Demolition of the Shopping Centre to be completed by February 2024; Original Planning approval granted for extra care scheme; Revised feasibility / options report produced – passed to the Council's Strategic Development partner 	<ul style="list-style-type: none"> Development partner appointed - Dec 2023; Option appraisal of financially viable options to be produced – May 2024 Planning to commence Summer 2024; Commence on-site for preferred scheme – early 2025 	3,343	121 Expected final demolition contract payments	250 Residual demolition activities and feasibility costs	TBC following Final Business Case (Expected May 24)
Torre Marine (Extra Care Housing) (Director of Adult and Community Services)	Development of Extra Care Housing	Residents are supported to live independent, healthy and active lives	April 2027	<ul style="list-style-type: none"> Planning approved November 2022 Procurement complete and preferred contractor identified 	<ul style="list-style-type: none"> Full Business Case to be approved April 24 Preferred contractor appointed. Construction start on site Autumn 2024 	1,415	660 TDA feasibility fees and procurement costs	20 Residual feasibility works to facilitate any business case changes	TBC following Final Business Case (Expected April 24)
Edginswell Train Station (Divisional Director – Planning, Housing and Climate Emergency)	Provision of new Railway Station at Edginswell	Transport connectivity and sustainability is improved.	Mid 2026	<ul style="list-style-type: none"> Funding agreement with Network Rail to support and complete the design phase Detailed design nearing completion 	<ul style="list-style-type: none"> Seek support from DfT and other sourced for delivery phase of the scheme; Develop a relevant funding strategy, clearly identifying funding sources for delivery / construction. 	1,791	1119 Continue with the design works, planning & ecology works	0	TBA following confirmation of additional funding & Business Case (Expected April 24)

Title and lead officer	Project description	Expected outcome	Planned completion date	Progress to date	Key delivery milestones 24/25	Total expenditure to date £000	Residual expected spend for 23/24	Planned expenditure 24/25 £000	Future planned expenditure £000
Torquay Town Deal – Union Square (Divisional Director – Economy, Environment and Infrastructure)	Phase 1 of the redevelopment of Union Square Shopping Centre, Torquay.	The economy of Torbay grows.	October 2027	<ul style="list-style-type: none"> • Purchase of main site and surrounding land assembly units • Appointment of a delivery partner for the feasibility and development phase • Feasibility studies and scoping of preferred option nearing completion 	<ul style="list-style-type: none"> • Preferred option to be presented by delivery partner for approval via Strategic Outline Business Case • Planning application to be submitted Spring 2024 • Construction start expected late 2024 / early 2025 	4,276	527 Complete land assembly and progress feasibility	312 Feasibility and planning	Awaiting Strategic Outline Business Case from Development Partner before allocating any additional funding (Expected April 24)
12-14 The Strand , Torquay (former Debenhams) (Divisional Director – Economy, Environment and Infrastructure)	Redevelopment of 12-14 The Strand, Torquay.	Strategic place shaping around a key Torbay site. The economy of Torbay grows.	July 2026	<ul style="list-style-type: none"> • Planning Committee recommended approval Nov 22 • Pre-demolition activities including asbestos removal complete • Demolition contractor identified 	<ul style="list-style-type: none"> • Demolition due to commence March 2024 • Delivery partner to be formally appointed to aid with feasibility 	211	0 Awaiting development partner brief before allocating additional funds	20 Development partner feasibility fees	Awaiting Strategic Outline Business Case from Development Partner before allocating any additional funding (Expected May 24)
Torquay Town Deal – Pavilion (Divisional Director – Economy, Environment and Infrastructure)	To undertake feasibility work to identify a cost plan for the full refurbishment of the Pavilion, Torquay	Torbay's unique heritage is protected for the enjoyment of residents and visitors	Aug 2026	<ul style="list-style-type: none"> • Initial intrusive surveys and condition reports complete • Negotiations with tenant progressed and nearing final agreements for surrender of lease. 	<ul style="list-style-type: none"> • Project requires full scoping to gauge feasibility. • Following initial feasibility reports being approved, further opening up works will commence. 	106	374 Progress intrusive surveys and opening up works package	77 Feasibility and business case development	Awaiting initial feasibility report prior to releasing any further funding (Expected May 24)

Title and lead officer	Project description	Expected outcome	Planned completion date	Progress to date	Key delivery milestones 24/25	Total expenditure to date £000	Residual expected spend for 23/24	Planned expenditure 24/25 £000	Future planned expenditure £000
Torquay Town Deal – Core Area Public Realm (Divisional Director – Economy, Environment and Infrastructure)	Improvements to the Public Realm in Torquay Town Centre	The economy of Torbay grows.	February 2025	<ul style="list-style-type: none"> • Consultation undertaken and completed • Detailed design complete • Procurement for preferred contractor underway 	<ul style="list-style-type: none"> • Procurement to be completed and contractor identified • Full Business Case to be completed May 2024 • Start on site estimated to be June 2024 	100	20 Procurement activities	20 Final design as part of procurement and revalidation of business case	TBC following Final Business Case (Expected May 24)
Paignton Future High Streets Fund (Divisional Director – Economy, Environment and Infrastructure)	Improvements to the Public Realm in Torbay Road, Paignton	The economy of Torbay grows.	February 2025	<ul style="list-style-type: none"> • Trial of full pedestrianisation scheme including consultation and engagement 	<ul style="list-style-type: none"> • Conclusion of the consultation on the pedestrianisation trial • Outline Business Case April 2024 • Procurement April – June 2024 • Start on site – August 2024 	81	96 Re-design of scheme following public consultation	33 Business case development and design refinement	TBC following Outline Business Case (Expected April 24)
Paignton Future High Streets Fund – Station Square (Divisional Director – Economy, Environment and Infrastructure)	Redevelopment of Station Square, Paignton	The economy of Torbay grows.	February 2025	<ul style="list-style-type: none"> • Stage 4 Design and Cost Plan complete (information package for tendering a contractor) • Procurement of contractor progressed 	<ul style="list-style-type: none"> • Contractor Identified March 2024 • Full Business Case April 2024 • Start on site May 2024 	305	108 Procurement activities and contractor design phase	42 Business case development and design refinement	TBC following Final Business Case (Expected April 24)

Title and lead officer	Project description	Expected outcome	Planned completion date	Progress to date	Key delivery milestones 24/25	Total expenditure to date £000	Residual expected spend for 23/24	Planned expenditure 24/25 £000	Future planned expenditure £000
Paignton Future High Streets Fund – Victoria Centre Phase 1 (Divisional Director – Economy, Environment and Infrastructure)	Phase 1 of the redevelopment of Victoria Centre, Paignton.	The economy of Torbay grows.	January 2026	<ul style="list-style-type: none"> • Early enabling and pre-works activity complete • Demolition contractor procured • Demolition commenced 	<ul style="list-style-type: none"> • Demolition Garfield Road Structure to complete June 2024 	73	303 Progress demolition	276 Complete demolition	Further spend will be part of the phase 2 development
Paignton Future High Streets Fund – Victoria Centre Phase 2 (Divisional Director – Economy, Environment and Infrastructure)	Phase 2 of the redevelopment of Victoria Centre, Paignton.	The economy of Torbay grows.	To be confirmed	<ul style="list-style-type: none"> • Delivery partner engaged to conduct feasibility for the site. 	<ul style="list-style-type: none"> • Adjacent site land assembly to conclude. Spend in 24/25 predicated on acquisitions. • Initial feasibility and Strategic Outline Case to be presented by Delivery Partner June 2024 	87	1328 Anticipated spend for land assembly and acquisition package	325 Completion of land assembly and feasibility works	Awaiting Strategic Outline Case from Development Partner before allocating any additional funding
Paignton Coastal Defence Scheme (Director of Pride in Place)	Provision of additional protection against sea inundation in low lying areas of Paignton and Preston	The risk of flooding will be addressed.	September 2025	<ul style="list-style-type: none"> • All public consultation works completed. • Masterplan for the area approved by Cabinet in Jan 23. • Planning application submitted October 23. • Application for additional funding submitted to 	<ul style="list-style-type: none"> • Expectation for additional funding to be approved by Environment Agency, (EA), late spring / early summer 24. • Phase 1 of works expected to commence September 24 	392	94 Progress feasibility and business case development	549 Potential design alterations and business case refinement	TBC upon confirmation of funding from EA and approval of an Outline Business Case (Assuming April 24)

Title and lead officer	Project description	Expected outcome	Planned completion date	Progress to date	Key delivery milestones 24/25	Total expenditure to date £000	Residual expected spend for 23/24	Planned expenditure 24/25 £000	Future planned expenditure £000
				Environmental Agency (EA) December 23					
Renovation of Oldway Mansion, Paignton (Director of Pride in Place)	Renovation of key Torbay Heritage Asset	Initially to protect the asset from any further deterioration whilst developing a long term solution and funding strategy	10 year restoration Master-Plan	<ul style="list-style-type: none"> Oldway Master-Plan approved by Full Council in December 2023; Initial £1m funding identified to progress with Phase 1 of works within the 2024/25 budget papers (subject to Council approval in Feb 24) 	<ul style="list-style-type: none"> Council approve £1m funding to proceed with phase 1 works in February 2024 (part of 24/25 budget setting) Specification of initial work drawn up – April 2024; Commence procurement for initial restoration works – July 2024 	0	0	250	Initial £1m identified. Full Oldway master-plan estimated as £54m which will require a comprehensive funding strategy

CAPITAL INVESTMENT PROGRAMME - 2023/24 to 2026/27

Appendix 3

Project Details	Project Baseline Financials				Revised 4-year Plan				
	Original Approval £000	Estimated Scheme Cost £000	Spend in Prev Years £000	2023/24 Budget £000	2023/24 Revised Out-turn £000	2024/25 £000	2025/26 £000	2026/27 £000	Total for Plan Period £000
Schools Capital Programme									
Capital Repairs and Maintenance	n/a	on-going	on-going	300	1,010	300	250	200	1,760
Education Review Projects	n/a	on-going	on-going	1,461	111	670	670	660	2,111
High Needs Capital Provision	n/a	on-going	on-going	2,650	890	750	750		2,390
Devolved Formula Capital	n/a	315			314				314
Paignton Academy STEPS Relocation	1,250	1,250	0	0	150	1,100			1,250
Foster Homes Adaptations	300	300	51	100	1	83	83	82	249
Acorn Centre (Youth Investment Fund)	528	528	0	264	80	224	224		528

Awaiting confirmation of future year funding.
Assuming previous year funding is utilised up to 25/26
£1.5m of unallocated funding spread over 2x years.
2023/24 spend represents slippage from previous financial year
Business Case approved December 2023
Need confirmaiton that funding will still be utilised.
Need confirmation that scheme is still progressing.

Schools Closed Projects									
Mayfield Expansion	1,500	1,575	1,534	0	41				41
Paignton CS Academy Expansion	1,840	1,737	1,735	0	2				2
Rosehams Primary - additional classroom	599	599	553	0	47				47
St Cuthbert Mayne Expansion	3,600	5,681	4,949		731				731
St Cuthbert Mayne Phase 2	1,000	1,000	34	750	966				966

Small amount of final fees to be spent up to March 2024
Retention payment and some fees still to process.
Large retention fee and some landscaping works still to be processed.
In addition to original expansion

Projects under Feasibility and Development									
Crossways, Paignton - Regeneration	22,360	36,983	2,264	5,000	1,200	250			1,450
Extra Care Housing (Torre Marine)	2,250	22,281	1,415	2,153	660	20			680
Edginswell Railway Station	7,883	24,400	613	5,000	2,297	0			2,297
Union Square Acquisition & Development (Town Deal)	11,043	70,000	3,957	7,043	846	312			1,158
Strand Land Assembly & (Debenhams) Demolition	2,000	13,600	161	2,500	50	20			70
Torquay Town Deal - Pavilion	1,750	13,000	57	1,300	423	77			500
Torquay Town Deal - Core Area Public Realm	250	850	60	598	60	20			80
Torbay Road Paignton (High Streets Funding)	668	1,500	77	426	100	33			133
Station Square (High Streets Funding)	2,259	2,540	202	2,027	211	42			253
Victoria Centre (Paignton) Phase 1 (FHSF)	652	652	25	602	351	276			627
Victoria Centre (Paignton) Phase 2 (FHSF)	3,862	3,862	55	3,312	1,360	325			1,685
Diversification (High Streets Funding)	1,300	0	0	1,300	0				0
Paignton Coastal Defence Scheme	3,142	17,515	238	150	211	15			226
Paignton Flood Defence (High Streets Funding)	571	571	0	485	37	534			571
Oldway Mansion - phase 1 of Master-Plan		0	0	0	0	250	250	250	750

Demolition spend. Development costs to Full Business Case.
Need to confirm funding to get to FBC due in March 24
Funding needed to get to Detailed Business Case.
Awaiting affordable Business Case from Regeneration partners
Awaiting affordable Business Case from Regeneration partners
Awaiting MDL settlement and subsequent Business Case
GPO Post Office Roundabout, Torquay. In procurment for contractor
Fnal scheme design pending
Final scheme design pending
Demolition Phase
Business Case pending
Project not progressing. Funding to be re-prioritised.
Significant funding gap. Seeking further grant.
Part of above scheme - funding from Future High Streets.
Council commitment to find £1m - funded through TM Reserve

Economic Development / Regeneration

Edginswell Business Park Unit 1	3,710	6,927	2,200	5,724	4,727				4,727
Edginswell Enabling Works (LEP GBF)	1,960	5,281	2489	2,250	1,720				1,720
Harbour View Hotel Development	11,300	21,249	10,445	8,600	10,804				10,804
Torquay Strand Public Realm (Town Deal Funding)	2,250	4,485	587	1,814	800	1,119			1,919
Paignton Picture House (Future High Streets Funding)	1,285	1,285	918	367	367				367
Paignton Picture House (Commnuity Dev Fund)	2,323	2,323	0	1,800	1,950	372			2,322
Lymington Rd Business Centre (LEP GBF/EGF)	1,960	5,925	1070	3,986	4,623	180			4,803
Small Projects - UK Shared Prosperity Fund	406	361	8	139	131	222			353

To be completed in 2023/24
To be completed in 2023/24. Approved increased spend.
Change request to transfer additional funding to complete.
To be completed in 2023/24
Grant passported from the Council.

Housing Development / Investment

Temporary Accommodation	10,000	9,621	4,121	5,000	5,500				5,500
Disabled Facilities Grants	n/a	2,332	0	1,295	1,300	1,032	1,000	1,000	4,332
Enhancement of Development sites	n/a	329	137	65	132	60			192
Housing Rental Company - Loan	25,000	3,267	2,767	0	456				456
Community Led - Affordable Housing Loans	3,000	0	0	3,000	0				0
St Kilda's, Brixham - Affordable Housing Stage 1	338	434	0	338	434				434
St Kilda's, Brixham - Affordable Housing Stage 2	5,249	5,249	0	0	0	2,367	2,882		5,249

Acquisitions completed by March 24. Not using the full £10m
Future year funding awaiting confirmation
Expenditure required on sites to enable development and disposal.
Final drawdown on loan arrangement (Totnes Road).
No drawdown to date. Need to determine future need.
Full Business Case being considered by Council 22 February 24.

Environment / Climate Capital Investment

SWISCO Loan - Vehicle & Equipment Replacement	2,800	2,800	1,230	2,338	0	1,570			1,570
SWISCO Loan - Buildings	1,200	1,200	0	1,000	0	1,200			1,200
Car Park Investment	1,000	850	54	500	796				796
Climate Change Initiatives	1,000	1,000	0	250	334	333	333		1,000
Green Waste Bins	929	929	201	619	200	264	264		728
Local Electric Vehicle Infrastructure	958	958	0		0	479	479		958
Changing Places Toilets	180	180	0	180	90	90			180
Solar Farm, Brokenbury (EGF)	2,750	2,275	192	1,620	288	43			331
Solar Farm, Nightingale Park (EGF)	2,200	4,150	385	2,914	484	62			546

Council original approval for £4m loans to be re-set in 2024/25
Council original approval for £4m loans to be re-set in 2024/25
Future investment linked to increased income.
£1m borrowing approved by Council. 50% to provide revenue return.
Anticipated completion by 31.3.24
Revised Business case to be considered in February 2024
Revised Business case to be considered in February 2024

Transport Capital Investment

Transport Highways Structural Maintenance	n/a	4,361		2,038	2,771	2,050	2,050	2,050	8,921
Transport Integrated Transport Schemes	n/a	2,241		1,147	1,170	1,071	1,071	1,071	4,383
Transport - Torquay Gateway Road Improvements		3,485	3,450	20	21	14			35
Transport - Western Corridor		12,294	11,682	250	199	200	211		610
Shiphay Lane (Active Travel Fund)	227	227			0	226			226
Babbacombe Beach Road	70	469	439	31	15	15			30

Awaiting confirmation of future year funding/investment
Awaiting confirmation of future year funding/investment
Specific grant funding received in 23/24 - to be spent in 24/25

Coastal Defence / Flood alleviation

Flood Alleviation - Cockington	328	328	301		27				27
Flood Alleviation - Monksbridge	412	412	86	295	326				326
Torquay Flood Alleviation	50	50	4	20	46				46
Paignton Flood Alleviation	60	60	10	40	50				50
Brixham Flood Alleviation	45	45	10	25	35				35

Sports, Leisure and Culture

Clennon Valley Sport Improvements	70	70	32		22				22
Haldon & Princess Pier	95	95	7	50	88				88
Princess Pier - Structural repair	1,400	1,665	818	60	0	62			62
Torquay Town Dock - Infrastructure Improvements	1,200	1,200	741	211	460				460
Harbour Patrol Boat	65	72	0		72				72
Torre Valley North Sports Facilities	422	422			46				46
Park Tennis Renovation	504	504			504				504
Armada Park Refurbishment	91	91			10				10
Torre Abbey Gatehouse/SW Wing	964	1,290	54	707	813	422			1,235
Torre Abbey SE Wing/Courtyard/Tower	404	539	20	297	344	175			519
Torre Abbey Renovation - Phase 3	1,700	0	0	208	32				32
RICC Improvements - Backlog Repairs	1,000	1,250	935	0	280	35			315

Purchase of Harbour Patrol Boat. Funded through Harbour reserves.
Funded through grant, contributions, reserves and S106s.
Renovation of St Marys, Oldway and Abbey Park Tennis Courts.
Refurbish changing rooms. Grant, contributions and S106 funding.
Small Council contribution to attract external grant funding.

Closed Projects									
Preston (North) - Development of former WCs	718		47	717	0				0
The Pines (TCCT)	75	75			75				75
Maidencombe Beach CP (TCCT)	45	45			45				45
EPIC Equipment (funded from LEP)	150	230			230				230
Claylands Redevelopment	10,400	11,150	10,748		20	20			40

Funding (to be moved to Projects Pending)									
Adult Social Care Grant	n/a	2,777	0	895	80				80
Affordable Housing	n/a	1,598	243	529	0				0
Torquay Towns Fund (General)	158	158	0	52	0				0
General Capital Contingency	n/a	342	0	632	342				342
Capital Contingency	4,000	0	0	600	0				0

Feasibility costs incurred
Funding to be transferred to pending
Funding to be transferred to pending
Contingency used in 23/24 to fund Harbour View shortfall

Full Capital Investment Plan Totals	177,058	351,695	74,411	90,044	55,408	18,984	10,517	5,313	90,222
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CAPITAL INVESTMENT PROGRAMME - FUNDING SOURCE

	2023/24 Budget £000	2023/24 Revised Out-turn £000	2024/25 £000	2025/26 £000	2026/27 £000	Total for Plan Period £000
Unsupported Borrowing	41,346	29,807	4,450	3,264		37,521
Grants	45,616	22,501	13,252	6,728	4,981	47,462
Contributions	570	1,012	700	21		1,733
Revenue	1,035	1,046	483	320	250	2,099
Reserves	385	497	14	162	82	755
Capital Receipts	1,092	545	85	22		652
Total	90,044	55,408	18,984	10,517	5,313	90,222

Meeting: Overview & Scrutiny Board/Cabinet/Council **Date:** 7 Feb/13 Feb/22 Feb 2024

Wards affected: All Wards

Report Title: Budget Monitoring 2023/24 – April to December 2023 Revenue and Capital Outturn Forecast.

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Alan Tyerman, Cabinet Member for Finance
alan.tyerman@torbay.gov.uk

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance,
ian.rowswell@torbay.gov.uk,

1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 3 (up to 31 December 2023).
- 1.2. The Council continues to face significant external pressures due to the wide-reaching implications of the current economic situation. The levels of cost inflation have reduced but are still impacting Council services in terms of direct cost pressures. We are also seeing an impact on the levels of income received, with many projections being below the levels budgeted. This pressure is resulting in a year end forecast for 2023/24 of **£0.8m overspend**, a £500k reduction on the forecast made at quarter 2.
- 1.3. The Capital Plan has now been reviewed, with an updated forward looking capital programme included within the 2024/25 budget papers, currently out for consultation. The Council is currently projecting spend of £55m on capital projects in 2023/24, compared with an original budget of £90m. The updated Capital Plan is now estimating a much reduced spend of £90m over the next 4-year capital programme (2023/24-2026/27). However, further projects will be moved from feasibility and development to fully approved projects throughout 2024/25 upon completion of robust Business Cases which will include drawing down various elements of circa £92m of external grant funding held.

2. Recommendations

Recommendations for Overview and Scrutiny Board

- 2.1. That the Overview & Scrutiny Board notes the Council's forecasted revenue outturn position and mitigating action identified and make any comments and/or recommendations to the Cabinet.
- 2.2. That the Overview & Scrutiny Board notes the revised Capital Investment Plan (as detailed in Appendix 2) and make any comments and/or recommendations to the Cabinet.

Recommendations for Cabinet/Council

- 2.3. That the Cabinet notes the forecasted revenue outturn position and recommends that Council approves:
 - 2.3.1. The revised Capital Investment Plan (as detailed in Appendix 2)

3. 2023/24 Budget Summary Position

- 3.1. Budget monitoring has identified a number of spending pressures and is now forecasting a total overspend at year end 2023/24 of £0.779m, broken down between Council Directorates as follows:

Service	Current Budget £m	Projected Outturn £m	Est. Outturn Variance Q3 £m	Est. Outturn Variance Q2 £m
Adult Services	51.559	52.589	1.030	1.055
Children's Services	50.338	51.329	0.991	1.382
Corporate and Executive Services	12.356	12.719	0.363	0.449
Finance	-12.444	-14.544	-2.100	-2.000
Investment Portfolio	-4.134	-4.134	0	0
Place	22.829	23.342	0.513	0.433
Public Health	10.446	10.446	0	0
TOTAL	130.950	131.747	0.779	1.319

- 3.2. Appendix 1 provides a summary of the agreed budget savings for 2023/24, showing whether these saving proposals have been achieved. Further details of the savings can be found within the published budget papers - [proposals-for-efficiencies-income-generation-](#)

[and-service-change.pdf \(torbay.gov.uk\)](#). Almost 70% of the total savings have already been achieved at this point in the year.

3.3. The projection has improved by £0.540m since the quarter 2 report, mainly resulting from plans to draw down £500k from central contingency in response to overspends on Childrens Services. Delivering a mitigated and reduced overspend by the end of the year will continue to require robust financial management and control from all services across the Council. Overspend recovery plans have been completed by each Director and will continue to be reviewed by the Senior Leadership Team.

3.4. The following areas will require particular focus over the rest of the financial year due to the level of overspends being forecast.

- Increasing costs associated with homelessness prevention activity and the provision of Temporary Accommodation.
- Cost pressures being experienced by Councils around Childrens Services Placements, including caring for Unaccompanied Asylum-Seeking Children (UASC).
- The Dedicated Schools Grant and in particular the Higher Needs Block, which is not currently shown within the table above. Spend continues to be monitored as part of the safety valve agreement in order to facilitate the future write off of accumulated deficits of over £12m.

4. Service Budgets

4.1. The table below summarises the most material variances (over £100k) currently being forecast at the end of December 2023. Please note there are other smaller variances which are not highlighted within the table below.

Service	Current Budget £m	Projected Outturn £m	Q3 Outturn Variance £m	Projected variance at Q2 £m
Adults Service - Housing (Temporary Accommodation)	1.853	2.593	0.740	1.020
Adults Service – Homelessness prevention	0.145	0.400	0.255	0
Corporate and Exec Service - Legal services	1.336	1.752	0.416	0.510
Children’s Services – Care placements incl. Unaccompanied Asylum Seeking Children (UASC)	21.431	22.979	1.548	1.856
Childrens – Net staffing underspend across various CS teams/services.	19.573	18.744	(0.829)	(0.568)
Childrens Services – Recruitment and Retention	0.170	0.030	(0.140)	0
Childrens – Home to School Transport	3.818	4.130	0.312	0
Finance – Investments and borrowing	(1.927)	(3.927)	(2.000)	(2.000)
Place - Income below target across services (<i>N.b figures relate to income only</i>)	(1.850)	1.456	0.394	0.644
Place – Income from Green Waste Service	(400)	0	0.400	0
Place - Waste disposal	4.453	3.983	-0.470	(0.470)

Place - Management fee to TCCT	0.320	0.490	0.170	0.170
			0.796	1.319

Adult Services (incl. Community and Customer Services)

- 4.2. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO). This agreement was uplifted by £5m in 2023/24, with a further £1.1m agreed for the following year. A new arrangement will need to be negotiated for 2025/26 onwards and activity is well underway with partners to identify actions that can reduce spend and enhance financial sustainability for the future.
- 4.3. The overspend currently forecast at Q3 for Adult services is mainly within our Housing Service and predominantly relates to increasing costs for both homelessness prevention (£0.255m) activity and the provision of Temporary Accommodation (£0.740m). There continues to be considerable demand in this service, fuelled by the cost of living, which is impacting significantly on clients both financially and emotionally. The main reasons for homelessness is the loss of private rented accommodation and breakdown in family relations.
- 4.4. Since 2020, there has been a 64% increase in people presenting to the local authority as homeless and a 66% increase in those being provided temporary accommodation. Compared to this point in time in 2022 there has been a 40% increase in presentations. Increasingly, families are approaching the service, and overall complexity is increasing.
- 4.5. This is combined with low availability of temporary options for individuals and family groups in need of temporary accommodation. As at 22 January 2024 there were 121 households living in Temporary Accommodation, of which 59 were families, with a significant amount of prevention activity underway to mitigate the risk of numbers significantly increasing.
- 4.6. Throughout 23/24 there has been a focus on directly purchasing and leasing property to reduce the costs associated with spot purchasing and increase the stability of accommodation options available to the Housing Options team. As at 22 January 2024, 31 properties have been purchased by Torbay Council, with 26 currently occupied by families. This will help to stabilise costs and allow more work to be done to prevent homelessness and support households to find more permanent housing. Work also continued on improving accommodation pathways and commissioning plans.

Corporate Services & Executive

- 4.7. An overspend of £0.416m is currently being forecast within Legal Services. This is a result of the difficulties the service continues to face in recruiting permanent staff to meet levels of demand. This has meant the service have had to use more expensive agency staff to continue delivering legal support to services across the Council.
- 4.8. The council have struggled to compete with the salaries paid by other organisations – both within the private and public sector. The service is now applying additional market

factors in the hope this will make a difference to their ability to recruit and reduce their requirements of agency workers. However, it should be noted that recruitment of legal professionals in the public sector is a national issue.

4.9. Within Corporate and Executive Services, there are some underspends forecast across other teams and service areas, which are partially offsetting the overspend within Legal Services.

Children's Services

4.10. Overall Children's Services is experiencing significant financial pressures due to extreme external forces outside of the control of the Council. An overspend of **£1.548m** is currently being forecast across care placements, despite the overall numbers of cared for children being lower than previous years. Significant shortages of suitable available placements are driving up costs within the market, with price increases since 21/22 of over 30% in residential and unregulated/unregistered placements. The legislation on unregulated placements changed in September 2022 and is resulting in further pressure on this budget into 2023/24.

4.11. This is exacerbated by the demand arising from the cases allocated to Torbay through the National and Regional allocation of Unaccompanied Asylum Seeking Children (UASC). Costs of placement and support are in excess of the Home Office Funding, with current financial pressures arising from UASCs estimated at £0.643m and significantly contributing to the overspend.

4.12. All of this means that despite the continued oversight, challenge and support from colleagues, external factors are now significantly influencing spend.

4.13. There is also cost pressure within the Home to School Transport budget as a result of increasing costs. This now totals **£0.312m** and relates to the existing routes. A thorough review of provision is planned for 2024/25, including a review of single occupancy taxis and the promotion of independent travel.

4.14. Offsetting some of these pressures are underspends in staffing budgets totalling **£0.829m** and underspends in recruitment and retention budgets **£0.140m**. Agency costs have been a significant financial pressure in recent years, but following successful recruitment and retention within the service, the total agency costs are forecast to be £2.3m this year compared with spend in 2021/22 of £4.9m. This demonstrates that Torbay Council has achieved significant improvements to influence spend where it can. We are now seeing significantly increased salary expectations within the agency market and stiff competition from other Councils that are offering increased hourly rates to stabilise their own workforces.

4.15. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for assessment for higher needs support for children.

4.16. The Council is part of the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) Safety Valve programme, which supports councils in

achieving future financial sustainability in this area. If the council can deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by ESFA.

4.17. Torbay Council has already received £6.193m from the ESFA in response to its recovery plan, without which the DSG cumulative deficit was forecast to be £12.963m by the end of the financial year. For 2023/24 the DSG is forecasting an overspend of £1.262m at quarter 3, in line with the forecast deficit within the agreed safety valve plan of £1.263m. It is of importance to the Council's future budget position that the Council delivers its recovery plan.

Finance

4.18. A **£2.0m** positive variance is being forecast, mainly as a result of increased interest rates, being applied on council investments. This means the Council is forecast to earn higher levels of interest on its current cash balances than was budgeted. Given the current low levels of spend on Capital projects, there is also a saving on interest payable by the Council as lower levels of spend activity means lower amounts borrowed, therefore reduced interest paid by the Council.

4.19. As part of setting the 2023/24 budget a few centrally held contingencies, mainly linked to pay and inflation risks, were held under finance and will be released to contribute towards known cost pressures.

4.20. A total of £0.920m has been transferred to service budgets to offset the additional costs arising from the 23/24 pay award, which was in excess of the 4% budgeted. Further contingency will be released before the year end to address specific budget pressures identified within 2023/24, mainly in relation the Childrens Services.

Investment Portfolio

4.21. The Council's Investment Portfolio is forecast to contribute £4.134m towards Council activity – in line with budget. The investment property reserve is in place to cover lost rent and holding costs arising from empty units.

Place

4.22. Within the Place directorate an overspend of **£0.513m** is currently forecast, mainly due to levels of income being lower than budgeted.

4.23. Planning have highlighted that projected application fee income is £0.150m below target and building regulation applications are similarly projecting a £0.050m shortfall. In addition, a shortfall of £0.060m is forecast on income from local land searches. All three of these elements reflect the challenging economic position of the country and the region.

- 4.24. An overspend of £0.100m is forecast for Torre Abbey despite admission numbers being higher than this time last year. The Paddington Exhibition and planned events/activities had some positive impact on admissions, but income from the Café continues to be below budget.
- 4.25. Income from the Garden Waste service is projected to be short of the amount budgeted, with numbers of subscribers being lower than the levels anticipated. The shortfall is forecast to be £400k, after a contribution from reserves of £150k – as part of supporting the scheme’s first year of operation.
- 4.26. The reduced Directorate levels of income are expected to be offset by an underspend within the waste budget. This is currently forecast at £470k due to disposal levels and associated costs being lower than forecast.
- 4.27. An overspend of £170k is being forecast in respect of the management fee paid to the Torbay Coast and Countryside Trust for management of land leased to the Trust by Torbay Council. This provides protection and enhancement of Torbay’s natural heritage for the benefit of the community and visitors. The additional fee is to provide short term support, whilst the Trust implements a number of measures to improve its financial sustainability.
- 4.28. Currently Parking Services is overall forecast to break even, with forecast losses in parking income offset by increases in enforcement income.

Public Health

- 4.29. Overall Public Health is reporting a balanced position within its ring-fenced grant. A significant amount of spend relates to the provision of 0-19 services, which is expected to see increased spending pressures in future years, because of inflation.

5. Collection Fund

- 5.1. Collection rates for 2023/24 are currently slightly below forecast levels, with the rising cost of living appearing to be having an impact. We continue to explore opportunities to increase our overall collection rates, whilst supporting residents and businesses. This will not have any impact on the 2023/24 financial year and the collection fund equalisation reserve is maintained to manage any impact in the following year.

6. Wholly owned companies

- 6.1. SWISCo. has been managing the financial pressures associated with rising costs, particularly fuel and materials. However, due to movements in the international markets, the value of recycled material resale has dropped considerably and a shortfall of £175k is now being forecast for year end. SWISCo will continue to manage these pressures with the aim of returning to a breakeven position for 2023/24.
- 6.2. The pay award for 2023/24 resulted in a fixed £1,925 per full time employee, which has a disproportionate percentage impact on SWISCo given the average salary. As a result,

the Council has agreed an additional £0.391m of funding to meet the shortfall in the pay award.

6.3. TDA divisional Commercial P&L account to the end of November 2023 reported a year to date surplus of £0.399m (net of transition costs) against a budget of £0.203m. Within the TDA Group, TorVista reported a loss at the end of Sept 2023 of £0.290m against a budgeted loss of £0.222m. A specific budget code has been established to capture the transitional costs associated with managing the transfer of TDA to Torbay Council.

7. Statement of Accounts – 2020/21 and 2021/22

7.1. The Council's Statement of Accounts for 2020/21 were only signed off by Grant Thornton in April 2023, despite their findings being presented to Audit Committee in December 2021.

7.2. Delay in auditing Council's Statement of Accounts by the Government's Statutory deadline has been highlighted previously and is a national issue, partly due to lack of capacity in the market. In the light of continuing problems nationally, the Government's statutory deadlines have been revised. Torbay Council's current position is that the audit of 21/22 accounts will be complete in the next few weeks, whilst the 22/23 and 23/24 accounts will both be audited by 30/09/24.

7.3. The protracted statement of accounts process has continued to put significant pressure on the finance team, who continue to work concurrently on multiple financial years.

8. Capital

8.1. The Council is seeing extreme cost inflation in respect of its Capital projects. As a result, several schemes that are in progress are facing rising costs, which are at variance to initial business cases and forecasts. The viability of schemes supported by prudential borrowing are further impacted from the recent rises in borrowing rates.

8.2. The revenue outturn position for 2022/23 enabled £0.4m surplus to be transferred to a specific earmarked Capital Reserve, which will assist the Council in the re-prioritisation, and ultimate delivery, of the Capital Investment Programme. Revenue costs will be required to continue with design and feasibility work for specific schemes alongside bolstering capacity, and skills, in project delivery.

8.3. The Capital Investment Plan has now been reviewed and an updated forward looking capital programme included within the 2024/25 budget papers.

8.4. The Council is projecting spend of £55m on capital projects in 2023/24, compared with an original budget of £90m. This spend is part of a wider capital programme now estimated to totalling £90m over a 4-year period. The update Capital investment Programme providing further details of estimated costs is shown in Appendix 2 to this report.

8.5. The Capital Investment Plan is funded from capital receipts, capital grants and contributions, reserves and revenue budget contributions, and long-term borrowing to ensure a balanced budget over the life of the Plan.

8.6. The following new grant allocations have been announced since figures reported at Q2.

8.6.1. Additional allocation of £230,000 from DfT for 2023/24 from the Road Surfacing Fund for local highways maintenance. The same level of additional funding has also been announced for 2024/25.

8.6.2. Grant allocation of £950,000 from DLUHC, Brownfield Land Release Fund, following a successful bid for Crossways project.

9. Risks & Sensitivity

9.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Financial sustainability and write off of the DSG Deficit	High	The Council has a recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs.	High	The Director of Adult Social Care is developing a range of intervention activity and savings plans, in collaboration with Health Trust colleagues
High inflation rates have a major impact on both revenue and capital costs.	High	The 23/24 budget includes a higher than usual allowance for inflationary pressures, with contingencies also held for revenue and capital. A strategic review of the capital programme has commenced.
The "cost of living" economic impact on the Council's residents from higher mortgage, rent, fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from council tax.	High	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to appropriate support.
Collection Fund shortfall	High	Additional resources allocated to support the Revenues & Benefits team and a review of debt recovery will be undertaken. End to end processes are being reviewed.

Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale.
Delivery of Children's Services cost reduction plan	High	Meetings continue to monitor the current rate of delivery against the identified actions from the Sufficiency Strategy.
Investment Property Income changes	High	The Investment Board will continue to review future leases and manage any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	High	Work is underway on directly procuring and leasing property to increase the stability of accommodation options available to the Housing Options team. The Council has also increased its focus and resources on preventive work.

10. Appendices

10.1. Appendix 1 – Monitoring of published savings identified for 2023/24

10.2. Appendix 2 – Capital Plan Summary – Quarter 3 2023/24

Monitoring of savings appearing on 23/24 published budget papers				
Description of saving/efficiency	Directorate	£m	Achieved?	Comments
Harbour Health and Safety post to be funded by Harbours	Adults & Community	-0.050	Partial	Part achieved for £40k salary cost
CCTV - contribution from Fleet Walk	Adults & Community	-0.050	Yes	Achieved - budget adjusted
Home to School Transport	Childrens	-0.067	No	Pressures remain in H2S Transport
Reduction in agency costs	Childrens	-0.030	Yes	Savings achieved
Removal of Tranformation post	Corporate	-0.060	Yes	Achieved - budget adjusted
Digitalisation within electoral services	Corporate	-0.010	No	Not yet achieved
Use of MS365 - security	Corporate	-0.020	Yes	Savings from New E365 liccences - from Jan 24
Town Hall - savings from reduced usage	Place/Corporate Services	-0.100	Partial	Behind target on achieving savings
Transport post funded from capital	Place	-0.050	No	Issues flagged and listed as budget pressure
SWISCO efficiencies	Place	-0.250	Yes	Achieved - budget adjusted
Climate change savings offsetting borrowing costs	Place	-0.060	No	Issues flagged and listed as budget pressure
Increased recycling reducing costs of waste disposal	Place	-0.055	Yes	Achieved - budget adjusted
Increased income from Section 38 highways works	Place	-0.010	Yes	Savings achieved
Marketing costs to picked up externally	Place	-0.006	Yes	Budget adjusted and no issues
Increased income from events	Place	-0.033	No	Pressures emerging at Q1
Reduce net costs of Torbay Airshow - sponsorship	Place	-0.027	N/A	Additional budget found to reverse saving
TDA to fund borrowing costs of regeneration schemes	Finance	-0.200	N/A	Additional budget found to reverse saving
Total published savings		-1.078		
Savings achieved		-0.481	45%	
Savings n/a		-0.227	21%	
Savings partially achieved		-0.150	14%	
Savings not achieved		-0.220	20%	
		-1.078	100%	

CAPITAL INVESTMENT PROGRAMME - 2023/24 to 2026/27

Appendix 2

Project Details	Project Baseline Financials			Revised 4-year Plan				
	Estimated Scheme Cost £000	Spend in Prev Years £000	2023/24 Budget £000	2023/24 Revised Out-turn £000	2024/25 £000	2025/26 £000	2026/27 £000	Total for Plan Period £000
Capital Programme Project								
Schools Capital Programme								
Capital Repairs and Maintenance	on-going	on-going	300	1,010	300	250	200	1,760
Education Review Projects	on-going	on-going	1,461	111	670	670	660	2,111
High Needs Capital Provision	on-going	on-going	2,650	890	750	750		2,390
Devolved Formula Capital	315			314				314
Paignton Academy STEPS Relocation	1,250	0	0	150	1,100			1,250
Foster Homes Adaptations	300	51	100	1	83	83	82	249
Acorn Centre (Youth Investment Fund)	528	0	264	80	224	224		528

Awaiting confirmation of future year funding.
Assuming previous year funding is utilised up to 25/26
£1.5m of unallocated funding spread over 2x years.
2023/24 spend represents slippage from previous financial year
Business Case approved December 2023
Need confirmaiton that funding will still be utilised.
Need confirmation that scheme is still progressing.

Schools Closed Projects								
Mayfield Expansion	1,575	1,534	0	41				41
Paignton CS Academy Expansion	1,737	1,735	0	2				2
Roselands Primary - additional classroom	599	553	0	47				47
St Cuthbert Mayne Expansion	5,681	4,949		731				731
St Cuthbert Mayne Phase 2	1,000	34	750	966				966

Small amount of final fees to be spent up to March 2024
Retention payment and some fees still to process.
Large retention fee and some landscaping works still to be processed.
In addition to original expansion

Projects under Feasibility and Development								
Crossways, Paignton - Regeneration	36,983	2,264	5,000	1,200	250			1,450
Extra Care Housing (Torre Marine)	22,281	1,415	2,153	660	20			680
Edginswell Railway Station	24,400	613	5,000	2,297	0			2,297
Union Square Acquisition & Development (Town Deal)	70,000	3,957	7,043	846	312			1,158
Strand Land Assembly & (Debenhams) Demolition	13,600	161	2,500	50	20			70
Torquay Town Deal - Pavilion	13,000	57	1,300	423	77			500
Torquay Town Deal - Core Area Public Realm	850	60	598	60	20			80
Torbay Road Paignton (High Streets Funding)	1,500	77	426	100	33			133
Station Square (High Streets Funding)	2,540	202	2,027	211	42			253
Victoria Centre (Paignton) Phase 1 (FHSF)	652	25	602	351	276			627
Victoria Centre (Paignton) Phase 2 (FHSF)	3,862	55	3,312	1,360	325			1,685
Diversification (High Streets Funding)	0	0	1,300	0				0
Paignton Coastal Defence Scheme	17,515	238	150	211	15			226
Paignton Flood Defence (High Streets Funding)	571	0	485	37	534			571
Oldway Mansion - phase 1 of Master-Plan	0	0	0	0	250	250	250	750

Demolition spend. Development costs to Full Business Case.
Need to confirm funding to get to FBC due in March 24
Funding needed to get to Detailed Business Case.
Awaiting affordable Business Case from Regeneration partners
Awaiting affordable Business Case from Regeneration partners
Awaiting MDL settlement and subsequent Business Case
GPO Post Office Roundabout, Torquay. In procurement for contractor
Final scheme design pending
Final scheme design pending
Demolition Phase
Business Case pending
Project not progressing. Funding to be re-prioritised.
Significant funding gap. Seeking further grant.
Part of above scheme - funding from Future High Streets.
Council commitment to find £1m - funded through TM Reserve

Economic Development / Regeneration								
Edginswell Business Park Unit 1	6,927	2,200	5,724	4,727				4,727
Edginswell Enabling Works (LEP GBF)	5,281	2,489	2,250	1,720				1,720
Harbour View Hotel Development	21,249	10,445	8,600	10,804				10,804
Torquay Strand Public Realm (Town Deal Funding)	4,485	587	1,814	800	1,119			1,919
Paignton Picture House (Future High Streets Funding)	1,285	918	367	367				367
Paignton Picture House (Community Dev Fund)	2,323	0	1,800	1,950	372			2,322
Lymington Rd Business Centre (LEP GBF/EGF)	5,925	1,070	3,986	4,623	180			4,803
Small Projects - UK Shared Prosperity Fund	361	8	139	131	222			353

To be completed in 2023/24
To be completed in 2023/24. Approved increased spend.
Change request to transfer additional funding to complete.
To be completed in 2023/24
Grant passported from the Council.

Housing Development / Investment								
Temporary Accommodation	10,000	4,121	5,000	5,500				5,500
Disabled Facilities Grants	2,332	0	1,295	1,300	1,032	1,000	1,000	4,332
Enhancement of Development sites	329	137	65	132	60			192
Housing Rental Company - Loan	3,267	2,767	0	456				456
Community Led - Affordable Housing Loans	0	0	3,000	0				0
St Kilda's, Brixham - Affordable Housing	5,696	0	338	438	2,367	2,893		5,698

Acquisitions completed by March 24. Not using the full £10m
Future year funding awaiting confirmation
Expenditure required on sites to enable development and disposal.
Final drawdown on loan arrangement (Totnes Road).
No drawdown to date. Need to determine future need.
Full Business Case being considered by Council 22 February 24.

Environment / Climate Capital Investment								
SWISCO Loan - Vehicle & Equipment Replacement	2,800	1,230	2,338	0	1,570			1,570
SWISCO Loan - Buildings	1,200	0	1,000	0	1,200			1,200
Car Park Investment	850	54	500	796				796
Climate Change Initiatives	1,000	0	250	334	333	333		1,000
Green Waste Bins	929	201	619	200	264	264		728
Local Electric Vehicle Infrastructure	958	0		0	479	479		958
Changing Places Toilets	180	0	180	90				180
Solar Farm, Brokenbury (EGF)	2,275	192	1,620	288	43			331
Solar Farm, Nightingale Park (EGF)	4,150	385	2,914	484	62			546

Council original approval for £4m loans to be re-set in 2024/25
Council original approval for £4m loans to be re-set in 2024/25
Future investment linked to increased income.
£1m borrowing approved by Council. 50% to provide revenue return.
Anticipated completion by 31.3.24
Revised Business case to be considered in February 2024
Revised Business case to be considered in February 2024

Transport Capital Investment								
Transport Highways Structural Maintenance	4,361		2,038	2,771	2,050	2,050	2,050	8,921
Transport Integrated Transport Schemes	2,241		1,147	1,170	1,071	1,071	1,071	4,383
Transport - Torquay Gateway Road Improvements	3,485	3,450	20	21	14			35
Transport - Western Corridor	12,294	11,682	250	199	200	211		610
Shiphay Lane (Active Travel Fund)	227			0	226			226
Babbacombe Beach Road	469	439	31	15	15			30

Awaiting confirmation of future year funding/investment
Awaiting confirmation of future year funding/investment
Specific grant funding received in 23/24 - to be spent in 24/25

Coastal Defence / Flood alleviation								
Flood Alleviation - Cockington	328	301		27				27
Flood Alleviation - Monksbridge	412	86	295	326				326
Torquay Flood Alleviation	50	4	20	46				46
Paignton Flood Alleviation	60	10	40	50				50
Brixham Flood Alleviation	45	10	25	35				35

Sports, Leisure and Culture								
Clennon Valley Sport Improvements	70	32		22				22
Haldon & Princess Pier	95	7	50	88				88
Princess Pier - Structural repair	1,665	818	60	0	62			62
Torquay Town Dock - Infrastructure Improvements	1,200	741	211	460				460
Harbour Patrol Boat	72	0		72				72
Torre Valley North Sports Facilities	422			46				46
Park Tennis Renovation	504			504				504
Armada Park Refurbishment	91			10				10
Torre Abbey Gatehouse/SW Wing	1,290	54	707	813	422			1,235
Torre Abbey SE Wing/Courtyard/Tower	539	20	297	344	175			519
Torre Abbey Renovation - Phase 3	0	0	208	32				32
RICC Improvements - Backlog Repairs	1,250	935	0	280	35			315

Closed Projects								
Preston (North) - Development of former WCs		47	717	0				0
The Pines (TCCT)	75			75				75
Maidencombe Beach CP (TCCT)	45			45				45
EPIC Equipment (funded from LEP)	230			230				230
Claylands Redevelopment	11,150	10,748		20	20			40

Funding (to be moved to Projects Pending)								
Adult Social Care Grant	2,777	0	895	80				80
Affordable Housing	1,598	243	529	0				0
Torquay Towns Fund (General)	158	0	52	0				0
General Capital Contingency	342	0	632	342				342
Capital Contingency	0	0	600	0				0

Feasibility costs incurred
Funding to be transferred to pending
Funding to be transferred to pending
Contingency used in 23/24 to fund Harbour View shortfall

Full Capital Investment Plan Totals	352,087	74,411	90,044	55,412	18,984	10,528	5,313	90,237
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CAPITAL INVESTMENT PROGRAMME - FUNDING SOURCE

	2023/24 Budget £000	2023/24 Revised Out-turn £000	2024/25 £000	2025/26 £000	2026/27 £000	Total for Plan Period £000
Unsupported Borrowing	41,346	29,807	4,450	3,490		37,747
Grants	45,616	22,501	13,252	6,513	4,981	47,247
Contributions	570	1,012	700	21		1,733
Revenue	1,035	1,050	483	320	250	2,103
Reserves	385	497	14	162	82	755
Capital Receipts	1,092	545	85	22		652
Total	90,044	55,412	18,984	10,528	5,313	90,237

Agenda Item 13, Members' Allowances Scheme Recommendation from the Independent Remuneration Panel

Cross Party Motion

Council Meeting

22 February 2024

Motion:

1. That the Torbay Independent Remuneration Panel be thanked for their report on the review of the Council's Members' Allowance Scheme;
2. That the Panel's recommendation in respect of the Basic Allowance (namely to adopt the NJC allowances increase of 3.88%) be not accepted, but the principle to increase by the same percentage as the average of staff pay (as previously adopted) continue to be applied to the Basic Allowance, and the increase to be calculated annually by the Director of Finance;
3. That the Panel's recommendation for a differential in multiplier dependent upon the number of Cabinet members be not accepted and a flat multiplier rate of 1.3 as recommended by the Panel for a Cabinet of up to 6 members be applied for Cabinet members' Special Responsibility Allowances regardless of the size of the Cabinet;
4. That the Special Responsibility Allowances ("SRA") be linked to the multipliers as recommended by the Panel and set out below:
 - (a) that the SRA for the Leader of the Council be set at 2.5 x Basic;
 - (b) that the SRA for the Deputy Leader be set at 1.5 x Basic;
 - (c) that the SRA for the Overview and Scrutiny Co-ordinator be set at 0.8 x Basic;
 - (d) that the SRA for the two Scrutiny Leads who Chair the Adult Social Care and Health Overview and Scrutiny Sub-Board and the Children and Young People's Overview and Scrutiny Sub-Board be set at 0.6 x Basic;
 - (e) that the SRA for the two Scrutiny Leads who Chair ad hoc Task and Finish Groups be set at 0.4 x Basic and it be noted that the Panel have requested that should the number of Scrutiny Leads exceed four, the Panel wish to re-visit the level of SRA allowance in that respect;
 - (f) that the SRA for the Chair of Planning Committee be set at 0.8 x Basic;

(g) that the SRA for all other Committee Chairs be set at 0.4 x Basic;

(h) 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	0.13 x Basic; and
5 – 9 meetings	0.07 x Basic;

(i) that the SRA for the Civic Mayor be 0.4 x Basic;

5. That the Panel's recommendation for the SRA for the Leaders of Political Groups £392 per member of the group (excluding the Leader of the Political Group) be not accepted and in order to bring this SRA in line with the same approach i.e. applying a multiplier to the rest of the SRAs, that the SRA for the Leaders of Political Groups be set at 0.04 x Basic per member of the group (excluding the Leader of the Political Group);

6. That Schedule 1 be amended to include the ability for those members with an SRA to claim mileage, subsistence and carers allowance, where that member is representing the Council at a formal external meeting in that capacity (including any members if they are acting as an approved substitute as notified by the relevant Group Leader to the Head of Governance Support in advance of the meeting);

7. That the remaining recommendations of the IRP as set out below be approved:

(a) that the rates for travel and subsistence be the same as those set in the Torbay Council Expenses Policy for officers and be paid for all Approved Duties;

(b) that the list of Approved Duties be expanded to include:

- (i) internal Cabinet/Senior Officer meetings (Cabinet and Directors meeting (CAD));
- (ii) internal cross party governance meetings with Councillors and Senior Officers, for example, Council Leadership Group; and
- (iii) attendance at LGA Boards (for Torbay Councillors) who are members of those Boards but not appointed by Torbay Council.

(c) that Members be limited to claiming only one Special Responsibility Allowance (SRA);

(d) that the Co-optees Allowance increase to £140;

(e) that the Independent Person for Audit Committee should receive £1,000 per annum; and

(f) 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;

8. That Schedule 1 and 2 of the Members' Allowances Scheme be updated to enable members who are not the appointed member of that body to claim mileage and carers allowance (but excluding subsistence allowance) for attendance in person at meetings of the following, as set out below:
 - (a) the Council and any committee of the Council;
 - (b) any sub-committee appointed by a committee;
 - (c) the Cabinet or committee of the Cabinet (if appointed);
 - (d) working parties; and
 - (e) scrutiny review panels
9. That the Head of Governance Support, in consultation with the Cabinet Member for Tourism, Culture & Events and Corporate Services and Director of Finance, be authorised to update Members' Allowances Scheme with the changes outlined in 1. to 8. above; and
10. That the changes to the Members' Allowances Scheme as a result of 2. to 7. above be implemented from 9 May 2023 and change as a result of 8. apply from 1 January 2024.

Proposer: Councillor Tyerman
Secunder: Councillor Cowell

Meeting: Council Date: 22 February 2024

Wards affected: All Wards

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

When does the decision need to be implemented? 9 May 2023

Cabinet Member Contact Details: Cabinet Member for Tourism, Culture and Events and Corporate Services, Councillor Jackie Thomas (Jackie.thomas@torbay.gov.uk)

Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services (matthew.fairclough-kay@torbay.gov.uk)

1. Purpose of Report

- 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.

2. Reason for Proposal and its benefits

- 2.1 To ensure the Members' Allowances Scheme is up to date and to respond to the Independent Remuneration Panel's report.

3. Recommendation(s) / Proposed Decision

- 3.1 that the Council considers the recommendations of the Independent Remuneration Panel which are set out in paragraph 6 (a) to (v) of Appendix 1.
- 3.2 that in light of the decision made in respect of 3.1 above, the Head of Governance Support is requested to bring the Members' Allowances Scheme up to date; and
- 3.3 that the Monitoring Officer be requested to update the Council's Constitution to reflect the changes to the Members' Allowances Scheme.

Appendices

Appendix 1: A Review of Members' Allowances for Torbay Council – The Report of the Torbay Independent Remuneration Panel dated October 2023.

Background Documents

None.

Supporting Information

1. Introduction

- 1.1 The current Members' Allowances Scheme came into force in May 2019 following a review of the Independent Remuneration Panel upon the introduction of a new system of governance with the removal of a directly elected Mayor and Executive and the introduction of a Leader and Cabinet model.
- 1.2 Since the last Review in 2019 there have been further changes with the creation of two Scrutiny Sub-Boards relating to Adult Social Care and Health Overview and Scrutiny and Children's and Young People's Overview and Scrutiny respectively. The role of Scrutiny Leads and associated Special Responsibility Allowance (SRA) required further review to identify whether the SRA presented a true reflection of those specific roles, responsibilities and associated workload.
- 1.3 In terms of overall allowances, where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel.
- 1.4 Therefore in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 it is a statutory requirement that a review should be undertaken in 2023.
- 1.5 During its review the Independent Remuneration Panel took into account the existing Basic Allowance and SRA's and compared those with other Authorities both nationally and across the South West.

2. Options under consideration

- 2.1 Council accepts and implements all recommendations of the Independent Remuneration Panel as set out in the Report shown at Appendix 1.

- 2.2 An alternative option is that Members' Allowances remain at the current level as set out in the existing Scheme or that Council chooses to adopt some of the recommendations of the Independent Review Panel and not others.

3. Financial Opportunities and Implications

- 3.1 The recommendations of the Independent Remuneration Panel place a financial commitment on the Council for 4 years. Council has the discretion to adopt or amend the recommendations of the Independent Remuneration Panel.

4. Legal Implications

- 4.1 There are no legal implications.

5. Engagement and Consultation

- 5.1 The Independent Remuneration Panel was provided with benchmarking information from other local authority allowances' schemes. The Panel also heard evidence from Members on the current Scheme and suggested variations to a future Scheme.

6. Associated Risks

- 6.1 The Council is required (under the Local Authorities (Members' Allowances) Regulations 2003) to establish and maintain an Independent Remuneration Panel to keep the Members' Allowances Scheme under review and make recommendations to the Council regarding the Scheme.
- 6.2 This review has been completed and therefore there are no risks unless members fail to determine the matter.

7. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			No differential impact
People with caring Responsibilities			No differential impact
People with a disability			No differential impact
Women or men			No differential impact

People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			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)			No differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact

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

by the

Torbay Independent Remuneration Panel

Members:

Bryony Houlden, Chair
Linda Lear
Debbie Franklin

December 2023

Report of the Independent Remuneration Panel to Torbay Council

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 2024/25.
2. The Panel is not required to take account of budgetary pressures but appreciated the difficulties of making any changes to the members' Allowances scheme in the current financial climate and balanced this with the need to propose a scheme which is both fair and easy to understand.
3. The Panel is keen that the Allowances Scheme should not be a barrier to candidates standing for election but is also mindful that these are not the equivalent of a salary as part of paid employment.
5. The overall cost of the Panel's proposals in relation to the Basic Allowance is £352,584. The cost of the proposals for the Special Responsibility Allowances (referred to as SRA's) is £151,217 (based on £12,732 per Cabinet member (1.3 x Basic) if the Cabinet (including Deputy Leader) is limited to 6 members) = total global allowances of £503,801.

Summary of Recommendations

6. **The Panel recommendations are:**
 - (a) **that the Basic Allowance for all Members be set at £9,794.**
 - (b) **that the rates for travel and subsistence be the same as those set in the Torbay Council Expenses Policy for officer and be paid for all Approved Duties;**
 - (c) **that the Council considers whether to expand the list of Approved Duties to include:**
 - (i) **Internal Cabinet/Senior Officer meetings (Cabinet and Directors meeting (CAD));**
 - (ii) **Internal cross party governance meetings with Councillors and Senior Officers, for example, Council Leadership Group; and**
 - (iii) **Attendance at LGA Boards (for Torbay Councillors) who are members of those Boards but not appointed by Torbay Council.**
 - (d) **that Members should be limited to claiming only one Special Responsibility Allowance (SRA);**
 - (e) **that the Special Responsibility Allowances (SRA) be set as multipliers of the Basic Allowance;**
 - (f) **that the SRA for the Leader of the Council be set at £24,485 (2.5 x Basic);**
 - (g) **that the SRA for the Deputy Leader be set at £14,691 (1.5 x Basic);**

- (h) that the SRA for Cabinet Members be set at £12,732 if the Cabinet is restricted to a maximum of 6 members including the Leader and Deputy Leader (1.3 x Basic);
- (i) that if Cabinet Members, including the Leader and Deputy Leader exceeds 6 members the Allowance be set at £11,753 (1.2 x Basic);
- (j) that the SRA for the Overview and Scrutiny Co-ordinator be set at £7,835 (0.8x Basic);
- (k) that the SRA for the two Scrutiny Leads who Chair the Adult Social Care and Health Overview and Scrutiny Sub-Board and the Children and Young People's Overview and Scrutiny Sub-Board be set at £5,876 (0.6x Basic);
- (l) that the SRA for the two Scrutiny Leads who Chair ad hoc Task and Finish Groups be set at £3,917 (0.4x Basic);
- (m) that should the number of Scrutiny Leads exceed four, the Panel would wish to re-visit the level of SRA allowance in that respect;
- (n) that the SRA for the Chair of Planning Committee be set at £7,835 (0.8 x Basic);
- (o) that the SRA for all other Committee Chairs be set at £3,917 (0.4 x Basic);
- (p) 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	£1,273 (0.13 x Basic); and
5 – 9 meetings	£686 (0.07 x Basic);
- (q) that the SRA for the Civic Mayor be £3,917 (0.4 x Basic);
- (r) that the SRA for the Leaders of Political Groups is set at £392 per member of the group (excluding the Leader of the Political Group);
- (s) that the Co-optees Allowance increase to £140;
- (t) that the Independent Person for Audit Committee should receive £1,000 per annum;
- (u) 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; and
- (v) 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.

Report of the Independent Remuneration Panel to Torbay Council

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. 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 (Chair), Chief Executive of South West Councils;
 - Linda Lear, from a voluntary and community background, and
 - Debbie Franklin, a chartered accountant.
3. The Panel would like to thank the officers, particularly Anne Hawley for her support 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 Members to serving the community and being an advocate for them.

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. 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 have formed part of the background considerations.

Methodology

6. The Panel met via Teams on a number of occasions to discuss the Review of the Scheme and to hear from Councillors.
7. All Members were invited to submit comments on the Members' Allowances Scheme via a questionnaire. 17 out of 36 Members responded.
8. In looking to set the Allowance the Panel considered a range of benchmarking data including the average basic Allowances across neighboring authorities and other similar authorities across the South West as provided in the South West Survey of Allowances.

Basic Allowance

9. The Panel noted that the Local Government Pay Settlement which normally guides the annual uplift of Allowances had been a lump sum awarded in 2022 rather than a % increase. As a result Torbay had agreed to tie the previous increase in Allowances to the increase of 4.04% increase applied to officers Allowances in 2022. The Panel felt this approach was appropriate to adopt again as there had been a further lump sum increase awarded in November 2023. As a result of this the Panel recommend a Basic Allowance of **£9,794** reflecting the NJC increase to officers' allowances agreed at 3.88% for 2023.

Special Responsibility Allowances

10. 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.
11. In previous Reviews the Panel has linked some SRAs to a multiplier, to simplify the scheme the Panel has tied all SRAs to the Basic Allowance. This is in line with the approach used by many other Panels.
12. The Panel is concerned that there are now more than 50% of Councillors in receipt of an SRA and so the Panel would wish to re-visit this at the next Review bearing in mind the Government Guidance that SRA's should be restricted to maintain their special nature.

Leader of the Council's Allowance

13. The Panel had regard to the benchmarking information and the responsibilities of the Leader of the Council. They also considered evidence presented in interviews.
14. The Panel concluded that the current Allowance at £21,759 was on the low side and therefore decided to recommend a multiplier of 2.5x Basic and accordingly an Allowance of **£24,485**.

Deputy Leader

15. At the time of the previous Review it was not clear how much responsibility would rest with the Deputy Leader. Having taken account of the questionnaire responses and interviews along with benchmarking the Panel was of the view that there should be an increase in the Deputy Leader's Allowance.
16. The Panel are recommending that a multiplier of 1.5x Basic be applied resulting in an increase from £12,075 to **£14,691**.

Cabinet Members

17. The Panel noted that there are only 6 Cabinet Members (including the Deputy Leader and Leader of the Council) and they recognised this resulted in a significant workload. This was corroborated in interview and the questionnaires.

18. The Panel concluded that there should be a different multiplier depending on the size of the Cabinet. The Panel is recommending a multiplier of 1.3x Basic if the Cabinet remains at a maximum of 6 resulting in an Allowance of **£12,732** or a multiplier of 1.2x Basic if there are more than 6 Cabinet Members, an Allowance of **£11,753 (including the Leader and Deputy Leader of the Council)**.

Overview and Scrutiny

19. The Panel in its previous Review had been unsure about the amount of work involved in Scrutiny activity. It is clear that the Overview and Scrutiny Co-ordinator takes the role very seriously and is setting aside considerable time to undertake the role as they go up the learning curve having just taken on the responsibility. This is an area the Panel would like to return to in future Reviews when there is clearer evidence about 'steady state' workload.
20. The Panel recommends that a multiplier of 0.8x Basic should be applied to the role of Overview and Scrutiny Co-ordinator, an Allowance of **£7,835**.
21. The Panel also heard evidence about the work of the Scrutiny Leads and in particular the Leads responsible for chairing the Scrutiny Sub-Boards. This led the Panel to conclude that these roles warranted an increase in the current level of the Allowance.
22. The Panel therefore recommends a multiplier of 0.6x Basic increasing the Allowance from £3,891 to **£5,876** in relation to the two Scrutiny Leads responsible for Chairing the Scrutiny Sub-Boards. In relation to the remaining two Scrutiny Leads who are responsible for chairing ad hoc Scrutiny Task and Finish Groups, the Panel recommends a multiplier of 0.4x Basic increasing the allowance from £3,891 to **£3,917**.
23. Should the number of Scrutiny Leads increase from four the Panel would wish to revisit this Allowance.

Planning Committee

24. The Panel Reviewed the SRA for the Chair of the Planning Committee and felt that the current SRA was broadly appropriate. The Panel recommend a multiplier of 0.8x Basic be applied increasing the Allowance from £7,783 to **£7,835**

Licensing

25. The Panel Reviewed the SRA for the Chair of the Licensing Committee and Licensing Sub-Committee.
26. The Panel did not feel there was evidence to support a substantial increase in these Allowances but applying the new approach on multipliers provided a very small increase to the roles.
27. The Panel recommends a multiplier of 0.4x Basic for the Chair increasing it from £3,891 to **£3,917**.
28. The Panel recommends multipliers for the Sub-Committee Chairs as follows:
- 10+ Meetings: a multiplier of 0.13x Basic, **£1,273; and**

- Between 5-9 Meetings: a multiplier of 0.07x Basic **£686**.

Other Chair roles

29. The Panel noted the respective roles of the remaining Chairs of Committees.
30. The Panel concluded that all the Committee Chairs should continue to be paid at the same level and that the Allowances were set at broadly the right level. Using the new multiplier approach the Panel recommends Chairs of Committee (Health and Wellbeing Board, Audit and Harbour Committee) should have an Allowance based on 0.4x Basic, **£3,917**.

Civic Mayor

31. On the evidence presented to the Panel they concluded that the current Allowance was broadly right and on the basis of the new multiplier approach concluded an appropriate multiplier was 0.4x Basic, an Allowance of **£3,917**.

Leaders of Political Groups

32. The Panel felt the SRA for the position of Group Leader was broadly set at the right level. Using the new approach they recommend a multiplier of 0.04x Basic for each group member i.e. **£392** per member. The Leader of the Council would not receive this Allowance as they are entitled to receive the Leader's Allowance.

Co-opted Members

33. 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.
34. 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, 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.
35. The Panel noted the Co-optees Allowance had not increased for a number of years, so recommend a small increase from £130 to **£140**.

Independent Member of Audit Committee

36. The Panel notes that there have been recruitment difficulties and this might be an Allowance to reconsider but for the moment recommends maintaining the Allowance at **£1,000**.

Childcare and Dependent Care

37. 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.

Indexing

38. 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.
39. Last year because of the lump sum pay award the Panel decided to apply the NJC allowances increase of 4.04% to Members' basic allowance. The Panel propose the same approach is taken this year to reflect the NJC allowances increase of 3.88%, to ensure consistency. In future years, should a lump sum be awarded, then the Panel would recommend that the same approach be adopted.
40. The Panel continues to be of the view that when changes to staff policy are made in respect of travelling, subsistence and parking, the Councillors' Scheme should also be changed to ensure they are aligned. This would ensure fairness and equity between members and officers.

Meeting: Cabinet

Date: 13 February 2024

Wards affected: All Wards

Report Title: Community and Corporate Plan 2023-2043

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Cllr David Thomas, Leader of the Council,
david.thomas@torbay.gov.uk

Director Contact Details: Anne-Marie Bond, Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 Following the Local Elections in May 2023, a draft Community and Corporate Plan has been prepared by the Cabinet in consultation with Group Leaders, which sets out the vision of a healthy, happy and prosperous Torbay. The Plan sets out with the priorities of the Council for the next twenty years and the approach we will take in delivering against the vision.
- 1.2 The Plan has been prepared taking into account the results from the Residents Satisfaction Survey which was carried out during the summer of 2023.
- 1.3 As part of the Council's continuing commitment to engage with its communities (and in line with the Council's Constitution), the draft Plan has been subject to consultation. The report setting out the results of the consultation is included at Appendix 1.
- 1.4 The draft Community and Corporate Plan has been updated taking account of the feedback received during the consultation and subsequent discussions with Group Leaders. The updated draft Community and Corporate Plan is included at Appendix 2.

2. Reason for Proposal and its benefits

- 2.1 The Community and Corporate Plan is the overarching document within the Council's Policy Framework setting out the Council's vision and priorities for the next twenty years. Having considered the feedback received during the consultation, the Cabinet is recommending that the Council approves the Community and Corporate Plan.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council be recommended to approve the Community and Corporate Plan 2023-2043.

Appendices

Appendix 1: Results from the consultation on the draft Community and Corporate Plan

Appendix 2: Draft Community and Corporate Plan

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Following the Local Elections in May 2023, work has been underway to set out the vision and priorities of the Council for the next twenty years. Consideration has been given to the Torbay Profile which describes the opportunities and challenges which are facing Torbay in terms of demographic, economic, social and environmental issues.
- 1.2 During the summer of 2023, the Council undertook its first Resident Satisfaction Survey based on the Local Government Association's "Are you being served?" methodology. In preparing the draft Community and Corporate Plan consideration was given to addressing the issues with which residents are less satisfied.
- 1.3 The draft Community and Corporate Plan was subject to consultation between 21 September and 29 October 2023. The report which summarises the feedback from that consultation is at Appendix. The Plan has been updated to take account of that feedback with the updated draft of the Community and Corporate Plan at Appendix 2. The Plan also incorporates cross party feedback received from Group Leaders following the Council's non-determination of the Plan when presented to the Council meeting on 7 December 2023.
- 1.4 In order to provide focus for delivery over the next four years, the Cabinet is developing a Council Business Plan. This will provide details of the specific actions which will be taken to deliver the priorities within the Community and Corporate Plan together with milestones and/or targets. The draft Council Business Plan will be considered by the Overview and Scrutiny Board ahead of its consideration by the Cabinet.
- 1.5 The Council's performance framework is being updated so that the progress in meeting both the Council Business Plan and the longer-term Community and Corporate Plan can be managed.

2. Options under consideration

- 2.1 The draft Plan which is now put forward for consideration has been developed based on the evidence in the Torbay Profile, the results of the Residents Satisfaction Survey and the feedback received both during the consultation period and from Group Leaders.

3. Financial Opportunities and Implications

- 3.1 The proposals contained in this report do not commit the Council financially. As each aspect of the Plan is progressed, due consideration will be given to the financial impacts of each decision.

- 3.2 As part of the proposed approach within the draft Plan, there is a recognition that the Council needs to continue to reduce the cost-drivers of our high-cost services, deliver efficiencies and increase the Council's income where possible.

4. Legal Implications

- 4.1 There is no statutory requirement to have a Community or Corporate Plan. However, being clear about our ambitions gives the Council, our staff, partners and the community a clear understanding of what we seek to achieve and how to prioritise our spending.
- 4.2 The Council's Constitution sets out that the Community and Corporate Plan is part of the Policy Framework and that, as such, should be subject to consultation.

5. Engagement and Consultation

- 5.1 Details of how the consultation on the draft Plan was undertaken, including the different channels used to inform residents, is included in Appendix 1.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

- 7.1 Within the Pride in Place strategic theme, it is recognised that the Council needs to continue to work in partnership to address the climate emergency so as to create a sustainable future.

8. Associated Risks

- 8.1 Without a Community and Corporate Plan it becomes difficult to set a coherent direction of travel for the Council given the finite resources that the Council has available to it.
- 8.2 The Constitution requires that changes to the Policy Framework should be subject to consultation.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The aim of the Plan is to have a positive impact on this group.		
People with caring Responsibilities	The aim of the Plan is to have a positive impact on this group.		
People with a disability	The aim of the Plan is to have a positive impact on this group.		
Women or men	The aim of the Plan is to have a positive impact on this group.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	The aim of the Plan is to have a positive impact on this group.		
Religion or belief (including lack of belief)	The aim of the Plan is to have a positive impact on this group.		
People who are lesbian, gay or bisexual	The aim of the Plan is to have a positive impact on this group.		
People who are transgendered	The aim of the Plan is to have a positive impact on this group.		
People who are in a marriage or civil partnership	The aim of the Plan is to have a positive impact on this group.		
Women who are pregnant / on maternity leave	The aim of the Plan is to have a positive impact on this group.		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The aim of the Plan is to have a positive socio-economic impact.		
Public Health impacts (How will your proposal	The aim of the Plan is to have a positive impact		

impact on the general health of the population of Torbay)	on the general health of the population of Torbay.		
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10. Cumulative Council Impact

10.1 The proposed Community and Corporate Plan sets the framework for the Council’s aims and objectives over the coming 20 years.

11. Cumulative Community Impacts

11.1 The proposed Community and Corporate Plan aligns with the Torbay Story which sets the overall ambition for Torbay.

Draft Community and Corporate Plan consultation evaluation

Executive Summary

Torbay Council’s draft Community and Corporate Plan was published for consultation on 21 September 2023. The consultation period ran until 29 October 2023.

The consultation sought to determine whether respondents agreed or disagreed with the priorities set out in in plan. The survey, which was run solely online, provided the opportunity for respondents to explain their reasons for disagreement and suggest priorities that we should be considering.

200 online surveys were completed with a total of 172 pieces of additional explanatory text.

The consultation was promoted via a range of channels, each encouraging residents to view the draft Community and Corporate Plan and comment on the proposals.

Overall Response

The table below shows the high-level responses to the consultation.

Question	Response
How strongly do you agree or disagree with the vision statement for Torbay in 2023?	Strongly agree – 101 Agree – 70 Neither agree or disagree – 20 Disagree – 3 Strongly disagree – 5
How strongly do you agree that these strategic themes are the right ones to focus on in meeting our vision?	Strongly agree – 77 Agree – 87 Neither agree or disagree – 22 Disagree – 8 Strongly disagree – 5

Introduction

Background

Torbay Council's previous Community and Corporate Plan covered the period 2019 to 2023. The life of the Community and Corporate Plan coincided with the local elections cycle.

As the Community and Corporate Plan is central to the Council's Policy Framework, it was recommended that a new plan would run until 2043 and would therefore be in place across a number of administrations.

All councillors have been involved in the development of the Community and Corporate Plan 2023-2043.

Sitting under the Community and Corporate Plan there will be the Council Business Plan, which will set out how the Cabinet will give effect to the priorities of the Community and Corporate Plan over the next four years.

The draft Community and Corporate Plan 2023-2043 was developed using the feedback the Council received during its first Resident Satisfaction Survey.

To obtain feedback from the community of Torbay, an online survey was set up that asked for responses on the priorities set out in the plan. Rather than merely selecting Agreement or Disagreement, the opportunity was provided to respondent, via a free text box, to explain their reasons for disagreement (if they disagreed), and to suggest other priorities that could be considered as part of the evaluation and adoption process.

The Survey

A range of channels were used to raise awareness and encourage participation.

- Online platforms
 - Website
 - Social media
- Media
 - Press releases
 - Newsletters (internal and external through Gov Delivery)
 - Community magazines (Beach Hut - October edition)
 - Leaders' column through the Herald Express and Torbay Weekly
- In-person engagement
 - Have Your Say Engagement Event at Paignton Library
 - Riviera Connect EXPO at the Riviera International Centre
 - Torbay Careers Fair
- Surveys and feedback forms
 - Online survey
 - Polls on social media
- Direct contact
 - Overview and Scrutiny

To encourage participation from as many different groups of people in the community as possible, direct contact was made with the local Armed Forces Network, headteachers of secondary

schools and higher education providers, the Diversity and Inclusion officer at Devon and Cornwall Police, Torbay Pride and the Diversity Business Incubator.

The online survey was open between 21 September and 29 October 2023.

Altogether, during that period, the Council received 200 responses directly to the online survey.

In terms of yoursay.torbay.gov.uk 1882 people were “aware” of the consultation in that they visited at least one page of the consultation website.

There were 946 “informed” participants with 358 people downloading a document, 46 visiting the Key Dates page, 740 visiting multiple pages on the consultation.

The Report

Through yoursay.torbay.gov.uk a report was generated that shows answers to each question, either being strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree. The report also details all the free text comments made.

Consultation Responses

Agreement or Disagreement with the Proposals

The majority of people agreed or strongly agreed:

- With the proposed vision statement
- That the strategic themes were the right ones to focus on in meeting our vision
- That the right priorities have been identified within the theme of:
 - Community and People
 - Pride in Place
 - Economic Growth

Whilst the majority of people agreed or strongly agreed that the right priorities have been identified in each theme, there were three priorities were more than a quarter strongly disagreed, disagreed and neither agreed or disagreed:

- Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects
- Deliver priority capital projects with the Council's Capital Programme
- Raise skill levels, particularly in high value careers

A full breakdown of the responses to the questions is shown at Annex 1

Text Responses to the Questionnaire

Examples of comments raised under the theme of Community and People:

- Making the area attractive, safe and welcoming is key to everything else
- Clarity sought about what "provide best care and support" achieves and means - too wooly
- Early intervention should be more universal
- Missing something about building a stronger community in Torbay - not just to reduce social isolation
- Visible policing needed in our town centres

Examples of comments raised under the theme of Pride in Place

- Investment must not be at the detriment of the environment
- Major projects should only be undertaken with the support of the local community
- "Breathe life into our town centres" is too fluffy - what do we really mean by deliver major projects
- Public areas away from the tourist trail should be better cared for
- Need to accept that something different needs to happen to our town centres
- Champion non-profit investment into the community
- Public/private partnerships should recognise and deliver with the community
- Maintain all council assets to a standard for residents and visitors to enjoy
- There shouldn't be deals with the private sector
- Too many items for one priority
- Commitment to combating the climate crisis is half-hearted
- Include the coast as well as green spaces
- Strengthen the relationship between green, open spaces and positive mental health

Examples of comments raised under the theme of Economic Growth:

- We should raise skills levels in all areas not just those in high value careers
- Full time job opportunities need to be jobs people want
- Transport links are getting worse - focus on improving existing transport links
- What does inclusive growth mean?
- The Council can't fix everything - people need to help themselves
- Growth in tourism still needs to be a priority
- Economic growth should be focused on local carbon sustainable businesses
- Develop new green jobs for the future
- Tempt visitors back so that businesses flourish
- Don't focus on growth to the detriment of the wishes of the community
- Growth should be developed with the consent of the local communities, not imposed by deals with developers
- We need a reliable bus service and transport system
- Greater emphasis on reducing inequality and a circular economy
- Free parking to encourage footfall rather than investing further in transportation
- High value careers seems an odd focus
- Should increase opportunities to upskill and train people in skills and trades for housing

Overview and Scrutiny Board's resolution

That subject to the following, the Cabinet be recommended to present the draft Community and Corporate Plan to Council for approval:

- Page 4 - to provide a link to the Torbay Story and consider promoting this wider across the Council's website to raise awareness;
- P15 - to strengthen the priority around quality of housing 'Improve the delivery, affordability and quality of housing (**including housing standards**) for residents in Torbay';
- Page 17 - to explore adding another measure of long term private rental compared to short term private rental e.g. Air-B&B;
- to add an extra measure for development in economic growth to increase the proportion of people aged 20 to 40 years staying in Torbay;

- P17 - Raise skill levels, particularly in high value careers **and empower people to upskill through driving training opportunities raising skills across all sectors.**
- P17 - amend 'Proportion of employment in ~~specific~~ **current and emerging** sectors;
- to review the language in the document such as asset based community development approach and people will be allowed to fulfil their potential; and
- to consider engaging with hard to reach groups and minority groups such as LGBTQ+ to ensure that their voices are heard.

Engagement evaluation

Summary of responses

There were 200 responses to the online survey.

Overall, respondents indicated that they strongly agreed or agreed with the proposals.

52.8% of responses were from Torquay residents.

32.8% of responses were from Paignton residents.

15.4% of responses were from Brixham residents.

65% of all respondents were over the age of 55.

Under 54's made up 35% of all respondents.

39% of respondents were retired.

52% of respondents were in employment.

56.9% of respondents identified as male.

40.1% of respondents identified as female.

The responses in terms of age and by location split are in line with our demographic makeup.

How respondents engaged with us

The information in this section evaluates how effective the various communications channels used to promote the consultation to a range of audiences were.

One Torbay

From 22 September to 27 October 2023, the consultation was promoted in five editions of the weekly resident newsletter, each edition reaching over 11,000 subscribers. Combined there were 630 clicks on the links to the consultation webpage.

Staff news

The consultation was promoted in the staff update that was issued to 897 recipients on 28 September. There was a total of 28 clicks on the link to the consultation.

Members' briefing

A Members' briefing was issued on 2 October 2023.

Social media

Ten social media posts were issued throughout the consultation period across the Council's social media platforms (Facebook, X (Twitter), LinkedIn, and Instagram).

Engagement totals can be seen in the following table.

Facebook (13k followers)	X (Twitter) (12.9k followers)	LinkedIn (5,890 followers)	Instagram (2,535 followers)
Reach – 8,861	Impressions – 1,913	Reach – 1,410	Reach – 1,456
Impressions – 9,381	Clicks – 45	Impressions – 1,777	Impressions – 1,536
Clicks - 191	Likes – 3	Clicks – 25	Clicks – N/A
Likes – 18	Shares – 1	Likes – 8	Likes – 12
Shares – 18		Shares – 0	Shares – 0

Facebook is the platform that generated the highest levels of engagement. The platform X (formally known as Twitter) and LinkedIn saw far lower levels of engagement in terms of clicks, likes and shares. Facebook remains our most popular broadcast channel, so it is not surprising to see a far greater reach. Instagram does not allow for links to be shared in individual posts, so therefore the opportunity to drive engagement to the consultation information is limited, but it is a useful platform to raise awareness.

The following comments were left on Facebook posts and whilst not directly linked to the consultation questionnaire, they do give an indication of how people are feeling about the things that matter most to them.

- I want to see the Pavilion rescued and restored asap.
- Lovely ideas and I would love to see at least some of them put into practice, but I have become completely disillusioned with successive Torbay Councils over many years. I feel so sad when I look around and see how everything in the Bay has regressed, not progressed in the last forty years. Fine words, not sure they will be put into practice in the way the Bay and its people need or wish them to be.
- Another survey, when will you stop producing this hot air. It is absolutely galling to read things like “maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors” when the inaction over the last decade is on plain sight for everyone. I don't think you would recognise heritage and cultural opportunities if it slapped you in the face. I start to believe these surveys are nothing other than a fig leave, so you can demonstrate you have listened to the people. Actions speak louder than words.
- Yet another plan being drawn up what about implementing the ones already in the pipeline?
- New town centre multi storey car park for BRIXHAM.

Face-to-face

Three face-to-face engagement events were held during the consultation period. Each event was an opportunity to engage with different types of audience groups.

The event at Paignton Library was linked to a pre-organised Have Your Say bi-monthly event that was themed around public health.

The Riviera EXPO was an opportunity for us to engage with local businesses.

The Torbay jobs fair was an opportunity for us to engage with young people.

People that were spoken to were encouraged to participate in the consultation by scanning a QR code that would take them to the consultation webpage. Conversations focused on the fact the

plan was based on priorities for the next 20 years and therefore feedback from working aged and young people was really important.

Supporting information

- Detailed survey report from Engagement HQ
- Summary survey report from Engagement HQ
- Social media plan and evaluation

Emma Falconer, Engagement and Communications Officer

30 October 2023

No.	Question	Strongly disagreed	Disagree	Neither agree or disagree	Agree	Strongly agree
1	How strongly do you agree or disagree with the vision statement for Torbay in 2043?	5	3	20	70	101
2	How strongly do you agree that the strategic themes are the right ones to focus on in meeting our vision?	5	8	22	87	77
3	How strongly do you agree that we have identified the right priorities within the theme of Community and People?					
3a	Ensure our town centres are safe and welcoming for all	5	10	18	48	118
3b	Keep children safe in their communities and provide safe environments for our young people to thrive in	4	3	14	63	112
3c	Ensure early intervention is effective and targeted	4	6	28	62	96
3d	Provide the best care and support available so that residents are empowered to achieve what matters most to them	5	6	23	65	99
3e	Provide clear signposting for those needing our help	5	3	32	68	89
3f	Support and encourage community action	5	4	33	62	92
3g	Improve wellbeing and reduce social isolation	4	2	33	60	96
4	How strongly do you agree that we have identified the right priorities within the theme of Pride in Place?					
4a	Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects	11	18	30	61	78

4b	Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors	6	8	18	55	108
4c	Ensure the effective operation of SWISCo to have resources to reinvest in Torbay	6	11	33	65	82
4d	Deliver priority capital projects within the Council's Capital Programme	9	9	48	59	68
4e	Improve the delivery, affordability and quality of housing for residents in Torbay	11	11	25	63	86
4f	Improve the delivery of our planning service	10	8	34	63	82
4g	Protect and enhance our lived, built and natural environments, including our green spaces	6	6	10	37	137
Page 33 of 36	How strongly do you agree that we have identified the right priorities within the theme of Economic Growth?					
5a	Raise skill levels, particularly in high value careers	8	9	47	75	59
5b	Improve transport links to and within Torbay	6	9	28	49	106
5c	Develop a year-round economy	5	5	21	55	111
5d	Increase in the amount of full-time employment opportunities within Torbay	4	8	23	60	100
5e	Focus on inclusive growth, with opportunities which benefit everyone	9	8	30	56	90

Community and Corporate Plan (Proposed)

2023-2043

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Version control

Date	Details	Updated by
8 September 2023	Draft for consultation	Kate Spencer
21 September 2023	Re-order of sentences in opening paragraphs of “Community and People”	Kate Spencer
31 October 2023	Amendments following consultation	Kate Spencer
27 November 2023	Amendments following Cabinet decision. Definitions of performance indicators refined.	Kate Spencer
30 January 2024	Suggested amendments following feedback from Group Leaders	Kate Spencer
12 February 2024	Amendments from Round Table	Anne-Marie Bond/Kate Spencer

Introduction

Our Community and Corporate Plan sets out the Council’s vision, objectives and priorities. It is a high-level document which provides the foundation for all that we do. Despite everything that is fantastic about Torbay, we know that we face challenges and that some parts of the Bay suffer from nationally significant levels of poverty. There is huge potential, and this Plan brings together the interlinked priorities we need to address to make Torbay a happy, healthy and prosperous place for our whole community.

Beneath the Community and Corporate Plan sit a range of other plans and strategies which together form the Council’s Policy Framework¹. The Policy Framework provides a clear definition of what the Council is aiming to achieve – helping us to allocate our resources effectively and providing a framework against which we can measure our success.

The Cabinet is at the heart of the Council’s day-to-day decision making as we work towards the ambitions set by the Council. To ensure a cohesive approach to decision making, the Cabinet agrees the Council Business Plan which sets out, against each theme of the Community and Corporate Plan, the priority actions which the Cabinet will take together with the milestones for delivering those actions.

The golden thread continues through the organisation, from strategic and operational strategies, plans and policies, into Service Plans within each Directorate and through to each member of staff’s annual appraisal. This ensures that everyone within Torbay Council – whether their service is mentioned in this Plan or not – is working towards the same ambition.

Our Performance and Risk Management Frameworks are in place so that, across the organisation, we can be assured that we are delivering what we said we would do and putting in place mitigations if progress is not being made in a timely manner. The Council is clear that there should be a continuous cycle of improvement so that we can demonstrate that we are providing value for money for the residents and businesses across Torbay.

The Community and Corporate Plan covers a twenty year period which will include a formal review after ten years, when we will assess the progress we are making and make any amendments to the direction we need to take.



¹ Adult Social Care Strategy; Community Engagement and Empowerment Strategy; Corporate Asset Management Plan; Corporate Capital Strategy; Corporate Parenting Strategy; Community and Corporate Plan; Domestic Abuse and Sexual Violence Strategy; Economic Growth Strategy; Housing Strategy; Gambling Act Policy/Statement of Principles; Joint Health and Wellbeing Strategy; Licensing Policy; Local Transport Plan; Development Plan; Strategic Agreement between Torbay Council, One Devon Integrated Care Board and Torbay and South Devon NHS Foundation Trust; Treasury Management Strategy; and Resource Management and Waste Strategy.

The vision for Torbay

We want to see a healthy, happy and prosperous Torbay.

Torbay is a glorious part of Devon with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place. We know we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want to make Torbay a great place to do business – a place where everyone is able to live their best life.

A healthy, happy and prosperous Torbay for all.

Themes

To bring our vision to life, we have identified three strategic themes. Within this Community and Corporate Plan we describe what each theme means to us and our communities, the priorities we will focus on and the outcomes we want to achieve.

Our strategic themes are:

- Community and People
- Pride in Place
- Economic Growth

Our Mission and Approach

We will put our residents at the heart of everything we do. We will ensure a strong grip on finance, working with our communities and partners, to deliver a sustainable future. We will deliver quality services, improve our economy and protect and enhance our built and natural environments, so that we are all proud of our Bay.

In delivering our Community and Corporate Plan and in our day-to-day activity, we will work in the following ways.

Evidence based

We will focus on the evidence, balancing local knowledge and resident experience. We want to ensure that we have a strong evidence base for identifying needs, setting common priorities and responding collaboratively.

Make the most of our assets

We will use our assets – across our place and our people – to the best advantage.

Our towns sit on the beautiful Tor Bay, we are a magnet for tourism and host globally significant technology businesses, a wonderfully mild climate and an inspiring natural environment.

Each town has its own identity, sense of place, assets and distinctiveness. Coming together as Torbay gives us huge opportunities which we need to seize.

There are a vast number of community and voluntary groups in Torbay, both formal and informal, all trying to do their best for the communities they serve. We want our communities to develop based on the strengths, potentials and assets that already exist across Torbay.

Working together

Putting our residents at the heart, we will recognise what is strong in our communities. We will be open to ideas and always seek to understand what the community is asking for, rather than making assumptions based on existing ways of working. We will seek out a range of different voices which are reflective of the community and create space for conversations to happen.

Working with the public, private and community and voluntary sectors, we will make sure that our partnership working is streamlined and efficient. We will all know Torbay's story and we will tell it with pride.

The Torbay Story is available online at www.torbaystory.co.uk including the work being undertaken across Torbay to make it a reality.

Efficient and enabling Council

We will provide efficient and effective services and be open and transparent with our communities. Our regulatory functions will enable businesses and residents to prosper. We will tell customers what to expect and keep them up to date along the way.

We will modernise, simplify and standardise how we work so we can support the communities of Torbay. We will deliver the best outcomes for our customers, innovating and using technology to transform services.

Strong grip on finance

We will continue to work to reduce the cost drivers of our high-cost services, deliver efficiencies and increase the Council's income where possible. Ensuring the Council is financially sustainable, we will carefully manage our finances to deliver the services our community expects.

Community and People

We want people across Torbay to celebrate success and feel part of their community.

Torbay will be recognised as a child friendly place. We want all residents, including our children and young people, to feel and be safe and to live well within their communities.

Everyone will have access to support, information, advice and guidance so they can meet their aspirations. With the best possible education and training, people will be enabled to fulfil their potential. We will support people to live independently.

Our communities will be encouraged and supported to bring about positive change for the good of Torbay. People will have a better sense of ownership of the services and activities available to them. We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements. We will build strong working relationships with our community police.

In delivering our Joint Health and Wellbeing Strategy and our Children's Continuous Improvement Plan, as a community and a Council we will hold high aspirations for our children and young people's futures. We will ensure the continuous improvement of our Children's Services with a clear aspiration to deliver outstanding services so that our children and young people have better outcomes.

Working together with partner agencies, we want to bring about real, sustainable change for those in greatest need within our communities, with residents experiencing good mental health, being supported with their complex needs and ageing healthily.

In delivering our Adult Social Care Strategy we will see thriving communities where people can prosper. Our residents will have a place to call home, in a community they can be a part of, while being empowered to achieve what matters most to them through the best care and support available.

Our Priorities

We will:

- Ensure our town centres are safe and welcoming for all.
- Keep children safe in their communities and provide safe environments for our young people to thrive in.
- Ensure early intervention is effective and targeted.
- Provide the best care and support available so that residents are empowered to achieve what matters most to them.
- Provide clear signposting for those needing our help.
- Support and encourage community action.
- Improve wellbeing and reduce social isolation.

The outcomes we want to see

- People feel safe in their local area, during the day and after dark.
- Fewer children need to be cared for by the Council.
- All residents are supported to live independent, healthy, active lives, without the need for long-term services.
- Young people in receipt of services from children's services are prepared for adulthood.
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support.
- Carers are identified quickly and provided with the information, advice and support services they need.
- People feel they belong to their local area.
- Gaps in healthy life expectancy between affluent and deprived areas of Torbay are reduced.
- People feel that their physical and mental wellbeing is as good as possible.

How we'll measure progress

- Number of Residents' Satisfaction Survey respondents who feel very or fairly safe in their local area after dark and during the day (age weighted)
- Rate per 10,000 children of cared for children
- Differential in life expectancy in most deprived wards from least deprived ward
- Percentage of the Torbay child population living in one of the 20% most deprived areas
- Number of Residents' Satisfaction Survey respondents who very or fairly strongly feel they belong to their local area (raw data)
- Directly age standardised suicide rate per 100,000 (Torbay, Devonwide)

Links to the Policy Framework

- Adult Social Care Strategy
- Community Engagement and Empowerment Strategy
- Corporate Parenting Strategy
- Domestic Abuse and Sexual Violence Strategy
- Housing Strategy
- Gambling Action Policy/Statement of Principles
- Joint Health and Wellbeing Strategy (incorporating the Children's Continuous Improvement Plan)
- Licensing Policy
- Strategic Agreement between Torbay Council, One Devon Integrated Care Board and Torbay and South Devon NHS Foundation Trust

Pride in Place

We will invest in our three towns to enable them to develop their own distinct identities and roles. Using Torbay's unified and complementary offer as a UNESCO Geopark and a premier marine and natural experience, we will attract, retain, and grow leading edge technology businesses. We want Torbay to be a place where people of all ages want to live as well as visit. A place where everyone benefits from and enjoys a premier resort experience.

There will be more good quality, affordable and permanent properties that people, including those who are vulnerable or care experienced, can call their home. We will work with landlords and developers to maximise the use of suitable housing stock, including social housing, and create decent accommodation across Torbay. We want this to be an even better place for people to live in whilst protecting our environment.

In delivering our Housing Strategy, we will work to deliver a diverse choice of housing for our residents that meets every stage of life and lifestyle – homes that are safe, warm, fit for purpose and more environmentally friendly. Where appropriate, we will consider proactive intervention in the housing market. We will continue to protect homeless households and those threatened with homelessness, whilst putting an end to street sleeping.

We will work to get the basics right, so that our town centres, seafronts and residential areas are clean, safe and well-maintained. Alongside this we will also deliver an ambitious programme of investment across Torbay – improving the public realm, reshaping the town centres, increasing town centre living, improving connectivity – to bring confidence, employment and homes for our community.

We will celebrate and protect the places that make Torbay special, maximising the cultural, heritage and event opportunities for our residents and visitors alike. Working in partnership we will continue to address the climate emergency so as to create a sustainable future. Continuing to implement our Resource and Waste Management Strategy will see us working with our communities increase our recycling rate and reduce the amount of waste sent for energy recovery and disposal.

Our Priorities

We will:

- Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects
- Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
- Ensure the effective operation of SWISCo to have resources to reinvest in Torbay
- Deliver priority capital projects within the Council's Capital Programme
- Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay

- Improve the delivery of our planning service
- Protect and enhance our lived, built and natural environments, including our green spaces

The outcomes we want to see

- Enhanced high streets that attract long-term tenants and an increased number of visitors.
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation.
- Increased customer satisfaction with our parks, green spaces and streets
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased customer satisfaction with the Council's planning service
- Increased resident satisfaction with the local area

How we will measure progress

- Delivery of town centre regeneration programmes
- Net additional homes provided
- Number of affordable homes delivered
- Number of social rented housing available
- Cultural participation
- Percentage of people who are economically active in Torbay
- Number of Resident Satisfaction Survey respondents who very or fairly strongly feel satisfied with their local area as a place to live (raw data)

Links to the Policy Framework

- Community Engagement and Empowerment Strategy
- Corporate Asset Management Plan
- Corporate Capital Strategy
- Economic Growth Strategy (incorporating the Tourism Strategy and Cultural Strategy)
- Housing Strategy
- Joint Health and Wellbeing Strategy
- Development Plan
- Resource Management and Waste Strategy
- Treasury Management Strategy

Economic Growth

We will attract, retain and grow our economic specialisms so we have growth which builds on our reputation. There will be good employment and learning opportunities that enhance the potential for our residents and our communities. Residents will be able to access those opportunities because of the improved connectivity to, from and within Torbay.

Torbay is looking to the future and reaching out to collaborate, attract more investment and make the most of the considerable assets and opportunities it has. We will make the most of Government and private sector investment, with the voice of business being heard as we move forward with our plans.

We want to create the conditions for a strong and sustainable economy that supports a diverse mix of industries and jobs that inspire, providing equality of opportunity. We will support businesses to flourish and grow as well as attracting new businesses to the Bay. In addition, we will work with our stakeholders to ensure that roles in key sectors such as tourism and health and social care are viewed as positive opportunities.

In delivering our Economic Growth Strategy, we will work with our partners, including those across the South West, to improve economic conditions and, in doing so, help businesses to improve performance – creating new opportunities for residents, tackling poverty and improving health outcomes. We know that, to retain and attract the workforce that Torbay needs, we must have sufficient affordable housing and a sufficient supply of employment to accommodate growth and inward investment.

Our priorities

We will:

- Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers
- Drive training opportunities across all sectors to empower people to improve their skills
- Improve transport links to and within Torbay.
- Develop a year-round economy.
- Increase the amount of full-time employment opportunities within Torbay.
- Focus on inclusive growth, with opportunities which benefit everyone.

The outcomes we want to see

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages.
- People have better transport and digital connections to jobs and amenities.
- Vacancy rates falling year on year with business reporting they can find talent.
- Improved productivity in Torbay which closes the gap compared to the national data.

- The number of businesses and jobs in Torbay increases.
- Better balance of full-time to part-time opportunities.
- Targeted approach to inward investment which attracts new high-tech companies.

How we will measure progress

- Earnings by Torbay residences [households] (gross weekly pay – full time workers)
- Percentage of people in Torbay in employment (aged 16 to 64)
- Percentage of Torbay population with full time jobs
- Rate of National Non Domestic Rates growth
- Percentage of former cared for children who are now aged 19-21 and in employment, education or training (EET)
- Proportion of employment in current and emerging sectors
- In work benefits claimant count
- Out of work benefits claimant count
- Rates of transition into work for young people with special educational needs and/or disabilities (SEND)
- Sustainable transport use
- Gross Value Added per head of population

Links to the Policy Framework

- Community Engagement and Empowerment Strategy
- Economic Growth Strategy (incorporating the Tourism Strategy and Cultural Strategy)
- Joint Health and Wellbeing Strategy
- Local Transport Plan
- Development Plan

Appendix 1: The Torbay Profile

The following facts and figures are a summary of the Torbay Profile in 2023. In developing the Community and Corporate Plan we have considered the needs of the community in Torbay and the challenges that they are facing.

Our population

Total population = 139,322

Male population = 67,830 (49%)

Female population = 71,492 (51%)

96.1% of Torbay's population are white, 1.6% Asian, 1.5% mixed ethnicity, 0.3% black and 0.4% other

62,992 households of which 64% owned, 27% private rented and 8% social rented

Higher numbers of older people compared with the England average

Far fewer people in their 20s and 30s

Highest number of residents living in deprived areas and the highest numbers of children living in income deprived areas when compared with all other councils in the South-West

27% of our residents live in the 20% most deprived areas in England

Approximately double the number of cared for children compared to other areas in England and the South-West

1 in 4 residents say they have a long term illness or disability

Outlier for needing to support higher levels of need in the 18 to 64 age group

Productivity, pay, jobs, living standards and connectivity

Average weekly earnings = £467 (£123 less than the England average) (2020)

57% of our population is of working age and of those 78% are economically active

Estimated 16,000 unpaid carers in Torbay

12.4% of households are in fuel poverty

329 miles of highway - 332 registered electric vehicles

Best broadband rate in Devon (339 premises unable to receive 10 Mbps)

Education, skills, health and wellbeing

29% have a diploma level qualification

75% have the equivalent of 5 GCSEs at grades A-C

24% of our cared for children achieve a GCSE pass in English and maths

Over 1 in 3 children with Education, Health and Care Plans (EHCPs) have been excluded from school for a fixed period

Life expectancy gap = 9 years males and 8 years females

Those born into deprived families are more likely to have worse educational and health outcomes

When compared with the South West and England, a larger proportion of Torbay residents report their health as being bad or very bad

Pride in place, housing and crime

Highest number of residents living in private rented accommodation in Devon

Rents higher than Local Housing Allowance and are a challenge for many based on the average weekly wage

The number of homes being built in total is much lower than the Government targets

2290 residents supported through public funding with a range of services including nursing, residential and domiciliary care

Torbay crime rate reported as 10,470 – 50% higher than the overall average for Devon and Cornwall force area:

- Domestic Abuse
- Violence with no injury
- Violence with Injury
- Criminal Damage
- Public Order

This document can be made available in other languages and formats.
For more information please contact engagement@torbay.gov.uk

Meeting: Cabinet/Council

Date: 22 February 2024

Wards affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

When does the decision need to be implemented? 22 February 2024

Cabinet Member Contact Details: Councillor Jackie Thomas, Cabinet Member for Tourism, Culture & Events and Corporate Services, (01803) 207087, Jackie.thomas@torbay.gov.uk

Director/Divisional Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services, (01803) 207449, matthew.fairclough-kay@torbay.gov.uk

1. Purpose of Report

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Council's Website.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

2. Reason for Proposal and its benefits

- 2.1 The Annual Pay Policy Statement 2024/25 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
- 2.3 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

3. Recommendation(s) / Proposed Decision

That Council be recommended:

- 1) the Torbay Council Annual Pay Policy Statement 2024/25 as set out in Appendix 1 to the submitted report be approved for publication.
- 2) the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

Appendices

Appendix 1: Torbay Council Pay Policy Statement Report 2024/25

Appendix 2: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Councils associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<https://www.local.gov.uk/introduction-localism-act>

Supporting Information

1. Introduction

- 1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement, then the Council will be in breach of the legislation.

See Annual Pay Policy Statement, Appendix 1 for full details.

- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

2. Options under consideration

- 2.2 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a statutory requirement of Section 38 (1) of the Localism Act 2011.

- 2.3 The Employers Pensions Discretions were last approved by Council in March 2022. Although there are no changes proposed, Council are required to approve these discretions on an annual basis.

3. Financial Opportunities and Implications

- 3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

4. Legal Implications

- 4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011.

- 4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

5. Engagement and Consultation

5.1 Trade Unions representing staff within Torbay Council will be consulted at Joint Consultative meetings.

6. Purchasing or Hiring of Goods and/or Services

6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

7. Tackling Climate Change

7.1 There are no climate change implications associated with these proposals.

8. Associated Risks

8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, please see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).

8.3 In addition to the risk of enforcement action by the EHRC, the Council should also consider the potential damage to their reputation of non-compliance with equal pay legislation if pay and grading processes are not followed.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			In regard to the Employers Pensions Discretions, these will only affect employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2022.
People with caring Responsibilities			
People with a disability			

Women or men	An Equality Impact Assessment was undertaken for the Council's Pay and Grading structure in 2019 – this indicated that men and women are both positively impacted by the new pay and grading structure.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			
People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral, no public health impact identified as a result of proposals.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Annual Pay Policy Statement 2024 - 2025

Date February 2024

This document can be made available in other languages and formats.
For more information please contact hrpolicy@torbay.gov.uk

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1 Purpose and Scope

1. Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
 - Torbay Council Pay Policy
 - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives
 - JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
 - NHS Terms and Conditions
 - Torbay Council Local Government Pension Scheme Policy Discretions
 - Employment of Apprentices Policy
 - Re-evaluation Policy
 - Temporary Acting Up Policy
 - Temporary Additional Duties Policy
 - Expenses Policy
 - Market Supplement Policy
 - Market Forces Policy
 - Staff Travel Plan
 - Key Skills Retention Policy
 - Key Skills Golden Hello Scheme
 - Key Skills Student Loans Allowance Scheme
 - Key Skills Referral Scheme
 - Key Skills Accommodation Allowance
 - Flexible Retirement
 - Retirement and Long Service Award
 - Re-organisation and Redundancy Policy

1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above;

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

2. Arrangements for officer pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors and Divisional Directors - JNC for Chief Officers of Local Authorities
- Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-

- Chief Executive/Head of Paid Service
- Directors and Divisional Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council's GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the "Agenda for Change" evaluation scheme in order to ensure pay parity for similar clinical roles in the NHS.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

- 2.4 A review of Hay salary data was purchased in 2018 and salaries were reviewed in line with this and with South-West public and private sector data. Since 2018 there has been annual benchmarking of salary rates. This salary information, together with corresponding job descriptions, is available from the Council's internet page, link as follows:-
<http://www.torbay.gov.uk/council/finance/salary-levels/>
- 2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources. In such a scenario independent advice may be taken from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.
- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
The Council's pay and grading structure is available from the Council's website :-
www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/
- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
 - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
 - The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Pensions contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table:-

Band	Salary Range	Contribution Rate Employer	*Contribution Rate Employee
1	£0 To £16,500	5.50%	2.75%
2	£16,501 To £25,900	5.80%	2.90%
3	£25,901 To £42,100	6.50%	3.25%
4	£42,101 To £53,300	6.80%	3.40%
5	£53,301 To £74,700	8.50%	4.25%
6	£74,701 To £105,900	9.90%	4.95%
7	£105,901 To £124,800	10.5%	5.25%
8	£124,801 To £187,200	11.4%	5.70%
9	£187,201 or more	12.5%	6.25%

3.2 The Torbay Council employer pension contribution rate is 18.4% from 1 April 2024.

*The above contribution rates are for 2023/24 and are subject to change and awaiting final confirmation from the pension provider.

3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

4. Termination payments - Chief Officers

4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

5. Salary packages upon appointment

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

6. Settlement agreements

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.2 In the case of Settlement Agreements for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.3 Settlement Agreements for any other member of staff will need to be authorised by the Director of the service following consultation with the Chief Executive/Head of Paid Service.

7. Gender pay gap reporting

- 7.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March annually to the Government and also on Torbay Council's website.
- 7.2 The Council's Gender Pay Gap Report will be reported separately on 30th March 2024 for the snapshot date of 31st March 2022: <https://www.torbay.gov.uk/council/information-and-data/transparency-and-data/annual-pay-policy-statement/#c7>
- 7.3 The Government publishes the results on their Gender Pay Gap Viewing Service:- <https://gender-pay-gap.service.gov.uk/>

8. Publication

8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.

8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.

8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows: www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx

Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's website:-

www.torbay.gov.uk/council/finance/salary-levels/

Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:-

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council's current ratio in this respect is 4.54:1, i.e. the highest salary earns 4.54:1 times more than the Council's median salary. The lowest full-time salary is £22,366 which is Grade A, scale point 1. When measured against the lowest salary the ratio between highest and lowest is 6.90:1.

Date of assessment: December 2023.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £150,00 - £155,000	
Median (Mid-point) value	£34,001	4.54 : 1
Lowest full-time salary	£22,366	6.90 : 1

The difference in ratio between the median and lowest points in this year's pay policy statement is smaller than the 2023/24 Annual Pay Policy Statement. In 2023/24 it was 4.78:1 for the median point and 7.27:1 between the highest and lowest point values. This shows a smaller difference in the ratio between the highest and lowest salaries. This can be attributed to the 2023 NJC Pay Award that took effect in November 2023 which uplifted the lowest spinal column points considerably, in some cases by £1, therefore narrowing the difference between the highest and lowest paid employees.

Sources of Information:-

GOV.UK – Openness and accountability in local pay: guidance

www.gov.uk/government/publications/openness-and-accountability-in-local-pay-guidance

LGA – Pay Policy and Practice in Local Authorities

www.local.gov.uk/sites/default/files/documents/guide-pay-and-rewards-mem-4b6.pdf

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6th December 2012	5-6	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13

5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16. New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e. delegation to Employment Committee for decisions relating to Directors and Assistant Directors. Reference to “Openness and Accountability in Local Pay: Supplementary Guidance”	Approved by Full Council – 10.12.15

February 2017	Various	Update to reflect change in job title – Chief Officer to Chief Executive. Changes to Appendix 1 – Multipliers, due to salary pay award in 2016 and introduction of National living Wage. Changes to terms and conditions relating to enhancements and other terms and conditions that have been varied through Collective Consultation. Updated to reflect Hay 2016 rates low to medium and spinal scales. General re-wording to take into account constitution, general delegations.	Approved by Full Council February 2017
June 2017	Wording to 2.5 updated.	To reflect how Chief Executive salary will be reviewed following recommendation from Employment Committee.	Approved by Full Council 10 th May 2017.
January 2018	Various	Changes to job titles to reflect Senior Leadership Team restructure. Replace external link to Salary Disclosure information. Update to pensions contributions information. Update to Appendix 1 – multiplier information. Inclusion of Appendix 2 – Gender Pay Gap Report	Full Council Approval 22 nd February 2018.
January 2019	Various	Insertion of new section 2.9 re:- pay and grading structure changes. Update to Pensions information – Section 3 Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report Amendment to Scope of Gender Pay Gap Report – pay calculations no longer include Schools data.	Full Council Approval 21 st February 2019.

January 2020	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report. ONS Annual Earnings Survey Results included for private and public sectors.	Full Council Approval 27th February 2020.
January 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for private and public sectors. Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.	Full Council Approval 24th February 2021.
December 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for public sector and all employers. Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme. Removal of Restriction of Public Sector Exit Payment Regulations 2020. Update to LGPS contribution rates and bandings. Update	Full Council Approval 3rd March 2022.
December 2022	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution rates and bandings. Removal of Gender Pay Gap Report, to be reported separately.	Full Council Approval 23rd February 2023.
December 2023	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information.	Pending - Full Council Approval 22nd February 2024.

Policy to be reviewed December 2024.



Looking forward to your retirement

Employer Pensions Discretions Policy

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

(as at 14th May 2018)

Employer name: TORBAY COUNCIL

Policy effective from: 01/04/2024

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

Print name of authorised officer: Anne-Marie Bond

Job title: Chief Executive

Date:

Signature of authorised officer:

Mandatory LGPS 2013 & 2014 discretions

Power of employing authority to grant additional pension Regulation R31

An employer can choose to grant extra annual pension* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

**(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

Please state your decision below:

Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.

Shared Cost Additional Pension Scheme Regulation R16 (2) (e) and R16 (4) (d)

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

**(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

NOTE: this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Please state your decision below:

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.



Flexible Retirement

Regulation R30 (6) and TP11 (2)

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, who must specify the requirements within their flexible retirement policy).*

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds, or a member has protected rights).

If flexible retirement is permitted, employers will need to publish a Flexible Retirement Policy and send Peninsula Pensions a copy. This can be done on the final section of this template.

Please state your decision below:

Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.

The Council will consider waiving a reduction to pension benefits where flexibility will enable the Council to retain key skills within critical service areas.

The Council will also consider requests where an employee is aged between 55 and 60, satisfies the 85 year rule and in which case the decision incurs a pension strain cost. Such requests will be considered by the Head of Paid Service and/or the Council, dependent on the seniority of the role and the associated cost, in line with the Local Government Transparency Code 2015.

Waiving of actuarial reduction

Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement.

Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.

Please state your decision below:

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.

TP1(1)(c) Sch2

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1st April 2008 and 31st March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1st April 1998 and 31st March 2014) and elect for voluntary early payment of any deferred benefits

Please state your decision below:

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early, except in exceptional circumstances.

Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

Please state your decision below:

Torbay Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

Non-mandatory policies but recommended by Peninsula Pensions:

Reg 16(16) - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

Reg 22(7) and (8) - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31st March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

Reg 27 of the LGPS (Amendment) Regs 2018 - Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

R100 (6) - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

R9(1) & R9(3) - Determine rate of employees' contributions and when the contribution rate will be assessed

Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.



Pre LGPS 2014 discretions

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2

Early payment of benefits

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

Policy decision

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014

Early payment of benefits

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

Regulation D11(2)(c) of the LGPS Regulations 1995

In relation to members who ceased active membership before 1 April 1998:

Policy decision

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 50 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.



Flexible Retirement Additional Policy

Flexible Retirement (Regulation R30 (6) and TP11 (2))

This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1st April 2008(which the member must draw) to permit the member to choose to draw;
 - All, part, or none of the benefits they accrued after 31st March 2008 and before 1st April 2014 and/or,
 - All, part, or none of the benefits accrued after 31st March 2014, and,
 - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
 - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31st March 2008 and before 1st April 2014.
 - The Council will permit members to draw all of their benefits accrued after 31st March 2014.
 - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.



Meeting: Council

Date: 22 February 2024

Wards affected: All Wards

Report Title: Constitution Amendment – Contract Procedures

When does the decision need to be implemented? 01 April 2024

Cabinet Member Contact Details: Councillor Tyerman, Cabinet Member for Housing, Finance and Corporate Services, alan.tyerman@torbay.gov.uk

Lead Officer Contact Details: Amanda Barlow, Monitoring Officer and Malcolm Coe, Director of Finance

1. Purpose of Report

1.1 This report sets out proposed amendments to Contract Procedures to bring them in line with the new Procurement Act 2023 with which will come into effect in the 2024/2025 Financial Year and put measures in place which will enable external contracts to be procured in a more timely and efficient manner.

2. Reason for Proposal and its benefits

- 2.1 The Procurement Act 2023 is expected to come into force in October 2024. The new regulations alongside secondary legislation and the National Procurement Policy Statement will fundamentally change the way in which public procurement is undertaken.
- 2.2 A comprehensive review of current Council commercial procedures and practice, including benchmarking against the government Commercial Continuous Improvement Assessment Framework (CCIAF), has identified the current approach is hampering effective procurement and does not enable compliance with new legislative and policy requirements.
- 2.3 During the review feedback from colleagues across the Council and its wholly owned companies identified the procurement spend thresholds as one of the most significant barriers to effective and efficient procurement. Impacting on our ability to ensure best value and the engagement of local suppliers.
- 2.4 The reasons for the proposal are to:
- Support legislative and policy compliance, protecting the Council from potential legal challenge. The current Contract Procedures do not address the requirements of The Health Care Services (Provider Selection Regime) Regulations 2023 (which came into force on 01/01/2024) or the Procurement Act 2023 (expected to be in force in October 2024). The new procedures are aligned to 17 new pieces of legislation as well as

existing regulations, as we will still have contracts in place which were procured under the old regime;

- Ensure procurement is fit for purpose, as simple as possible, able to deliver corporate priorities of the organisation and facilitate the business of the Council. We want to be able to put contracts in place more quickly where we need to whilst still ensuring we are securing best value;
- Enable increased innovation and flexibility in commercial activity to empower our services and subsidiary companies to better understand and respond to the needs of residents and what the local marketplace has to offer. This will in turn deliver better outcomes;
- Improve and embed transparency within Torbay Council and its subsidiaries across all aspects of Procurement, Contract Management and Commissioning;
- Establish and develop a skills base across the Council, its subsidiaries and partnerships, so that we are all well equipped to deliver against local and national priorities while staying compliant with regulations; and
- Create a continuous improvement capability so the Council and its subsidiaries can innovate, respond to external changes, and adapt to the evolving service need.

2.5 The benefits of the proposal are:

- Creating a simpler and more flexible commercial system that better meets the Council's needs and enables the Council to meet its obligations under the existing and future regulatory framework for public procurement;
- Providing a simpler, more transparent and flexible approach to spending money that is based on what we are buying, the associated risks and optimal route to achieving best value from our spend.
- Opening up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts. Creating greater opportunities for local businesses, small and medium enterprises and the voluntary and community sector to do business with the Council. The range of procurement options within the proposed £25,001 to regulated threshold will allow us to direct opportunities for higher value contracts to pre-selected local suppliers, which under the current system would have to go to the open market.
- Improving levels of transparency on all aspects of decision making in relation to the award of contracts – not just the decision on who we award the contract to, but also around the decision to purchase externally and the route to market chosen. Enabling how we spend public money to be properly scrutinised and for the Council to be held to account.
- Improving our decision making, procurement and contract management practices to ensure we deliver best value and best outcomes for our residents;
- Delivering consistent (but not uniform) capability which promotes innovation and community partnership;
- Enabling tougher action to be taken on underperforming suppliers and exclusion of suppliers who pose unacceptable risks, through more effective contract management and the use of mechanisms being put in place by government for this purpose; and
- Making the way in which we spend money “everyone’s business”.

3. Recommendation(s) / Proposed Decision

- 3.1 That the new Contracts Procedures (as set out at Appendix 1) to replace the current Contracts Standing Orders be approved.

Background Documents

None

1. Introduction

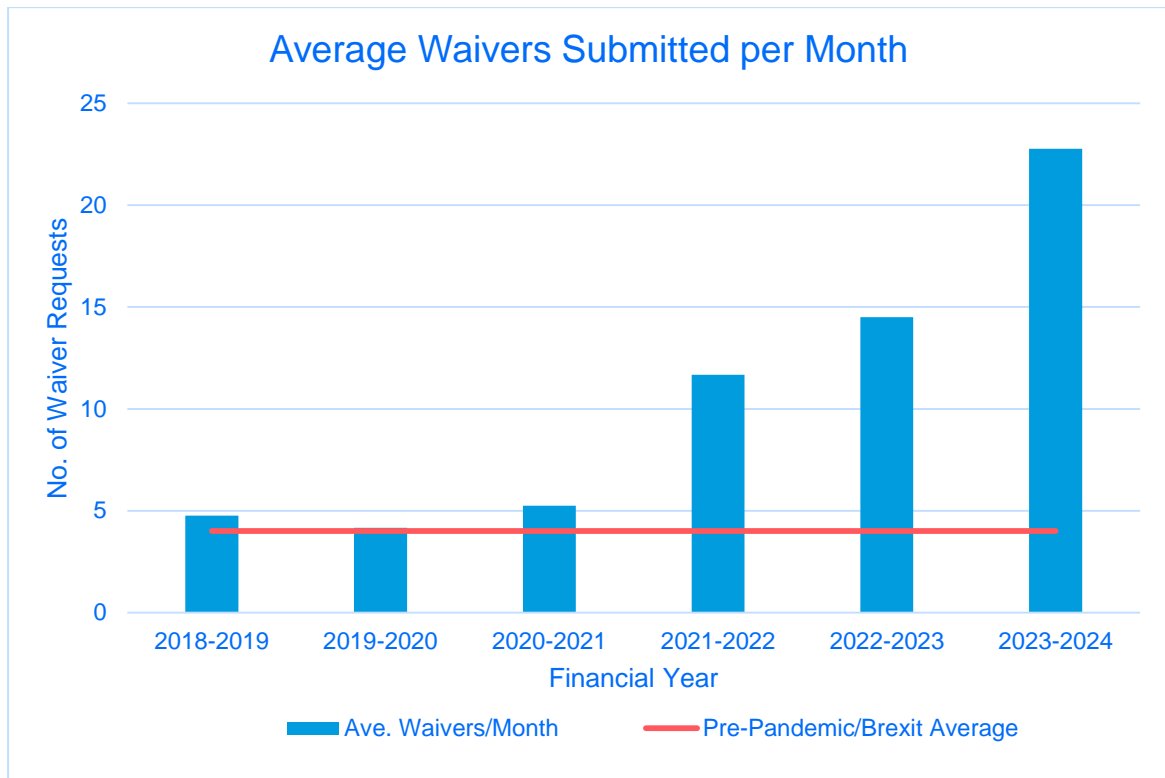
- 1.1 At the meeting of Council held on 20 July 2023 (minute 27/7/23 refers) the Council approved amendments to Article 13 requiring the Monitoring Officer to keep the Constitution under review and authorising her to make changes which were required for technical or legal reasons. The Monitoring Officer was also authorised to make other changes to the Constitution that she believes were in the best interests of the Council and/or local people provided they were made in consultation with the Leader of the Council and Group Leaders; if any of them object, the Monitoring Officer will report the matter to Council for decision.
- 1.2 These proposed changes are beyond technical or legal reasons and Liberal Democrat Group Leader has determined that the matter should come before the Council to approve, as the sovereign body.

Contract Procedures

The Council's Contract Procedures are based on and facilitate compliance with the Public Contracts Regulations 2015, which are due to be replaced by the Procurement Act 2023 during the financial year 2024-2025. The new Procurement Act will improve the way procurement is undertaken, so that every pound goes further for our public services. This transformation of public procurement represents a big change for all public bodies, which between them spend £300bn per year. It will create simpler, more flexible and effective procurement.

To ensure the Council has the appropriate skills, systems and processes in place to meet its obligations under the Act and realise its benefits a Procurement Transformation Programme commenced in 2023. As part of that programme the Commercial Services Team worked with colleagues from across the Council, SWISCo and TDA to review the current approach to procurement, including the effectiveness of Contract Procedures to their alignment with the new legislation. It became clear the processes and procurement thresholds set out in Contract Procedures were overly prescriptive, limiting the options for officers to put in contracts in place in the most efficient, effective and timely manner. The approach does not consider the differences between purchasing goods, services or works, the specific needs of individual services and directorates or the way in which supply markets have altered as a result of Brexit and the pandemic. Additionally the inflexibility of current processes and thresholds has resulted in a significant increase in the number of requests to waive contract procedures to enable officers to employ a more appropriate route to market.

The chart below shows the increase in the average number of waivers submitted per month, since the pandemic and Brexit.



The level of change which will happen as a result of the Procurement Act means we cannot simply amend the current procedures. The Procedures have been subject to complete rewrite in order to support both the current and new legislation. They are designed to form an overarching framework for procurement which will be underpinned by comprehensive policy, procedure and guidance giving us the flexibility to respond quickly to making amendments necessitated by secondary legislation, case law and best practice guidance.

Summary of key changes to Contract Procedures

The existing procurement objectives of delivering value for money; maximising public benefit; transparency; fairness; proportionately and supporting the achievement of the Council's strategic priorities still form the basis of Contract Procedures.

The proposed Contract Procedures contain less detail and are designed to provide an overarching framework setting out how the Council will undertake external spend. The detail on how we will apply Contract Procedures will sit in new policy, guidance and training materials. This approach will enable us to respond more quickly to any new government guidance, case law and secondary legislation (particularly in relation to the Procurement Act 2023).

The wording and the order in which matters are covered has changed to aid understanding and remove duplication. Whilst a number of sections have been removed, primarily relating to the detail on how the procedures will be applied, what remains is in accordance with guidance and best practice.

There is a reduction in the number of spend thresholds levels and a choice of procurement routes to market across a wider spend range. The proposed thresholds have been set

following consultation with colleagues across the Council, SWISCo and TDA to meet a diverse range of needs, open up greater opportunity to local SMEs, ensuring the most effective and efficient route to market is used, whilst maintaining compliance with procurement legislation. The table below shows the current and proposed procurement procedure thresholds:

Current Thresholds		Proposed Thresholds	
Goods / Works / Services Estimated Value of the Procurement	Procurement Process	Services ¹ / Supplies / Works ² Estimated Value of the Procurement	Procurement Procedure
Up to £4,999	<ul style="list-style-type: none"> Obtain one written quotation. To ensure best value, good practice is to obtain more than one quote 	Up to £25,000	<p>Where the requirement is not complex and can be assessed purely on the basis of price or price and simple quality requirements:</p> <ul style="list-style-type: none"> Obtain at least one written quote. To ensure best value quotes should be requested from a minimum of three Suppliers; Wherever possible, this should include two Torbay based Suppliers. <p>Where award of the Contract is subject to complex quality requirements one of the options from £25,001 to Threshold should be used.</p>
£5,000 to £25,000	<ul style="list-style-type: none"> Obtain quotes from Torbay based economic operators through the SupplyDevon hub, or where there are no Torbay based economic operators those that are based in Devon. Where there are no local businesses on the SupplyDevon hub capable of meeting the need request quotes either by post or email from minimum of three preselected economic operators. Wherever possible at least one of these should be a local SME or VCSE (refer to paragraph J Definitions for the definition of local). Retain written evidence to demonstrate the economic operator selected offers best value. 		
£25,001 to £50,000	<ul style="list-style-type: none"> Request for quote process undertaken through the SupplyDevon hub targeting Torbay based economic operators, or where there are no Torbay based economic operators those that are based in Devon. Procurement 	£25,001 to Threshold	<p>The most appropriate option identified by Commercial Services, considering risk, value, complexity, market and urgency of the Contract:</p> <ul style="list-style-type: none"> Informal or formal written quotes from at least three Suppliers by email, wherever

¹ Including Service Concessions

² Including Works Concessions

	<p>process to be run in accordance with these Procedures, using the Council's standard request for quote templates.</p> <ul style="list-style-type: none"> Where there are no local businesses on the SupplyDevon hub capable of meeting the need, offer the opportunity to a minimum of three preselected economic operators. Wherever possible at least one must be a local SME or VCSE (refer to paragraph J Definitions for the definition of local). <p>Procurement process to be run in accordance with these Procedures, using the Council's standard tender templates and through the e-tendering portal.</p>		<p>possible this should include two Torbay based Suppliers;</p> <ul style="list-style-type: none"> Informal or formal written quotes through the SupplyDevon hub, targeting Torbay based Suppliers; Request for quote from at least three Suppliers through the Council's e-tendering portal, wherever possible this should include two Torbay based Suppliers; Open invitation to tender through the Council's e-tendering portal; Call-off from an established framework or dynamic purchasing system; Call-off from an approved standing list; Direct award to a company wholly owned by the Council or jointly owned with other contracting authorities where best value is demonstrated; Direct award to another contracting authority where best value is demonstrated; Direct award where it can be clearly demonstrated that only one Supplier can meet the need (refer to the Commercial Policy and guidance for the specific circumstances under which a direct award can be considered).
£50,001 to Regulated Procurement Spend Threshold	<ul style="list-style-type: none"> Advertised invitation to Tender using the Council's e-tendering portal and advert on Contracts Finder. Procurement process to be run in accordance with these Procedures using the Council's standard below threshold tender templates. Procurement process to be run in accordance with the Public Contract Regulations in certain aspects. 		
Regulated Procurement Spend Threshold and Above	<ul style="list-style-type: none"> Advertised invitation to Tender, using the Council's e-tendering portal, and adverts on Find a Tender and Contracts Finder. Procurement process to be run in accordance with these Procedures and the Public Contract Regulations using the Council's standard above threshold tender templates. 	Above Threshold	<ul style="list-style-type: none"> Advertised invitation to tender through the Council's e-tendering portal; Call-off from an established framework or dynamic purchasing system; Direct award to a company wholly owned by the Council or jointly owned with other contracting authorities where the conditions set out in the Regulations permitting a direct award are met and best value is demonstrated;

			<ul style="list-style-type: none"> • Direct award to another contracting authority where the conditions set out in the Regulations permitting direct are met <u>and</u> best value is demonstrated.
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The proposal is to reduce the number of thresholds whilst increasing the procurement options available. The procurement process carried out will be determined by the Commercial Services Team, considering the value, complexity, risk and urgency of the contract, as well as the market capacity.

Government reviews the regulated thresholds biennially, the current thresholds came into effect on 01 January 2024 with the next change due in January 2026. The current and previous thresholds are as follows:

Type of Contract	01/01/2022 – 31/12/2023	01/01/2024 – 31/12/2025	Variance
Supplies and Services	£213,477	£214,904	+£1,427
Services under the Light Touch Regime	£663,540	£663,540	£0
Works	£5,336,937	£5,372,609	+£35,672
Concessions (services and works)	£5,336,937	£5,372,609	+£35,672

Whilst the proposed thresholds have been set to meet the needs of the Council, a benchmarking exercise was undertaken in respect of neighbouring authorities.

Procedure	Devon County Council	Plymouth City Council	Cornwall Council	Somerset Council	Bournemouth, Poole & Christchurch Council	Dorset Council	Torbay Council (Proposed)
1-2 oral / written quotes	£1,000 up to £2,500 (£5,000 works)	Up to £5,000	Up to £25,000 goods, works and services	Up to £25,000	£0 up to £5,000	Up to £50,000	Up to £25,000
Invite 3 organisations to submit written quotes	Above £2,500 (£5,000 works) up to £10,000	£5,000-£25,000	Over £25,000 to £100,000 (goods & services) or £250,000 (works)		£5,000 up to £25,000	N/A	£25,001 to regulated threshold – selected route to market based on risk, value, complexity, market and urgency
Invite 3 organisations to submit formal written quotations	£10,000 to up to £100,000	Over £25,000 up to regulated threshold		Over £25,000 up to £50,000	N/A		

Invite 4 organisations to submit tenders	Above £100,000 up to regulated threshold	N/A	N/A	N/A	N/A	N/A	
Request for quote	N/A	N/A	Over £100,000 (goods & services) or £250,000 (works) to regulated threshold	Over £50,000 up to £100,000 (goods and services or £250,000 (works)	Over £25,000 to regulated threshold	£50,000 up to £99,999	
Open tender	N/A	N/A	N/A	Over £100,000 (goods & services) or £250,000 (works) to regulated threshold		£100,000 to regulated threshold	
Procurement in accordance with regulations	Above regulated threshold	Above regulated threshold	Above regulated threshold	Above regulated threshold	Above regulated threshold	Above regulated threshold	Above regulated threshold

Increasing Opportunities for Local Suppliers

Within the on-going Procurement Transformation Programme to support implementation of the Procurement Act 2023 and the proposed Contract Procedures (if approved) we will:

- Undertake meet the buyer events to engage with suppliers on the changes and the impact it will have on how we do business with them;
- Develop guidance for officers on how to engage with local suppliers, market awareness and market shaping;
- Update our internet pages and guidance for suppliers on how to do business with the Council;
- Review and update our procurement documents to make them more user friendly;
- Create and publish a procurement pipeline;
- Review how we check supplier track record, financial and legal standing to ensure our requirements do not disadvantage small businesses or voluntary and community sector organisations;
- Improve the mechanisms for capturing data, monitoring and reporting on spend with local suppliers;
- Create mechanisms to hold our contracted suppliers to account for how they manage their sub-contractors, e.g. ensuring they pay their sub-contractors within 30 days.

2. Options under consideration

- 2.1 To adopt, or not to adopt the proposed amendments to Financial Regulations and Contracts Procedures.

3. Financial Opportunities and Implications

- 3.1 The changes will enable the Council to apply procurement routes to market which consider best value as part of the contract award process.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The proposals presented in this report have been circulated to the Council Leadership Group.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The proposals will support the use of appropriate routes to market when sourcing provision of goods and services.

7. Tackling Climate Change

- 7.1 Not applicable.

8. Associated Risks

- 8.1 Not adopting the proposals .

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.

People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Financial Regulations and Contracts Procedures

These Financial Regulations and Contracts Procedures should be considered in conjunction with the Officer Scheme of Delegation and Standing Orders in relation to the Budget and Policy Framework.

Financial Regulations Contents

1. Introduction
2. Legislative and Regulatory Requirements
3. The Role of Chief Finance Officer (S151)
4. Accounting Procedures
5. Financial Control
6. Audit, Anti-Fraud and Anti-Corruption
7. Banking Arrangements and Methods of Payment
8. Imprest and Petty Cash Accounts
9. Assets including Estates, Non Current Assets and intellectual property
10. Inventories (Moveable Property)
11. Stocks and Stores
12. Investments, Borrowing, Loans, Guarantees and Trust Funds
13. Income and Debtors
14. Orders for Work, Goods and Services
15. Payment of Accounts/Invoices
16. Salaries, Wages, Travels and Subsistence, and Other Expenses
17. Members' Allowances
18. Insurance
19. Risk Management
20. Security
21. Group Entities
22. Working with our Partners
23. The Council working for third parties

Contracts Procedures Contents

A. General Information/Introduction

- 24. Contracting Council
- 25. Extent and Application of Contract Procedures
- 26. Breach of Contract Procedures
- 27. Prevention of Corruption and Conflict of Interest
- 28. Delegated Authority
- 29. Authority to Undertake Procurement Activity
- 30. Exemptions from the Application of Contract Procedures
- 31. Waiver of Contract Procedures
- 32. Appointment of Management Consultants and Agents

B. Legal Framework

- 33. Compliance with Legislation
- 34. Non-Compliance with Legislation
- 35. Case Law
- 36. Freedom of Information
- 37. Local Government Transparency Code 2014

C. Procurement Planning

- 38. Approval to Proceed with the Procurement Process
- 39. Conflicts of Interest
- 40. Confidentiality
- 41. Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), as amended
- 42. Market Research and Consultation
- 43. Community Right to Challenge
- 44. Delivering Policy through Procurement

D. Procurement Development

- 45. Estimated Value of the Procurement

- 46. ~~Regulated Procurement Spend Thresholds~~
- 47. ~~Procurement Process~~
- 48. ~~Below EU Regulated Procurement Spend Threshold Procurements~~
- 49. ~~Division of Contract into Lots~~
- 50. ~~Preparation of Procurement Documentation~~
- 51. ~~Process Time Limits~~
- 52. ~~Advertising the Procurement~~
- 53. ~~Reserved Contracts~~
- 54. ~~Award of Contracts for Social and Other Specific Services~~
- 55. ~~Procurement Procedures~~
- 56. ~~Collaborative Arrangements~~
- 57. ~~Council-wide Contracts~~
- 58. ~~Approved Lists~~
- 59. ~~Framework Agreements~~
- 60. ~~Central Purchasing Bodies~~
- 61. ~~Contracts with other Public Sector Bodies~~

E. ~~Tender Preparation~~

- 62. ~~Tender Pack~~
- 63. ~~Consortia~~
- 64. ~~Sub Contracting~~
- 65. ~~Economic Operator Financial Risk Issues~~
- 66. ~~Contract Terms and Conditions~~
- 67. ~~Evaluation Criteria~~
- 68. ~~Reliance on the Capacity of Other Entities~~
- 69. ~~Limiting the number of economic operators to be invited to Tender~~
- 70. ~~Selection Questionnaire Template~~
- 71. ~~European Single Procurement Document~~
- 72. ~~Award Criteria~~

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Financial Regulations

1. Introduction

- 1.1 To conduct its business properly, Torbay Council needs sound financial management policies in place and controls to ensure compliance with those policies. In addition, the Council has additional responsibilities under statute. These Financial Regulations provide a framework of policies and controls for managing these responsibilities.
- 1.2 All local authorities are required to establish Financial Regulations to ensure the proper administration of financial affairs which have arisen from the legislative powers conferred upon local authorities and the consequential rights, powers and duties placed upon the Council, the Leader of the Council, Members and Officers.
- 1.3 The Financial Regulations apply to every Member and Officer/employee (including agency and seconded staff) of the Council and anyone acting on its behalf. All Officers and Members have a duty to abide by the highest standards of probity in dealing with financial issues.
- 1.4 Non compliance with these regulations will be referred to the Chief Finance Officer and the Head of Devon Audit Partnership, who will take appropriate action.
- 1.5 The Financial Regulations should ensure compliance with all accounting and auditing standards, and codes of practice, which are produced by the appropriate professional accountancy bodies.
- 1.6 The Financial Regulations apply to the Council and any associated companies. The Chief Finance Officer legislative requirements apply to all council assets and liabilities included subsidiary companies. The CFO therefore has responsibility for the financial systems, financial procedures and financial regulations in use by the subsidiary companies.
- 1.7 These Financial Regulations are intended as an aid to good financial management and outline the necessary procedures to secure the proper administration of financial affairs. Financial regulations will also be supplemented by more detailed financial instructions issued as and when appropriate by the Chief Finance Officer or his/her nominated representative.
- 1.8 In these regulations the following definitions apply:-
 - a) Budget Holder – as identified on the Council Financial Information Management System (a Budget Holder is allocated to every cost centre).
 - b) Chief Executive, Directors, Assistant Directors and Heads of Service – are the posts contained within the Council's Senior Management Structure.
 - c) Head of Service – reference to Head of Service in these regulations includes the Chief Executive, Directors, Assistant Directors and Head of Service.
 - d) Chief Finance Officer – the appointed Section 151 post and reference to it includes all nominated deputies appointed by the Chief Finance Officer.

2. Legislative and Regulatory Requirements

- 2.1 The Local Government Act 1972, in section 151, directs that there should be a specifically designated officer responsible for the proper administration of the Council's financial affairs and for reporting on these matters. The role of Chief Finance Officer has been given these responsibilities within the Council's management structure.
- 2.2 In addition the Chief Finance Officer, or his/her properly appointed nominated representatives, have duties under Sections 114 and 114A of the Local Government Finance Act 1988 see paragraph 3.5.
- 2.3 The Accounts and Audit (England) Regulations 2015 also confer further responsibilities upon the Chief Finance Officer, or his/her nominated representatives, including determination of and responsibility for the accounting systems and supporting records and systems and internal control (including internal audit). These regulations have been produced to comply with these requirements.
- 2.4 The Chief Finance Officer is also responsible for the publication of financial related notices, documents and the completion of returns as required under statute.
- 2.5 Whilst these responsibilities are specifically allocated to the Chief Finance Officer, it is the responsibility of individuals identified in paragraph 1.3 to be aware of and operate within the Financial Regulations, Standing Orders in Part 4 and the code of conducts and local protocols in Part 5 of the Constitution.
- 2.6 For Torbay Council schools operating under the School Standards and Framework Act 1998, they have specific Financial Regulations. These are approved by the Chief Finance Officer in consultation with the Schools Forum.
- 2.7 Setting of annual budgets for expenditure and any carry forwards of surplus or deficit within the Dedicated Schools Grant (DSG) separate from the individual schools budgets is delegated to the Section 151 Officer in consultation with the Assistant Director for Education subject to any decisions that are required under statute to be approved by the Schools Forum.

3. Role of Chief Finance Officer (S151)

- 3.1 The Council supports the principles as set out in the "CIPFA Statement on the Role of the Chief Finance Officer in Local Government" (2010).
- 3.2 Delegations to Chief Finance Officer are listed in the Officer Scheme of Delegation in Part 3 of the Constitution.
- 3.3 The Chief Finance Officer is responsible for advising the Council and all decision-making persons and bodies on all financial matters. Accordingly he/she or his/her nominated representative must be consulted on all financial matters and they should be given adequate opportunity to provide written comments on any report that may have a financial impact or commitment on the Council at some point in the future.

- 3.4 The Chief Finance Officer or his/her properly authorised and nominated deputies have a duty under Sections 114 and 114A of the Local Government Finance Act 1988 to report to the Leader of the Council, Councillors and the Council's appointed External Auditor, if it appears that the Council, a Committee or Officer of the Council, or a Joint Committee on which the Council is represented, or the Leader of the Council or individual Members of the Cabinet, or the Cabinet, or Committee of the Cabinet, have acted in the following legally defined instances:
- (a) Has made or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or
 - (b) Has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council; or
 - (c) Is about to enter an item of account, the entry of which is unlawful; or
 - (d) If it appears that the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet the expenditure.
- 3.5 The Council shall provide the Chief Finance Officer with such staff, accommodation and other resources as are sufficient to allow statutory duties.
- 3.6 The Chief Finance Officer must consult with other appropriate statutory officers and Directors of the Council before submitting any report under Sections 114 or 114A.

4. Accounting Procedures

- 4.1 The Chief Finance Officer is responsible for keeping the accounting records of the Council including the Collection Fund and any third party income and expenditure. All financial systems and records maintained within any Business Unit shall be in a form approved by the Chief Finance Officer, kept up to date, and retained until after the formal completion of the external audit of the Council's accounts and issue of the Audit Opinion or as otherwise required by law or indicated in the Council's Retention of Documents Policy.
- 4.2 All financial documents to be retained as set out in the Council's document retention policy unless specific grant claims or statute require a longer period. Where possible all financial documents should be scanned and saved to the Council's IT network and if contractual offered to the Council's Records section for archive.
- 4.3 Accounting policies will be updated as necessary and reviewed by the Chief Finance Officer annually.
- 4.4 Accounting procedures will comply with proper accounting practice and follow principles determined from time to time by the Chief Finance Officer. No changes should be made to these practices without the prior approval of the Chief Finance Officer.
- 4.5 The Chief Finance Officer shall be responsible for interpreting and implementing all relevant legislation and guidance relating to the Council's finances, both revenue and capital. The Chief Finance Officer will also ensure that the Council's financial

procedures comply with all current codes of practice and will report on relevant implications to the Leader of the Council, Members and Directors.

- 4.6 The Chief Finance Officer shall also be responsible for the Treasury Management function as defined by the relevant codes of practice.

5. Financial Control

General

- 5.1 Standing Orders in relation to the Budget and Policy Framework refer to the timetable and preparation of the Council's Revenue Budget for the forthcoming year along with revisions and indicative budgets for the forthcoming four year period for the Capital Plan. Once approved, it is the responsibility of the Chief Executive, Directors, Assistant Directors, Heads of Service and all Budget Holders to ensure net expenditure is contained within the totals approved by Council, subject to any variations to these totals that may be approved by the Council. This responsibility remains even when partners incur expenditure on the Council's behalf.
- 5.2 The Chief Finance Officer, in conjunction with Directors, Assistant Directors and Heads of Service, shall produce regular reports to the Chief Executive (and present to the Senior Leadership Team as appropriate) to the Leader of the Council for presentation at Cabinet meetings and the Overview and Scrutiny Board on the current year's budget (including comparison with actual spending and projected out-turn). The Cabinet and/or Overview and Scrutiny Board will make appropriate recommendations to Council where variations to the in-year budget position require a Council decision.
- 5.3 The Chief Finance Officer, in consultation with the Chief Executive, may authorise the use of contingencies and expenditure from reserves and provisions approved as part of the Council's revenue and capital budget.
- 5.4 Within the context of these Financial Regulations the following definitions can be assumed to apply:
- (a) Approved Budgets – Those sums approved by the Council at its budget setting meeting and identified in the Council's Budget Digest as presented at that meeting (reflected in the Council's financial information management system) and approved Capital Plan. Budgets are set at a Business Unit level and subdivided into service areas. For the purpose of these Financial Regulations the approved budget is at the service area level, as shown in the approved budget digest.
 - (b) An amount is shown against an individual capital scheme or service programme.
 - (c) Virements – the transfer of money from one approved budget to another.
 - (d) Non cash transactions, such as sponsorship, land swaps, concessionary rents and similar transactions are to be accounted for at their market value and will be within the scope of these regulations.

Revenue

- 5.5 The Chief Finance Officer, in consultation with the Leader of the Council, is authorised to submit bids and accept any grant offers, including terms and conditions attached to such offers subject to the grant offer and terms and conditions being in accordance with the Council's policies and objectives. The Chief Finance Officer, in consultation with the Leader of the Council, to determine the allocation and expenditure of any new revenue grant monies that are received during the year.
- 5.6 After consideration by the Chief Finance Officer when considering the end of the financial year position, any net uncommitted under-spends within a directly controllable revenue budget may be carried forward into an earmarked reserve to be used in the following financial year.

After consideration by the Chief Finance Officer, in consultation with the Chief Executive, when considering the end of the financial year position the following may be approved:

- (a) Individual budget under-spends of £10,000 may be carried forward at the request of the Director, Assistant Director or Head of Service.
 - (b) Any net overspend (below £10,000) may also be carried forward to the following financial year and made good during that year.
 - (c) Any net unspent grant, third party funds or funds committed but not spent within a directly controllable revenue budget may be carried forward into an earmarked reserve to be used in the following financial year.
- 5.7 Any item in the Approved Revenue Budget saved or expected to be, and additional revenue saved above approved budget is subject to the normal virement rules. This is subject to the Council's overall financial situation where, following consultation with the Chief Finance Officer, the Leader of the Council (in respect of Executive functions) and Council (in respect to Council functions), a Director, Assistant Director or Head of Service may request that the budget saved is not spent or a virement is made to another Business Unit.
- 5.8 Within an approved Business Unit Budget, or between Business Units, the responsible Head of Service(s) of the Business Unit(s) may approve in-year virements provided that:
- (a) The virement does not exceed £100,000 within individual services in a Business Unit and £50,000 between Business Units;
 - (b) The virement is requested in writing by the Head of Service (and a copy kept by the Chief Finance Officer or his representative);
 - (c) There is no significant change of policy or significant reduction in service quality (in the opinion of the relevant Director, Assistant Director or Head of Service);
 - (d) All virements above £100,000 within a Business Unit and £50,000 between Business Units must be approved by the Chief Finance Officer in

consultation with the relevant Director, Assistant Director or Head of Service and the virement is included in the next budget monitoring report considered by the Overview and Scrutiny Board; and

- (e) Any changes to budgets as a result of restructures, technical accounting changes including support service allocations are not subject to the virement rules.

5.9 Urgent decisions which are not wholly in accordance with the budget will be dealt with in accordance with the Council's Standing Orders in relation to Budget and Policy Framework and Officer Scheme of Delegation.

5.10 All fees and charges including fees set by statute are to be approved on an annual basis as part of the budget setting process. The Chief Finance Officer, in consultation with the Leader of the Council, the Cabinet Lead for Finance and the Chief Executive, is authorised to make adjustments to fees and charges and introduce new charges in year within the approved budget if it is in the best interest for the Council and they have no adverse impact upon the revenue or capital budgets.

5.11 Where a permanent change to the Revenue Base Budget is being proposed (i.e. it affects more than the current financial year) the relevant Director(s), Assistant Director(s) and the Head of Service(s) concerned and the Chief Finance Officer will identify the proposed change as part of the next budget process.

Reserves

5.12 The responsible officer, as identified in the Review of Reserves report approved by Council, for a reserve may authorise use of contributions to and from that earmarked reserve provided that:

- (a) The funds are used for the stated purpose of the reserve, as stated in the Review of Reserves report, in question;
- (b) The level of such Earmarked Reserves is reported to the Overview and Scrutiny Board when the annual review of reserves report is considered (together with proposals for replenishment of the reserve in question where the Chief Finance Officer considers it appropriate);
- (c) If the earmarked reserve is to be used for a purpose which differs from the original agreed terms of reference this must be approved by the Council; and
- (d) The Council's finance system is to reflect the planned use of reserves in the year.

5.13 The Chief Finance Officer, in consultation with the Leader of the Council, may recommend to the Council for approval in-year virements from the Council's General Fund Reserve to any Business Unit provided that the Chief Finance Officer is satisfied as to the robustness and adequacy of the Council's reserves.

Capital

5.14 For each financial year Council will have an approved:-

- (a) Capital Strategy
 - (b) Asset Management Plan
 - (c) Capital Plan
- 5.15 Each quarter the Chief Finance Officer, in consultation with the Leader of the Council, may approve any variations to the approved capital plan for new or existing schemes provided that the Chief Finance Officer is satisfied that the proposed variations will be contained within the overall approved Capital Plan or that additional (and adequate) funding resources have been identified.
- 5.16 Any bids (or support for a partners bid) for capital grants and contributions over £100,000 to be notified to the Leader of the Council and Chief Finance Officer prior to submission, to ensure the scheme is in line with Council priorities and funding and resource implications have been assessed. This will include any match funding and future revenue costs.
- 5.17 Prior to the approval of any scheme, the funding for the scheme and any future revenue costs must be identified and deemed to be achievable by the Chief Finance Officer.
- 5.18 The Chief Finance Officer, in consultation with the Leader of the Council, is authorised to determine the allocation and expenditure of any new (ring fenced) capital grants or contributions that are received during the year.
- 5.19 The Chief Finance Officer, in consultation with the Leader of the Council, may also approve any variation to timings for projects within the 4 years of the capital plan on a quarterly basis.
- 5.20 The allocation of any un-ring fenced grants or contributions to a service will be determined by the Chief Finance Officer taking into account the overall budget position of the Council and any expectations/conditions of the awarding body. . Any schemes to be funded under the Prudential Code will also be a Council decision as set out in 5.26 below.
- 5.21 The Budget Holder, in consultation with the relevant Cabinet Lead, is authorised to approve allocations of generic capital funding within an allocation to a service to individual projects within the overall total funding approved.
- 5.22 If the Council receives additional income not linked to a specific project such as a capital receipt, or has an under spend on a specific scheme this will be applied in the first instance to fund the existing Capital Plan. If the funding is in excess of the resources required to fund the existing Capital Plan it will be allocated to a general capital reserve pending further decision by the Council.
- 5.23 If an urgent and unforeseen need arises to undertake a project not included in the current approved Capital Plan, or to accelerate the preparation or commencement of an unapproved scheme the proposal shall be referred to the Chief Finance Officer at the earliest opportunity and before a substantial amount of preparatory work (i.e. costing more that £5,000) is undertaken and only if agreed by Chief Finance Officer, in consultation with the Leader of the Council, the proposed capital scheme will be submitted for approval to the Council.

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- 5.24 It is expected that individual projects should include a contingency. The approved Capital Plan will also include a capital contingency, which as a target should be 1% of the Capital Plan. Use of this contingency will be determined by the Chief Finance Officer in consultation with the Leader of the Council.
- 5.25 If any variation to the programme has a material impact upon the revenue budget in the current or future financial year(s), such as increased running costs or prudential borrowing, this must be approved by Council.
- 5.26 Any decision by Council to utilise prudential borrowing must be made with regard to the prudential framework, the approved prudential indicators and policies as set out within the approved Capital Strategy.
- 5.27 The Council maintains a Capital Reserve list as part of the approved Capital Plan. Any new resources received by the Council, if in excess of the resources required to fund the Capital Plan, should, in the first instance, be used to fund schemes maintained on the reserve list.
- 5.28 All capital expenditure incurred must comply with the CIPFA definition of capital as set out in the relevant accounting proper practice. The Chief Finance Officer will be the arbiter of disputes in relation to the eligibility of any expenditure.
- 5.29 All capital expenditure must be recorded accurately including asset reference to ensure the information on all Council assets, and their component parts, is correct within the Council's asset register.

6. Audit, Anti-Fraud and Anti-Corruption

Internal Audit Function

- 6.1 The Chief Finance Officer shall maintain an adequate and effective system of internal audit of its accounting records and its system of internal control in accordance with proper Internal Audit practices, as governed by responsibilities under Section 151 of the Local Government Act 1972, and the Accounts and Audit Regulations 2015.
- 6.2 The internal audit service provided by the Devon Audit Partnership shall follow professional standards and guidelines in accordance with the Code of Practice for Internal Audit in Local Government in the United Kingdom issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). The Code requires that an authority should have in place an approved Internal Audit Strategy which describes how the internal audit service will be delivered, and formally defines the purpose, authority and responsibility of internal audit.
- 6.3 The main objectives of the internal control system are to:
- (a) ensure adherence to management policies and directives in order to achieve the organisation's objectives;
 - (b) safeguard assets;
 - (c) secure the integrity, relevance, reliability, confidentiality and availability of information and resources, so ensuring as far as possible the completeness and accuracy of records;

- (d) ensure compliance with statutory requirements; and
 - (e) ensure risks are identified and appropriately managed.
- 6.4 The Chief Finance Officer, or authorised representative, shall have authority in connection with an audit to:
- (a) visit all establishments and premises of the Council and other partners where the Council has a legal interest or an open book agreement;
 - (b) have access to such documents which relate to the accounts of the Council, as may appear to be necessary for the purpose of the audit;
 - (c) call for the production of cash, stores or other property in the custody of any employee of the Council;
 - (d) require from any employee information and explanations necessary for that purpose;
 - (e) remove and keep in safe custody any books, records, vouchers and other material that may be relevant; and
 - (f) receive access at user level and/or system level to any computing or communications device, including access to interactively monitor and log traffic on Torbay Council's networks in accordance with the Council's Information Security Policy Framework.
- 6.5 The Head of Devon Audit Partnership (on behalf of the Chief Finance Officer) shall produce audit reports as appropriate and when an audit report is issued, the Head of the Business Unit concerned should respond in writing with an agreed action plan on any recommendations made without delay.
- 6.6 Where it appears that there is an opportunity of increasing the financial efficiency, economy or effectiveness of any Business Unit, the Head of Devon Audit Partnership shall, in conjunction with the Chief Finance Officer and the relevant Director(s), Assistant Director(s), Head of Service (s) or other authorised officer, investigate any relevant aspect of the work of any Business Unit and shall be empowered to make recommendations thereon. This includes appropriate value for money exercises.
- 6.7 The Head of Devon Audit Partnership shall have the right of direct access to, and freedom to report to, all senior management including the Chief Executive and Members.
- 6.8 Devon Audit Partnership shall be responsible for supplying to, or obtaining, such information required on behalf of itself or the Audit Committee or Overview and Scrutiny Board or other nominated sub-committee or working party or carry out any investigations requested, subject to the appropriate resources being available to undertake such investigations.

External Audit Function

- 6.9 The Chief Finance Officer shall be responsible for:-

- (a) Ensuring an external audit function is being provided.
- (b) Liaising with external audit in all issues relating to the Statement of Accounts, Annual Governance Statement, specific grant audits and Value for Money.
- (c) Ensuring the above documents are available for External Auditors within agreed timescales and providing supporting documentation to enable External Auditors to provide an audit opinion.

Anti-Fraud and Anti Corruption

- 6.10 The Chief Finance Officer will be responsible for a Council wide anti-fraud and anti-corruption policy. All members and officers, partners and suppliers are expected to act with integrity, adhere to that policy and not tolerate fraud or corruption in the administration of its responsibilities whether inside or outside of the Council.
- 6.11 Members and officers shall comply with the Council's codes of conduct relating to the register of interest and gifts and hospitality.
- 6.12 The Chief Finance Officer will be responsible for ensuring whistle blowing procedures are in place.
- 6.13 The Chief Finance Officer and the Head of Devon Audit Partnership shall be notified forthwith by the Chief Executive, Directors, Assistant Directors, or the Heads of Service concerned, of any circumstances which suggests the possibility of irregularity in the exercise of the functions of the Council. The Chief Finance Officer or the Head of Devon Audit Partnership shall, on confirmation of the irregularity, be empowered to undertake any investigation considered necessary including informing the Police and shall inform the Chief Executive and Monitoring Officer of the full circumstances in accordance with the Council's Anti -Fraud and Anti-Corruption Policy and Protocol.

7. Banking Arrangements and Methods of Payment**Bank Accounts**

- 7.1 The Chief Finance Officer is authorised to make arrangements regarding the Council's bank accounts, including the opening and closing of any account, and tendering for banking services. No charges/debits shall be set up on the bank accounts without the written consent of the Chief Finance Officer. All accounts must be in the name of Torbay Council.
- 7.2 The Chief Finance Officer must be notified of all bank accounts held. All bank accounts and balances need to follow the Council's banking procedures including online banking.
- 7.3 All transactions in the Council's bank accounts are to be included in the Council's finance system.
- 7.4 The Chief Finance Officer is authorised to agree the overdraft facilities and the charges for the operation of the Council's bank accounts with the bank.
- 7.5 All charges made by the Bank must be verified as being levied in accordance with

the scale of charges current at the time the charge was incurred.

- 7.6 All bank accounts shall, wherever practicable, be reconciled with cashbooks and/or other relevant records at least once each month.

Methods of Payment

- 7.7 Payments from the above-mentioned bank accounts, by cheque, Clearing House Automated Payments System (CHAPS), electronic data (BACS), direct debit, via Bankline or any other agreed format, shall only be made in accordance with procedures agreed by the Chief Finance Officer.
- 7.8 All cheques, or similar agreed documents authorising payment, shall be signed by, or bear the facsimile signature of the Chief Finance Officer or other officers authorised in writing by the Chief Finance Officer.
- 7.9 All cheque payments should be made on crossed cheques unless otherwise directed and authorised by the Chief Finance Officer.
- 7.10 Where bank accounts are used for imprest accounts then two authorised signatures shall appear on the cheque.
- 7.11 Changes to the authorised signatures or the mandate can only be made through the Chief Finance Officer.
- 7.12 The Chief Finance Officer, or authorised deputies, is responsible for the transfer of funds from one bank account to another.
- 7.13 The Chief Finance Officer shall be responsible for the production of the electronic data for payments due, the forwarding to the processing centre and security.
- 7.14 All cheques and procurement cards shall be ordered only on the authority of the Chief Finance Officer, or authorised deputies, who shall ensure that arrangements are made for their safe custody and recording. Where procurement cards are issued, a record must be kept of the issue and signed by the receiving officer confirming acceptance of the applicable conditions.
- 7.15 Only Procurement cards under the Government Approved Scheme are to be issued. No other debit or credit cards are permitted.
- 7.16 A voucher and/or receipt are required for all procurement card transactions, and where the goods include VAT, a VAT invoice/receipt must be obtained.
- 7.17 For any payment of £250,000 and over the following additional authorisations will be required:
- (i) Crossed cheques for £250,000 or over will be countersigned by a second signatory;
 - (ii) CHAPS payments will require electronic authorisation by a minimum of two authorised officers; and
 - (iii) A manual payment voucher for £250,000 or over will be countersigned by a bank signatory.

7.18 The Chief Finance Officer shall arrange such safeguards as are deemed necessary and practicable including ensuring that the following duties, as far as possible, are the responsibility of separate officers:

- (a) The checking of creditors invoices;
- (b) The control of cheques and like forms;
- (c) The preparation of cheques and electronic payment data;
- (d) The signing of cheques and like forms;
- (e) The despatch of cheques or electronic data;
- (f) The entry of cash accounts; and
- (g) The reconciliation of bank balances.

8. Imprest and Petty Cash Accounts

- 8.1 The Chief Finance Officer, or authorised deputies, may advance a fixed imprest to an Officer of the Council for the purpose of meeting petty cash expenses. Each imprest or Petty Cash Account shall be of such an amount as the Chief Finance Officer, or authorised deputies, may determine in consultation with the Head of Service or other authorised officer, but shall not exceed the sum anticipated to be sufficient to meet such expenses for a period of two months, (unless there are exceptional circumstances necessitating a higher level and this is agreed by the Chief Finance Officer or authorised deputies).
- 8.2 The Chief Finance Officer, or authorised deputies, shall prescribe such conditions in connection with petty cash disbursements as is deemed desirable.
- 8.3 Petty Cash items shall be limited to minor items of expenditure and in the case of individual items, shall not exceed £100 except by arrangement with the Chief Finance Officer or authorised deputies.
- 8.4 No payments should be made from Petty Cash/Imprest Accounts where there may be HMRC implications. Petty Cash/Imprest Accounts should not be used for:-
- Travel and subsistence claims;
 - Working lunches;
 - Private phones (work usage);
 - Salaries and wages;
 - Entertaining (employees and non-employees);
 - Periodic Payments;
 - Construction Industry Scheme work; or
 - Governor Expenses.
- 8.5 All Heads of Service or authorised deputies shall maintain a list of all persons authorised to sign petty cash vouchers on their behalf and a copy of this list, including specimen signatures and initials shall be supplied to the Chief Finance Officer and the Payments section.

- 8.6 A voucher and/or receipt are required for all petty cash and imprest account transactions and, where the goods include VAT, a VAT invoice/receipt must be obtained. Vouchers and/or receipts should be forwarded to the Payments section with the claim for reimbursement. The relevant Heads of Service shall certify these claims as correct or such person(s) nominated for that purpose.
- 8.7 No income is to be paid into a petty cash account, other than reimbursement cheques.
- 8.8 No personal cheques are to be cashed via a petty cash account.
- 8.9 Petty cash imprests must be reconciled and balanced on a regular basis, and agreed to the bank statement (including un-presented cheques) where a bank account is in use. Imprests must be balanced at the 31 March each year to ensure the expenditure is changed to the correct financial year.
- 8.10 Every Officer holding a petty cash imprest shall certify to the Chief Finance Officer the amount of that imprest at 31 March each year.
- 8.11 The conditions for operating an imprest through a bank account must be agreed with the Chief Finance Officer, or authorised deputies, with the minimum of 2 signatories required.
- 8.12 Imprest accounts operated through a bank account must not go into overdraft.
- 8.13 Heads of Service shall inform the Chief Finance Officer in advance when employees who hold an impress account either leave the employ of the Council or otherwise cease to be responsible for the imprest. Whenever an Officer in charge of the imprest hands over, leaves or ceases to have custody of the imprest, the Head of Service, shall ensure that a prior check is made of the imprest concerned and that a handing over certificate is signed by the outgoing and incoming Officer.
- 8.14 Heads of Service or their authorised deputies may exercise delegated power to make ex-gratia payments to Officers, recognised volunteers and customers in a sum not greater than £50 as compensation for damage to or loss of property. Such payments can only be made when the incident occurred during normal Council activities and where such payment is calculated to facilitate or is conducive or incidental to the discharge of any of the functions of the Council. All requests for payment must be authorised and be supported with full written details of the incident and resulting damage/loss, reason for payment and evidence (e.g. receipts) of the actual cost of repair or replacement.
- 8.15 Where it is considered that £50 is insufficient to compensate for any damage or loss, then the individual may submit without delay details of the incident and related damage/loss to officers in the Claims Handling Section who will determine if the Council is legally liable to pay compensation via the standard claims handling procedure. If it is determined that no legal liability exists in respect of the loss/damage then no payment will be made.

9. Assets including Estates, Non Current Assets and intellectual property

Asset Records

- 9.1 The Chief Finance Officer shall commission the TDA to maintain a terrier and asset register of all assets owned or leased in by the Council in a form approved by the Chief Finance Officer to comply with proper accounting practice. The asset register shall record: the holding body (if applicable); purpose details; nature of Council's interest; and rents payable, with particulars and terms of tenancies granted. The terrier is to be regularly reconciled to records held in the asset register.
- 9.2 TDA, the Chief Finance Officer and other appropriate officers shall co-operate in the preparation and maintenance of an asset register in suitable format and containing all the relevant information to comply with proper accounting practice. The valuation of assets, including an assessment of componentisation and asset life, shall be carried out as necessary to comply with proper accounting practice. The asset register (finance module) to contain details of accounting treatment and asset classification including current cost and historic cost records as required. The asset register (finance module) is required to comply with proper accounting practice.
- 9.3 The ownership of the asset register and terrier remains with the Council, though the TDA will maintain the records held and ensure an annual reconciliation.
- 9.4 All non-current assets should be recorded on the asset register, but valuations are only required for those individual assets where the value is estimated to be over £25,000. Where a group of assets e.g. computer equipment, collectively totals in excess of this amount, an entry should be made on the register to reflect this.
- 9.5 The Monitoring Officer shall have the custody of all title deeds and leases under security arrangements agreed with the Chief Finance Officer.
- 9.6 Intellectual property is something unique that the Council has physically created. To protect internally developed intellectual property from theft and copying, Heads of Service should consider registration e.g. trade marks for logos or copyright for software created. Protecting these assets makes it easier to take legal action against anyone who steals or copies it.
- 9.7 If intellectual property is registered, the Head of Service must notify the Chief Finance Officer so the asset can be added to the asset register and the same safeguards that apply to the Council's other assets can be applied to these assets.

Asset Disposals and Leases

- 9.8 For approval purposes a disposal is deemed to be applicable for both a freehold disposal and any lease where the term is in excess of 40 years.
- 9.9 The Council shall commission the TDA to undertake the arrangements for the lease or disposal in line with the terms specified by the relevant budget holders and these Financial Regulations and Contracts Procedures.
- 9.10 Officers will identify surplus assets for disposal or lease in accordance with the Officer Scheme of Delegation.
- 9.11 Officers will identify operational assets for lease in accordance with the Officer

Scheme of Delegation.

- 9.12 Proceeds of asset disposal will be allocated in accordance with the approved Capital Strategy. Any proposal by a service to utilise the proceeds for a specific purpose or recommend to Council the disposal of the asset at below market value will need to be agreed by Chief Finance Officer in light of the overall financial position of the Council and any, as yet unachieved, capital receipts target.
- 9.13 All disposals or leases shall be subject to a formal process prior to entering into a written contract. All disposal and leases shall comply with the Council's Contracts Procedures. All disposal or leases above a market value of £10,000 (in the opinion of a RICS qualified valuer) must be conducted via the Council's Electronic Tendering System. This process shall include details of the asset and any conditions and specifying a reasonable closing date by which expressions of interest must be received. Standard forms of documentation shall be used where possible. The disposal or lease process can include the use of a public auction or similar competitive method such as a property listing website for at least ten working days in preference to the Electronic Tendering System.
- 9.14 In accordance with Contracts Procedures, disposal and lease tender processes in respect of property expected to be greater than £50,000 must be electronically sealed. The Electronic Tendering System is set up to electronically seal tenders above £50,000. Verifiers are set up in the system, which are Officers who are able to electronically unseal Tenders. Verification may only be undertaken by an authorised Verifier who has duly been approved by the Monitoring Officer and Procurement Service.
- 9.15 There are instances where a disposal tender process is also subject to Public Contract Regulations. This is usually when the disposal involves an element of land development. In these instances, advice should be sought from Procurement, Contract Management and Commissioning.
- 9.16 Regulation 9.13 to 9.15 shall not apply to any of the following types of disposals or leases:-
- (a) Grants of leases to existing tenants where security of tenure may exist and the terms of the lease not significantly changed (whether or not their existing tenancies have come to an end);
 - (b) Where the Grants of leases or licences relates to an asset where:
 - the market rent for an annual market rent does not exceed £10,000 per annum; or
 - the market value of the asset does not exceed £25,000 and
 - the length of the lease is less than 10 years;
 - (c) Disposals of land acquired under compulsory purchase powers to the original owners of that land or their successors;
 - (d) Disposals of freehold in land where the interest disposed of is estimated not to exceed £10,000 in market value in the professional opinion of a member

or fellow of RICS; Note the Council does not dispose of freehold property unless under statute but will consider a long term lease or if exceptional circumstances.

(e) Long term lease under the Councils Community Asset Transfer Policy.

- 9.17 The Chief Finance Officer (in consultation with the Leader of the Council and Monitoring Officer) may give written authorisation to waive the requirements of Regulation 9.13 to 9.15 where he/she is satisfied that the proposed disposal or lease will be in the best interest of the Council and that the proposed terms of the disposal or lease are unlikely to be bettered by complying with Regulation 9.13 to 9.15.
- 9.18 All disposals and leases are to be accounted for on a gross basis showing the market value of the transactions. Any form of non cash transaction such as an exchange of land, nomination rights, or a concessionary rent below market value or similar transaction forms part of a budget holders' financial control (as set out in section 5 above).
- 9.19 Where a disposal or lease of land or buildings has been expressly approved by Council or the Leader of the Council, that decision shall be actioned by Officers.

Acquisitions

- 9.20 Where an asset has been identified for acquisition, if the market value of the asset is less than £50,000 the Officer Scheme of Delegation applies, if in excess of £50,000 the Leader of the Council (where the acquisition is within the budget approved by the Council) or Council (if the acquisition is outside the budget and policy framework) shall approve the acquisition of that asset. In both cases this is subject to the funding being identified for the purpose, any ongoing revenue implications considered and will then be included in the Capital Strategy.

10. Inventories (Moveable Property)

- 10.1 Items of moveable property are defined as any equipment used by a service in their duties including office equipment, specialist equipment, IT equipment including mobile phones, laptops and iPads.

(Note: Stock items used for service delivery such as printing and highways stock, and items for sale see section 11 below.)

- 10.2 All Heads of Service shall be responsible for preparing and maintaining an inventory of moveable property, in a standard form agreed by the Chief Finance Officer (see 10.5 below), for each of the establishments under their control. All inventory records should be held electronically on the Council's network.
- 10.3 The inventory will record an adequate description of all moveable items of equipment, office machinery, ICT and communication equipment and other property belonging, held on leasing agreement, donated to, or on trust to the Council, valued at over £500. Where there are vulnerable items these should be recorded in inventories irrespective of price.

- 10.4 All Heads of Service shall be responsible for the physical security and inventory of all computer hardware and software within their business units in accordance with ICT security policy (where this has not been purchased through ICT Services as set out in 10.2 above). Where hardware and software is purchased through ICT Services or has been assigned a Torbay asset number, ICT Services will maintain an appropriate inventory record.
- 10.5 Details on the inventory should include:
- (a) The name of supplier;
 - (b) The normal location of the item;
 - (c) The original purchase price;
 - (d) Any relevant model or serial numbers, etc; and
 - (e) Lease, loan and trust agreement details.
- 10.6 All property belonging to the Council and covered by the inventory category must be recorded in inventories immediately on receipt and notified to the Council's Insurance Section where the cost is more than £500. Where practicable, inventory items should be marked in a suitable manner as being the property of the Council.
- 10.7 Inventories shall be checked and certified as correct and complete by an authorised officer on an annual basis and copies of the inventories shall be supplied to the Chief Finance Officer on request. Deficiencies and/or surpluses should be reported to the Chief Finance Officer for action by the Devon Audit Partnership.
- 10.8 Inventory items deemed to be surplus to requirements and saleable old materials shall be disposed of only on the written authority of the Head of Service or authorised deputies. Where appropriate, items should be offered to other areas of the Council before being put up for use by other groups or offered for sale. Heads of Service shall obtain the best possible prices when disposing of redundant and obsolete items.
- 10.9 The Chief Finance Officer or authorised representative shall, at all reasonable times, have access to all property of the Council to audit the inventory.

11. Stocks and Stores

- 11.1 Each Head of Service shall be responsible for the care and custody of stock including items for sale and stores for items used by the service in their business unit.
- 11.2 Stores shall not be in excess of reasonable requirements.
- 11.3 Records controlling the receipt and issue of all stores and equipment shall be kept in a form to be approved by the Chief Finance Officer.
- 11.4 The Chief Finance Officer, or authorised representative, shall be entitled to check stores and be supplied with such information relating thereto as may be required for the accounting, costing and financial records of the Council. They shall take such

action as deemed necessary to deal with any discrepancies shown in any items of stock revealed at any time. In the event of the Head of Service, or authorised representative, becoming aware of any deficiency or theft a report should be made to the Chief Finance Officer immediately so appropriate action may be taken.

- 11.5 The Head of Service or other authorised officer shall certify that the quantities of stocks and stores held at 31 March each year are reasonable and necessary and, except where agreed by the Chief Finance Officer, that there has been adequate continuous and cyclical stocktaking carried out independently of the person in charge of the store/stock concerned.
- 11.6 The valuation method used for the year end stock valuation will be approved by the Chief Finance Officer.
- 11.7 Surplus and obsolete stocks, having ensured that they cannot be of use elsewhere within the Council, shall be disposed of by competitive tender or public auction unless the Chief Finance Officer, in consultation with the appropriate Head of Service, decides otherwise.
- 11.8 Whenever an Officer in charge of stores hands over, leaves or ceases to have custody of the stores, the Head of Service shall ensure that a prior check is made of the stores concerned and that a handing over certificate is signed by the outgoing and incoming Officer.

12. Investments, Borrowing, Loans, Guarantees and Trust Funds

- 12.1 Treasury management activities will comply with the CIPFA Code of Practice for Treasury Management in the Public Services and the Council has formally adopted the following clauses:
- i. The Council will create and maintain, as the cornerstones for effective treasury management:
 - (a) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - (b) Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;
 - (c) A Minimum Revenue Provision Policy; and
 - (d) An Investment Strategy.
 - ii The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.

- iii The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
 - iv The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the organisation's policy statement and TMPs.
- 12.2 All Treasury Management decisions will adhere to the annual Treasury Management Strategy and Annual Investment Strategy approved by Council.
- 12.3 Investment of Council funds shall be made by the Chief Finance Officer in the name of Torbay Council or nominated deputies.
- 12.4 The Treasury Management Strategy (in line with the CIPFA Code for Treasury Management in Local Authorities and any other relevant legislation in force at the time) shall be adhered to at all times. The Strategy to include Non Treasury Investments such as loans, investment properties, pension guarantees and other guarantees.
- 12.5 The Chief Finance Officer shall be authorised to invest temporarily or utilise such surplus monies of the Council as may seem proper and in the Council's interest.
- 12.6 Investments to any one borrower shall not exceed the limits determined by the Chief Finance Officer in line with the overall counter party creditworthiness policy.
- 12.7 The Chief Finance Officer shall be responsible for the safe custody of securities and shall maintain a record of all such borrowing.
- 12.8 The Chief Finance Officer will ensure that the borrowing requirements of the Council including overdrafts are in accordance with the CIPFA Prudential Code for Capital Finance and do not exceed the Authorised Limit approved by Council.
- 12.9 All borrowing transactions must be approved by the Chief Finance Officer or his authorised deputies.
- 12.10 All Trust Funds shall be administered by the Chief Finance Officer acting on the behalf of the legally appointed trustees.
- 12.11 All officers acting as trustees by virtue of their official position have a legal duty to exercise due care of valuables, documents, securities etc. and shall appropriately deposit them.
- 12.12 The requirements of the Charities Acts legislation must, where appropriate, be observed.
- 12.13 The granting of a loan or a guarantee to a third party for a service purpose, which is part of the Council's policy and budget framework. The Chief Finance Officer has delegated powers to approve a loan or guarantee if value is under £50,000.

13. Income and Debtors

Income

- 13.1 Income is defined as all forms of income receipts, including internet payments, cash, bank credits, debit and credit card payments, cheques and self billing. This section also applies to partners dealing with income and cash on behalf of the Council.
- 13.2 Arrangements for the collection of all money due to the Council shall be subject to the approval and control of the Chief Finance Officer
- 13.3 All books of accounts, all official receipt forms or books, licences, tickets and all documents or vouchers representing receipts for cash or other forms of income, shall be in the form approved by the Chief Finance Officer. The Head of Service of the appropriate service or his/her nominated officer shall be responsible for the ordering, control and issue of these documents and all receipts and issues thereof shall be properly recorded and acknowledged.
- 13.4 Receipts by credit or debit card, including internet payments are acceptable where proper arrangements have been made for this facility. The Chief Finance Officer and Senior Information Risk Owner (SIRO) must approve all new card payment facilities and outlets offered by the Council and these must be subject to a Data Protection Impact Assessment which is approved by Chief Finance Officer, Data Protection Officer and SIRO. All new requests should initially be made to the Corporate Debt and Incomes Manager.
- 13.5 All money received on behalf of the Council shall be promptly receipted and shall without delay be either paid to the Chief Finance Officer or banked in full in the Council's name as instructed. Such banking shall be made daily or at such intervals as the Chief Finance Officer may decide, but in any event not less frequent than once per week and in any case where the cash and cheques exceeds the insurance level of the respective safe or other facility used for holding the income.
- 13.6 Heads of Service shall be responsible for the safe custody of cash and items having a cash value entrusted to the care of their Business Unit. The arrangements made for safe custody shall be subject to review and authorisation by the Chief Finance Officer.
- 13.7 Where a new safe is required the Head of Service shall be responsible for notifying the Insurance Manager of the required level of cover, type of safe to be purchased and its proposed location to ensure insurer's requirements are met. The Chief Finance Officer shall be consulted prior to the purchase of any safes to ensure the insurance limits are adequate for the Council's needs.
- 13.8 Maximum limits of cash holdings shall be agreed with the Chief Finance Officer and must not exceed the insurance limit of the safe concerned.
- 13.9 Collecting officers shall ensure that all cheques received are correctly dated, the words and figures agree and are signed. Wherever possible, cheques should be endorsed on the reverse with the cheque card details (i.e. number, valid date and value).

- 13.10 In all cases cheques should be marked on the reverse with either the appropriate Business Unit date stamp or a source reference (i.e. account number, Business Unit, waybill number and payer's reference) before banking.
- 13.11 Postal Remittances:
- (a) All postal opening duties shall be clearly defined and supervised by the appropriate Head of Service or an authorised deputy and two officers should empty all post boxes;
 - (b) All post shall be opened promptly in the presence of two officers and all cheques must be marked on the reverse with the appropriate Business Unit date stamp. Cash remittances received via the post **must** be promptly and accurately recorded by the responsible officers and paid in as agreed in 13.5 above.
- 13.12 Transfer of monies from one member of staff to cashiers must be properly recorded and receipted.
- 13.13 Money held on the Council's behalf must at all times be kept separate from private or unofficial money and must never be used for private or unauthorised purposes.
- 13.14 All cash collection devices shall be emptied at frequent and regular intervals as laid down by the Chief Finance Officer in consultation with the Head of Service. This shall be done by two officers who shall agree and certify the amounts of cash collected, or such arrangements as the Chief Finance Officer may determine.
- 13.15 Personal cheques shall not be cashed or money loaned out of cash held on the behalf of the Council.

Debtors

- 13.17 Debtors are defined as all forms of income due including sundry debtors, car parking, libraries, s106 (and CIL) agreements, rent, fines, benefit overpayments, council tax and NNDR.
- 13.18 All income due shall be recognised by the raising of a debtor. This includes any income raised on any service specific financial systems.
- 13.19 Heads of Service shall notify the Chief Finance Officer as early as possible of all money due to the Council under contracts, leases, tenancy agreements, agreements for the sale of property and any other agreements involving the receipt of money by the Council.
- 13.20 The Head of Service or other authorised officers shall provide such particulars of charges for work done, goods supplied or services rendered on behalf of the Council and of other amounts due, as the Chief Finance Officer may require ensuring prompt recording of all funds receivable by the Council. Sundry Debtor invoices and credit notes should be raised promptly and shall be produced in keeping with current FIMS procedures, guidance, training and advice. Invoices should not normally be raised for amounts of less than £100. Heads of Service or other authorised officers including partners should arrange, wherever possible, for all amounts to be collected at the actual time or in advance of the supply of goods

or rendering of the service and paid in by such method as agreed by the Chief Finance Officer.

- 13.21 A credit note should only be raised where the invoice was incorrectly raised. In all other case the write off procedure should be followed.
- 13.22 The Chief Finance Officer, in consultation with Heads of Service, will review all outstanding debt at year end and will estimate the value of debt that is likely to be uncollectible.
- 13.23 Debtor Account Write-Offs and any debt on any service specific financial systems, excluding Council Tax, NNDR and Housing Benefit Overpayments will be dealt with as follows:
- (a) The Debtor Administrator for the individual income systems will recommend debts for write off to Heads of Service;
 - (b) Heads of Service of the service raising the charge shall be empowered, after giving due consideration to all the circumstances involved, to write off individual debts below £1,000 and shall inform the Chief Finance Officer of the action taken;
 - (c) For all other sums of £1,000 or above the Heads of Service shall request that the Chief Finance Officer approves the write off of the debt, in consultation with the Cabinet Lead for Finance;
 - (d) The Chief Finance Officer will maintain a written record of any amounts over £1,000. A quarterly report shall be made to the Overview and Scrutiny Board of the total amounts written off which exceed £5,000, by category and stating the reason for write-off.

- 13.24 For Debtor write offs for Council Tax, NNDR and Housing Benefit Overpayments, the following will apply:

There will be statutory debts raised under the above debt types, which after due consideration of the circumstances relating to an account, it may be considered as un-collectable and it is appropriate to write off the outstanding balance. The outstanding balances for write off's will be identified, written off and reported on a quarterly basis each financial year as follows:

- (a) The Corporate Debt and Incomes Manager will consider a sample of debts (e.g. five for each debt type) and will sign that that they are appropriate accounts to be written off;
- (b) The Corporate Debt and Incomes Manager will sign the Write Off Report, that all of the accounts will have been subject to a checking process by two relevant members of staff, before the debt is recommended for write off on the system; and
- (c) For debts over £5,000 the Chief Finance Officer will sign off the Write Off Report.

Debts which are written off in the quarterly process which exceed £5000 will be reported to Overview and Scrutiny Board and Council, by debt type and stating the reason why the debt has been written off.

14. Orders for Work, Goods and Services

14.1 Orders must be issued for all work, goods and services supplied to the Council (including those supplied under a call off contract or where supplier pro-forma orders are used) and must be produced via the Council's Financial Information Management System (FIMS) except in the following circumstances:

Invoice payments relating to:-

- Rent
- Taxes e.g. NNDR and Council Tax
- Utility Bills e.g. Electric, Gas, Water, Telephones, TV Licences and Internet Charges
- Other Electronic Ordering Systems
- Programmed Contract Work where an official Contract Payment Certificate has been used.
- Supporting People Contracts – interface and periodic payments should be used where possible
- Temporary creditor, for 'one off' supplier payments

Or payments where it is inappropriate to obtain an invoice including:-

- Grants
- Refunds/overpayments
- Other - in agreement and format with the Payments Manager.

Any further exceptions must be agreed by the Payment Manager with the Heads of Service concerned and with the Chief Finance Officer.

- 14.2 A list of all persons approved to authorise orders within Business Units will be maintained by the FIMS Team and displayed on the Council's intranet site. Heads of Service are responsible for ensuring these lists are complete and accurate.
- 14.3 Authorisation controls shall be maintained within the FIMS system. Each Head of Service shall review authorisation permissions regularly and ensure that the FIMS Team is notified of any changes to the authorisation structure immediately.
- 14.4 The Chief Finance Officer may allow orders to be auto 'Goods Received' in the FIMS system where it has been proven that authorisation has occurred in a system prior to the order being raised (i.e. Mayrise).

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- 14.5 The Chief Finance Officer has the discretion to change the authorisation / Goods Receipting tolerance levels (either in totality or for individual contracts) if he is satisfied that it is in the best interest of the Council and that any associated risks have been minimised.
- 14.6 Orders shall be produced in keeping with current FIMS guidance, training and advice (including Purchase Order Processing FAQs).
- 14.7 Orders shall comply with current contracts and framework agreements where they exist.
- 14.8 Suppliers should be aware of contractual conditions and liabilities imposed by the Council.
- 14.9 No order shall be issued for goods, work or services unless the cost is covered by the approved annual budgets, a supplementary estimate or by virement approved by paragraph 5.8 above or delegated powers.
- 14.10 Every officer issuing an official order (or ordering via any other approved medium) shall ensure, and be able to show that, as far as is reasonable and practicable and with regard to the sums of money involved, that the best terms are obtained in respect of each transaction (as per Contracts Procedures).
- 14.11 The Chief Finance Officer may approve alternative arrangements for the ordering of goods etc., where circumstances or trading necessity make this desirable. Such approval must be given in writing.
- 14.12 Verbal orders must only be given in cases of urgency and must only be given by officers who have the appropriate budgetary responsibility. Where a verbal order is made, it must be confirmed no later than the next working day by the issue of an official order, endorsed 'confirmation order'. With regard to major emergencies, reference should be made to paragraphs 14.16 and 14.17 below.
- 14.13 The Chief Finance Officer shall assist Heads of Service to ensure that they are able to obtain the fullest possible price advantage in line with any appropriate corporate purchasing policy. Devon Audit Partnership will assist Heads of Service by carrying out relevant Value for Money exercises where resources allow.
- 14.14 Each Head of Service or other authorised officer is authorised, in accordance with this Constitution and powers delegated by the Council or the Leader of the Council, to incur normal recurring and non-recurring expenditure, subject to the following conditions:
- (a) Budgetary provision has been made for the expenditure by way of revenue or supplementary estimate or compensating income is recoverable from a third party; and
 - (b) The quotation and tendering procedures described by the Contracts Procedures and these Financial Regulations have been observed and it has been demonstrated that value for money has been obtained, unless minuted authority has been given by the Council or Chief Finance Officer for their waiving.

- 14.15 In cases where orders have been lost by suppliers, confirmation of the order shall be given by sending a 'copy' of the order. This copy needs to be endorsed as being a copy as opposed to resending the original.
- 14.16 In the case of a major emergency (as declared by the Chief Executive or his/her authorised deputy), the ordering of goods, works or services may be undertaken by 'non-authorised' officers (i.e. no budgetary responsibility) as part of the Emergency Team. This may constitute the issue of verbal order. However, evidence of such orders must be appropriately documented with the senior officer responsible for dealing with the emergency informing of any costs likely to lead to significant expenditure by the Council.
- 14.17 In the case of an emergency and where officers identify a need for expenditure of a strategic nature, then the requirements of this Constitution should prevail.

15. Payment of Accounts/Invoices

- 15.1 The payment of all money due from the Council shall be made by the Chief Finance Officer or authorised deputies, with the exception of payments made from imprest accounts and petty cash in line with section 8 above. (Note: Special arrangements have been made for some schools.)
- 15.2 Each Head of Service shall arrange for invoices to be sent in the first instance to the Payments Section and any exceptions to this must be previously agreed with the Payments Manager or deputy. In accordance with directions to be specified on the orders, the supplier shall be asked to quote the name of the Business Unit, the number of the order, details of the goods or service supplied and the place where the work was done or goods delivered.
- 15.3 Where purchases have been made using an approved Purchase Card scheme where one exists, it is the responsibility of each Head of Service to ensure that all card statements are checked, reconciled and authorised and that the goods/services are for business use and comply with all the current guidelines issued for Purchase Cards.
- 15.4 Invoices shall not be made out by officers of the Council except in any case or category of cases agreed by the Chief Finance Officer. Paper invoices shall only be accepted on which details are written in ink, typewritten, printed or computer generated. All invoices from VAT registered suppliers are required to be a valid VAT invoice in accordance with HMRC requirement. Emailed invoices can only be accepted if they are sent directly to the Payment Section by the supplier and where appropriate should quote a Financial Information Management System (FIMS) order number. Electronic invoices may be accepted from suppliers if they meet the Council's prescribed conditions in line with Statutory Legislation.
- 15.5 No amendments shall be made to an invoice. Incorrect invoices should be returned to the supplier for replacement. At the discretion of the Payments Manager or deputy, invoices which do not include a valid FIMS order number may be returned to the supplier requesting further information before payment is made.
- 15.6 The authorisation of an invoice implies that the responsible officer(s) has examined,

verified and certified that:

- (a) The goods/services have been received, examined and approved as to quality and quantity, or that services rendered or work done have been performed satisfactorily;
- (b) They conform to the order;
- (c) The price is in accordance with the quotation, contract or current market rate, whichever is applicable or is otherwise reasonable;
- (d) The arithmetic accuracy of the invoice is correct and that all trade and cash discounts, other proper allowances and other credits due have been deducted;
- (e) The expenditure has been properly incurred, has been duly authorised and is within the financial provisions;
- (f) The cost allocations are correct;
- (g) The invoice has not previously been passed for payment and is a proper liability of the Council;
- (h) Where items of moveable property are purchased costing more than £500, an entry has been made in the appropriate Inventory;
- (i) Where the purchase is over £25,000 for a single item, an appropriate entry has been made in the Council's Asset Register maintained by the Chief Finance Officer
- (j) Where the value exceeds £5,000 Officers must ensure that the Contracts Register, available via Procurement, Contract Management and Commissioning, is completed.
- (k) The duties of “ordering; receiving goods, works and services” and then “certifying the relative invoices for payment” has not be performed by the same officer, subject to the Chief Finance Officer being informed if such a separation of duties in any individual instance is impracticable.

The above checks should be undertaken irrespective of the order or payment mechanism used.

- 15.7 A list of officers authorised to certify invoices/vouchers shall be sent by each Head of Service to the FIMS Systems Team, including specimen signatures and initials. All amendments to the list shall be notified to the Chief Finance Officer in writing.
- 15.8 Invoices not received centrally (by prior agreement) shall be date stamped, examined by the Business Unit promptly and submitted within 3 working days to the Payments Section for payment. Care should be taken to ensure that ‘prompt payment’ discounts are not lost or any penalties incurred (i.e. late payment fees).
- 15.9 There are certain circumstances when it may be necessary to make a ‘Manual’ Payment:

- (a) Invoices received (where a POP order was not required, as per 15.1);
- (b) Payment required, but no invoice received and POP order not required as per 15.1; or
- (c) Special arrangements, due to the nature of the service (i.e. Occupational Health); or one-off payments at the discretion of the Payments Manager.

Although these types of payments are classified as 'Manual', the method by which they are actually paid could vary, i.e. via a paper voucher or an electronic process. Authorisation for such payments (where appropriate) are in line with the Council's main Financial system, and a list of the types of payments falling into the above categories is held within the Payments Section 'Processes & Procedures' document (subject to change).

- 15.10 The Payments Section shall examine, in so far as is considered necessary, all invoices passed for payment and shall be entitled to make all such enquiries and to receive such information and explanations as are necessary to ensure that the invoices are in order.
- 15.11 Subject to the foregoing regulations being complied with, the Payments Section shall pay all invoices passed for payment.
- 15.12 All paid invoices and certificates shall be retained by the Chief Finance Officer, or authorised officer, in line with the Council's Retention of Documents Policy.
- 15.13 Each Head of Service, or authorised deputy, shall be responsible for prompt processing of invoices. This includes both FIMS and manually processed invoices and shall imply the following:
- (a) Prompt despatch of manually certified invoices to the Payments Section;
 - (b) Prompt receipt goods/services (also known as GRN) on the FIMS system;
 - (c) Prompt response to system generated Business Event Manager messages with regard to mismatched (held) invoices on the FIMS system; and
 - (d) Prompt response to emails from the Payment Section with regards to logged invoices.

16. Salaries, Wages, Travelling, Subsistence and Other Expenses

- 16.1 All staff must comply with the current version of the Council's Human Resources Policies in respect of salaries, wages, travelling subsistence and other expenses.

17. Members' Allowances

- 17.1 Allowances for the Leader of the Council and councillors shall be paid in accordance with the Council's approved Members' Allowance Scheme as set in the Council's Constitution.

18. Insurance

- 18.1 The Insurance Manager, in consultation with the Head of Legal Services and Chief

Finance Officer, shall effect all approved insurance cover and negotiate all claims and maintain necessary records.

- 18.2 Each Head of Service shall give prompt notification to the Insurance Manager of all new risks to be insured, any existing risks for which cover is no longer required and any changes to existing policies.
- 18.3 If there has been a failure by a Head of Service (or equivalent) to take reasonable precautions to prevent or minimise accidental injury, loss or damage or a disregard to Health and Safety requirements or the Council's Risk Management policy an uninsured loss (excess) may be charged to the client department concerned.
- 18.4 Each Head of Service must notify the Insurance Manager as soon as is practically possible and then confirm in writing details of any loss, liability or damage or any event likely to lead to a claim against the Council.
- 18.5 Heads of Service must assist the Insurance Manager by supplying all information required promptly in order that the Insurance Manager may comply with current legislation and enable claims to be settled as quickly as possible.
- 18.6 The Insurance Manager shall, at regular intervals, provide other Head's of Service with details as to the progress and eventual settlement of all claims made on their behalf.
- 18.7 The Heads of Service shall maintain a continuous review of insurance cover held, which must include a regular review of valuations and the types of risks covered by existing policies.
- 18.8 All appropriate Council employees shall be insured by fidelity guarantee insurance.
- 18.9 No indemnities shall be given without the written authority of the Head of Legal Services, who will inform the Council's insurers when appropriate.
- 18.10 The Head of Legal Services and the Chief Finance Officer in consultation with the Insurance Manager shall administer the Council's Insurance Fund and take appropriate decisions regarding all insurance strategies. This will include financing expenditure from the fund to mitigate future risks in line with the protocol for managing the Insurance Fund.
- 18.11 The Insurance Manager will determine whether leased out property is insured by the Council or tenant. Where the tenant does not insure, the TDA will recover the insurance charge on behalf of the Council, through the lease.

19. Risk Management

- 19.1 Directors, Assistant Directors and Heads of Service shall ensure that risk is managed effectively in each service area within the agreed Performance and Risk Framework by ensuring all staff are aware of the Strategy and the processes detailed within it.
- 19.2 Heads of Service and Service Managers will identify and manage risks within their area of responsibility and these shall be communicated directly to the Head of Policy, Performance and Community Engagement for inclusion on the appropriate

Risk Registers.

20. Security

- 20.1 Each Head of Service is responsible for maintaining proper security of assets used by their service such as cash, keys and equipment at all times and shall consult the Chief Finance Officer where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 20.2 The loss of any assets must be reported to the Head of Devon Audit Partnership and the Chief Finance Officer.
- 20.3 Each Head of Service is responsible for maintaining proper security of all buildings, furniture and equipment under their control. They shall ensure that all members of their staff are aware of the Corporate Security Policy, of their responsibility for the security of offices, the possession of keys and other means of access.

21. Group Entities

- 21.1 Council associates and subsidiary companies shall comply with accounting treatments and reporting as required by Chief Finance Officer to meet Council reporting requirements.

22 Working with our Partners

- 22.1 All Council arrangements with partners, in whatever legal form, that involves the Council's expenditure, income, service provision, assets, liabilities or data will apply the Financial Regulations and comply with the Council's information governance, system access and user requirements as if they were staff employed by Council. Where appropriate they will also comply with the Council's Code of Corporate Governance.
- 22.2 Financial Regulations apply to individuals and companies acting as staff although not employed as such e.g. agency staff, seconded staff and other contractual arrangements.
- 22.3 The Financial Regulations apply to the Council and any associated companies. The Chief Finance Officer legislative requirements apply to all council assets and liabilities included subsidiary companies. The Chief Finance Officer therefore has responsibility for the financial systems, financial procedures and financial regulations in use by the subsidiary companies.
- 22.4 Working arrangements with partners to include, but not exclusively, companies the Council has a shareholding in, joint committees, pooled budgets, specific client/contractor relationships, Health Act joint working and shared services. Heads of Service are to inform the Chief Finance Officer of any working arrangement entered into to ensure all parties are aware of their responsibilities in relation to Financial Regulations.
- 22.5 The Chief Finance Officer:-

- (a) Must ensure that the accounting arrangements to be adopted when working

with our partners are satisfactory;

- (b) Consider overall corporate governance arrangements and legal issues, in consultation with the Monitoring Officer, when arranging contracts with external bodies;
- (c) Ensure risks have been fully appraised before agreements are entered into with external bodies; and
- (d) Must protect Council data.

22.6 The Chief Finance Officer must ensure, where appropriate, partners:-

- (a) Are aware of their responsibilities under the Council's Financial Regulations and Contracts Procedures in particular Council procurement and contract guidance, and Information Governance standards;
- (b) Permit an "open book" access to information as required by the Chief Finance Officer;
- (c) Provide information the Council relies on in a form and to a timetable as defined by the Chief Finance Officer or relevant contract;
- (d) Must not incur expenditure which will be funded by the Council without establishing that an approved budget exists and the approval of Council's Budget Holder;
- (e) Can not authorise a payment from the Council to themselves;
- (f) Access to the Council's finance and other systems is to be approved by the Chief Finance Officer or Head of Service. Access to be reviewed on an annual basis; and
- (g) Have agreed and formally accepted the roles and responsibilities of each of the partners involved in the project before the project commences.

22.7 Where partner uses the Council's Financial Management Information System (FIMS) on behalf of the Council. The Head of Service in consultation with the Chief Finance Officer is to ensure that the partner fulfils the Council's requirements in relation to its statutory duties and the Constitution including these Financial Regulations.

22.8 For the avoidance of doubt partners must adhere to the Council's Financial Regulations and guidance on income, rental agreements, write offs and credit notes.

22.9 Partners must also adhere the Council's Financial Regulations and Information Governance in relation to information held by or accessed by partners on other Council's systems e.g. Asset Register and Paris.

22.10 The Chief Finance Officer is to approve access to Council systems for internal (Devon Audit Partnership) and the Council's appointed External Auditors

23. The Council working for third parties

- 23.1 All proposals for working with third parties are to be fully costed. Where these costings exceed £25,000 approval from the Chief Finance Officer is required before contracts are drawn up or when applying for a contract opportunity through a tender process.
- 23.2 Advice should be sought from Procurement, Contract Management and Commissioning when applying for a contract opportunity through a tender process.
- 23.3 The Chief Finance Officer, in consultation with Heads of Service, must ensure:-
- a) That the Council is not put at risk from bad debts wherever possible;
 - b) The contract is not subsidised by the Council;
 - c) That wherever possible, payment is received in advance of delivery of the service;
 - d) That such contracts do not impact adversely upon the services provided by the Council; and
 - e) Insurance arrangements are in place.
- 23.4 Heads of Service will provide any documentation or information the Chief Finance Officer requires for financial reporting.

Contracts Procedures

~~A. — General Information/Introduction~~

~~24 — Contracting Council~~

~~24.2 — Torbay Council (the Council) is the Contracting Council. This means that all Contracts are let on behalf of the Council as a whole and no Business Unit, Service, Team or other part of the Council, including subsidiary companies, has the legal capacity to enter independently into any Contract.~~

~~24.3 — The Council remains the Contracting Council when entering into collaborative Contracts where the Council procures goods, services or works jointly with other public sector organisations but may not carry out the procurement process.~~

~~24.4 — The administration, monitoring and ensuring compliance with these Procedures shall be the responsibility of the Chief Finance Officer and the Monitoring Officer.~~

~~25. — Extent and Application of Contract Procedures~~

~~25.1 — These Contract Procedures are made under Section 135 of the Local Government Act 1972.~~

~~25.2 — These Procedures apply to all Contracts for goods, services and works for and on behalf of the Council, including ad-hoc one-off requirements and they will be applied by any Officer or agent of the Council undertaking any purchasing or procurement activity on behalf of the Council.~~

~~25.3 — These Procedures will also apply in respect of Contracts for the disposal of assets (such as land) and the awarding of leases for which some form of application or bidding process is undertaken or where it becomes a procurement as defined in section 9 of the Financial Regulations.~~

~~25.4 — These Procedures will also apply in respect of the award of any grant funding for which some form of application or bidding process is undertaken.~~

~~25.5 — These Procedures apply to all expenditure by the Council irrespective of the funding source (except where specific terms and conditions attached to a third party funding source determines the method in which the Contract is to be let) and includes expenditure that has been devolved in any way.~~

~~25.6 — These Procedures set out minimum standards and compliance is vital in:~~

- ~~1. — Meeting legislative requirements;~~
- ~~2. — Demonstrating probity in the procurement process;~~
- ~~3. — Delivering economy, efficiency and effectiveness through competition; and~~
- ~~4. — Avoiding practices that may restrict, distort or prevent competition.~~

~~25.7 The only exemptions to these Procedures are those detailed in paragraph 30 (Exemptions from the Application of Contract Procedures).~~

~~26. Breach of Contract Procedures~~

~~26.1 Reporting and Disciplinary Action~~

~~Any non-compliance or breach of these Procedures will be reported immediately on discovery to Procurement, Contract Management & Commissioning, who will escalate it to the Monitoring Officer and Chief Finance Officer.~~

~~The Monitoring Officer will undertake an investigation where deemed necessary. The investigation findings will be reported to the Chief Executive and appropriate Director/Assistant Director and as appropriate to, the relevant Senior Officers, and appropriate Members.~~

~~Investigation findings will be referred to Human Resources where any breach of these Procedures requires further action in accordance with human resources policies, including disciplinary action.~~

~~Failure to report any known non-compliance or breach may result in disciplinary action being taken against the Officer who failed to report the non-compliance or breach.~~

~~26.2 Implications of Non-Compliance~~

~~Any non-compliance or breach of these Procedures can seriously impact upon the legal standing of the Contract and can increase the ability of unsuccessful economic operators to seek redress through the courts. The consequences to the Council of non-compliance or breach of these Procedures are wide ranging and may result in:~~

- ~~☐ damage to the Council's reputation;~~
- ~~☐ suspension of the procurement process;~~
- ~~☐ removal of individual bidders from the process;~~
- ~~☐ suspension of the implementation of any decisions made in relation to the outcome of a procurement process;~~
- ~~☐ termination of a procurement process;~~
- ~~☐ requirement to retender the Contract;~~
- ~~☐ reduction to the term of a Contract;~~
- ~~☐ termination of a Contract;~~
- ~~☐ payment of damages or compensation to a bidder or bidders;~~
- ~~☐ payment of a civil financial penalty;~~
- ~~☐ repayment of grant funding;~~
- ~~☐ exclusion from bidding for grant funding.~~

27. — Prevention of Corruption and Conflict of Interest

~~27.1 — Officers have a duty in law to avoid any form of behaviour or conflict of interest that might distort or restrict competition or award of a contract are subject to the risk of being challenged. All Officers involved in any purchasing or procurement activity must declare any vested interests, whether direct or indirect, that could conflict with the best interests of the Council, this includes where they have an interest in any person(s) said to be affected by the outcome of the purchasing or procurement activity.~~

~~27.2 — Officers must comply with the Code of Conduct for Employees and not offer, promise, give or receive any gift or reward in respect of the award or performance of any contract.~~

~~27.3 — Officers are advised that any inappropriate behaviour that is deemed contrary to the Bribery Act 2010 could result in dismissal and the matter may be reported to the police.~~

28. — Delegated Authority

~~28.1 — The Officer Scheme of Delegation sets out arrangements for tenders to be issued and acceptance of contracts to be awarded.~~

29. — Authority to Undertake Procurement Activity

~~29.1 — Officers undertaking procurement activity must be appropriately trained and as a minimum have completed the mandatory Understanding Procurement and Contracts Register Modules on i-Learn.~~

30. — Exemptions from the Application of Contract Procedures

~~30.1 — An exemption or waiver from these Contract Procedures may only be applied for where:~~

- ~~a. — the proposed Contract is of a very specialist nature and there are insufficient suitable Contractors in the market to fully comply with these Procedures; and/or~~
- ~~b. — the proposed Contract is required urgently. The urgency must be brought about by events that were unforeseeable by and not attributable to the Council and which will result in loss or damage to the Council if the suspension or exemption is not allowed; and/or~~
- ~~c. — it would be in the best interests of the Council or local people not to comply in full with these Procedures; and~~
- ~~d. — the appropriate due diligence checks have been undertaken on the economic operator (where the request relates to the Award of a new Contract, as opposed to extending an existing arrangement) prior to submitting the request to waive Contract Procedures. Details of the due diligence requirements can be found in the Waiver Process Guidance available from Procurement, Contract Management and Commissioning.~~

~~30.2—Officers must note the following before applying for a Waiver:~~

- ~~1.—lack of planning and/or internal process delays will not constitute special, exceptional or emergency circumstances;~~
- ~~2.—exemptions from these Procedures must not be applied for retrospectively;~~
- ~~3.—exemptions from these Procedures must not be applied for where the value of the Contract will exceed the relevant Regulated Procurement Spend Threshold.~~

~~31.—Waiver of Contract Procedures~~

~~31.1—Written authorisation, using the agreed process and Waiver Request Form, is required to waive these Procedure requirements.~~

~~31.2—Any request to waive these Procedures must be approved by both Procurement, Contract Management and Commissioning Team and Chief Finance Officer, before the Officer can proceed with the Award.~~

~~31.3—Where the value of the contract exceeds £50,000, consultation must be undertaken with the the Leader of the Council or relevant Cabinet Lead Member and the relevant Director/Assistant Director before the Officer can proceed with the award.~~

~~31.4—A waiver should not exceed 12 months from date of expiry of existing contract or proposed start date of new contract or supply.~~

~~31.5—Where authorisation is given to waive Contract Procedures an appropriate contract must be issued to the supplier and the details of the award entered onto the Contracts Register.~~

~~31.6—Procurement, Contract Management & Commissioning must keep a record of all cases where an exemption from these Procedures has been requested and authorised, or declined and will report these to the Joint Operations Management Team on a six monthly basis.~~

~~32.—Appointment of Management Consultants and Agents~~

~~32.1—Any consultant, architect, surveyor, engineer or any other external agent appointed to act on behalf of the Council must be procured in accordance with these Procedures.~~

~~32.2—It is a condition of appointment that any consultant, architect, surveyor, engineer or any other external agent appointed to act on behalf of the Council in relation to any procurement process or management of Contracts will:~~

- ~~(a)—Have a Contract condition that ensures that copyright in respect of anything created or completed by that external agent in relation to the appointment will be the property of the Council. Where issues arise in respect of copyright, Officers are required to seek guidance and advice from Legal Services.~~

- ~~(b) Sign a Confidentiality Agreement and declare any conflict of interest that may arise prior to starting any procurement process and again prior to completing the tender evaluations. Where a significant conflict of interest arises the consultant must not be part of the tender evaluation process.~~
- ~~(c) Comply in full with the requirements of the World Trade Organisation Agreement on Government Procurement (GPA), Public Contract Regulations 2015, these Procedures, all relevant legislation and all Council policies;~~
- ~~(d) Provide evidence that they are trained in and competent in public procurement;~~
- ~~(e) Produce to the nominated Council Officer, on request, all relevant records and documentation relating to the procurement process or contract being managed on behalf of the Council;~~
- ~~(f) On completion of the procurement process or contract being managed provide to the nominated Council Officer all relevant records and documentation related to the activity.~~

~~32.3 No consultant shall make a decision on whether to award a tender or whom to award it to.~~

~~B. Legal Framework~~

~~33 Compliance with Legislation~~

~~These Contract Procedures comply fully with:~~

- ~~(a) The requirements of the World Trade Organisation Agreement on Government Procurement (GPA), which takes precedence over national and local procurement legislation and Regulations; and~~
- ~~(b) The Public Contract Regulations 2015 and the Concessions Regulations 2016, which take precedence over local procurement Regulations.~~

~~Every procurement process undertaken on behalf of the Council must be run in an open, fair and transparent manner.~~

~~Where a procurement process relates to the spending of European, UK or other publicly funded Grants any requirements in relation to how those funds are spent, including ESIF Compliance Guidance, will take precedence over local procurement Regulations.~~

~~34. Non Compliance with Legislation~~

~~34.1 Failure to Comply with the Public Contracts Directives and Legislation~~

~~Any failure to comply in full with the requirements of the Directives and Regulations can result in the Council becoming subject to Court action and / or enforcement action.~~

~~34.2 The penalties include:~~

- ~~1. Prohibition from entering into a Contract;~~
- ~~2. Shortening of Contract terms;~~
- ~~3. Fines when a complaint is upheld (including civil financial penalties, damages and compensation);~~
- ~~4. Contract termination;~~
- ~~5. Repayment of grant funds, where applicable.~~

~~34.3 In addition, whenever legal proceedings relating to a Tender Award decision are commenced by an aggrieved Economic Operator, the procurement process is required to be suspended.~~

~~34.4 Failure to comply can also adversely affect future access to grant funds available to the Council.~~

~~34.5 Mystery Shopper~~

~~The Government's Public Procurement Review Service allows Economic Operators to raise concerns anonymously about unfair public procurement practice. The government then investigates and resolves these concerns. The service also carries out spot checks of procurement opportunities advertised on Contracts Finder. The results of Public Procurement Review Service investigations are published, so if the Council is investigated for any suspected non-compliance with the Regulations this information will be in the public domain.~~

~~34.6 Reports to the Cabinet Office~~

~~Under the Public Contract Regulations the Council is required to report to the Cabinet Office on any Contracts where it has not complied with the Regulations and must also maintain comprehensive written reports relating to every Contract, Framework Agreement and dynamic purchasing system established. Report requirements and templates can be obtained from Procurement, Contract Management & Commissioning.~~

~~34.7 Reports must be available to the Cabinet Office on request, along with any other information the Cabinet Office may require the Council to provide. Failure to comply~~

~~with reporting requirements or the Public Contracts Regulations may result in the Cabinet Office taking action against the Council.~~

35. — Case Law

~~35.1 — There is a growing body of case law relating to public procurement, as public policy and regulation has eased access to legal remedies for unsuccessful applicants for public Contracts. Some of this case law has had a significant impact on procurement procedure.~~

~~35.2 — All available standard procurement and Contract documentation held by Procurement, Contract Management & Commissioning will be updated to meet new legal requirements arising from case law. Therefore any Officer undertaking procurement activity is required to use only the current version of the standard templates, available from Procurement, Contract Management & Commissioning.~~

~~35.3 — Officers must not amend or alter any of the standard information contained within the procurement and Contract documentation without the prior approval of Procurement, Contract Management & Commissioning.~~

36. — Freedom of Information

~~36.1 — The Freedom of Information Act 2000 provides individuals with a right of access to information held by all public sector bodies such as the Council, creating openness and transparency.~~

~~36.2 — There is a presumption that Contractual information should be made available for disclosure if requested. However, Officers should be aware of the potentially anticompetitive implications of disclosing detailed Contractual information in the period around a procurement process taking place.~~

~~36.3 — The Information Compliance Team is the central processing department for all FOI requests and all requests received by Officers must be directed to them, Officers must not respond directly to any FOI request.~~

~~36.4 — The Information Compliance Team will seek advice from Procurement, Contract Management & Commissioning prior to responding to any such FOI requests.~~

37. — Local Government Transparency Code 2014

~~37.1 — The Code of Recommended Practice for Local Authorities on Data Transparency is issued under section 2 of the Local Government, Planning and Land Act 1980 (“the Act”) and sets out key principles for local authorities in creating greater transparency through the publication of public data.~~

~~37.2 — The Local Government Transparency Code 2014 states that:~~

- ~~(a) — Local authorities must publish details of every invitation to Tender for Contracts to provide goods and/or services with a value of £25,000 or where~~

~~higher is in line with the local authority's Procedures for advertised Tenders, which is £50,000.~~

~~For each invitation, the following details must be published:~~

- ~~(a) — title~~
- ~~(b) — description of goods and/or services sought~~
- ~~(c) — the start, end and review dates~~
- ~~(d) — the local Council department responsible~~

~~37.3 — The Council is meeting this requirement by mandating that all advertised procurement processes must be conducted via the Council's Electronic Tendering System, refer to paragraph 76 (Electronic Tendering).~~

~~(b) — Local authorities must also publish details of any Contract, commissioned activity, purchase order, Framework Agreement and any other legally enforceable agreement with a value that exceeds £5,000. For each Contract, the following details must be published:~~

- ~~(e) — reference number~~
- ~~(f) — title of agreement~~
- ~~(g) — the local Council department responsible~~
- ~~(h) — description of the goods and/or services being provided~~
- ~~(i) — supplier name and details~~
- ~~(j) — the sum to be paid over the length of the Contract or the estimated annual spending or budget for the Contract~~
- ~~(k) — the start, end and review dates~~
- ~~(l) — whether or not the Contract was the result of an invitation to quote or a published invitation to Tender~~

~~37.4 — The Council is meeting this requirement by mandating that all Contracts over £5,000 are published on the Council's Contracts Register, see paragraph 98 (Contracts Register).~~

~~C. Procurement Planning~~

~~38 Approval to Proceed with the Procurement Process~~

~~38.1 Where there is an agreed budget in place or the spend is in the approved Capital Plan the relevant budget holder has the authority to approve the undertaking of a procurement process and the subsequent award of the contract.~~

~~38.2 Where there is no approved budget in place or the spend is not in the approved Capital Plan then the Officer must obtain Council approval before any commitment to spend is made.~~

~~39. Conflicts of Interest~~

~~39.1 In order to avoid any distortion of competition and ensure equal treatment of economic operators, the Council is legally required to take all appropriate measures to effectively identify, remedy and prevent any conflicts of interest that may arise during the course of a procurement process.~~

~~39.2 This requirement applies to all Officers, Members, staff within external organisations (including subsidiary companies), consultants acting on behalf of the Council and any other individuals, such as service users, who are involved at any stage of the procurement procedure or have the ability to influence the outcome of that procedure.~~

~~39.3 Officers are required to follow the Declaration of Interest and Confidentiality procedure set out in the Procurement Guidance, when undertaking any purchasing activity governed by these Procedures. This includes the requirement for all individuals to complete Declaration of Interest and Confidentiality Agreement prior to any involvement in the process. Agreements must be sent to Procurement, Contract Management & Commissioning, who will assess the information and advise the Officer whether the individual is able to participate in the procurement process.~~

~~40. Confidentiality~~

~~40.1 All Officers, Members, staff within external organisations (including subsidiary companies), consultants acting on behalf of the Council and any other individuals, such as service users who are involved at any stage of the procurement procedure must:~~

- ~~treat all information provided to them in the strictest confidence;~~
- ~~ensure all information or documents provided are not disclosed to any third party;~~
- ~~return to Procurement, Contract Management & Commissioning all copies of any information provided, in whatever format they may exist, within 21 days of a request to do so.~~

~~and will be required to complete a Declaration of Interest and Confidentiality Agreement to confirm this.~~

~~40.2 The Council must not disclose information which has been provided by an economic operator and designated as being confidential by that economic operator, this includes but is not limited to technical or trade secrets and the confidential aspects of Tenders.~~

~~40.3 Officers must take account of any requirements for the disclosure of information under the Public Contracts Regulations, Freedom of Information Act and any other requirement or permission that is applicable under the law.~~

~~40.4 Where procurement procedure requires the sharing of confidential information with economic operators, such as details relating to the transfer of staff, this must not be disclosed unless the economic operator has signed and submitted an appropriate Confidentiality Agreement.~~

~~40.5 The submission of Confidentiality Agreements and the issue of any confidential information must be undertaken electronically via the Council's Electronic Tendering System.~~

~~41. **Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), as amended**~~

~~41.1 TUPE Regulations may apply when a service contract is transferred from one external economic operator to another or where Council staff are being outsourced.~~

~~41.2 Under both TUPE and Public Contract Regulations there is a requirement for the Council to share anonymous information relating to the staff who may be eligible to transfer.~~

~~41.3 In the case of external contracts the incumbent economic operator has a legal obligation to provide that information, but must be given sufficient notice of the requirement to provide the information prior to the issue of the tender documents.~~

~~41.4 Where Council staff are being outsourced Officers must involve Human Resources at the earliest opportunity in order to ensure that all the relevant staff information, pension liabilities and bond requirements can be provided to bidders.~~

~~41.5 Information relating to transferring staff must only be supplied to economic operators who have signed and returned a Confidentiality Agreement and all information supplied must be anonymous.~~

~~41.6 Any clarification questions during the tender process must be submitted via the Council's e-Tendering portal and not to incumbent economic operator's direct, in order to maintain confidentiality in relation to the identity of bidders.~~

~~42.—Market Research and Consultation~~

~~42.1—Preliminary Market Consultation~~

~~Pre-procurement market research and consultation can be conducted with a view to:~~

- ~~□—preparing the procurement; and~~
- ~~□—informing economic operators of the procurement plans and requirements.~~

~~42.2—Preliminary market consultation activities must be appropriately advertised in order to provide the opportunity for all potential economic operators to participate. All activities must be conducted in a non-discriminatory and transparent manner and without distorting competition.~~

~~42.3—Advice obtained in a preliminary market consultation process can be used in the subsequent planning and conduct of the procurement procedure. This is provided that the advice does not have the effect of distorting competition and does not breach requirements for non-discrimination and transparency.~~

~~42.4—Technical advice or input into the preparation of a specification or procurement process from a specific economic operator who has a commercial interest is not permitted.~~

~~42.5—Prior Involvement of economic operators~~

~~Where an economic operator has advised the Council or been involved in preparing the procurement procedure Officers must take appropriate measures to ensure that competition is not distorted by the economic operator bidding for the contract and those measures must be documented.~~

~~42.6—Where no measures can be put in place to ensure compliance with the requirement for equal treatment the economic operator must be excluded from the procedure.~~

~~42.7—This requirement also applies if it is identified at any time during the procurement process that an economic operator has gained a competitive advantage.~~

~~43.—Community Right to Challenge~~

~~43.1—The Community Right to Challenge means community organisations can submit an Expression of Interest to the Council to run local services. This right is granted under the Localism Act 2011.~~

~~43.2—A procurement process is triggered if an expression of interest is accepted. Timescales for undertaking the procurement must take into account any contract already in place for the provision of that service and contracts must not be terminated early on the basis of acceptance of an expression of interest.~~

44.—~~Delivering Policy through Procurement~~

44.1—~~The Council’s policy objectives must be considered in all procurement processes and where appropriate and proportionate, incorporated into the strategy, evaluation process and the terms and conditions of the contract.~~

44.2—~~Policy objectives which must be considered as a minimum are:~~

~~(i) Sustainable Procurement~~

~~Consideration must be given to the ways of procuring resource and energy efficient alternatives, paying attention to the Council’s Environmental Policy.~~

~~(ii) Public Services (Social Value) Act 2012~~

~~The Public Services (Social Value) Act 2012 requires the Council, when procuring public services, to consider how the service they are procuring could bring added economic, environmental and social benefits. Also consider whether to consult on these issues, for instance with potential users or suppliers of the service in question.~~

~~(iii) Supporting Local Small and Medium size Enterprises (SMEs)~~

~~Consideration must be given to the local supply chain and how the process can support the local community and local SMEs, within the rules of still ensuring an open fair and transparent process.~~

~~(iv) Supporting the Voluntary, Community and Social Enterprise (VCSE) Sector~~

~~Consideration must be given to VCSE Sector and how the process can support the VSCE Sector, within the rules of still ensuring an open fair and transparent process.~~

~~(v) Local Authority Equality Duty~~

~~Consideration must be given to meeting the Equality Duty within the procurement process, wherever it is appropriate and proportionate.~~

~~(vi) Modern Slavery~~

~~The Modern Slavery Act (2015) requires the council to use a series of key characteristics to identify whether the contract is at high or medium risk of modern slavery occurring, and ensure subsequent procurement and contract management activity is proportionate to the assessed risk.~~

~~(vii) Council Policy and Strategy~~

~~In addition to national legislation, policy and guidance there is range of Council policies and strategies which, where relevant, must be considered within the procurement process.~~

~~D. Procurement Development~~

~~45. Estimated Value of the Procurement~~

~~45.1 The Estimation of the estimated value of a procurement shall be based on the total amount payable including any contract extension options. Account shall be made of the total estimated value of all the business units across the Council.~~

~~45.2 The contract shall not be sub-divided, nor should the choice of the method used to calculate the estimated value shall not be made with the intention of avoiding the application of these Procedures, nor shall it be sub-divided.~~

~~45.3 In the case of Framework Agreements or Dynamic Purchasing Systems (DPS), the estimated procurement value shall be the total estimated value of all the contracts envisaged for the total term of the Framework or DPS.~~

~~45.4 Where a contract is proposed to be awarded in the form of lots, account shall be taken of the total estimated value of all the lots.~~

~~45.5 The estimated value of the procurement for goods and services is calculated by taking:~~

- ~~1. The value of the total amount payable for the full term of the contract, including extensions and is for 48 months or less; or~~
- ~~2. The value of the total amount payable for each month multiplied by 48 if the term of the contract, including extensions, is for more than 48 months, or over an indefinite period;~~

~~Or, where there is~~

- ~~3. A requirement over a period of time for goods, or services that are for the same type or have similar characteristics and for that purpose a series of contracts are entered into, or a contract with renewable terms is being used, the value shall be calculated by taking the spend from the previous 12 months, taking into account any expected changes in the next 12 months.~~

~~The estimated value of the procurement for works shall take account of both the cost of the works and the total estimated value of the supplies and services that are made available to the Contractor by the Council which are necessary for executing the works.~~

~~46. Regulated Procurement Spend Thresholds~~

~~46.1 The Regulated Procurement Spend Thresholds are amended every two years, officers must refer to the Procurement, Contract Management and Commissioning intranet pages or contact Procurement, Contract Management and Commissioning for the current Regulated Procurement Spend Threshold values.~~

~~46.2 Where an estimated value of a procurement is equal to or exceeds the Regulated Procurement Spend Threshold values, then the Public Contracts Regulations 2015 apply to the procurement process. However there are exceptions whereby the Public Contracts Regulations 2015 also apply in certain aspects to a procurement which has been estimated at below the Regulated Procurement Spend Thresholds.~~

~~47. Procurement Process~~

~~47.1 The procurement process selected must be in accordance with the table below. Refer to paragraph 45 (Estimated Value of the Procurement) for instructions on how to calculate this estimated value.~~

<p>Goods/Works/Services</p> <p>Estimated Value of the Procurement</p>	<p>Procurement Process</p>	<p>Authority*</p>
<p>Up to £4,999</p>	<ul style="list-style-type: none"> ● Obtain one written quotation. To ensure best value, good practice is to obtain more than one quote 	<p>Budget holder</p>
<p>£5,000 to £25,000</p>	<ul style="list-style-type: none"> ● Obtain quotes from Torbay based economic operators through the SupplyDevon hub, or where there are no Torbay based economic operators those that are based in Devon. ● Where there are no local businesses on the SupplyDevon hub capable of meeting the need request quotes either by post or email from minimum of three preselected economic operators. Wherever possible at least one of these should be a local SME or VCSE (refer to 	<p>Budget holder</p>

<p>Goods/Works/Services</p> <p>Estimated Value of the Procurement</p>	<p>Procurement Process</p>	<p>Authority*</p>
	<p>paragraph J Definitions for the definition of local). Retain written evidence to demonstrate the economic operator selected offers best value.</p> <ul style="list-style-type: none"> • Publish details of awarded contract on the Contracts Register. 	
<p>£25,001 to £50,000</p>	<ul style="list-style-type: none"> • Request for quote process undertaken through the SupplyDevon hub targeting Torbay based economic operators, or where there are no Torbay based economic operators those that are based in Devon. Procurement process to be run in accordance with these Procedures, using the Council's standard request for quote templates. • Where there are no local businesses on the SupplyDevon hub capable of meeting the need, offer the opportunity to a minimum of three preselected economic operators. Wherever possible at least one must be a local SME or VCSE (refer to paragraph J Definitions for the definition of local). Procurement process to 	<p>Budget holder</p>

<p>Goods/Works/Services</p> <p>Estimated Value of the Procurement</p>	<p>Procurement Process</p>	<p>Authority*</p>
	<p>be run in accordance with these Procedures, using the Council's standard tender templates and through the e-tendering portal.</p> <ul style="list-style-type: none"> • Publish details of awarded contract on the Contracts Register and Contracts Finder. 	
<p>£50,001 to Regulated Procurement Spend Threshold</p>	<ul style="list-style-type: none"> • Advertised invitation to Tender using the Council's e-tendering portal and advert on Contracts Finder. • Procurement process to be run in accordance with these Procedures using the Council's standard below threshold tender templates. • Procurement process to be run in accordance with the Public Contract Regulations in certain aspects. • Publish details of awarded contract on Contracts Register and Contracts Finder. 	<p>Directors, Assistant Directors, Heads of Service or authorised deputies in consultation with Procurement, Contract Management & Commissioning</p>
<p>Regulated Procurement Spend Threshold and Above</p>	<ul style="list-style-type: none"> • Advertised invitation to Tender, using the Council's e-tendering portal, and adverts on 	<p>Directors, Assistant Directors, Heads of Service or authorised deputies in consultation with the</p>

<p>Goods/Works/Services</p> <p>Estimated Value of the Procurement</p>	<p>Procurement Process</p>	<p>Authority*</p>
	<p>Find a Tender and Contracts Finder.</p> <ul style="list-style-type: none"> ● Procurement process to be run in accordance with these Procedures and the Public Contract Regulations using the Council's standard above threshold tender templates. ● Publish details of award contract on Contracts Register, Find a Tender and Contracts Finder. 	<p>Procurement, Contract Management & Commissioning</p>

~~* In accordance with paragraph 38 (Approval to Proceed with the Procurement Process)~~

~~47.2 Where the Contract relates to the spending of funds provided by an external body the procurement process selected must comply with any requirements or thresholds set by the funder or guidance (such as DCLG's ESIF Compliance Guidance Note), which will take precedence over the processes set out in 47.1 above.~~

~~**48. Below Regulated Procurement Spend Threshold Procurements**~~

~~48.1 The Public Contract Regulations stipulate that the following applies to below Regulated Procurement spend threshold procurement processes:~~

- ~~(a) Must be published on Contracts Finder;~~
- ~~(b) Restricted Procedure is not permitted;~~
- ~~(c) Selection Criteria used to assess the meeting of minimum standards or Criteria must be relevant to the subject matter of the procurement and proportionate;~~
- ~~(d) Selection Criteria used to assess the meeting of minimum standards or Criteria must be in accordance with guidance issued by the Cabinet Office.~~

49. Division of Contract into Lots

49.1 When planning a procurement, consideration must be given to whether the contract could be subdivided into separate lots.

49.2 If it is decided not to subdivide the contract into separate lots, the main reasons for this decision must be provided in the procurement specification and also in the Find a Tender notice if applicable.

50. Preparation of Procurement Documentation

50.1 All procurement documents must be prepared and made available for the start of the procurement process. In terms of a restricted procedure, this includes the Selection Questionnaire (SQ) and the Invitation to Tender (ITT) documents.

51. Process Time Limits

51.1 The table below details the timescales for a procurement process which exceeds Regulated Procurement Spend Thresholds and the process is undertaken electronically.

Procedure	Timescale
Open	30 days 15 days if PIN is dispatched between 35 days and 12 months before Find a Tender Notice
Restricted	30 days for the SQ 25 days for the ITT 30 days for the SQ and 10 days for the ITT if a PIN is dispatched between 35 days and 12 months before Find a Tender Notice
Light Touch	No specific timescales – recommendation is to adopt the Open or Restricted Procedure
Further Competition	No specific timescales

51.2 When fixing the time limits for the receipt of tenders and requests to participate, the complexity of the contract and the time required for the economic operator to complete the tender must be considered.

~~51.3 For procurement processes which are below the Regulated Procurement Spend Thresholds, the timescale for receiving submissions should not be less than 10 working days.~~

~~52. Advertising the Procurement~~

~~52.1 There is no requirement to advertise tenders where the value of the contract is below £5,000.~~

~~52.2 All procurement processes between £5,000 and £50,000 must be advertised through the SupplyDevon hub. Where there are no suitable economic operators on SupplyDevon there is no requirement to advertise where economic operators are pre-selected for a formal or informal quote process. Wherever possible one of the pre-selected economic operators must be a local SME or VCSE (refer to paragraph J Definitions for the definition of local), unless it can be demonstrated that this requirement cannot be met.~~

~~52.3 All procurement processes over £50,000 must be advertised via the Council's Electronic Tendering System, refer to paragraph 76 (Electronic Tendering) and must be advertised via the Government's Contracts Finder, refer to paragraph 76 (Contracts Finder).~~

~~52.4 If it is determined as necessary due to the specialist nature of the market, in addition, further advertising in trade journals for example is permissible.~~

~~52.5 For procurement processes which exceed the Regulated Procurement Spend Threshold:~~

- ~~a. a Contract Notice must be published through the Council's electronic tendering system and advertised on Find a Tender and Contracts Finder, which are submitted via the Council's Electronic Tendering System, refer to paragraph 76 (Electronic Tendering).~~
- ~~b. all procurement documentation must be made electronically available from the date of the publication on Find a Tender. There are exceptions regarding procurement documents which are confidential in nature. Refer to Procurement, Contract Management & Commissioning for advice in this instance.~~
- ~~c. a Prior Information Notice (PIN) can be published in order to inform the intention of planned procurements in the future. The aim being to either advertise a bidder day or to enable the market to prepare. Using a PIN can then enable procurement process timescales to be shortened. Refer to paragraph 51 (Process Time Limits).~~
- ~~d. a Prior Information Notice (PIN) can also be used as a call for competition provided that the appropriate information about the procurement is made available. This then removes the requirement for a Contract Notice to be published and only the economic operators who expressed an interest against the PIN are invited to Tender.~~

53. Reserved Contracts

53.1 The Council may reserve the right to restrict participation in a procurement procedure:

- a. to sheltered workshops and organisations whose main aim is the social and professional integration of disabled or disadvantaged people or who are able to perform the contract within as part of a sheltered employment programme. In order to qualify to bid for a reserved contract at least 30% of the organisation’s employees or the employees of the workshop must be disabled or disadvantaged workers; or
- b. for certain social and other specific services to economic operators fulfilling the criteria to be considered a Social Enterprise or Public Service Mutual. Where this is the case contracts must not be put in place for more than 3 years and may not be awarded to an economic operator that has held the same reserved contract within the past 3 years.

54. Award of Contracts for Social and Other Specific Services¹

54.1 Contracts for social and other specific services may be tendered using a light touch regime. The opportunity must be advertised by means of either a Contract Notice or Prior Information Notice and the results of the tender must be made known by the publication of a Contract Award Notice.

54.2 The resultant procurement does not have to meet the requirements set out in the Public Contracts Regulations in relation to the procedure used, conditions of participation or timescales, but it must be reasonable and proportionate and the process must be undertaken in accordance with these Contract Procedures.

55. Procurement Procedures

55.1 The most appropriate procurement procedure should be selected from the following:

Procedure	Definition
Open	A procedure leading to the award of a contract whereby all interested economic operators may submit a tender without providing the opportunity to short list.

¹Officers should refer to Procurement Team for details of the services to which this applies.

<p>Restricted</p>	<p>NOT PERMITTED FOR BELOW REGULATED PROCUREMENT THRESHOLD SPEND</p> <p>A two-stage procedure leading to the award of a contract, the first stage following a pre-selection process which determines the economic operators who are subsequently invited to submit a tender.</p>
<p>Competitive Procedure with Negotiation</p>	<p>A restricted procedure (as detailed above) with the addition of the ability to negotiate with economic operators at the award stage. This is to be used only where the requirements are not sufficiently defined to enable award of a contract based on the specification and the project is not sufficiently complex to warrant Competitive Dialogue.</p>
<p>Competitive Dialogue</p>	<p>A flexible procurement procedure for use only in complex projects where there is a need for the Council to discuss all aspects of the proposed contract with economic operators.</p>
<p>Innovation Partnership</p>	<p>A procedure to be used only where the Council is aiming to develop an innovative product, service or works, which it then has the intention of purchasing. This may involve a number of partners and different phases of development.</p>
<p>Framework Agreement</p>	<p>An ‘umbrella agreement’ that sets out the terms under which individual contracts (call-offs) can be made through the period of the agreement.</p>
<p>Dynamic Purchasing System</p>	<p>A completely electronic system, which may be established by the Council and is open throughout its duration for the admission of economic operators and is used to purchase commonly used goods, works or services.</p>

56.— Collaborative Arrangements

~~56.1 Where it is of benefit to the Council, taking into account any adverse affect on the local economy or voluntary sector, opportunities to collaborate with other public bodies on procurement processes should be sought.~~

~~56.2 Where a collaborative procurement process occurs, it is the Procedures/governance arrangements of the public body leading the procurement which will apply unless the lead body specifically agrees otherwise.~~

~~56.3 Where an appropriate collaborative national or regional contract is available to use, consideration must be given to utilising these contracts, taking into account any adverse affect on the local economy or voluntary sector.~~

~~57. Council-wide Contracts~~

~~57.1 Council-wide contracts are contracts that have been put in place for across Council use in relation to commonly and frequently purchased goods, works and services, such as stationery, agency staff, catering and car-hire.~~

~~57.2 Prices and terms have been agreed to achieve value for money for the Council as a whole and the Council is legally obliged to use these contracts once they have been put in place.~~

~~57.3 Council-wide contracts may also take the form of an approved list or framework agreement. Use of these approved lists and framework agreements are mandated where they have been put in place to facilitate corporate spending. Refer to paragraph 58 (Approved Lists) and paragraph 59 (Framework Agreements).~~

~~57.4 Council-wide contracts, approved lists and framework agreements enable direct purchasing and avoid the administrative costs and time involved in sourcing and purchasing goods and services with individual suppliers. The administrative costs and time taken can negate any savings on goods or services that can sometimes be found cheaper elsewhere.~~

~~58. Approved Lists~~

~~58.1 The set up and use of approved lists are restricted to a contract value below the Regulated Procurement Spend Threshold. See paragraph 45 (Estimated Value of the Procurement) for how a contract value is calculated. The approved list may have a single economic operator or multiple economic operators.~~

~~58.2 The approved list must only be set up following a procurement process in accordance with these Procedures. All approved lists must be maintained in an open, fair and transparent manner.~~

~~58.3 Call offs from the approved list must be in accordance with the terms laid out in the approved list.~~

59. Framework Agreements

~~59.1 Framework agreements are umbrella agreements under which individual contracts can be called off either through a further competition or direct award, dependent on the terms of the agreement. The framework agreement may have a single economic operator or multiple economic operators and may have multiple lots.~~

~~59.2 The use of framework agreements, set up by either the Council or other public bodies, may be mandated for certain categories of spend. Call-offs from the framework agreement must be in accordance with the terms laid out in the framework agreement.~~

~~59.3 Framework agreements set up by third party organisations may only be utilised once written approval has been obtained from Procurement, Contract Management & Commissioning, who will undertake the necessary checks to ensure the Council is legally able to use it.~~

~~59.4 Framework agreements established by the Council will be procured in accordance with the Public Contracts Regulations. If the intention is to share access to the framework with other Public Bodies, these must be appropriately named within the tender documentation and a user agreement must be signed by the public body before they are able to utilise it.~~

~~59.5 Call offs from the framework must be in accordance with the terms laid out in the framework agreement.~~

60. Central Purchasing Bodies

~~60.1 The Council may procure goods services or works through a central purchasing body once written approval has been obtained from Procurement, Contract Management & Commissioning, who will undertake the necessary checks to ensure the Council is legally able to use it.~~

~~60.2 Where the Council undertakes procurement through such a body it shall be deemed to have complied with the Regulations to the extent that the central purchasing body has complied with them.~~

61. Contracts with other Public Sector Bodies

~~61.1 Contracts Awarded to Organisations Controlled by the Council~~

~~The Council is able to directly award a contract, without the requirement for a procurement procedure, to an organisation over which it exercises direct control, in its own right or jointly with other public bodies, where:~~

- ~~a. the Council has control over both the strategic objectives and significant decisions of the organisation (either directly or indirectly through another organisation it controls); and~~

- ~~b. — more than 80% of the activities carried out by the organisation are on behalf of the Council, i.e. the organisation generates 80% of its income from the Council or activities undertaken on behalf of the Council; and~~
- ~~c. — there is no direct private capital participation in the organisation that gives the private capital provider any control over the organisation.~~

~~An organisation directly controlled by the Council may also make a direct award of a contract to the Council, where the above criteria are met.~~

~~61.2 Contracts Awarded to Other Public Sector Bodies~~

~~The Council is able to directly award a contract, without the requirement for a procurement procedure, to other public bodies where:~~

- ~~a. — the Contract establishes co-operation between the public bodies with the aim of ensuring any public services they have to perform are able to achieve shared objectives; and~~
- ~~b. — that co-operation is governed solely by considerations relating to the public interest; and~~
- ~~c. — less than 20% of the activities that will be undertaken are performed on the open market.~~

E. — Tender Preparation

62 — Tender Pack

~~62.1 — Standard templates and guidance on completing the templates for the procurement of goods, services and works are maintained and developed by Procurement, Contract Management & Commissioning. These are available to Officers on request from Procurement, Contract Management & Commissioning.~~

~~62.2 — Officers are required to use the current version of standard templates for each procurement process undertaken.~~

~~62.3 — Where a variation to a standard template is required the Officer should consult with Procurement, Contract Management & Commissioning prior to any changes being made.~~

63. — Consortia

~~63.1 — Officers may require members of the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.~~

~~63.2 Where economic operators are proposing to create a separate legal entity, such as a special purpose vehicle (SPV), they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity as part of their tender submission.~~

~~63.3 All members of the consortium will be required to provide the information required in all sections of the 'selection' section of the tender response as part of a single composite response.~~

~~63.4 Consortium arrangements may be subject to future changes. Economic operators can provide updated information regarding these arrangements so that a further assessment can be carried out (by applying the selection criteria to the new information provided). The Council reserves the right to deselect the economic operator prior to any tender award, based on an assessment of the updated information.~~

~~64. Sub Contracting~~

~~64.1 Where the economic operator proposes to use one or more sub-contractors to deliver some or all of the contract requirements, the economic operator must provide information regarding members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.~~

~~64.2 Arrangements in relation to sub-contracting may be subject to future change and may not be finalised until a later date. However, where information provided in the tender submission indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the economic operator to proceed with the procurement process or to provide the supplies and/or services required. Therefore economic operators should notify the Council immediately of any change in the proposed sub-contractor arrangements. The Council reserves the right to deselect the economic operator prior to any tender award, based on an assessment of the updated information.~~

~~65. Economic Operator Financial Risk Issues~~

~~65.1 Financial Information~~

~~The financial assessment must be undertaken in a manner that is proportionate, flexible and not overly risk averse. All economic operators, whatever their size or constitution, should be treated fairly and with equal diligence during the financial appraisal process and arbitrary minimum requirements should not be imposed which may have the unintended effect of barring new business from tendering. For example: no SMEs, public service mutuals or third sector organisations should not be inadvertently disadvantaged by the financial assessment process.~~

~~65.2 Officers must refer to the Procurement Guidance and Standard Tender Templates for further guidance regarding the financial assessment process.~~

~~65.3 Business Insurance Requirements~~

~~Officers must seek advice from Insurance Services with regard to the appropriate types and levels of insurance required for each contract. The resultant requirements must be stipulated in the tender documents and contract.~~

~~65.4 Bonds and Guarantees~~

~~Guarantees and bonds can be either financial or performance guarantees, or a hybrid of both. However, with the exception of pension bonds, they only come into effect after the economic operator has failed to perform its Contractual obligations,~~

- ~~1. Deed of Guarantee – Officers must consult with the Procurement, Contract Management & Commissioning and Chief Finance Officer, at the outset of any procurement and at each stage of the process, on whether a deed of guarantee is required and:~~

~~(a) the total value of the contract exceeds £250,000;~~

~~(b) there is some concern about the stability of the economic operator.~~

~~Details of the Council's requirements must be clearly stated in the tender documents.~~

- ~~2. Parent Company Guarantee – Officers must consult with the Chief Finance Officer, at the outset of any procurement and at each stage of the process, on whether a Parent Company Guarantee is required when an economic operator is a subsidiary of a parent company and:~~

~~(c) the total value of the Contract exceeds £250,000;~~

~~(d) award is based on evaluation of the parent company; or~~

~~(e) there is some concern about the stability of the economic operator.~~

~~Details of the Council's requirements must be clearly stated in the tender documents.~~

- ~~3. Performance, Conditional or On-Demand Bonds – Officers must consult with the Chief Finance Officer, at the outset of any procurement and at each stage of the process, on whether a Bond is required, where:~~

~~(f) the total value of the Contract exceeds £1,000,000; or~~

~~(g) it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract; or~~

~~(h) there is concern about the stability of the economic operator.~~

~~Details of the Council's requirements must be clearly stated in the tender documents.~~

~~4. Pension Bond—Where the Contract involves the transfer of Council staff to an external organisation Officers must consult with the Chief Finance Officer and Human Resources/Pension Service, at the outset of any procurement and at each stage of the process, on whether a Bond is required to cover potential pension liabilities.~~

~~—Details of the Council's requirements must be clearly stated in the tender documents.~~

~~65.5—Other Performance Measures~~

~~Consideration must be given to what appropriate types of contract performance measures need to be in place as these will need to be clearly stated in the tender documents and the contract. The selection must be based upon a risk assessment and what is appropriate and proportionate and based upon a risk assessment and a consideration of the effect on SMEs and resultant bid costs.~~

~~(a) Contract management and monitoring procedures;~~

~~(b) Step in rights;~~

~~(c) Liquidated Damages;~~

~~(d) Default Payments;~~

~~(e) Service Credits; and~~

~~(f) Escrow arrangements.~~

~~Details of the Council's requirements must be clearly stated in the tender documents.~~

~~66.—Contract Terms and Conditions~~

~~66.1—Advice should be sought in relation to the application of the most appropriate contract terms and conditions, which must be included as part of the procurement documents. They will either be:~~

~~(a) An industry standard suite of Contracts, JCT, NEC, ICE~~

~~(b) The Councils Standard Contract Terms and Conditions~~

~~(c) Framework Agreements~~

~~(d) Framework User Agreements~~

~~(e) Call Off Contracts~~

~~Procurement, Contract Management & Commissioning will seek advice from Legal Services in relation to the appropriate application of Contract Terms and Conditions.~~

~~66.2 Council Standard Terms and Conditions~~

~~Clauses within the general terms and conditions section of the contract must not be amended, deleted or marked not applicable.~~

~~Clauses within the key provisions section of the contract may only be amended or marked not applicable in consultation with Procurement or Legal Services.~~

~~66.3 Review and Amendment of Contract Clauses~~

~~Contract clauses must not be amended once the tender process has commenced or following contract award without the approval of Procurement, Contract Management & Commissioning.~~

67. Evaluation Criteria

~~67.1 Contracts must be awarded on the basis of the evaluation criteria laid out within the tender, which consists of the following:~~

- ~~a) Exclusion Grounds~~
- ~~b) Selection Criteria~~
- ~~c) Award Criteria~~

~~Selection and award criteria must be treated separately. All criteria, sub-criteria and weightings must be clearly detailed within the tender documents.~~

~~a) Exclusion Grounds~~

~~There are mandatory and discretionary grounds for excluding an economic operator from participating in a procurement process, in accordance with the Public Contract Regulations 2015. To protect the Council these grounds must be applied to all economic operators participating in procurement processes with an estimated procurement value of £50,000 or above.~~

~~Officers should refer to the Procurement Guidance for further information on the mandatory and discretionary exclusions.~~

~~b) Selection Criteria~~

~~The selection criteria may relate to:~~

- ~~a. suitability to pursue a professional activity;~~
- ~~b. economic and financial standing;~~
- ~~c. technical and professional ability.~~

~~Requirements must be limited to those that are appropriate to ensure the economic operator has the legal and financial capacities and the technical and professional abilities to perform the contract to be awarded. In addition requirements must be proportionate to the value, subject matter and level of risk of the contract.~~

~~Officers must refer to the Procurement Guidance and Standard Tender Templates when establishing all selection criteria and these must be declared within the tender documents.~~

~~68. — Reliance on the Capacity of Other Entities~~

~~68.1 — Where an economic operator relies on the capacity of other entities in relation to economic and financial standing or technical and professional ability, Officers are required to obtain proof from the economic operator of the commitment of those other entities.~~

~~68.2 — In some cases this will also involve the requirement for the other entity to respond some or all of the mandatory exclusions, discretionary exclusions and selection criteria, as appropriate to that entities involvement in the delivery of the contract.~~

~~68.3 — Officers should refer to the Procurement Guidance for further information on this requirement.~~

~~69. — Limiting the number of economic operators to be invited to Tender~~

~~69.1 — In the Restricted, Competitive with Negotiation, Competitive or Innovation Partnership Procedures, Officers can limit the number of suitable economic operators to be invited to tender, following the assessment of the suitability criteria. The minimum number this can be limited to is five for restricted and three for all others.~~

~~69.2 — Where the minimum number is not available, the number of economic operators invited must be sufficient to ensure genuine competition.~~

~~69.3 — Officers must refer to the Procurement Guidance when establishing criteria for limiting the number of economic operators to be invited to tender.~~

~~70. — Selection Questionnaire Template~~

~~70.1 — Officers must use the appropriate standard Selection Questionnaire, which can be found within the tender pack, for all procurements where the estimated value of the procurement is above £50,000.~~

~~70.2 — This Selection Questionnaire has been set up using a standard set of questions in accordance with guidance issued by the Cabinet Office under the Public Contract Regulations.~~

~~71. — European Single Procurement Document~~

~~71.1 From 18 April 2017 the Council will be required to accept the European Single Procurement Document as preliminary evidence instead of certificates published by public authorities or third parties.~~

~~72. Award Criteria~~

~~72.1 The award of a contract must be based on the most economically advantageous tender assessed from the point of view of the Council.~~

~~72.2 The award criteria must be linked to the subject matter of the contract and ensure the possibility of effective competition.~~

~~72.3 Officers must refer to the Procurement Guidance for further information on award criteria.~~

~~73. Life Cycle Costing~~

~~73.1 Life cycle costs consist of all the costs over the life cycle of a product, service or work.~~

~~73.2 Where life cycle costing is used as one of the criteria for establishing the most economically advantageous tender this must be declared within the tender documents, including what data must be provided and the method that will be used to determine these costs.~~

~~73.3 Officers must refer to the Procurement Guidance for further information when using this criteria within their procurement process.~~

~~74. Use of Presentations, Interviews and Site Visits~~

~~74.1 Where presentations, interviews or site visits are necessary in enabling Officers to establish the most economically advantageous tender this must be declared within the tender documents. The documents must clearly state the purpose and where applicable the criteria and weightings.~~

~~74.2 Where used, all economic operators must be included and all relevant information including questions must be issued to them in advance via the Electronic Tendering system. Officers must refer to the Procurement Guidance for further information when using this criteria within their procurement process.~~

~~F. Procurement Process~~

~~75. Electronic Tendering~~

~~75.1 All requests for quote between £25,000 and £50,000 must be conducted via the Council's Electronic Tendering System.~~

~~75.2 All procurement processes over the £50,000 spend threshold must be conducted via the Council's Electronic Tendering System.~~

~~75.3—Where it is determined that the use of the Electronic Tendering System is not appropriate for a particular procurement process, written approval must be obtained from Procurement, Contract Management & Commissioning.~~

~~75.4—For above Regulated Procurement spend threshold procurements, all tender documents must be offered unrestricted and with full direct access via the Council's Electronic Tendering System from the date the Find a Tender notice is published. There are exceptions regarding procurement documents which are confidential in nature. Refer to Procurement, Contract Management & Commissioning for advice in this instance.~~

~~76.—Contracts Finder~~

~~76.1—In accordance with the Public Contracts Regulations and Transparency Code details of all advertised procurement processes with an estimated procurement value of £25,000 or above must be published on Contracts Finder either from the date the Find a Tender notice is published or for non Regulated Procurements, immediately after it is advertised via the Electronic Tendering System.~~

~~77.—Tender Clarification~~

~~77.1—Clarification questions and responses during the tender process must be conducted via the Council's Electronic Tendering System. Unless the question is innovation based, the response must be provided to all economic operators. The identity of the economic operator who raised the question must remain confidential.~~

~~77.2—Clarification questions are limited to any questions relating to the tender documentation or to the procurement process as a whole. Questions relating to the negotiation of any of the substantive terms of the tender are not permitted.~~

~~77.3—Clarifications or refinements to the tender documents are permitted during a procurement process, provided that the tender documents are reissued via the Electronic Tendering system and the changes are clearly notified. The submission deadline must be reviewed and extended if the changes are significant.~~

~~78.—Confidentiality of Tender Proposals~~

~~78.1—All details of tender submissions must remain private and confidential. External agents acting on behalf of the Council must sign a Confidentiality Agreement.~~

~~79.—Submission, Receipt and Opening of Tenders~~

~~79.1—Tenders must be submitted via the Council's Electronic Tendering System and in accordance with the requirements set out in the tender documentation.~~

~~79.2—The Electronic Tendering System is set up to electronically seal tenders above £50,000. Verifiers are set up in the system, which are Officers who are able to electronically unseal tenders. Verification may only be undertaken by an authorised~~

~~verifier who has duly been approved by the Monitoring Officer and Procurement, Contract Management & Commissioning.~~

~~79.3 All tenders shall be electronically unsealed at the same time, in the presence of an Officer and a verifier, after the prescribed submission date and time. The verifier must be independent of the procurement process.~~

~~79.4 The Electronic Tendering System keeps an electronic record of the tenders opened and automatically classifies tenders which have been received late, as in after the prescribed date and time.~~

~~80. Receiving Late, Irregular or Incomplete Tenders~~

~~80.1 A tender submission can be rejected for the following reasons, which must be laid out within the Tender document instructions:~~

- ~~a. It is incomplete or vague;~~
- ~~b. Is submitted later than the prescribed date and time;~~
- ~~c. Not in accordance with the approved format;~~
- ~~d. Is in breach of any condition contained within it.~~

~~80.2 Where there are errors or discrepancies in the tender response, the economic operator must be given the details, via post tender clarification, in order to confirm or withdraw the submission. A correction of an error or omission submitted via the Electronic Tendering System can be accepted if it is determined that the economic operator has gained no unfair advantage.~~

~~80.3 A late tender submission must not be accepted unless prior written approval has been obtained from Procurement, Contract Management & Commissioning. This will only be provided for procurement processes below the Regulated Procurement Spend Thresholds and where it can be determined that an unfair advantage has not been gained from it being late.~~

~~81. Abnormally Low Tenders~~

~~81.1 Where a price has been assessed as being abnormally low the Council must require the economic operator to explain the price proposed, taking into account if a risk of modern slavery has been identified. The Council must take into account the guidance given within the Public Contracts Regulations when assessing the economic operator's explanation and may only reject the tender where the evidence provided does not satisfactorily account for the low price or where the economic operator has obtained state aid and that state aid has resulted in a distortion in competition.~~

~~81.2 Where necessary, in order to appropriately evaluate the evidence provided, the Officer should seek advice from Corporate Finance. The Officer should also seek~~

~~guidance from Procurement, Contract Management & Commissioning in relation to satisfactory grounds for acceptance or rejection.~~

~~82. Tenders Exceeding Estimate~~

~~82.1 Where the budget has not been declared within the tender and submitted tenders exceed the estimate or budget approval to proceed with the tender evaluation must be obtained as per the Approval to proceed Criteria in paragraph 38 (Approval to Proceed with the Procurement Process).~~

~~82.2 If the lowest tender obtained exceeds the threshold applicable to the process selected, written approval to proceed must be obtained from Procurement, Contract Management & Commissioning or the procurement process must be restarted or abandoned.~~

~~82.3 Where the maximum budget has been declared the tender documents must state the requirement for all bids to be within that stated budget and any bids exceeding the stated budget will be excluded from the process. If any economic operator's bid is found to exceed the stated budget that economic operator shall be excluded from any further participation in the process.~~

~~83. Tender Evaluation~~

~~83.1 All tender submissions received must be evaluated in accordance with the pre determined evaluation criteria, set out in the invitation to tender documents issued. Criteria, sub criteria, weightings and the attributed breakdown must not be changed from what was published in the tender documents and must be applied consistently for all tender submissions.~~

~~83.2 Tender evaluation processes must be recorded on a suitable evaluation matrix and once completed uploaded to the Council's Electronic Tendering System. All criteria, sub criteria and scoring must be detailed for each tender submission to enable a complete assessment of what scores are attributed to each criteria set. Reasons for scores allocated must be recorded which provides an appropriate justification and is used to complete the tender outcome letter.~~

~~83.3 An evaluation process for every compliant tender received must be fully completed. It must not be stopped part way through because it has been assessed that they won't be successful. Economic operators are entitled to a full assessment of the submission, which must be provided in their tender outcome letter and available to facilitate a de brief if requested. Officers must not provide tender feedback to economic operators without the prior approval of Procurement, Contract Management & Commissioning.~~

~~84. Reliance on the Capacities of Other Entities~~

~~84.1 Where the economic operator is reliant on the skills, professional qualifications or financial standing of other entities in order to perform the contract, those other entities must be evaluated against any SQ or Selection Criteria relevant to that reliance.~~

~~84.2—Where there are grounds for the mandatory exclusion of an entity or does not meet the relevant criteria the economic operator must be required to replace that entity and an assessment of the replacement entity against the relevant criteria must be undertaken.~~

~~85.—Post Tender Clarification~~

~~85.1—Post tender clarification means clarification with the economic operators after the tender has been submitted and only for the purpose of clarifying the content of their tenders or the requirements of the Council, providing this does not involve discrimination.~~

~~85.2—Negotiations on fundamental aspects of the tender submission, including the contract terms and conditions and variations in which are likely to distort competition, and in particular on prices, are not permitted.~~

~~85.3—Post tender clarifications must be conducted via the Council's Electronic Tendering System or via a formal meeting with an electronic record held. Consideration must be given as to whether the question relates and should be asked to just one or all economic operators.~~

~~85.4—If post tender clarification results in a material change to the contract, written approval to proceed must be obtained from Procurement, Contract Management & Commissioning or the procurement process must be restarted or abandoned.~~

~~86.—Approval to Award the Tender~~

~~86.1—In accordance with the stated evaluation criteria, approval to proceed with the tender award must be obtained as per the Approval to Proceed Criteria in paragraph 38 (Approval to Proceed with the Procurement Process).~~

~~86.2—The approval must be formally documented and signed, using the Contract Approval Request Form, available to Officers on request from the Procurement, Contract Management & Commissioning.~~

~~86.3—If a decision is reached to not award the tender, the Officer must advise all economic operators, via the Electronic Tendering System, detailing the reason for the decision.~~

~~87.—Tender Outcome Notifications~~

~~87.1—All successful and unsuccessful economic operators must be notified of the tender award decision at the same time, via the Electronic Tendering System. Suitable template formats are available from Procurement, Contract Management & Commissioning.~~

~~87.2—The unsuccessful notification must provide:~~

- ~~a.—The full reasons for the tender award decision and should include: the characteristics and relative advantages of the successful tender.~~

- b. ~~— The identity of the successful economic operator.~~
- c. ~~— The percentage breakdown score of the evaluation criteria and sub criteria for the economic operator receiving the notice, and for the economic operator who has been awarded the tender.~~
- d. ~~— The start and end date of the standstill notice must also be included, if applicable, see paragraph 88 (Standstill).~~

~~Any further written or verbal debriefing must not be offered within the notification or at any other time and Officers must immediately refer any such enquiries from economic operators to Procurement, Contract Management & Commissioning.~~

88. — Standstill

~~88.1 — For procurement processes that are above Regulated Procurement Spend Thresholds, a mandatory minimum standstill period of 10 calendar days (which must start and end on a working day), from notification of the tender outcome, before the resultant contract can be entered into.~~

~~88.2 — Following the completion of the standstill period, an Award Notice must be published on Find a Tender and Contracts Finder, these are submitted via the Council's Electronic Tendering System, refer to paragraph 76 (Electronic Tendering).~~

89. — Contracts Finder

~~89.1 — In accordance with the Public Contracts Regulations and Transparency Code details of all contracts awarded with a value of £25,000 or above must be published on Contracts Finder either from the date the Find a Tender award notice is published or for Non-Regulated Procurements, immediately after the tender outcome notifications.~~

90. — Debriefing

~~90.1 — Any requests for further written or verbal debriefing, or any complaints, correspondence, threat of legal challenge or court proceedings must be immediately notified to Procurement, Contract Management & Commissioning who will provide the necessary advice and guidance on how to proceed.~~

G. — Contracts Arrangements

~~Note: This Procedure (so far as it relates to Contracts entered in the course of the discharge of executive functions) complies with the requirements of Article 8 of the Local Authorities (Executive and Alternative Arrangements) (Modifications of Enactments and Further Provisions) (England) Order 2001 (SI 1517/2001) and power to modify this Procedure may not be delegated by the Council.~~

91 — Contracts

- ~~91.1— Any Contract with a value exceeding £25,000 entered into on behalf of the Council in the course of discharge of any function (whether executive or Council) shall be made in writing (and in a form in accordance with Financial Regulations and these Procedures).~~
- ~~91.2— All Contracts with a value exceeding £50,000 must be made under the common seal of the Council attested by at least one Officer.~~
- ~~91.3— Where a procurement process was undertaken, the contract terms and conditions must be those that were issued within the tender pack.~~
- ~~91.4— The economic operator's terms and conditions may only be used in exceptional circumstances and must be reviewed and approved through Procurement, Contract Management & Commissioning, who will liaise with Legal Services on behalf of the Officer as required, before the contract can be signed.~~
- ~~91.5— Prior to issuing a Contract, Officers must obtain from the economic operator evidence of compliance with any contractual requirements, such as insurances, disclosure and barring service checks and policies and procedures.~~
- ~~91.6— An economic operator shall not be allowed to commence performing the contract prior to the formal contract documents being signed, without the agreement of Legal Services.~~
- ~~91.7— In the case of framework agreements an economic operator shall not be permitted to participate in any call-off from the framework until such time as their agreement has been duly signed by the economic operator and the Council.~~
- ~~91.8— Other organisations may not use a framework agreement or contract put in place by the Council without having duly signed the user agreement.~~

92. Issuing and Signing Contracts

- ~~92.1— The following process must be followed for issuing and signing contracts~~
- ~~a. Two copies of the contract shall be issued to the economic operator in a format that cannot be altered (i.e. hard copy or if issuing electronically as a PDF) by the recipient.~~
 - ~~b. The contract must be signed by the economic operator before it is signed by the Council's Authorised Officer.~~
 - ~~c. To ensure the contract is in place prior to the commencement date the economic operator should be advised of the date by which the signed contract must be returned.~~
 - ~~d. Contracts must be either signed by at least two Officers of the Council (one of whom is the Authorised Officer or any senior solicitor in the employment of the Council who is duly authorised by the Council for the purposes of this~~

~~Procedure) or made under the common seal of the Council attested by at least one Officer.~~

- ~~e. Where the contract has been put in place without the involvement of Procurement, Contract Management & Commissioning the Officer must provide the team with an electronic copy of the fully signed contract, including any associated appendices, such as evidence of insurance.~~

93. — Modification of Contracts

~~93.1 — Written authorisation, using the agreed process and Contract Variation Request Form, is required to modify a contract without a new procurement procedure being followed. Any request must be approved by Procurement, Contract Management & Commissioning and budget holder and where there is a financial impact the Monitoring Officer and the Chief Finance Officer, before the Officer can proceed with the modification of the contract.~~

~~93.2 — Where authorisation is given, the modification must be issued in accordance with the contract change procedure and for above Regulated Procurement Spend Threshold Contracts the appropriate Find a Tender and Contracts Finder notices must be submitted where required.~~

~~93.3 — Procurement, Contract Management & Commissioning must keep a record of all cases which have been requested and authorised, or declined and will report these to the Senior Leadership Team on a six monthly basis.~~

~~93.4 — Contracts and framework agreements may only be modified during their term without a new procurement procedure for the following cases:~~

- ~~a. Where the modification has been provided for in the original procurement documentation and the modification does not alter the overall nature of the contract or framework agreement;~~
- ~~b. A change of contractor cannot be made for economic or technical reasons provided that any increase in price does not exceed 50% of the value of the original contract;~~
- ~~c. A change of contractor would cause significant inconvenience or substantial duplication of costs for the contracting authority provided that any increase in price does not exceed 50% of the value of the original contract;~~
- ~~d. The need for the modification has been brought about by circumstances which a diligent Council would have not for seen, the modification doesn't alter the overall nature of the contract and provided that any increase in price does not exceed 50% of the value of the original contract;~~
- ~~e. The modification is not substantial in accordance with Regulation 72, paragraph 8 of the Public Contract Regulations 2015;~~

~~f. For above Regulated Procurement Spend Threshold contracts, where the modification, or cumulative value of modifications, is below the spend threshold value and is 10% of the initial contract value for service and supply contracts and 15% of the initial contract value for works contracts, provided that the modification does not alter the overall nature of the contract or framework agreement.~~

94. — Contract Extension

~~94.1 — Contracts may only be extended where the option to do so has been incorporated into the tender documents, formal contract documents and Find a Tender Notice where applicable.~~

~~94.2 — Approval for any extension to a contract must be obtained as per the approval to proceed Criteria in paragraph 38 (Approval to Proceed with the Procurement Process), ensuring that all reasonable checks have been undertaken before the contract is extended.~~

~~94.3 — Extensions must be issued and a record kept by Procurement, Contract Management & Commissioning in accordance with paragraph 93 (Issuing and Signing Contracts), ensuring evidence of compliance with any contractual requirements has been re-checked, such as insurances, disclosure and barring service checks and policies and procedures.~~

95. — Assignment and Novation

~~95.1 — All written contracts must contain a clause which does not enable the economic operator to assign or novate a contract without the prior written approval of the Council.~~

~~95.2 — Where an Officer becomes aware that an existing economic operator has or may be subject to a company reorganisation, where they may be taken over or merged with another company or simply assigned to another or even otherwise disposed of that will result in the assignment or novation of a contract, the advice of Legal Services must be sought.~~

96. — Contract Termination

~~96.1 — All written contracts must contain a clause enabling the Council to cancel the contract.~~

~~96.2 — Contracts up to £100,000 may be terminated early by agreement of the parties prior to the expiry date or in accordance with the termination provisions set out in the contract.~~

~~96.3 — Approval to terminate a contract must be obtained as per the approval to proceed Criteria in paragraph 38 (Approval to Proceed with the Procurement Process). Legal Services, the Chief Finance Officer and Monitoring Officer must be consulted on any proposed termination of a contract over £100,000 in value.~~

H. — Contract Management**97 — Contracts Register**

97.1 — The Council must publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. Officers must ensure, following letting of the contract, that the Contracts Register, available via Procurement, Contract Management & Commissioning, is completed.

97.2 — The Contracts Register must be updated where a contract is extended or varied or terminated.

98. — Contract Monitoring and Performance Management

98.1 — All contracts with a value exceeding £25K will be risk assessed using the Contracts Risk Matrix to determine the required level of Contract Management.

98.2 — Contracts awarded by or on behalf of the Council must be monitored and managed throughout the contract term to ensure delivery of the contracted goods, services or works in accordance with the contract requirements and performance standards.

98.3 — Contract monitoring and management arrangements must be proportionate to complexity, value and risk associated with the contract.

98.4 — The Head of Service will appoint an appropriate Officer to act as the Contract Manager, to carry out regular reviews of the economic operator's performance against the requirements and key performance indicators specified in the contract and monitor compliance against contractual requirements for the life of the contract. All review meetings must be recorded in writing.

98.5 — Where an economic operator fails to meet requirements the Head of Service must contact Procurement, Contract Management & Commissioning in order to take timely and appropriate action, in accordance with any default procedures stipulated within the contract, to address any non-compliance including termination in the absence of appropriate remedial action by the economic operator.

98.6 — Compliance with contractual requirements, such as insurances and the use of specific staff, consortia member or sub-contractors must be checked throughout the life of the contract and as a minimum annually; this will be undertaken by Procurement, Contract Management & Commissioning. Where the economic operator is no longer able to comply with any contractual requirement advice must be sought from Legal Services on the action to be taken to address the non-compliance, including termination in the absence of any appropriate alternative solutions.

99. — Claims and Disputes

99.1 — Any disputes must be dealt with in accordance with the dispute procedure set out in the contract. Officers must consult with Procurement, Contract Management &

~~Commissioning, and Legal Services in the event of any dispute or on receipt of any correspondence threatening legal claim or formal legal claim.~~

~~I. Other~~

~~100. Gifts and Hospitality~~

~~100.1 The Council's Codes of Conduct for Members and Employees and Local Protocol on Gifts and Hospitality must be followed in respect of contracts. Specifically, the following must not be accepted:~~

- ~~a. Any gift or hospitality from any economic operator or potential economic operator;~~
- ~~b. Hospitality includes drinks, meals, entertainment, overnight accommodation, travel and holidays, but does not include a lift in a private or company car, a taxi, or refreshments in the course of office duty.~~

~~101. Nomination of Sub Contractors and Suppliers~~

~~101.1 Where it is being stipulated that a specific sub-contractor is to be used or nominated to a main contractor, this is only permissible if this sub-contractor has been selected in compliance with these Procedures.~~

~~102. Concessions and Sponsorship~~

~~102.1 Where the Council seeks economic operators who want to pay the Council for the right to provide services on the Council's premises, a procurement process is required in accordance with these Procedures, in compliance with the requirements as laid out in the EU Concessions Directives and the resultant UK Regulations when they come into force.~~

~~103. Grant Funding Audits~~

~~103.1 Where an external funder is carrying out an audit in relation to funding provided to the Council and spend of the funding required a procurement process to be undertaken, Officers must:~~

- ~~a. Agree any written any response relating to the procurement process with Procurement, Contract Management & Commissioning prior its submission; and/or~~
- ~~b. Involve Procurement, Contract Management & Commissioning in any meetings with the auditor that relate to the procurement process.~~

104. Internal Audits

104.1 Where an internal audit raises concerns or identifies areas of non-conformance in relation to procurement practice and compliance with these Contract Procedures Procurement, Contract Management & Commissioning must be consulted on any remedies required to rectify the issues or areas of non-conformance.

J. Definitions

Term	Definition
Approved List	Shall mean a list of pre-selected and approved economic operators
Authorised Officer	Shall mean an Officer, employee (including agency workers with written authority) or persons seconded to the Council with the authority to make a decision or undertake the particular activity
Award	Shall mean the process by which the Council shall determine to whom the contract will be awarded in accordance with the criteria listed at Regulation 30 of the Public Contracts Regulations 2006 as amended in 2009
Award Notice	Shall mean the official notice used to notify the details of contracts awarded
Call Off Contract	Shall mean a contract awarded under a framework agreement
Central Purchasing Body	Shall mean a contracting authority which: <ul style="list-style-type: none"> <li data-bbox="651 1496 1374 1574">☐ acquires goods or services intended for one or more contracting authorities; <li data-bbox="651 1592 1374 1671">☐ Awards public contracts intended for one or more contracting authorities; or <li data-bbox="651 1688 1374 1805">☐ concludes framework agreements for work, works, goods or services intended for one or more contracting authorities.
Competitive Dialogue Procedure	Shall mean the flexible procurement procedure for use only in complex projects where there is a need for the contracting authority to discuss all aspects of the proposed contract with economic operators

Term	Definition
Competitive Procedure with Negotiation	Shall mean the flexible procurement procedure for use in projects where the Council's requirements are not sufficiently well defined to allow for award without some negotiation on those requirements with out some form of negotiation with the economic operators who have submitted a bid
Confidentiality Agreement	Shall mean a contract through which one or more parties agree not to disclose information covered by the agreement
Constitution	Shall mean the document which sets out the rules governing the Council's business
Contract	A legally binding agreement between two or more parties
Contract Procedures	Shall mean the rules and processes in place to ensure the Council is compliant with legislation, fair and accountable in its dealings with economic operators and obtains value for money
Contract Value	Shall mean the proposed price of the contract to be awarded
Contracting Authority	Shall mean a public authority or body governed by public law
Contracts Finder	Shall mean the government website on which the Council must publish all advertised opportunities above £25,00 and publish details of all subsequently awarded contracts above £25,000
Council	Shall mean Torbay Council
Council-wide Contract	Shall mean the contracts to be used by all Officers for frequently purchased goods, works and services, which the Council is contractually bound to use for said goods, works and services and which the economic operator has a legal right to expect all purchases to be made from

Term	Definition
Criteria	Shall mean the standards against an economic operator's tender will be assessed
Dynamic Purchasing System	Shall mean a completely electronic system, which may be established by the Council and is open throughout its duration for the admission of economic operators and is used to purchase commonly used goods, works or services
Economic Operator	Shall mean the generic term to cover a contractor, supplier, service provider, applicant, bidder, candidate, tenderer, company or organisation
Electronic Tendering System	Shall mean the internet based system used to facilitate the complete tendering process, covering advertising, issuing and receiving tender related information, evaluation and contract Award
EU	European Union
Find a Tender	Shall mean the government website on which the Council must advertise all opportunities above the Regulated Procurement Spend Threshold and publish details of the subsequently awarded contracts
Framework Agreement	Shall mean an 'umbrella agreement' that sets out the terms under which individual contracts (call-offs) can be made through the period of the agreement
Joint Venture	Shall mean the commercial arrangement between the Council and a private sector partner for the purpose of undertaking a particular business activity
Innovation Partnership	Shall mean the procurement procedure to be used only where the Council is aiming to develop an innovative product, service or works, which it then has the intention of purchasing
Light Touch Regime	Shall mean the regime under which certain social and other specific services may be procured

Term	Definition
Local SME or VCSE	<p>Shall mean a small or medium sized enterprise or voluntary and community sector enterprise that is located and operated from within the Torbay local authority boundary, i.e. postcodes TQ1 to TQ5</p> <p>Or where, there is no such organisation within the Torbay local authority boundary, one that is located and operated from within Teignbridge or South Hams district councils boundaries, i.e. postcodes TQ6 to TQ14</p>
Main Contractor	Shall mean the economic operator who is responsible for engaging, overseeing and managing sub-contractors
Open Procedure	Shall mean a procedure leading to the Award of a Contract whereby all interested economic operators may submit a tender without providing the opportunity to short list
Parent Company Guarantee	Shall mean a guarantee given by a parent company in relation to the economic operator's performance of the contract under which the parent company is obliged to remedy any breach or default
SQ	Shall mean Selection Questionnaire
Procurement Documents	Shall mean all of the documents required by an economic operator in order to respond to a SQ or submit a tender
Procedure	Shall mean these Contract Procedures
Public Body	Shall mean an organisation whose work is part of the process of government but is not a Government department
Public Contract Regulations	Shall mean the legislation incorporated in to English law concerning public procurement, which can be found at: www.legislation.gov.uk
Regulations	Shall mean the same as Public Contracts Regulations

Term	Definition
Regulated Procurement Spend Threshold	Shall mean the contract value thresholds set by the UK government above which the Public Contract Regulations 2015 and Concessions Regulations 2016 apply. These are amended every two years. Current thresholds can be obtained through the Procurement, Contract Management and Commissioning intranet pages or by contacting Procurement, Contract Management and Commissioning i
Reserved Contract	Shall mean a contract that may only be bid for by economic operators who meet specific criteria, as laid out in the Public Contracts Regulations
Restricted Procedure	Shall mean a two-stage procedure leading to the award of a contract, the first stage following a pre-selection process which determines the economic operators who are subsequently invited to submit a tender.
Selection	Shall mean the process by which applicants will be selected to move forward to the next stage of the procurement process, in accordance with the criteria listed in the Public Contracts Regulations 2015 or Concessions Regulations 2016.
Selection Questionnaire	Shall mean the questionnaire used to vet economic operators to ensure they meet the required standards
SME	Small and Medium Enterprises
Standstill	Shall mean a period of at least ten calendar days (communicated via electronic means) following the notification of an award decision, for contracts tendered via OJEU, during which the Council must not enter into the contract or framework agreement.
Sub-Criteria	Shall mean the standards that sit below the main criteria, against which the economic operator's tender will be assessed
Tender	Shall mean an invitation to bid for a contract or an economic operator's written offer for a contract

Term	Definition
Tender Award	Shall mean the award of a contract following a procurement process
User Agreement	Shall mean the agreement signed by other public bodies in order to allow them to use a contract or framework agreement
Verifiers	Shall mean the Officers authorised to unseal tenders
VCSE	Voluntary and Community Sector Enterprise
Weighting	Shall mean the score allocated to each criteria and sub-criteria against which the economic operator's tender will be assessed

A. Introduction

24. Procurement Definition

24.1 Procurement is the award, entry into and management of a contract.

24.2 In the context of these Procedures reference to Procurement includes:

- a. any step taken for the purpose of awarding, entering into or managing the contract;
- b. all or part of the procurement; and
- c. termination of the procurement before award of the contract;

regardless of whether the procurement is covered under public procurement legislation.

25. Procurement Objectives

25.1 When putting external contracts in place the Council will give regard to the importance of:

- a. delivering value for money;
- b. maximising public benefit;
- c. sharing information for the purposes of allowing Suppliers and others to understand the Council's procurement policies and decisions;
- d. acting, and being seen to act, with integrity (acting transparently, fairly and proportionately); and

e. supporting achievement of the strategic priorities set out in the Torbay Community and Corporate Plan.

25.2 During a Procurement the Council will treat Suppliers the same unless a difference between the Suppliers justifies different treatment. Where different treatment is justified the Council will take all reasonable steps to ensure it does not put a Supplier at an unfair advantage or disadvantage.

25.3 The Council will give regard to the fact that small and medium-sized enterprises may face particular barriers to participation and will consider whether such barriers can be removed or reduced without putting a Supplier at an unfair advantage or disadvantage.

25.4 The Council will give regard to the strategic priorities set out in the National Procurement Policy Statement.

25.5 Where the Procurement falls under the Health Care Services (Provider Selection Regime) Regulations 2023 (PSR) the Council will act with a view to:

- a. securing the needs of people who use the services;
- b. improving the quality of the services; and
- c. improving efficiency in the provision of services.

26. Governing Legislation

26.1 These Contract Procedures are made under Section 135 of the Local Government Act 1972 and take into consideration the requirements of Sections 1 to 29 of the Local Government Act 1999.

26.2 These Procedures are governed by:

- a. the World Trade Organisation Agreement on Government Procurement (GPA), which takes precedence over national procurement regulations and legislation;
- b. the Public Contract Regulations 2015, the Concession Contract Regulations 2016 and Utilities Contract Regulations 2016 (collectively the Regulations) which, where they apply, take precedence over local procurement considerations;
- c. the Health Care Services (Provider Selection Regime) Regulations 2023 which, where they apply, take precedence over the Regulations and local considerations;
- d. other applicable primary or secondary legislation and regulations (refer to definitions for further details); and
- e. the Council's Constitution, specifically Financial Regulations and the Officer Scheme of Delegation.

26.3 In implementing these Procedures the Council will give due regard to best practice and national guidance, including government Procurement Policy Notes (PPNs) and Procurement Playbooks; the National Procurement Policy Statement, National Procurement Strategy for Local Government in England and relevant case law.

27. Application of Contract Procedures

27.1 These Procedures constitute the Council's Procurement governance framework, how the Council will implement these Procedures is set out in the Commercial Policy.

27.2 These Procedures will be fully applied by any Officer or agent of the Council for:

- a. all Contracts for services, supplies and works, including spot purchased, ad-hoc or one-off requirements;
- b. the expenditure of third-party funding;
- c. all Contracts for services and works concessions;
- d. the disposal of assets or awarding of leases and development agreements where it becomes a procurement as defined in section 9 of the Financial Regulations or the Public Contracts Regulations 2015; and
- e. applicable collaborative Contracts or expenditure devolved to a third party Contracting in the Council's name.

27.3 These procedures will be applied in part as applicable by any Officer or agent of the Council for:

- a. the expenditure of third-party funding, where the funder has specified a procurement method which differs from that set out in these Procedures; or
- b. the award of grants (refer to the Commercial Policy for further information on the award of grants); or
- c. direct awards to Council wholly owned companies, companies where the Council has joint ownership with other contracting authorities or between the Council and one or more other contracting authorities, or
- d. permitted direct awards for the provision of specific services to individual children and young people; or
- e. permitted direct awards under PSR; or
- f. where the requirements of regulation 12 of the Public Contracts Regulations 2015 or regulation 17 of the Concession Contracts Regulations 2016 are met²; or
- g. works contracts where a Utility has a non-contestable right to undertake the work; or
- h. contracts covered under regulation 9, 10(c), 10 (d), 10(h), 10(i), 10(j), 11 and 17 of the Public Contracts Regulations 2015³; or
- i. contracts covered under regulation 10, 11, 12, 13, 14 and 16 of the Concessions Contracts Regulations 2016⁴.

² refer to definitions for further details

³ refer to definitions for further details

⁴ refer to definitions for further details

27.4 These procedures will not apply to:

- a. contracts excluded under regulations 8, 10(a), 10(b), 10(e), 10(f) and 10(g) of the Public Contracts Regulations 2015⁵, or
- b. the disposal of assets (such as land) and the awarding of leases, except where it becomes a procurement as defined in section 9 of the Financial Regulations or the Public Contracts Regulations 2015; or
- c. sponsorships.

27.5 These Procedures, supported by relevant policies, procedures and guidance, set out the minimum standards necessary to:

- a. deliver best value, economy, efficiency and effectiveness within external Contracts;
- b. meet legislative requirements;
- c. avoid practices which may distort, restrict or prevent competition; and
- d. meet transparency obligations in relation to the spending of public funds;

27.6 The only exemptions to these Procedures are those set out in Section H (Waivers).

28. Contracting Authority

28.1 Torbay Council (the Council) is the Contracting Authority, this means all Contracts will be executed in the Council's name and not in the name of individual directorates or services.

28.2 Where a company wholly owned by the Council is putting a Contract in place this will also be in the Council's name unless the wholly owned company is the Contracting Authority.

28.3 Where the Council is entering into a collaborative Contract with other public sector organisations the Council may not be Contracting Authority but will remain accountable for ensuring the Contract is put in place in a compliant manner and for meeting its obligations under the Contract.

⁵ refer to definitions for further details

29. Roles and Responsibilities

Table 1: RACI Matrix

<u>Task</u>	<u>Monitoring Officer / section 151 Officer</u>	<u>Directors / Divisional Directors</u>	<u>Commercial Services Team</u>	<u>Officers / Agents⁶ of the Council</u>	<u>Members</u>	<u>Internal Audit</u>
<u>Administration and monitoring or these Procedures</u>	<u>A / R</u>	<u>C</u>	<u>C</u>	<u>I</u>	<u>I</u>	<u>I</u>
<u>Ensuring understanding of and compliance with these Procedures</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>R</u>	<u>R</u>	<u>I</u>
<u>Advising on the Application of these Procedures</u>	<u>A</u>	<u>C</u>	<u>R</u>	<u>C</u>	<u>I</u>	<u>C</u>
<u>Developing the policy, guidance and training materials which sit below these Procedures</u>	<u>I</u>	<u>I</u>	<u>A / R</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Completing Procurement training relevant to the role</u>	<u>I</u>	<u>A</u>	<u>C</u>	<u>R</u>	<u>R</u>	<u>I</u>
<u>Monitoring and reporting compliance with these Procedures</u>	<u>A</u>	<u>R</u>	<u>R</u>	<u>I</u>	<u>R</u>	<u>C</u>

Definitions

<u>R = Responsible</u> <u>The people who do the work to complete the task.</u>	<u>A = Accountable</u> <u>The person who makes sure the responsible people know the expectations and complete the task on time.</u>
<u>C = Consulted</u> <u>The people who provide input and feedback on the work, as they have a stake in the outcome of the task.</u>	<u>I = Informed</u> <u>The people who need to be aware of the progress of the task, they need to know what is going on but are not decision makers</u>

⁶ Including staff within Council wholly or jointly owned companies

30. Breach of Contract Procedures

- 30.1 Any breach of these procedures will be dealt with in accordance with the Council's Commercial Policy and human resources policies.
- 30.2 Where the breach is also a breach of legislation or regulations the Council and / or individual Officers may be subject to legal proceedings.

31. Use of Consultants

- 31.1 Any consultant or agent acting for the Council in a procurement capacity will be required to comply with the requirements of these procedures and must be competent in public procurement.

32. Spend Category Definitions

- 32.1 Services – the provision of any type of service other than those which fall within the definition of a works Contract or a social and other specific services Contract.
- 32.2 Light Touch / Social and Other Specific Services – the provision of certain health, education, social, religious, hospitality, legal, security, community and prison related services.
- 32.3 Relevant Health Care Services - any service that has a direct effect on the health of the service user accessing it.
- 32.4 Supplies – the purchase, lease, rental or hire purchase (with or without an option to buy) of goods or products, which may also include, incidental to the supply, the siting or installation of the product.
- 32.5 Works – the execution or design and execution of construction, civil engineering, demolition, building installation and building completion works.
- 32.6 Concession – the supply, for financial interest, of works or services where at least part of the consideration for that supply is a right for the Supplier to exploit the works or services and where the Supplier is exposed to real operating risk.

B. Procurement Planning**33. Authority to Undertake a Procurement and Award Contracts**

- 33.1 Approval to commence a Procurement and the subsequent award of a Contract will be obtained in accordance with the Officer Scheme of Delegation.
- 33.2 Officers undertaking procurement activity will be appropriately trained in accordance with the requirements set out in the Commercial Policy.

34. Estimated Value of the Contract

- 34.1 The estimated value of a Contract will be calculated in accordance with the requirements set out in the Regulations and the Commercial Policy, considering any options to extend the Contract and/or the division of the Contract into lots.
- 34.2 The Council will not sub-divide or artificially disaggregate Contract values in any way and will consider spend across the whole Council for the requirement.

35. Threshold Values

35.1 The UK Government biennially sets Threshold Values for the purposes of applying the Regulations. There are different Threshold Values for services and supplies, light touch services, works and concessions (services and works) Contracts.

35.2 The Council will take the Threshold into account when determining how to conduct a Procurement.

36. Procurement Timescales

36.1 The time limit for receipt of Tenders will be set in accordance with the requirements of the Regulations for above Threshold Procurements, considering the procurement procedure used, the complexity of the Contract and the length of time required by Suppliers to complete their Tender.

36.2 The time limit for receipt of Tenders for below Threshold Procurements will be based on the complexity of the Contract and the time required by Suppliers to complete their Tender.

37. Conflicts of Interest

37.1 To avoid any distortion of competition and ensure equal treatment of Suppliers the Council will take all appropriate measures to effectively identify, remedy and prevent any conflicts of interest which may arise during the course of a Procurement, in accordance with regulatory requirements (e.g. regulation 24⁷ of the Public Contracts Regulations 2015) and the Commercial Policy.

37.2 Officers will be bound by their obligations under the Code of Conduct for Employees and the Bribery Act 2010.

38. Confidentiality

38.1 The Council will consider any requirements for the disclosure of information under the Regulations, Freedom of Information Act and any other requirement or permission that is applicable under the law.

38.2 All Officers, agents of the Council or other stakeholders having access to information or documentation about the Procurement will be bound by the confidentiality requirements set out in the Commercial Policy.

38.3 Where there is a requirement to share confidential information with Suppliers, such as details relating to the transfer of staff, this will not be disclosed unless the Supplier has signed and submitted an appropriate Confidentiality Agreement.

39. Risk Assessments

39.1 The Council will take a risk-based approach to determining the route to market and level of Contract management required for individual Contracts. This approach is set out in the Commercial Policy.

39.2 For high value Contracts where there is a significant level of risk the Council may consider the requirement for a Supplier to provide some form of bond or guarantee. The inclusion of bonds or guarantees will be subject to the approval of any officer

⁷ refer to definitions for further details

within Financial Services nominated by the Director of Finance to give such approval.

39.3 The assessment of Supplier financial standing will be undertaken in a manner that is proportionate to the nature of the Contract and level of risk, giving due regard to ensuring requirements do not have the effect of disadvantaging SMEs, VCSEs or new businesses or barring them from Tendering.

C. Routes to Market

40. Procurement Procedures

40.1 The procurement procedure used will be established in accordance with ~~Table 2~~ **Table 2**, considering the value, complexity and risk associated with the Contract.

40.2 Instructions on how to calculate the estimated value and full details of the individual procurement options are contained within the Commercial Policy.

Below Threshold Procurements

40.3 Commercial Services will establish the appropriate route to market from those identified in ~~Table 2~~ **Table 2** considering the value, risk and complexity of the Contract and market capacity.

Above Threshold Procurements

40.4 The Council will use only those procedures permitted under the Regulations, Commercial Services will establish the appropriate route to market considering the value, risk and complexity of the Contract and size of the market. This includes the use of Framework Agreements and Dynamic Purchasing Systems which the Council is eligible to access and where the Procurement can be undertaken in accordance with the specific call-off process.

Table 2: Procurement procedures - below and above threshold Contracts

<u>Services⁸/Supplies/Works⁹</u> <u>Estimated Value of the Procurement</u>	<u>Procurement Procedure</u>
<u>Up to £25,000</u>	<p><u>Where the requirement is not complex and can be assessed purely on the basis of price or price and simple quality requirements:</u></p> <ul style="list-style-type: none"> <u>• obtain at least one written quote. To ensure best value quotes should be requested from a minimum of three Suppliers;</u> <u>• wherever possible, this should include two Torbay based Suppliers.</u> <p><u>Where award of the Contract is subject to complex quality requirements one of the options from £25,001 to Threshold should be used.</u></p>
<u>£25,0001 to Threshold</u>	<u>The most appropriate option identified by Commercial Services, considering risk, value, complexity, market and urgency of the Contract:</u>

⁸ Including Service Concessions

⁹ Including Works Concessions

<u>Services⁸/Supplies/Works⁹</u> <u>Estimated Value of the Procurement</u>	<u>Procurement Procedure</u>
	<ul style="list-style-type: none"> • <u>informal or formal written quotes from at least three Suppliers by email, wherever possible this should include two Torbay based Suppliers;</u> • <u>informal or formal written quotes through the SupplyDevon hub, targeting Torbay based Suppliers;</u> • <u>request for quote from at least three Suppliers through the Council's e-tendering portal, wherever possible this should include two Torbay based Suppliers;</u> • <u>open invitation to tender through the Council's e-tendering portal;</u> • <u>call-off from an established framework or dynamic purchasing system;</u> • <u>call-off from an approved standing list;</u> • <u>direct award to a company wholly owned by the Council or jointly owned with other contracting authorities where best value is demonstrated;</u> • <u>direct award to another contracting authority where best value is demonstrated;</u> • <u>direct award where it can be clearly demonstrated that only one Supplier can meet the need (refer to the Commercial Policy and guidance for the specific circumstances under which a direct award can be considered).</u>
<u>Above Threshold</u>	<ul style="list-style-type: none"> • <u>advertised invitation to tender through the Council's e-tendering portal;</u> • <u>call-off from an established framework or dynamic purchasing system;</u> • <u>direct award to a company wholly owned by the Council or jointly owned with other contracting authorities where the conditions set out in the Regulations permitting a direct award are met and best value is demonstrated;</u> • <u>direct award to another contracting authority where the conditions set out in the Regulations permitting direct are met and best value is demonstrated.</u>

40.5 Where the Contract relates to funding provided by an external body the procurement procedure selected must comply with any requirements or thresholds set by the funder or laid out in relevant statutory guidance. Where there is no such guidance the process will be established in accordance with 40.1 above.

Procurements captured by the Provider Selection Regime (PSR) 2023

40.6 There are no spend thresholds associated with PSR, the Procurement procedure used will be established in accordance with PSR guidance and will comprise only those the procedures permitted under the legislation as set out in Table 3Table 3.

40.7 Procurement under PSR will be undertaken in all cases where the subject matter of the Contract encompasses any of the Health Care Services specified within the legislation.

40.8 When a contract comprises a mixture of in-scope health care services and out-of-scope services or goods, relevant authorities may only use the PSR to arrange those services when both of the below requirements are satisfied:

- a. the main subject-matter¹⁰ of the Contract is in-scope healthcare services;
- b. the relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate contract.

Table 3: Procurements for health services which fall under the Provider Selection Regime

<u>In-scope Healthcare Services</u>	<u>Procurement Procedure</u>
<u>All levels of spend – Procurements where all of the requirements are captured under PSR</u>	<p><u>One of the following options will be used, subject to the specific circumstances set out in the PSR which apply to the contract:</u></p> <ul style="list-style-type: none"> <u>• direct award process A;</u> <u>• direct award process B;</u> <u>• direct award process C;</u> <u>• the most suitable provider;</u> <u>• the competitive process.</u>
<u>All levels of spend – Mixed Procurements where only some of the requirements are captured under PSR</u>	<ul style="list-style-type: none"> <u>• here all of the conditions for undertaking a mixed procurement under PSR are met the appropriate Procurement procedure as set out above will be used.</u> <u>• where all of the conditions for undertaking a mixed procurement under PSR are not met the appropriate Procurement procedure as set out above will be used for those requirements which fall under PSR, all other requirements will be procured in accordance with <u>Table 2</u>.</u>

40.9 Further information on PSR award processes is provided within the Commercial Policy or can be found at: NHS England » The Provider Selection Regime: statutory guidance.

41. Tender Advertising and Publication of Awarded Contracts

41.1 The Council will advertise procurements and publish details of awarded Contracts as follows:

¹⁰ The main subject-matter of the contract is determined by the component that is higher: a) the estimated lifetime value of the health care services; or b) the estimated lifetime value of the other goods or services.

Table 4: Advertising and publication requirements under the Regulations, Local Government Transparency Code and PSR

<u>Notice Type</u>	<u>Below Threshold Procurements¹¹</u>	<u>Above Threshold Procurements</u>
<u>Prior Information</u>	<u>In some cases, a Prior Information Notice (PIN) may be published to inform the market of the Council’s intention to issue a Tender in the future or to advertise Contract specific Supplier events.</u>	
<u>Advertising Tenders with restricted competition</u>	<u>There is no requirement to publicly advertise Tenders with a value below £5,000 (excl. VAT). Tenders with a value of £5,000 (excl. VAT) or more, where competition is restricted to pre-selected Suppliers (including quote processes, Framework further competitions and some awards through the waiver process) will not be publicly advertised.</u>	<u>Framework further competitions and all other forms of restricted competition will not be publicly advertised.</u>
<u>Advertising Tenders with open competition</u>	<u>All open Tenders with a value between £5,000 (excl. VAT) and £30,000 (inc. VAT) will be advertised in a manner appropriate to the route to market and the contract being tendered. As a minimum all open Procurements with a value in excess of £30,000 (inc. VAT) will be advertised in accordance with the advertising requirements set out in the Regulations and on the Council’s E-tendering System.</u>	<u>As a minimum all open Tenders will be advertised in accordance with the advertising requirements set out in the Regulations and on the Council’s E-tendering System.</u>
<u>Other means of advertising</u>	<u>In addition to the advertising requirements set out above, where applicable to the nature of the Contract, the opportunity may be advertised through other means, including social media or in relevant trade publications.</u>	
<u>Publishing contract award notices</u>	<u>As a minimum details of awarded Contracts with a value of £30,000 (inc. VAT) or more will be published in accordance with the publication requirements set out in the Regulations. Where the Procurement is conducted under PSR, details of</u>	<u>As a minimum notices relating to the award of a Contract will be published in accordance with the publication requirements set out in the Regulations or PSR.</u>

¹¹ Please note there are no thresholds in respect of Procurements carried out under PSR

<u>Notice Type</u>	<u>Below Threshold Procurements¹¹</u>	<u>Above Threshold Procurements</u>
	<u>awarded contracts will be published in accordance with the requirements set out in PSR.</u>	
<u>Publishing contract modification notices</u>	<u>As a minimum notices relating to the modification of a Contract will be published in accordance with the publication requirements set out in the Regulations or PSR.</u>	
<u>Contracts Register</u>	<u>Where it meets the threshold (£5,000 excl. VAT) for publication under the Local Government Transparency Code 2015 details of the awarded Contract will be published on the Council's Contracts Register.</u> <u>Details of awarded Contracts with a value below £5,000 (excl. VAT) will not be published, other than where they appear on the Spend Over £500 report.</u> <u>The Contracts Register will be updated when a Contract is extended, varied or terminated.</u>	

41.2 The Council will make all documents and information (other than that considered to be confidential) relating to the Procurement and its requirements available to Suppliers at the start of the procurement, where applicable this will be within any timescales from the date of publication set out in the Regulations.

41.3 Suppliers will be given free and unrestricted access to Tender documents, other than where they are of a confidential nature.

41.4 Confidential information will be issued to Suppliers following completion and submission of a confidentiality agreement.

41.5 The Council will run procurements through the E-tendering System where:

- a. the Contract is above Threshold, including where competition is restricted (e.g. Framework further competitions and DPS call-offs);
- b. for below Threshold Contracts the procurement procedure used specifically requires use of the E-tendering System or where it is considered appropriate for market and process being undertaken.

unless the Commercial Services Team considers use of the E-Tendering System is not deemed appropriate for a particular procurement, e.g., where a Framework / DPS owner specifies use of an alternative system.

D. Procurement Process and Tender Evaluation

42. Communication

42.1 The Tender documents will specify:

- a. the manner in which Suppliers must submit clarification questions during the tender period and the deadline for submission of clarification questions;
- b. the manner and timescales in which the Council will respond to clarification questions;

c. the manner in which post tender clarification questions will be issued to Suppliers and the manner in which they must respond.

42.2 Suppliers' clarification questions will be restricted to questions relating to the Tender documentation or the process as a whole. The Council will not accept or respond to questions relating to the negotiation of any of the substantive terms and conditions of the Tender.

42.3 Unless a Supplier's question is innovation based the response will be provided to all prospective Suppliers. The identity of the Supplier who raised the question will remain confidential.

42.4 Where a clarification leads to amendments to the Tender documents or any of the Tender requirements, the changes will be communicated to Suppliers either through the clarification process for the procurement or through the issuing of clearly marked revised documents, as applicable to the nature of the change.

42.5 Where Tender documents are subject to significant modification the Council will extend the submission deadline where it is deemed further time is required by Suppliers to address the changes.

42.6 Post tender clarification will be for the sole purpose of clarifying the content of a Supplier's submission. The Council will not enter into negotiations on fundamental aspects of a submitted Tender which is likely to distort competition.

42.7 Post tender clarification may be issued electronically or during a formal meeting with the Supplier. Where post tender clarification meetings are held a record of the meeting will be made and held on file.

42.8 The Council will consider whether any specific post tender clarification questions relate to and should be asked to just one or all Suppliers.

42.9 Where post tender clarification results in a material change to the requirements and/or resultant Contract approval to proceed with the Procurement will be sought from the Commercial Services Team.

42.10 Where the Tender is being run through the E-Tendering System all communication with prospective Suppliers will be conducted through the E-Tendering System.

43. Reserved Contracts

43.1 The Council may reserve the right to restrict participation in a particular Procurement where explicitly permitted to do so under the Regulations or other secondary legislation, including sheltered workshops / sheltered employment programmes, social enterprises / public service mutuals and SMEs or VCSEs.

44. Collaborative Arrangements

44.1 Where it is of benefit to the Council, considering any adverse effect on the local economy, opportunities to collaborate with other public bodies or use existing national or regional Contracts, Frameworks and Dynamic Purchasing Systems, including those put in place by Central Purchasing Bodies, will be explored.

45. Tender Pack

45.1 The Council's above Threshold Tender templates will be used for all above Threshold procurements to ensure compliance with Regulations and consistency for

Suppliers, other than where use of a Framework Agreement or DPS requires use of specific Tender documents.

45.2 The Council's below Threshold Tender templates will be used for below threshold procurements where it is appropriate to do so, subject to the nature and complexity of the Contract, to provide consistency for Suppliers.

45.3 Where the value of the Contract is £25,000 (excl. VAT) or more the Council will issue an appropriate set of terms and conditions with the Tender pack, this may be the Council's own standard terms for the provision of services or supplies, industry standard contracts such as JCT and NEC, Framework or DPS call-off contracts.

46. Tender Submission, Opening and Acceptance

46.1 The manner and deadline for submission of Tenders will be set out in the Tender documents, the Council will only accept Tenders submitted in accordance with the Tender requirements.

46.2 Where the E-Tendering System is used all above Threshold Tenders and some below Threshold Tenders will be electronically sealed until the submission deadline has passed. Tenders will be unsealed at the same time by an authorised Verifier, independent of the Procurement, in the presence of the relevant procurement lead officer.

46.3 The Council will not accept Tenders which are received after the prescribed date and time for submission.

46.4 The Council will, at its sole discretion, have the right to reject Tenders under any of the following circumstances:

- a. the Supplier has not submitted a full Tender response, i.e. where response documents are missing or are not fully completed;
- b. the Supplier has not submitted their Tender response in the format stipulated in the Tender documents;
- c. the Supplier is in breach of any of the conditions set out in the Tender documents;
- d. the price submitted by the Supplier is deemed by the Council to be abnormally low where, in accordance with the Regulations, the Supplier is unable to satisfactorily account for the low price or the Supplier has received a Subsidy which has resulted in a distortion of competition;
- e. where the price exceeds the budget declared in the Tender documents and it is stated that Suppliers' prices cannot exceed that budget.

46.5 If the lowest price obtained exceeds the Threshold and the Procurement has not been undertaken in accordance with the Regulations the Council will restart or abandon the Procurement.

47. Tender Evaluation

47.1 Tenders will be evaluated against the criteria set out in the Tender documents, including any sub-criteria, weightings and scoring methodology. The evaluation criteria will be proportionate and applicable to the nature, value, level of risk and complexity of the Contract and cover the following:

- a. Selection criteria – this looks backwards at the Supplier’s track record, considering grounds for mandatory or discretionary exclusion as set out in the Regulations, suitability to pursue a professional activity, economic and financial standing and technical and professional ability; and
- b. Award criteria – this looks forwards at what will be provided under the Contract, directly linked to the subject matter of the Contract, used to establish the Most Advantageous Tender (MAT) and comprising an assessment of quality, price and social value.

47.2 Where there are errors or discrepancies within a Supplier’s Tender response the Council will give the Supplier the opportunity to rectify the errors or discrepancies only if it is determined the Supplier will not gain an unfair advantage.

47.3 Evaluations will be conducted by an appropriately skilled and experienced panel and, subject to the route to market, will be moderated by a member of the Commercial Services Team.

E. Award Procedures

48. Contract Award

48.1 Contracts will be awarded in accordance with the stated criteria and all awards will be approved in accordance with the Officer Scheme of Delegation.

48.2 The Council will notify Suppliers of the Tender outcome in accordance with the requirements of the Regulations (where applicable), the Commercial Policy. Where mandated under the Regulations this will include the observance of a standstill period before the Contract can be entered into.

48.3 Where applicable the Council will prepare an award report as required under Regulation 84 of the Public Contracts Regulations 2015.

48.4 Notices will be published as stated in paragraph 42 (Tender Advertising and Publication of Awarded Contracts).

49. Contracts Arrangements

Note: This Procedure (so far as it relates to Contracts entered in the course of the discharge of executive functions) complies with the requirements of Article 8 of the Local Authorities (Executive and Alternative Arrangements) (Modifications of Enactments and Further Provisions) (England) Order 2001 (SI 1517/2001) and power to modify this Procedure may not be delegated by the Council.

49.1 Any Contract with a value exceeding £25,000 (excl. VAT) entered into on behalf of the Council in the course of discharge of any function (whether executive or Council) will be made in writing and in a form in accordance with Financial Regulations and these Procedures. The Supplier will not be permitted to commence any activities until the Contract has been signed by both parties.

49.2 All Contracts with a value exceeding £50,000 (excl. VAT) will be made under the common seal of the Council attested by at least one Officer.

49.3 The use of Supplier Terms and Conditions will not be permitted other than where explicitly approved through the Waiver Procedure.

F. Contract Management**50. Contract Performance Management**

- 50.1 An appropriate Officer will be appointed to act as the Contract Manager, to conduct regular reviews of the Supplier's performance against the requirements and key performance indicators specified in the Contract and monitor compliance against contractual obligations for the life of the Contract.
- 50.2 All Contracts with a value exceeding £25,000 (excl. VAT) will be risk assessed using the Contracts Risk Matrix to determine the required level of Contract Management and frequency of Contract review meetings required.
- 50.3 The level of contract management and monitoring will be based on the value, risk and complexity of the Contract. The outcome of all Contract review meetings will be recorded in writing.
- 50.4 The Contract Manager will deal with any instances of poor performance, claims or disputes in accordance with the procedures set out in the Contract.

51. Contract Modification

- 51.1 Approval to modify Contracts during their term will be in accordance with the Officer Scheme of Delegation.
- 51.2 Contracts will be modified following the Change Control Procedure set out in the Contract terms and conditions and in accordance with the Commercial Policy.
- 51.3 Changes will only be made where the Regulations, the Tender documents and / or the terms and conditions explicitly permit the change.

52. Contract Termination

- 52.1 Approval for the early termination of a Contract will be in accordance with the Officer Scheme of Delegation. Where the value of the Contract exceeds £100,000 Legal Services, the Chief Finance Officer and the Monitoring Officer will be consulted prior to termination of the Contract.

G. Other Procurement Considerations**53. Gifts and Hospitality**

- 53.1 Officers will comply with the Council's Code of Conduct for Members and Employees and the Local Protocol on Gifts and Hospitality in their dealings with Suppliers and Suppliers.
- 53.2 Officers will not be permitted to accept any gift or hospitality, including drinks, meals, entertainment, overnight accommodation, travel and holidays, but does not include a lift in a private or company car, a taxi, or refreshments in the course of their duty.

54. Audits

- 54.1 Officers will agree any response to audits by external funders in relation to procurement procedures used in spending of the funds with the Commercial Services Team, including meetings and written responses.

54.2 Where an internal audit raises concerns or identifies areas of non-compliance with these Procedures the Commercial Services Team will be consulted by the service on any actions required to rectify the issues.

55. Nomination of Sub-contractors

55.1 Where the Council stipulate use of specific sub-contractors by a main Supplier this will only be permitted where the sub-contractor has been appointed in accordance with these Procedures.

H. Waivers

56. Waiver Procedure

56.1 Officers may only seek exemptions to the application of these Procedures in respect of the requirements set out in this section.

56.2 Exemptions to the application of these Procedures will be subject to written authorisation in accordance with the Waiver Procedure set out in the Commercial Policy.

56.3 The Council will maintain a record of all waivers requested, declined and approved.

57. Exemptions from Using the Applicable Procurement Procedure

Below Threshold Contracts

57.1 An exemption to use an alternative Procurement Procedure to that stipulated in these Procedures will only be considered where the requesting officer is able to provide appropriate justification and supporting evidence in respect of the request, for example:

a. the proposed contract is of a very specialist nature and there are insufficient Suppliers to undertake the applicable procedure, including:

- genuine monopoly Supplier situation where it is not possible to undertake a competitive tender exercise;
- specialist products where no legal challenge from an alternative Supplier could occur;
- standardisation policy or compatibility requirements for products / equipment / services where there is only one source of supply and change could result in significant alterations to working practices or service delivery;

b. the proposed contract is required urgently, the urgency is not brought about by events that were foreseeable by or attributable to the Council and where the situation would result in risk of harm to individuals or loss or damage to the Council;

c. it would be in the best interests of the Council or local people not to undertake the applicable procedure.

57.2 All Contracts put in place through an exemption will be for the minimum period necessary and appropriate due diligence checks will be undertaken in respect of the selected Supplier(s).

57.3 All other requirements of these Procedures will apply to the award of the Contract, other than where the waiver includes Other Exemptions as set out at section 60 below.

Above Threshold Contracts

57.4 Exemptions to the application of these Procedures for above Threshold Contracts will only be considered where the alternative procedure is permitted under the Regulations and the specific circumstances under which an alternative procedure can be undertaken are met.

58. Other Exemptions

Tender Pack

58.1 Agreement may be sought for the use of alternative Tender templates to those applicable to the Procurement procedure.

Tender Submission, Opening and Acceptance

58.2 Agreement may be sought to follow an alternative route for the issuing and submission of tender to facilitate ease of access to opportunities for SMEs VCSEs.

Contract Arrangements

58.3 Exemption may be sought for the use of Supplier Terms and Conditions, subject to review of the terms and conditions in accordance with the Commercial Policy.

58.4 Use of another contracting authority's terms and conditions of contract.

I. Definitions

<u>Term</u>	<u>Definition</u>
<u>Above Threshold</u>	<u>A Procurement which is above the relevant Threshold for the requirement.</u>
<u>Award</u>	<u>The process used by the Council to determine the successful Supplier following a Procurement or the process of awarding the Contract, considering any specific requirements set out in the Regulations.</u>
<u>Award Criteria</u>	<u>The criteria against which Tenders are assessed and on which Contract award decisions are made, will include but is not limited to consideration of quality, price and social value.</u>
<u>Award Notice</u>	<u>The official notice which the Council is required to publish under the Regulations to notify the details of Contracts awarded.</u>
<u>Below Threshold</u>	<u>A Procurement or Contract which is below the relevant Threshold for the requirement.</u>
<u>Call-Off</u>	<u>The process of awarding a Contract under a Framework or Dynamic Purchasing System.</u>
<u>Call-Off Contract</u>	<u>The Contract awarded following a call-off from a Framework or Dynamic Purchasing System.</u>
<u>Central Purchasing Body</u>	<p>A contracting authority which:</p> <ul style="list-style-type: none"> • <u>acquires services or supplies intended for one or more Contracting authorities;</u> • <u>awards public Contracts intended for one or more Contracting authorities; or</u> • <u>concludes framework agreements for work, works, goods or services intended for one or more Contracting authorities.</u>
<u>Commercial Policy</u>	<u>The set of rules and associated guidance which set out the Council’s procedures for meeting the requirements of these Procedures, the Regulations and other legislative or regulatory obligations in relation to Procurement.</u>
<u>Commercial Services</u>	<u>The Council department responsible for the management and oversight of Procurement activities, including the setting of policies and guidance.</u>
<u>Concession (Contract)</u>	<p><u>A contract for the supply, for pecuniary interest, of works or services to a contracting authority where:</u></p> <ul style="list-style-type: none"> • <u>at least part of the consideration for that supply is a right for the Supplier to exploit the works or services; and</u> • <u>under the contract the Supplier is exposed to a real operating risk.</u>

<u>Term</u>	<u>Definition</u>
	<p>An “operating risk” is a risk that the Supplier will not be able to recover its costs in connection with the supply and operation of the works or services, where the factors giving rise to that risk:</p> <ul style="list-style-type: none"> • are reasonably foreseeable at the time of award; and • arise from matters outside the control of the contracting authority and the Supplier.
<u>Concession Contracts Regulations 2016</u>	<p>The legislation incorporated into English law concerning the procurement by public authorities or utilities of public services or works concessions contracts.</p> <p>The Concession Contracts Regulations 2016 (legislation.gov.uk)</p>
<u>Confidentiality Agreement</u>	<p>An agreement which binds one or more parties to non-disclosure of confidential or proprietary information.</p>
<u>Constitution</u>	<p>The document which sets out the rules governing the Council's business.</p>
<u>Contract(s)</u>	<p>A legally binding agreement between the Council and one or more Suppliers, including formal terms and conditions of contract or the terms stated on a Council Purchase Order.</p>
<u>Contract Management</u>	<p>The process and approach taken to implement, monitor and review what is being provided under the contract to ensure what has been agreed is being provided to the required standards and all parties to the contract are meeting their obligations.</p>
<u>Contract Procedures</u>	<p>The rules and procedures in place to ensure the Council is compliant with legislation, fair and accountable in its dealings with economic operators and obtains value for money.</p>
<u>Contract Value</u>	<p>The estimated or actual price of the Contract to be awarded.</p>
<u>Contracting Authority</u>	<p>A public authority or body governed by public law in whose name the Contract is awarded.</p>
<u>Contracts Finder</u>	<p>The government website on which the Council must publish all openly advertised opportunities and all subsequently awarded Contracts, regardless of the route to market, above £30,000 (inc. VAT).</p>
<u>Contracts Register</u>	<p>The register containing the information the Council is required to publish, under the Local Government Transparency Code, for all spend and Contracts entered into with a value that exceeds £5,000 (excl. VAT).</p>
<u>Council</u>	<p>Torbay Council</p>

<u>Term</u>	<u>Definition</u>
<u>Criteria</u>	<u>The standards against which a Supplier’s Tender will be assessed.</u>
<u>DPS</u>	<u>Dynamic Purchasing System</u>
<u>Dynamic Purchasing System(s)</u>	<u>Is a procedure available for contracts for services, supplies or works commonly available on the market and operated through a completely electronic system, which is open throughout its duration for the admission of economic operators.</u>
<u>Economic Operator</u>	<u>The generic term used in the Regulations to cover a contractor, provider, supplier, service provider, applicant, bidder, candidate, tenderer, company, organisation or any other legal entity bidding for or awarded a Council Contract.</u>
<u>E-Tendering System</u>	<u>A web-based system used to facilitate a complete Tendering process, covering advertising, issuing and receiving Tender related information, evaluation and Contract award.</u>
<u>Find a Tender Service</u>	<u>The government website on which the Council must advertise all opportunities above Threshold and publish details of the subsequently awarded Contracts.</u>
<u>Formal Request for Quote</u>	<u>Quote process undertaken using the relevant Council Tender templates.</u>
<u>Framework Agreement(s)</u>	<u>An agreement between one or more contracting authorities and one or more Suppliers, the purpose of which is to establish the terms governing contracts to be awarded during a given period.</u>
<u>GPA</u>	<u>World Trade Agreement on Government Procurement</u>
<u>Health Care Services (Provider Selection Regime) Regulations 2023</u>	<p><u>The rules for procuring health care services in England by organisations termed relevant authorities. For the purposes of the regulations relevant authorities are:</u></p> <ul style="list-style-type: none"> <u>• NHS England;</u> <u>• integrated care boards (ICBs);</u> <u>• NHS trusts and NHS foundation trusts;</u> <u>• local authorities and combined authorities.</u> <p><u>The Health Care Services (Provider Selection Regime) Regulations 2023 (legislation.gov.uk)</u></p>
<u>Informal Request for Quote</u>	<u>Quote process undertaken without the need to use Council Tender templates.</u>
<u>JCT</u>	<u>Joint Contracts Tribunal</u>
<u>JCT Contract</u>	<u>A nationally recognised suite of construction contracts developed and provided by the Joint Contracts Tribunal.</u>

<u>Term</u>	<u>Definition</u>
<u>Light Touch</u>	The regime under which certain above Threshold social and other specific services may be procured.
<u>Local Business, SME or VCSE</u>	<p>A business, SME or VCSE that is located and operated from within the Torbay local authority boundary, i.e. postcodes TQ1 to TQ5.</p> <p>Or where, there is no such organisation within the Torbay local authority boundary, one that is located and operated from within Teignbridge or South Hams district councils' boundaries, i.e. postcodes TQ6 to TQ14</p>
<u>Monitoring Officer</u>	The statutory officer responsible for matters relating to the conduct of councillors and officers, the operation of the Council's Constitution and reporting on matters they believe to be illegal or amount to maladministration.
<u>National Procurement Policy Statement (NPPS)</u>	<p>Guidance from Cabinet Office setting out the strategic priorities for public procurement and how contracting authorities can support their delivery.</p> <p>National Procurement Policy Statement.pdf (publishing.service.gov.uk)</p>
<u>National Procurement Strategy (NPS) for Local Government in England</u>	<p>Sets out the ambition of the sector, including guidance and a roadmap to improvement and innovation.</p> <p>This strategy promotes:</p> <ul style="list-style-type: none"> • adding value; • fulfilling our social value priorities through procurement; • building even greater connections and partnerships locally, across the public sector, with suppliers and the voluntary sector; • attracting, developing and retaining talent; • exploiting data and technology; • effective contract, supplier relationship and supply chain management; and • embracing public procurement transformation and innovation including making procurement easier for bidders.
<u>NEC</u>	New Engineering Contract.
<u>NEC Contract</u>	A nationally recognised suite of engineering and construction contracts created by the UK Institution of Civil Engineers.
<u>Officer Scheme of Delegation</u>	A framework that confers powers to conduct an authority's executive functions on chief officers and certain other designated officers, setting out the arrangements for the delegation of authority to officers to carry out the Council's various functions.
<u>Other Applicable Legislation</u>	Primary and secondary legislation and regulations relevant to public procurement, this includes but is not limited to:

<u>Term</u>	<u>Definition</u>
	<ul style="list-style-type: none"> • Bribery Act 2010; • Children Act 2014; • Contract (Rights of Third Parties) Act 1999 • Data Protection Act 2018 and UK General Data Protection Regulation; • Fraud Act 2006; • Freedom of Information Act 2000; • Health and Safety at Work etc. Act 1974; • Health and Care Act 2022; • Human Rights Act 1998; • Insolvency Act 1986; • Intermediaries Legislation (IR 35); • Local Government Transparency Code 2015; • Modern Slavery Act 2015; • Prevent Duty; • Prevention of Corruption Act 1906; • Public Bodies Corrupt Practices Act 1889; • Public Sector Equality Duty; • Public Services (Social Value) Act 2012; • Transfer of Undertakings (Protection of Employment) Regulations 2006.
<u>Procedures</u>	These Contract Procedures.
<u>Tender Document(s)</u>	The documents issued by the Council setting out the rules for the Procurement together with the documents submitted by Suppliers containing their Tender response. Which may be in the form of an official Tender pack or written instructions within an email or letter to Suppliers.
<u>Procurement(s)</u>	<ol style="list-style-type: none"> 1. The award, entry into and management of a contract, including: <ul style="list-style-type: none"> • any step taken for the purpose of awarding, entering into or managing the contract; • all or part of the procurement; and • termination of the procurement before award of the contract, regardless of whether the procurement is covered under the Regulations or not. And / or 2. Steps taken for the purpose of awarding, entering into or managing a contract include, but are not limited to: <ul style="list-style-type: none"> • pre-tender planning and decision making; • market engagement; • the procurement procedure itself; • contract issuing and signing; • mobilisation/implementation; • contract and performance management; • exit management; and • de-commissioning.

<u>Term</u>	<u>Definition</u>
<u>Procurement Lead Officer</u>	The officer who is leading on the provision of procurement advice and support for a Procurement.
<u>Procurement Playbooks</u>	Guidance which sets out how government departments should approach outsourcing projects and outlines the government's expectations on how contracting authorities and suppliers engage with each other. The playbooks encompass the following: <ul style="list-style-type: none"> • <u>sourcing;</u> • <u>construction;</u> • <u>consultancy;</u> • <u>digital, data and technology.</u>
<u>Procurement Policy Note (PPN)</u>	A document that sets out information and guidance for public bodies on procurement regulations and policies issued by the UK and devolved governments.
<u>Tender Template(s)</u>	The proforma Tender Document(s) for completion by the contracting department and procurement lead officer.
<u>Provider Selection Regime</u>	<u>Health Care Services (Provider Selection Regime) Regulations 2023.</u>
<u>PSR</u>	Provider Selection Regime
<u>Public Contracts Regulations 2015</u>	The legislation incorporated into English law concerning the Procurement by public authorities of public services, supplies and works Contracts, as amended from time to time. <u>The Public Contracts Regulations 2015 (legislation.gov.uk)</u>
<u>Public Service Mutual</u>	An organisation which: <ul style="list-style-type: none"> • <u>has left the public sector;</u> • <u>continues to deliver public services and aims to have a positive social impact;</u> • <u>has a significant degree of staff influence or control in the way it is run.</u>
<u>Regulation 8 – Public Contracts Regulations 2015</u>	Public contracts, or design contests, for the principal purpose of permitting contracting authorities to provide or exploit public communications networks or to provide to the public one or more electronic communications services.
<u>Regulation 9 – Public Contracts Regulations 2015</u>	Public contracts awarded, and design contests organised, pursuant to international rules.
<u>Regulation 10 – Concession Contracts Regulations 2016</u>	Concession contracts awarded to a contracting authority or a utility or to an association of such contracting authorities or utilities on the basis of an exclusive right.

<u>Term</u>	<u>Definition</u>
<u>Regulation 10 – Public Contracts Regulations 2015</u>	<p>(a) <u>acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property, or which concern interests in or rights over any of them;</u></p> <p>(b) <u>(i) the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services, which are awarded by audiovisual or radio media service providers, or (ii) broadcasting time or programme provision that are awarded to audiovisual or radio media service providers;</u></p> <p>(c) <u>arbitration or conciliation services;</u></p> <p>(d) <u>(i) legal representation of a client by a lawyer in an arbitration or conciliation or judicial proceedings before a court, tribunal or public authorities, or (ii) legal advice given in preparation of proceedings referred to in paragraph (i) or where there is tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings;</u></p> <p>(e) <u>(i) financial services in connection with the issue, sale, purchase or transfer of securities, (ii) central bank services, or (iii) operations conducted with the European Financial Stability Facility and the European Stability Mechanism;</u></p> <p>(f) <u>loans;</u></p> <p>(g) <u>employment contracts;</u></p> <p>(h) <u>civil defence, civil protection and danger prevention services provided by not-for-profit organisations, except patient transport services;</u></p> <p>(i) <u>public passenger transport services by rail or metro;</u></p> <p>(j) <u>political campaign services when awarded by a political party in the context of an election campaign.</u></p>
<u>Regulation 11 – Concession Contracts Regulations 2016</u>	<u>Concession contracts for the principal purpose of permitting contracting authorities to provide or exploit public communications networks, or to provide to the public one or more electronic communication services.</u>
<u>Regulation 11 – Public Contracts Regulations 2015</u>	<u>Service contracts awarded on the basis of an exclusive right.</u>
<u>Regulation 12 – Concession Contracts Regulations 2016</u>	<p>(a) <u>concession contracts awarded to provide or operate fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water;</u></p> <p>(b) <u>concession contracts awarded to supply drinking water to such networks;</u></p> <p>(c) <u>concession contracts for either or both of the following: (i) hydraulic engineering projects, irrigation or land drainage, provided that the volume of water to be used for the supply of drinking water represents more than 20% of the total volume of water made available by such projects or irrigation or drainage installations, or (ii) the disposal or</u></p>

<u>Term</u>	<u>Definition</u>
	<u>treatment of sewage, when the contracts are connected with an activity referred to in paragraph (a) or (b).</u>
<u>Regulation 12 – Public Contracts Regulations 2015</u>	<u>Award of contracts to controlled persons; award of contracts where there is joint control and contracts which establish or implement co-operation between contracting authorities.</u>
<u>Regulation 13 – Concession Contracts Regulations 2016</u>	<u>Concession contracts awarded:</u> <u>(a) by a utility to an affiliated undertaking, or</u> <u>(b) by a joint venture, formed exclusively by a number of utilities for the purpose of conducting activities listed in Schedule 2, to an affiliated undertaking of one its members; where the conditions set out in regulation 13 are met.</u>
<u>Regulation 14 – Concession Contracts Regulations 2016</u>	<u>Concession contracts awarded to a joint venture or to a utility forming part of a joint venture.</u>
<u>Regulation 16 – Concession Contracts Regulations 2016</u>	<u>Concession contracts awarded by utilities where it has been established that the activity is directly exposed to competition in accordance with regulation 34(2) of the Utilities Contracts Regulations 2016.</u>
<u>Regulation 17 – Public Contracts Regulations 2015</u>	<u>Public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules.</u>
<u>Regulation 24 – Public Contracts Regulations 2015</u>	<u>Conflicts of interest – contracting authorities shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.</u>
<u>Regulations</u>	<u>The Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 and/or Utilities Contract Regulations 2016.</u>
<u>Section 151 Officer</u>	<u>The statutory officer responsible for the arrangements for the proper administration of the Council’s financial affairs.</u>
<u>Threshold(s)</u>	<u>The contract value thresholds (inclusive of VAT) set by the UK government above which the Regulations apply, as amended every two years, covering:</u> <ul style="list-style-type: none"><u>• light touch regime services</u><u>• services</u><u>• services and works concessions supplies</u><u>• works</u>
<u>Threshold Values</u>	<u>Means the same as Threshold(s).</u>

<u>Term</u>	<u>Definition</u>
<u>Selection</u>	The process by which Suppliers are selected to move forward to the next stage of the Procurement, in accordance with the criteria listed in the Regulations.
<u>Selection Criteria</u>	The criteria used to establish a Supplier’s legal, economic and financial standing, capacity and capability to fulfill the requirements of the Contract.
<u>Selection Questionnaire</u>	The questionnaire completed by Suppliers to set out their legal, economic and financial standing, capacity and capability to fulfill the requirements of the Contract.
<u>Services</u>	The provision of any type of service other than those which fall within the definition of a works Contract or a social and other specific services Contract.
<u>Services Concessions</u>	The provision and management of services (other than the execution of works) for financial interest, giving the Supplier the right to exploit the services with or without payment.
<u>SME</u>	Small and medium enterprise.
<u>Social and Other Specific Services</u>	Specific services which can be subject to Light Touch Procurement.
<u>Social Enterprise</u>	A business which trades for a social or environmental purpose.
<u>Sub-Criteria</u>	The criteria which sit below the main criteria, against which the Supplier’s Tender will be assessed.
<u>Subsidy</u>	Where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms.
<u>Supplier</u>	The generic term to cover a contractor, provider, supplier, service provider, applicant, bidder, candidate, tenderer, company, organisation or any other legal entity who may or does Tender for or is awarded a Contract.
<u>Supplies</u>	The purchase, lease, rental or hire purchase (with or without an option to buy) of goods or products, which may also include as an incidental the siting or installation of the product.
<u>Tender(s)</u>	An invitation to bid for a Contract or Supplier’s response to that invitation.
<u>Utility</u>	An entity which pursues one of the following activities and is a contracting authority or public undertaking or is not a contracting authority or public undertaking but whose activities include and operate on the basis of special or exclusive rights: <ul style="list-style-type: none"> • <u>gas and heat;</u>

<u>Term</u>	<u>Definition</u>
	<ul style="list-style-type: none"> • electricity; • water; • transport services; • ports and airports; • postal services; and • extraction of gas, oil, coal or other solid fuels.
<u>Utilities Contracts Regulations 2016</u>	<p>The legislation incorporated into English law concerning the Procurement by utilities of public services, supplies and works Contracts, as amended from time to time.</p> <p>The Utilities Contracts Regulations 2016 (legislation.gov.uk)</p>
<u>Verifier(s)</u>	<p>The officer(s) authorised to unseal electronic Tenders.</p>
<u>VCSE</u>	<p>Voluntary and community sector enterprise.</p>
<u>Waiver Procedure</u>	<p>The procedure set out in the Commercial Policy governing the exemption of the application of these Procedures.</p>
<u>Weighting</u>	<p>A score which may be allocated to individual criteria and/or sub-criteria to denote their level of importance in comparison to other criteria.</p>
<u>Works</u>	<p>The execution or design and execution of construction, civil engineering, demolition, building installation and building completion works.</p>
<u>Works Concessions</u>	<p>The execution of works for financial interest, giving the Supplier the right to exploit the works with or without payment.</p>
<u>World Trade Agreement on Government Procurement (GPA)</u>	<p>A plurilateral agreement under the auspices of the World Trade Organization (WTO) which regulates the procurement of goods and services by the public authorities of the parties to the agreement, based on the principles of openness, transparency and non-discrimination.</p> <p>Government Procurement Agreement [WP for Windows Docs] (wto.org)</p>

Meeting: Council

Date: 22 February 2024

Wards affected: All Wards

Report Title: Constitution Amendments – Planning Committee Various

When does the decision need to be implemented? As soon as possible

Cabinet Member Contact Details: Councillor Jackie Thomas, Cabinet Member for Culture, Tourism & Events and Corporate Services, jackie.thomas@torbay.gov.uk

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1. Purpose of Report

- 1.1 This report sets out a number of changes to the Council's Constitution in respect of operational arrangements for the Planning Committee and to reflect the current status of the Neighbourhood Forums.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report ensures that the following sections of the Constitution are up to date and fit for purpose:
- Standing Orders – Council Meetings; and
 - Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums.

3. Recommendation(s) / Proposed Decision

1. That Council approves the following revised Constitution documents, as set out in Appendices 1 and 2 to this report:
- Appendix 1 - Standing Orders – Council Meetings; and
 - Appendix 2 - Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums.

Appendices

- Appendix 1 - Standing Orders – Council Meetings
- Appendix 2 – Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Article 13 – Review and Revision of The Constitution sets out the arrangements for revisions to the Council's Constitution. This enables the Monitoring Officer to keep the Constitution under review and to make changes that are required for technical or legal reasons. The Monitoring Officer to also make other changes to the Constitution that he/she believes are in the best interests of the Council and/or local people, in consultation with Group Leaders, with an escalation provision to report matters to full Council for a decision. Whilst the proposed changes are technical and operational the Liberal Democrat Group Leader has determined that these matter should come before the Council to approve, as the sovereign body.
- 1.2 The following amendments are proposed to the Standing Orders in relation to Council Meetings, as set out in Appendix 1:
 - To include reference to the Broadsands, Churston and Gamlpton Neighbourhood Forum and remove reference to the Paignton Neighbourhood Forum, as the Paignton Neighbourhood Forum no longer exists.
- 1.3 The following amendments are proposed to the Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums, as set out in Appendix 2:
 - To include reference to the Broadsands, Churston and Gamlpton Neighbourhood Forum and remove reference to the Paignton Neighbourhood Forum, as the Paignton Neighbourhood Forum no longer exists.
 - To provide clarity on the areas covered by Brixham Town Council, the Broadsands, Churston and Galmpton Neighbourhood Forum and Torquay Neighbourhood Forum.
 - To provide clarity that Forum Status does not affect the Status of any adopted Neighbourhood Plan.

- To provide clarity that minutes etc. from the Qualifying Body (e.g. Neighbourhood Forum) should be available on their website to provide openness.
- Confirming that Neighbourhood Forums do not have to submit formal representations to be able to speak at the Planning Committee.

2. Options under consideration

- 2.1 To leave the current sections of the Constitution in place. However, this does not reflect the current/intended operational processes in respect of the Planning Committee.

3. Financial Opportunities and Implications

- 3.1 None

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The revised sections of the Constitution have been circulated to all Councillors and discussed with Group Leaders and their suggestions have been incorporated into the final version of the documents, in accordance with the current Article 13 of the Constitution.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

- 7.1 Not applicable.

8. Associated Risks

- 8.1 None

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
People with caring responsibilities	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
People with a disability	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	

Women or men	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
Religion or belief (including lack of belief)	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
People who are lesbian, gay or bisexual	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be	There is no differential impact.	

	involved as well as those who can attend in person.		
People who are transgendered	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
People who are in a marriage or civil partnership	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
Women who are pregnant / on maternity leave	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	
Socio-economic impacts (Including impact on	We live stream our Planning Committee meetings which	There is no differential impact.	

child poverty issues and deprivation)	helps makes them more accessible to everyone to be involved as well as those who can attend in person.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	We live stream our Planning Committee meetings which helps makes them more accessible to everyone to be involved as well as those who can attend in person.	There is no differential impact.	

Cumulative Council Impact

104.1 None

11. Cumulative Community Impacts

11.1 None

Standing Orders – Council Meetings

Contents

Standing Order

- A1. Annual Meeting of the Council
- A2. Ordinary meetings
- A3. Extraordinary meetings
- A4. Time, place and arrangement of meetings
- A5. Notice of and summons to meetings
- A6. Opening of Meeting
- A7. Urgent items of business
- A8. Chairman/woman of meeting
- A9. Election of Civic Mayor
- A10. Quorum
- A11. Duration of meeting
- A12. Questions by members
- A13. Notices of Motion
- A14. Motions which may be moved without Notice and/or during debate
- A15. Rules of debate
- A16. State of the Borough Debate
- A17. Previous decisions and motions
- A18. Voting
- A19. Minutes
- A20. Record of attendance
- A21. Exclusion of public
- A22. Representations in respect of planning and licensing applications
- A23. Petitions (please see Appendix 3 for petitions scheme)
- A24. Public Question Time
- A25. Members' conduct

- A26. Disturbance by members of the public
- A27. Use of cameras and tape and video recorders
- A28. Prohibition of smoking, alcohol and drugs at Council meetings
- A29. Suspension and amendment of Standing Orders in relation to Council procedure
- A30. Interpretation
- A31. Application of Standing Orders in relation to Access to Information to meetings of the Council

A1. Annual Meeting of the Council**(This Standing Order may not be suspended)**

- A1.1 In a year when there is an all-Council election, the annual meeting will take place between 8 and 21 days after the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. (Schedule 12 of the Local Government Act 1972)
- A1.2 At the Annual Meeting, the Council will:
- (i) elect a person to preside if the Civic Mayor is not present. (Note: Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor.);
 - (ii) receive apologies for absence;
 - (iii) elect the Civic Mayor for the ensuing Municipal Year. The person nominated as Civic Mayor may not vote for him/herself at the Annual Meeting. (Note: Members of the Cabinet are not permitted to be the Civic Mayor.);
 - (iv) elect the Deputy Civic Mayor for the ensuing Municipal Year. (Note: Members of the Cabinet are not permitted to be the Deputy Civic Mayor.);
 - (v) receive any declarations of interest from the members and officers;
 - (vi) approve the minutes of the last meeting;
 - (vii) receive any announcements from the Leader of the Council (excluding the year of a whole Council election), Civic Mayor and/or the Chief Executive;
 - (viii) in the year of a whole Council election, to elect the Leader of the Council for a four year term and until the Annual Council meeting following the next whole Council election;
 - (viii) appoint the Overview and Scrutiny Co-ordinator and (if any) up to four Overview and Scrutiny Lead Members. (Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or scrutiny lead members);
 - (ix) appoint at least one Overview and Scrutiny Committee, a Health and Wellbeing Board, a Standards Committee and such other committees and working parties as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution). In appointing those committees the Council will:
 - (a) determine which committees to establish for the Municipal Year;
 - (b) determine the size and terms of reference of those committees;
 - (c) determine the allocation of seats in accordance with the political balance rules;

- (d) request nomination of members to serve on each committee and appoint to these committees in accordance with Standing Order A1.4) below; and
 - (e) elect the Chairmen/women and appoint the Vice-Chairmen/women of those bodies (with the exception of Committees and Sub-Committees which meet on ad-hoc basis and require the election of the Chairman/woman and appointment of Vice-Chairman/woman at each meeting or in the case of an in year vacancy, such appointment shall be made at the next available Council meeting);
 - (x) approve a programme of ordinary meetings of the Council for the 4 year term in the year of a whole Council election;
 - (ix) be informed by the Leader of the Council about the composition of the Cabinet and the names of councillors he/she has chosen to be members of the Cabinet;
 - (x) to receive from the Leader of the Council a record of delegation of executive function in accordance with Standing Order C2;
 - (xiii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution); and
 - (xiv) consider any business set out in the notice convening the meeting.
- A1.3 In the year of a whole Council election, to determine appointments to outside organisations.
- A1.4 The members to serve on each committee, sub-committee, working party and any other body (including outside organisations) may be nominated by the Group Leaders by notice in writing to the Head of Governance Support not later than the day before the Annual Meeting (including by e-mail if verified by the Head of Governance Support) otherwise they must be nominated by the Group Leaders at the Annual Meeting. Once appointed, Group Leaders will notify any changes to appointments in writing to the Head of Governance Support. Members not affiliated to any political group may indicate their preference in relation to places on committees, sub-committee, working parties and other bodies in writing not later than the day before the Annual meeting (including by e-mail if verified by the Head of Governance Support).
- A1.5 The Civic Mayor shall not be a member of any committee, sub-committee or working party.
- A1.6 The Annual Meeting of the Council will not receive petitions and questions from the public or members.
- A2. Ordinary Meetings**
(A2.2 (ii) to (iv) and (xiii) to apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)
- A2.1 Ordinary meetings of the Council and its committees will take place in accordance with the 4 year programme decided at the Council's Annual Meeting following the all Council election. The Chief Executive in consultation with the

Civic Mayor may amend that programme during each year. In relation to committees the relevant Director, Divisional Director or Head of Service in consultation with the Chairman/woman of that committee may amend that committee's programme during each year.

A2.2 Every ordinary meeting of the Council shall commence with the following items. These items must not be displaced elsewhere in the agenda:

- (i) to elect a person to preside if both the Civic Mayor and Deputy Civic Mayor are not present. (Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor.);
- (ii) to deal with any business required by statute to be dealt with before any other business; and
- (iii) to approve as a correct record the minutes of the last meeting of the Council;

The remaining order of business for the meeting shall be determined by the Civic Mayor and he/she will place those items with significant public interest at the beginning of the meeting. The business of ordinary meetings of the Council shall include:

- (iv) to receive any declarations of interest from members and officers;
- (v) to receive any communications or announcements from the Leader of the Council, the Civic Mayor, the Overview and Scrutiny Co-ordinator or Chief Executive;
- (vi) to receive petitions from the public in accordance with Standing Order A23;
- (vii) to receive questions from the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Council and in accordance with Standing Order A24;
- (viii) to deal with any business from the last meeting of the Council that was on the agenda, but was not dealt with at the last meeting;
- (ix) to answer any question under Standing Order A12;
- (x) to consider motions in accordance with Standing Order A14;
- (xi) to receive reports from the Cabinet, the Council's committees (including Overview and Scrutiny Bodies) and officers including proposals from the Leader of the Council in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- (xii) to receive reports on the business of joint arrangements and external organisations; and
- (xiii) to consider any other business specified in the summons to the meeting.

A3. Extraordinary Meetings (To apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)
 (Paragraph 3 of Part 1, Schedule 12 of the Local Government Act 1972)

- A3.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (i) the Council by resolution;
 - (ii) the Civic Mayor;
 - (iii) the Monitoring Officer; and
 - (iv) any five Members of the Council if they have signed a requisition presented to the Civic Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
(Members exercising their rights under this paragraph are to give notice in writing (including by e-mail if verified by the Head of Governance Support) to the Head of Governance Support who will then call the meeting in accordance with the Standing Orders in relation to Access to Information.)
- A3.2 An extraordinary meeting shall conduct no business other than that for the purpose of which it was called.
- A4. Time, Place and Arrangement of Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)**
(This Standing Order may not be suspended)
- A4.1 The time and place of meetings will be determined by the Chief Executive, in consultation with the Civic Mayor, and notified in the summons.
- A4.2 Seating arrangements at meetings of the Council shall be determined by the Civic Mayor in consultation with the Leader of the Council and Group Leaders.
- A5. Notice of and Summons to Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)**
(This Standing Order may not be suspended)
- A5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Standing Orders in relation to Access to Information.
- A5.2 The Chief Executive will send by electronic means, or in paper form where a member has requested, a summons signed by him/her to every member of the Council.
- A5.3 The summons will give the date, time and place of the meeting, specify the business to be transacted and will be accompanied by such reports as are available. However, non-receipt of a summons by any member shall not affect the validity of the meeting.
- A6. Opening of Meeting**
- A6.1 The proceedings of every Council meeting may be preceded by such an address as the Civic Mayor may determine.
- A7. Urgent Items of Business**
(This Standing Order may not be suspended)
(Paragraph 4(5) of Part 1, Schedule 12 of the Local Government Act 1972)

A7.1 Urgent items of business shall not be dealt with at ordinary or extraordinary meetings of the Council unless notice of the item in question has been included in the summons sent to members under Standing Order A5.2.

A8. Chairman/Woman of Meeting
(This Standing Order may not be suspended)

A8.1 At Meetings of the Council, the Civic Mayor, if present, shall preside and, in his/her absence, the Deputy Civic Mayor, shall preside. In the absence of both the Civic Mayor and Deputy Civic Mayor the Council shall elect a Chairman/woman for that meeting or the meeting shall be adjourned.

A8.2 The person presiding at any Council, committee or sub-committee meeting may exercise any power or duty of the Civic Mayor. (To apply to Committees and Overview and Scrutiny)

A9. Election of Civic Mayor and Deputy Civic Mayor
(This Standing Order may not be suspended)

A9.1 The selection of the Civic Mayor Elect and the Deputy Civic Mayor Elect of the Council shall take place at the penultimate ordinary Council meeting of each Municipal Year at the latest, following the rules of debate set out in Standing Order A15. Where a motion for the Civic Mayor Elect is the current Civic Mayor, the Civic Mayor shall leave the meeting whereupon the Deputy Civic Mayor will take the chair and exercise his/her casting vote where an equality of votes occurs on any motion or amendment. The Council may resolve not to select a Civic Mayor Elect and/or Deputy Mayor Elect in the year of the all-Council elections. In the event that the Council fails to pass a motion to select the Civic Mayor Elect and/or Deputy Civic Mayor Elect the matter must be determined at the following Annual Council meeting.

A10. Quorum
(This Standing Order may not be suspended)

A10.1 The quorum at a meeting of the Council shall one quarter of the whole number of members which equates to nine members, including the person presiding at the meeting.
(Paragraph 6 of Part 1, Schedule 12 of the Local Government Act 1972)

A10.2 During any meeting if the Civic Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11. Duration of Meeting (To apply to Committees, Cabinet and Overview and Scrutiny)

A11.1 Subject to Standing Order A11.2, unless the majority of members present vote for the meeting to continue, any meeting or adjourned meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11.2 Prior to the adjournment of any meeting pursuant to Standing Order A11.1, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Section 151 Officer (Chief Finance Officer) to indicate whether there is any other business that they believe must be transacted at that meeting. If any such officer indicates that there is any other business that must be transacted at the meeting before it is adjourned, such business must be transacted before any adjournment regardless of the outcome of the vote referred to at paragraph A11.1.

A12. Questions by Members

A12.1 Notices of questions at Council

Subject to Standing Order A12.3, a member of the Council may ask:

- (i) the Civic Mayor;
- (ii) the Leader of the Council;
- (iii) a member of the Cabinet;
- (iv) the Chairman/woman of any committee (including the Overview and Scrutiny Board); or
- (v) a Council representative on an outside organisation

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Torbay and is relevant to the area or areas of responsibility of the person to whom the question has been asked.

A12.2 Notice of questions

A member may only submit three questions for consideration at each Council Meeting and may only do so if either:

- (i) he/she has given notice in writing (including by e-mail if verified by the Head of Governance Support) of the question to the Head of Governance Support by 4.00 p.m. on the tenth clear working day before the next Council meeting and that question has been accepted; or
- (ii) the Civic Mayor permits the question to be put because of exceptional circumstances and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. on the working day prior to the meeting or (if later) as soon as reasonably practicable.

A12.3 The Chief Executive, in consultation with the Civic Mayor, may decline to accept any question if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has received a response within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or

- (iv) to respond to the question would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

Where a member's question is declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined question so that it is acceptable.

Following approval of the question, the Head of Governance Support will send a copy of the question(s) to the member to whom it has been put and include the question(s) with the Council agenda.

- A12.4 The Chief Executive (in consultation with the Civic Mayor and group leaders) may defer any question from a Member to a subsequent meeting of the Council where in his/her opinion, having regard to the complexity of the questions and amount of officer time reasonably likely to be required to be spent in researching the matter, it is reasonable to do so.

At the Meeting

- A12.5 At the 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.
- A12.6 The time for members' questions will be limited to a total of 30 minutes. If a member has already commenced a response, the member who asked the question shall have the right to ask his/her supplementary question and receive a response.
- A12.7 Any questions not dealt with after 30 minutes will be deemed withdrawn, the member may resubmit the question as one of their three question to the next Council meeting provided the question is submitted in accordance with Standing Orders A12.1, A12.2 and A12.3.
- A12.8 A member submitting a question under this Standing Order shall attend the Council meeting to present their question. In the absence of the questioner, another member may present the question.
- A12.9 Subject to Standing Order A12.11, questions submitted under this Standing Order shall be put and answered without discussion.

A12.10 Responses

An answer to a question will take the form of:

- (i) a written answer and will be published at least one hour prior to the meeting; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

An answer to a supplementary question will take the form of a:

- (i) a direct oral answer; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

Where the member to whom the question was asked is either absent and no other member is able to respond, the question will be referred to the next meeting where the member is present. If the member asking the questions wishes a response prior to the next meeting, they may request a written answer from the member concerned. If the member asking the question is absent, the member must seek agreement from the Civic Mayor prior to the Council meeting for another member to present the question on their behalf or the question will be withdrawn.

A12.11 **Supplementary Question**

A member asking a question under this Standing Order may ask one brief supplementary question, with the consent of the Civic Mayor or the person presiding (which shall not be reasonably refused), without notice to the member to whom the question was asked. The supplementary question must arise directly out of the original question or the reply and must not be a statement. A member asking a supplementary question shall have a maximum of one minute to put his/her question at the meeting. The member responding to a supplementary question shall have a maximum of three minutes to put his/her answer to the question.

A13. Notices of Motion

A13.1 **Scope** (This Standing Order may not be suspended)

Motions must be about matters for which the Council has a responsibility or direct ability to influence and/or control and must not include declaratory statements relating to matters wholly outside the ambit of the Council.

A13.2 **Notice**

- (a) Except for motions which can be moved without notice under Standing Order A14, written notice of every motion, signed (or sent by e-mail and verified by the Head of Governance Support) by the proposer and seconder, must be delivered to the Head of Governance Support by 4.00 p.m. on the tenth clear working day before the date of the meeting.
- (b) The Chief Executive (in consultation with the Civic Mayor in respect of Council motions or the Leader of the Council in respect of Executive motions) may decline to accept any notice of a motion if it is in his/her opinion:
 - (i) factually inaccurate; or
 - (ii) it is identical or materially similar to a motion which has been presented to a meeting of Council, the Cabinet or a Council committee within the 12 months preceding the meeting; or

- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable.

Where a member's Notice of Motion may be declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined Motion so that it is acceptable.

- (c) Motions for which notice has been given and require a council decision will be listed on the agenda in the order in which notice was received, unless the proposer and seconder giving notice state, in writing (including by e-mail if verified by the Head of Governance Support), that they propose to move it to a later meeting or withdraw it. The Civic Mayor may alter the order in which Notices of Motion are taken on the agenda if he/she considers this will facilitate the efficient running of the meeting. Motions which subject matter comes within the province of the Cabinet or any Council Committee will be included on the relevant agenda for those decision-making bodies
- (d) Motions which result in financial implications for the Council must include an outline of such implications together with advice from the Council's Finance Officer (including an officer report where required). Where there is insufficient time to enable a robust assessment of the financial implications the Motion will stand deferred to a subsequent meeting.

A13.3 Procedure

- (a) If the subject matter of any motion comes within the province of the Cabinet or any Council committee, it shall stand referred to the Leader of the Council or committee, as appropriate, without inclusion on the Council agenda. Cabinet matters will be considered and determined by the Leader of the Council at a meeting of Cabinet, or he/she may refer the matter to an individual member of the Cabinet or an officer. Matters referred to a Council committee will be placed on the next available agenda and the Committee will determine whether to request officers to prepare a report on the matter for consideration at a future meeting.
- (b) If the subject matter does not fall within the remit of the Cabinet or a Council committee, the Council may deal with the matter immediately via normal rules of debate.

A13.4 Motions affecting the setting of the Budget (This Standing Order may not be suspended)

Written notice of every proposed amendment (or objection in the case of the first meeting of Council at which the Leader of the Council's proposals will be considered) to a recommendation affecting the setting of the Budget, signed (or sent by e-mail and verified by the Head of Governance Support) by the member (or members), must be delivered to the Head of Governance Support by 4.00 p.m. two clear working days before the commencement of the meeting (including any adjourned meetings) at which the setting of the Budget is to be considered. These will be published on the Council's website, after approval by the Chief Executive, and be open to public inspection. The provisions in A13.2 (b) will apply.

A14. Motions which may be moved without Notice and/or during debate (To apply to Committees, Cabinet and Overview and Scrutiny)

A14.1 The following motions may be moved during the meeting:

- (i) to appoint a Chairman/woman for that meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or the adoption of recommendations of the Cabinet (or committees or individual members of the Cabinet), committees, sub-committees, working parties or officers and any resolutions following on from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next item of business;
- (x) that the motion/amendment be now put to the vote;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond four hours in duration;
- (xiv) to suspend a particular Council Standing Order (subject to Standing Order A29);
- (xv) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information;
- (xvi) to not hear further a member or to exclude them from the meeting where that member is behaving improperly or offensively or is deliberately obstructing business;
- (xvii) to give the consent of the Council where its consent is required by this Constitution; and
- (xviii) any motion relating to the use of cameras or the audio or visual recording of the proceedings of the meeting.

A15. Rules of Debate . See flowcharts at appendices 1 and 2

These rules do not apply for the consideration of Planning or Licensing applications. Standing Order 22 below sets out the rules of debate for such applications.

A15.1 No speeches until motion moved and seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

A15.2 Right to require motion or amendment in writing

Unless notice of the motion has already been given, the Civic Mayor may require it to be written down and handed to him/her before it is discussed. The Civic Mayor may also require an amendment to be written down and handed to him/her before it is discussed.

A15.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate (note: if a member does reserve their speech until later in the debate and that member wishes to speak later in the debate they must raise their hand/indicate such wish to the Civic Mayor).

A15.4 Content of speeches

A member's speech must relate to the business under discussion or to a personal explanation or point of order.

A15.5 Length of speeches

No speech or response may exceed five minutes without the consent of the Civic Mayor except the opening speeches on the revenue budget by the Leader of the Council and the leaders of each political group at the annual budget setting meeting, which shall not exceed fifteen minutes without the consent of the Civic Mayor.

A15.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (i) to speak once on any amendment;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply (under Standing Order A15.10);
- (v) on a point of order (under Standing Order A15.12);
- (vi) by way of personal explanation (under Standing Order A15.13).

A15.7 Amendments to motions

- (a) An amendment to a motion must be reasonably relevant (in the opinion of the Chief Executive) to the motion and must seek to:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) delete words;
 - (iii) delete words and add other words; or
 - (iv) add words,

and an amendment that otherwise complies with this Standing Order shall be valid even if the direct or indirect consequence of the amendment (if carried) would be to negate the motion (except amendments made at Planning Committee).

Assistance with drafting amendments will be provided by the Head of Governance Support where requested and the Head of Governance Support will involve the relevant officers for their professional advice. Where officer advice is sought in advance on amendments, this advice will be provided in confidence and not shared with any other members unless instructed to do so by the member preparing the amendment. The mover of an amendment prepared in advance of the meeting will confirm with the Head of Governance Support when they wish the amendment to be shared.

- (b) Only one amendment may be moved and discussed at any one time except that the Civic Mayor may permit more than one amendment to be debated at the same time if he/she considers this would facilitate the efficient running of the business and if a majority of members present do not object. No further amendment may be moved until the amendment under discussion has been disposed of. Amendments to motions will be moved at the earliest possible opportunity during the debate.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which further amendments may be moved. At the end of the debate, the substantive motion will then be put to the vote.
- (e) For the avoidance of doubt no amendment can be made to the motion to set the Council Tax.

A15.8 Amendment of motions by proposer

- (a) A member may request, with the consent of the seconder, to alter a motion of which he/she has given notice. If there is no objection to the request it shall be amended as proposed. If there is an objection, the request to alter the motion shall be put to the vote without debate.

- (b) A member may alter a motion which he/she has moved without notice with the consent of the seconder.
- (c) Only alterations which could be made as an amendment (in accordance with Standing Order A15.7) may be made.

A15.9 Withdrawal of motions

A member may withdraw a motion which he/she has moved with the consent of the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless the seconder refuses consent to withdraw the motion.

A15.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply before the mover of the original motion. The mover of the original motion then has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. This Standing Order also applies if the amendment is carried and further amendments are moved.
- (c) The mover of the amendment has no right of reply to the debate on his/her amendment.

A15.11 Procedural Motions which may be moved during debate

When a motion is under debate, the following procedural motions may be moved:

- (i) to proceed to the next business;

If a motion to proceed to the next business is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (ii) that the motion/amendment be now put to the vote;

If a motion that the motion/amendment be now put to the vote is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (iii) to adjourn a debate;

If a motion to adjourn the debate is seconded and the Civic Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If the motion is carried and no timeframe is explicit the discussion will be resumed at the next ordinary meeting of the Council and the member who moved its adjournment shall be entitled to speak first. If the motion to adjourn is lost, a second motion for adjournment may

be moved during the same meeting and the Civic Mayor thinks a reasonable amount of time has lapsed since the last motion to adjourn.

(iv) to adjourn a meeting;

If a motion to adjourn the meeting is seconded and the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and it shall be put to the vote without debate and without giving the mover of the original motion the right of reply.

(vii) that the meeting continue beyond four hours in duration;

If a motion that the meeting continue beyond four hours in duration or a motion to adjourn the meeting is moved, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and if the motion is then seconded it shall be put to the vote without debate.

(viii) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information; and

If a motion to exclude the press and public in accordance with the Standing Orders in relation to Access to Information is seconded, it shall be put to the vote without debate but the Civic Mayor may invite the Chief Executive and/or the Monitoring Officer to advise on the matter.

(ix) in accordance with Standing Order A25 (members' conduct), to not hear further a member or to exclude them from the meeting.

A15.12 **Point of order**

A member may raise a point of order, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or after the member speaking has finished their speech. A point of order may only relate to an alleged breach of these Council Standing Orders, a significant factual inaccuracy or a breach of the law. The member must indicate the Standing Order, the alleged significant factual inaccuracy or the law (and the way in which he/she considers it has been broken, or is inaccurate) before speaking further. The ruling of the Civic Mayor on the matter will be final.

A15.13 **Personal explanation**

A member may make a personal explanation, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or at an appropriate point during the debate. A personal explanation may only relate to some statement by, or material fact relating to, the member which may appear to have been misunderstood in the present debate. The ruling of the Civic Mayor on the admissibility of a personal explanation will be final.

A15.14 Briefings by Officers

In exceptional circumstance and with the consent of the Civic Mayor, the Chief Executive may request officers to provide members with a briefing at the Council meeting on agenda items before they are considered by the Council. The Civic Mayor will allow each member a maximum of two questions to the officer presenting. Questions must only relate to factual elements of the matter under discussion and not draw the officer into the debate of the Council.

A16. State of The Borough Debate**A16.1 Calling of debate**

The Leader of the Council or Civic Mayor may call a State of the Borough debate annually to be held at the first ordinary meeting of the Council after the Annual Council meeting or on such other occasion to be determined by the Civic Mayor in consultation with the Leader of the Council.

A16.2 Form of debate

The Leader of the Council in consultation with the Civic Mayor (or the Civic Mayor if calling the debate) may decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate.

A16.3 Chairing of debate

The debate will be chaired by the Civic Mayor.

A16.4 Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader of the Council in proposing the budget and policy framework to the Council for the coming year.

A17. Previous Decisions and Motions (To apply to Committees and Overview and Scrutiny)**A17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a non-Executive decision made at a meeting of Council within the past six months cannot be moved unless:

- (i) the notice of motion is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment is moved at a meeting, which seeks to rescind a previous decision, which is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or
- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

No resolution shall be rescinded if, in the opinion of the Monitoring Officer, it would infringe on any third party's legal rights or be likely to result in a finding of maladministration against the Council.

This Standing Order does not apply to a decision that has previously been rescinded.

A17.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless:

- (i) the notice of motion or amendment is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment moved at a meeting is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or
- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

A18. Voting (To apply to Committees, Cabinet and Overview and Scrutiny except A18.5)

A18.1 **Majority** (This Standing Order may not be suspended)

Prior to voting the Civic Mayor will read out the motion or amendment due to be voted upon if he/she considers the debate has been complex and clarity is needed before taking the vote. Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.
(Schedule 12 of the Local Government Act 1972)

A18.2 **Civic Mayor's casting vote** (This Standing Order may not be suspended)

If there are equal numbers of votes for and against, the Civic Mayor (whether or not he/she has voted) will have a casting vote. There will be no restriction on how the Civic Mayor chooses to exercise a casting vote, save that he/she must use his/her casting vote for the election of the Civic Mayor at the Annual Council meeting in the case of an equality of votes.
(Schedule 12 and Section 4 of the Local Government Act 1972)

A18.3 **Method of Voting**

Unless a recorded vote is demanded under Standing Order A18.4, the Civic Mayor will take the vote by a show of hands or by an appropriate alternative means determined by the Civic Mayor.

A18.4 **Recorded vote**

If at least the same number of members as would make the meeting quorate demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

- A18.5 **Recorded vote at budget meetings**
(This is a mandatory standing order under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and may not be suspended)

Recorded votes will be taken on any decision relating to the budget or Council Tax, including any amendments and substantive motions on agreeing the budget, setting, Council Tax or issuing precepts.

- A18.6 **Right to require individual vote to be recorded**
(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended.)

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. The member must ensure the Governance Support Officer present at the meeting is made aware of how they voted for the minutes.

- A19. **Minutes**
(This Standing Order may not be suspended)

- A19.1 **Signing the minutes (To apply to Committees, Cabinet and Overview and Scrutiny)**

The Civic Mayor will sign the minutes of the proceedings at the next suitable meeting (Schedule 12 of the Local Government Act 1972/Local Authorities (Standing Orders) Regulations 1993). The Civic Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

- A19.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**
(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended. The language is constrained by that permitted in the regulations.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

- A19.3 **Form of minutes (To apply to Committees, Cabinet and Overview and Scrutiny)**

Minutes will include all decisions in the form and order they were taken at the meeting.

**A20. Record of Attendance (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A20.1 The Governance Support Officer will make a record of all members present during the whole or part of a meeting before the conclusion of every meeting to assist with the record of attendance. The official attendance record will be held in the minutes of the meeting.
(Schedule 12 of the Local Government Act 1972)

**A21. Exclusion of Public (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A21.1 Members of the public and press may only be excluded either in accordance with the Standing Orders in relation to Access to Information or Standing Order A26 (Disturbance by Public).

A22. Representations In Respect Of Planning and Licensing Applications (To apply to Committees)

A22.1 Members of the public shall be entitled to speak at meetings of the Council, committees or sub-committees during the consideration of:

- (i) any application for approval or consent required under the Town and Country Planning legislation; and
- (ii) any licensing applications that fall outside the Licensing Act 2003.

in accordance with the following provisions and in accordance with Standing Order A24.4 below.

A22.2 Any member of the public or person who is not a member of the Committee who wishes to speak shall notify the Head of Governance Support or his/her representative by 11.00 am on the day of the meeting he/she wishes to speak at or at lesser notice at the discretion of the Civic Mayor.

A22.3 The following procedure shall apply in respect of each item:

- (i) introduction of item by officer;
- (ii) representations by objector(s);
- (iii) Brixham Town Councillors (including as Brixham Peninsula Neighbourhood Forum) (if it relates to a Brixham application or area covered by the Brixham Peninsula Neighbourhood Plan);
- (iv) representations by Torquay Neighbourhood Forum (if it relates to an application in the area covered by the Torquay Neighbourhood Plan);
- (v) representations by Broadsands, Churston and Galmpton Neighbourhood Forum (if it relates to an application in the area covered by the Broadsands, Churston and Galmpton Neighbourhood Forum);

~~representations by Paignton Neighbourhood Forum (if it relates to an application in the area covered by the Paignton Neighbourhood Plan);~~
(vi) representation by a Councillor who is not a member of the Planning Committee;

~~(iv)~~(vii) representations by applicant, agent or supporters;

(vii) in exceptional circumstances, the Civic Mayor may permit Members of the Committee to ask for clarification from the registered speakers outlined in (i) to (vi) above immediately following their presentation.

(viii) Once all questions have been asked, a motion will be put forward and seconded to open the application for debate, the options for the motion include:

1. Approval (with or without conditions); or
2. Refusal (with reasons); or
3. Deferment for further information or a site visit; or
4. Delegation for determination by an officer or other Committee of the Council.

(ix) Members may speak more than once on a motion;

(x) During the debate if any further additions (such as reasons for refusal or additional conditions) are suggested to the motion, the Civic Mayor will seek consent of the proposer and seconder for these to be included in the original motion. If consent is not forthcoming, then a further motion can be moved once the motion on the table has been dealt with;

(xi) prior to the vote on the motion, the Civic Mayor will confirm the details of the motion, including asking the Planning Officer to clarify if there are any additional technical conditions required or reasons for refusal; and

(xii) a vote will be taken on the motion and the Chairman/woman will announce the result of the vote. If the motion fails the Civic Mayor will invite Members to propose an alternative motion which will be subject to debate prior to the vote and following (viii) to (xi) above.

A22.4 The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Civic Mayor may allow:

(a) objectors;

(b) applicant, agent or supporters;

(c) Brixham Town councillors;

(d) Torquay Neighbourhood Forum; and

(e) Broadsands, Churston and Galampton Neighbourhood Forum Paignton Neighbourhood Forum.

- A22.5 Where more than one objector to or supporter of an application wishes to speak, the Civic Mayor may if he/she considers it convenient and conducive to the despatch of business of the meeting require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.
- A22.6 The Civic Mayor shall ensure, as far as is practicable, that both objectors and supporters are given the opportunity to speak but an application will not normally be deferred merely because one side is unable or does not wish to be present.
- A22.7 Brixham Town Council (including when acting as Brixham Peninsula Neighbourhood Forum), Torquay Neighbourhood Forum and ~~Paignton Neighbourhood Forum~~ Broadsands, Churston and Galmpton Neighbourhood Forum may nominate a representative to speak on a planning application in relation to their respective areas.
- A22.8 The Civic Mayor may:
- (i) suspend the operation of this Standing Order during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
 - (ii) vary the order of representations if he/she considers that it is convenient and conducive to the despatch of business and will not cause any prejudice to the parties concerned.
- A22.9 Guidance on representations in respect of licensing (2003 Act) applications is available in the Local Code of Good Practice for Members and Employees Involved in the Licensing Process.
- A22.10 Guidance on representations from Brixham Town Council, Torquay Neighbourhood Forum and ~~Paignton Neighbourhood Forum~~ Broadsands, Churston and Galmpton Neighbourhood Forum is available in the Local Protocol – Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums for Planning Applications.

(Note: This Standing Order A22 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation in respect of a planning or licensing application, but having made his/her representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A23. Petitions

- A23.1 The Council will consider petitions received in accordance with its Petition Scheme (as set out in Appendix 3 to these Standing Orders).

A24. Public Question Time

- A24.1 Members of the public shall be entitled to ask questions/make statements during the Question Time sessions held at the meetings of Council provided that the questions/statements:
- (a) relate to the Council and/or the services it provides (or are provided on its behalf) to local people or to a matter that affects local people more than

the general public nationally and is relevant to the area or areas of responsibility of the person to whom the question or statement is directed;

- (b) do not relate to planning or licensing applications to be considered by the Authority;
- (c) do not relate to any matter where public consultation is being undertaken in the next six months by the Council; and
- (c) are provided to the Head of Governance Support in writing (including by e-mail if verified by the Head of Governance Support) by no later than 4.00 p.m. on the tenth clear working day before the date of the meeting in order that a suitable response may be prepared. The Civic Mayor may permit a question/statement after this deadline in exceptional circumstances and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. two clear working days prior to the meeting.

However, the Chief Executive, in consultation with the Civic Mayor may decline to accept any question or statement if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has been presented to a meeting of Council or a Council committee within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or
- (iv) to respond to the question or statement would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question or statement is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

And the reasons for rejection will be provided.

A24.2 The Head of Governance Support will immediately send a copy of the question/statement to the member to whom it has been put and publish the questions/statements.

A24.3 The total time allowed for questions or statements shall not exceed 30 minutes except with the consent of the Civic Mayor of the body concerned. No person may submit more than 2 questions at any one meeting and no more than 2 such questions may be asked on behalf of one organisation.

A24.4 Each person addressing the meeting shall be restricted to five minutes of speech or such period as the Civic Mayor may allow. Any persons addressing the Council under this Standing Order may only refer to matters relevant to the question or statement and shall:

- (a) not use discriminatory or offensive language;
- (b) not make any party political statements;

- (c) not use personal abuse; and
- (d) treat others with courtesy and with respect.

If the Civic Mayor considers that any of these requirements have been breached he/she may take such action as he/she considers appropriate (including prohibiting the person addressing the Council from speaking further).

A24.5 Questions shall be directed to the Civic Mayor, who may request:

- (i) the Leader of the Council;
- (ii) a member of the Executive;
- (iii) the Chairman/ woman of any committee (including the Overview and Scrutiny Board or sub-committee);
- (iv) a Council representative on an outside organisation

to reply. The Civic Mayor, Leader of the Council or other Councillor may, in turn, request an appropriate officer or his/her representative to reply.

If a questioner who has submitted a written question is unable to be present, they may ask the Civic Mayor to put the question on their behalf or the Civic Mayor can decide to put the question. The Civic Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

A24.6 Every question shall be put and answered without discussion although the questioner may be permitted by the Civic Mayor to ask one supplementary question provided that it is relevant to the original question (or the response thereto) and his/her allocation of five minutes is not exceeded (subject to Standing Order A24.4).

A24.7 Statements will not be responded to. A response to a question shall take the form of:

- (i) a direct oral answer; or
- (ii) where the reply to the question cannot conveniently be given orally, an undertaking that a written reply will be provided.

A24.8 Unless the Civic Mayor decides otherwise, no discussion will take place on any question or statement, but any member may move that a matter raised by a question or statement be referred to the Executive or appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

A24.9 Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

(Note: This Standing Order A24 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation, but having made his/her

representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A25. Members' Conduct (To apply to Committees, Cabinet and Overview and Scrutiny)

A25.1 Members addressing the meeting

When a member addresses a meeting of the Council they must make themselves clearly identifiable and address the meeting through the Civic Mayor. If more than one member seeks to address the meeting, the Civic Mayor will rule on the order on which they may address the meeting. Other members must behave in an appropriate manner whilst a member is addressing the meeting and not interrupt unless they wish to move a motion under Standing Order A15.11 or to make a point of order or a point of personal explanation. When making a point of order or point of personal explanation, once requested the member making the request must sit down and not speak again until invited to do so by the Civic Mayor.

A25.2 Civic Mayor calling the meeting to order

When the Civic Mayor calls to order, whether by standing or banging his/her gavel or by some appropriate means during a debate, any member addressing the meeting at the time must stop and sit down. The meeting must be silent.

A25.3 Member not to be heard further

If a member behaves improperly or offensively or deliberately obstructs business, the Civic Mayor or the Council by resolution may determine that the member in question be not heard further in respect of the item under discussion.

A25.4 Member to leave the meeting

If the member continues to behave improperly after a motion under A25.3 is carried, the Civic Mayor may either determine that (a) the member in question leaves the meeting in respect of the item under discussion or for the remainder of the meeting, as appropriate, or (b) that the meeting is adjourned for a specified period.A25.5

A25.5 General disturbance

If there is a general disturbance making orderly business impossible, the Civic Mayor may adjourn the meeting for as long as he/she thinks necessary.

A25.6 Addressing other members

At meetings of the Council, its committees and sub-committees, members shall address each other as “councillor” followed by the member’s surname. At meetings of the Council, the Civic Mayor shall be addressed as the Worshipful the Mayor of Torbay or such other title as he/she may reasonably choose, but at meetings other than Council the Civic Mayor shall be referred to as “councillor” followed by his/her surname.

A25.7 Members Leaving During the Meeting

Where a Member leaves the meeting room temporarily during the meeting for whatever reason, they shall acknowledge the Civic Mayor by nodding their head (or by another appropriate means) and leave the chamber. Where a Member leaves the meeting room permanently before the end of the meeting (or its formal adjournment) they shall give their apologies to the Civic Mayor (either immediately prior to their departure or earlier during the meeting or immediately prior to its commencement) and their departure shall be recorded in the minutes.

A26. Disturbance by Members of the Public (To apply to Committees, Cabinet and Overview and Scrutiny)**A26.1 Removal of member of the public**

If a member of the public interrupts proceedings or behaves improperly or offensively, the Civic Mayor will warn the person concerned. If they continue to interrupt or behave improperly or offensively, the Civic Mayor may order their immediate removal from the meeting and the premises. If the Civic Mayor considers behaviour to be grossly improper or offensive he/she may order the immediate removal of the person from the meeting and the premises without warning. The person concerned shall not be permitted re-entry to the premises for the duration of the meeting.

A26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Civic Mayor may call for that part to be cleared.

A27. Use of Cameras and Tape and Video Recorders (To apply to Committees, Cabinet and Overview and Scrutiny)

A27.1 Any persons present at the meeting may, unless prohibited or restricted by a resolution, take photographs, make audio or visual recordings and make live stream recordings on social media of the proceedings of meetings of the Council, its committees and sub-committees. However, no flash photography or other artificial light source shall be used without the prior approval (which may be withdrawn or conditional) of the person presiding at the meeting concerned.

A27.2 The Head of Governance Support may make arrangements for the electronic recording (including filming) of those parts of the meetings of Council, Planning Committee and Standards Hearings Sub-Committee at which the press and public are entitled to be present.

**A28. Prohibition of Smoking, Alcohol and Drugs at Council Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A28.1 No member or officer or member of the public shall smoke (this includes any electronic smoking devices), consume (or, in the opinion of the Civic Mayor be incapacitated by) alcohol and/or illegal drugs at any council meeting.

A29. Suspension and Amendment of Standing Orders In Relation To Council Procedure (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A29.1 Suspension

All of these Standing Orders in relation to Council except Standing Orders A1, A2, A3, A4, A5, A7, A8, A9, A10, A13.1, A13.4, A18.1, A18.2, A18.5, A18.6, A19, A20, A21, A28 and A29 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

A29.2 Any motion to suspend any Standing Order (or part of any Standing Order) shall indicate the Standing Order (or part thereof) to be suspended.

A29.3 Amendment

Any motion to add to, vary or revoke these Standing Orders in relation to Council and Meetings will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council (unless the Monitoring Officer agrees otherwise).

A29.4 Conflict between Standing Orders and the law

If any Standing Order does not comply with any relevant legal requirement (whether arising from statute, subordinate legislation, EU directives or case law), that Standing Order shall be deemed to be amended so far as shall be necessary to comply with the legal requirement in question

A30. Interpretation
(To apply to Committees, Cabinet and Overview and Scrutiny)

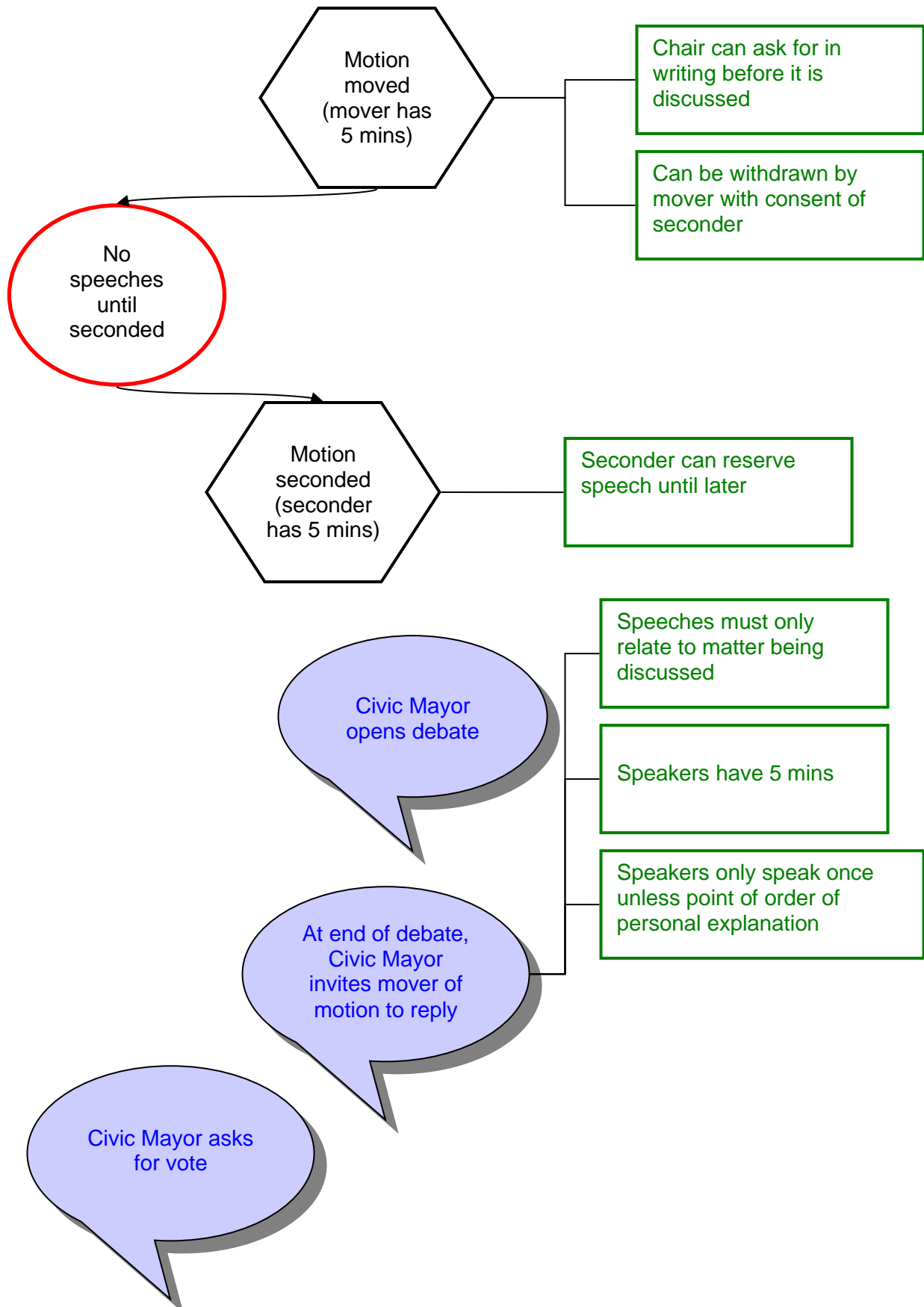
A30.1 Any references to writing or speaking in these Standing Orders shall be deemed to include any other means of communication that are reasonably appropriate having regard to any person's disabilities or special needs.

A30.2 The Civic Mayor's ruling on the interpretation of these Standing Orders and on the conduct of the proceedings shall be final.

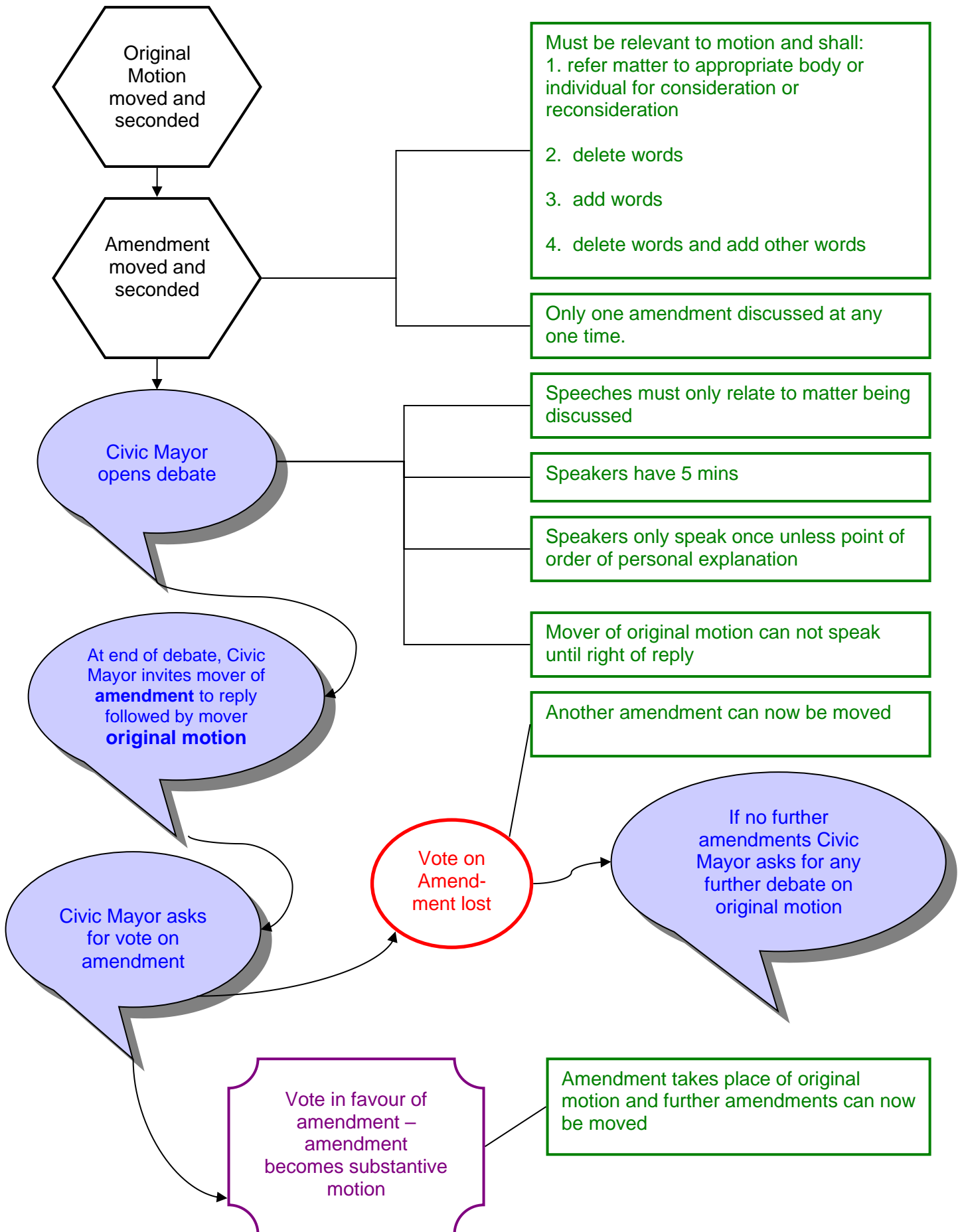
A31. Application of Standing Orders in Relation to Access to Information to Meetings of The Council

A31.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Council: E1 to E11, E19 and E20.

Appendix 1 Standing Order A16 Rules of Debate – Motions without Amendment



Appendix 2 Standing Order A16 Rules of Debate – Amendments to Motions



Appendix 3 - Petition Scheme

Contents

1. Introduction
2. What are the guidelines for submitting a petition?
3. Are there any issues which the Council will not consider in a petition?
4. How can I submit a petition?
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6. How will the Council respond to my petition?
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8. What can I do if I feel my petition has not been dealt with properly?
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10. Data Protection
11. Special requirements
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1. Introduction

A petition is a request for Torbay Council to consider an issue or concern or to take a particular course of action. Petitions set out a particular view point and can be a useful tool to demonstrate that a view is shared by others. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

This document sets out the guidelines for submitting a petition and what you can expect from the petitions process.

To meet the requirements of the scheme, the petition must be about:

- **an issue which relates to the Council and/or services it provides to local people;**
- **an improvement in the economic, social or environmental well-being of Torbay to which any of the Council’s partner authorities could contribute’; or**
- **to issues which relate to services provided by partner authorities, including matters which are sub-regional and cross-authority;**

Petitions can be submitted in paper format or can be scanned and sent electronically. There is also a [*Torbay Council e-petitions*](#) facility available (this is a method of starting a petition and gathering signatures online which allows petitions and supporting information to be made available to a much wider audience). We are also happy to accept e-petitions generated from third party facilities, but only if they meet the submissions criteria set out in this scheme – including, for example, by providing sufficient information to enable the Council to verify signatures in support of the petition.

2. What are the guidelines for submitting a petition?

Petitions submitted to the Council **must** include (*see Appendix 1 for a sample paper petition template*):

- **A clear and concise statement covering the subject of the petition.** It should state what action the petitioners wish the Council to take.
- **The subject matter of the petition on each page.** People need to know what they are signing and therefore the petition should clearly state this on each page.
- **The petition organiser’s contact details.** Including a phone number and address, – this will be the person who we will contact to explain how we will respond to the petition.
- **At least 25 valid signatures.** Anyone who lives, works or studies in the Torbay area, including under 18’s, can sign or organise a petition. In order for a signature to be valid it must be accompanied by the name and

address (which must include the name or number, street and town) of each person supporting the petition. The address provided should be that place of work or study if they do not live in the bay. To ensure the Council understands the local level of support for a petition, it reserves the right to seek to verify each signature submitted as part of a petition. This may be particularly significant when establishing whether a petition has obtained the required number of signatures to trigger a specific process (see section 6 below Full Council Debate).

In the case of e-petitions, (including those submitted from other online petition facilities) the Council requires a name, valid email address (one email address per person), address (including the name or number, street and town) for each person supporting the petition; failure to provide this information may lead to a signature not being counted.

The Council may also ask for additional information it may require to confirm that the petition complies with the requirements of this scheme.

The Council's Monitoring Officer may decline to accept any petition where in his/her opinion the petition does not include any of the above.

3. Are there any issues which the Council will not consider in a petition?

3.1 There are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, this mirrors the UK Parliament and Government petition rules and includes if a petition:

- calls for the same action as a petition that's already open
- does not ask for a clear action from the Council
- relates to an issue which is clearly outside the control or reasonable influence of the Council (e.g. petitions on national issues)
- is defamatory or libellous, or contains false or unproven statements
- refers to a case where there are active legal proceedings
- contains material that may be protected by an injunction or court order
- contains material that could be confidential or commercially sensitive
- could cause personal distress or loss. This includes petitions that could intrude into someone's personal grief or shock without their consent.
- accuses an identifiable person or organisation of wrongdoing, such as committing a crime
- names individual officers, unless they are Divisional Directors or above
- names family members of councillors or officers
- asks for someone to be given a job, or to lose their job. This includes petitions calling for someone to resign and petitions asking for a vote of no confidence in an individual councillor or officer or the Cabinet as a whole
- contains party political material
- is nonsense or a joke
- is an advert, spam, or promotes a specific product or service

- is a Freedom of Information request
- contains swearing or other offensive language
- is offensive or extreme in its views. That includes petitions that attack, criticise or negatively focus on an individual or a group of people because of characteristics such as their age, disability, ethnic origin, gender identity, medical condition, nationality, race, religion, sex, or sexual orientation
- is a duplicate or substantially similar to a petition received in the last 12 months, unless there has been a material change in circumstances

Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, will be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it will then be dealt with through this Petitions Scheme in exactly the same manner as any other petition.

3.2 This Petitions Scheme does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore excluded from the scope of this Petitions Scheme:

- Any matter relating to a planning decision,
- Any matter relating to a licensing decision,
- Any matter relating to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months, (e.g. Formal Budget/Savings Proposals consultation).
- Any matter where there is already an existing right of appeal such as council tax banding and non-domestic rates.

We will advise the petition organiser what will happen to petitions under this category.

3.3 In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

4. How can I submit a petition?

Paper petitions may be submitted to the Council in person/by post to:

Governance Support
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.

Petitions can be emailed to:

Governance.support@torbay.gov.uk

For emailed petitions each sheet of signatures should be scanned in full as an exact replica of the original copy.

E-petitions may be submitted through the Council's *e-petitions facility* or via an independent online e-petition system and not via the Council's facility, however, in this case the Petition Organiser must ensure that the petition meets the submissions criteria set out in this scheme – including, for example, a valid email address (one email address per person), full name, address and postcode for each person supporting the petition to enable the Council to verify signatures on the petition.

The Council will also allow a combined paper and e-petition providing there are no duplicate signatories and the date of receipt is when the final submission is made.

Please note that we keep all original copies of petitions for our records for six years.

Upon submission of your petition, you need to advise the Governance Support Team whether you wish for your petition to be presented to a meeting of the full Council or referred directly to the decision maker for consideration. Please refer to section 6 below for further details.

5. Petition Deadlines

If you would like your petition to be presented at a Council meeting, (see details in section 6 below), it must be received by the Governance Support Team by 4.00 p.m. 10 clear working days before the meeting. The deadlines/dates of meetings can be found at (www.torbay.gov.uk).

Once approved and activated, a standard e-petition will remain open for 60 days. However this can be amended, following discussion with the petition organiser, to fit with timescales for specific meeting deadlines.

6. How will the Council respond to my petition?

All petitions received by the Governance Support Team will be acknowledged within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Your petition details will be provided to the Leader of the Council, the Civic Mayor, the Group Leaders and the Chief

Executive. Details of any petitions that have not been accepted for the reasons cited in 3.1 will also be provided to those listed above for information purposes.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, relates to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months (e.g. Formal Budget/Savings Proposals consultation), or is a statutory petition on a matter where there is already an existing right of appeal (such as Council tax banding and non-domestic rates) other procedures apply. In our acknowledgment to you, we will explain these procedures and how you can express your views. Where a petition is passed to another department it may then become subject to any conditions relating to representations for such matters i.e. a petition in respect of a planning representation may be published in full which includes names and address of those who have signed the petition.

Petitions containing less than 25 signatures will not be presented to a Council meeting, but treated as general correspondence and forwarded directly to the relevant service department for response.

‘Ordinary’ petitions

For petitions containing at least 25 valid signatures you can present your petition to a meeting of the Council (which all Councillors can attend). Alternatively, you (as the petition organiser) and up to two other people who have signed the petition, can choose to meet directly with the relevant decision-maker to present your petition.

Once an ‘ordinary’ petition is received the Governance Support Team will write to you to inform you which body/decision-maker will respond to your petition and confirm which of the above options you would like to proceed with.

Presentation to Council

If you wish for the petition to be presented to a meeting of the Council you can speak in support of the petition at the meeting for up to five minutes. Confirmation of speaking in support of a petition must be received from the petition organiser by 4.00 p.m. the day before the Council meeting by registering with the Governance Support Team (by telephone on 01803 207087 or by e-mailing governance.support@torbay.gov.uk).

Please note the petition will not be debated by the Councillors at the Council meeting, it will be referred straight to the relevant decision maker following the presentation of your petition at the meeting.

Also, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker

direct and you will not, therefore, have the opportunity to present the petition at a Council meeting.

Meeting with decision-maker

If you wish for the petition to be submitted directly to the decision-maker you will be informed of who will be contacting you to make the necessary arrangements for meeting with the decision maker. This meeting will normally be arranged within 28 days from notifying the Governance Support Team of your decision to proceed with this option.

The decision-maker may respond to the issues raised in your petition in one or more of the following ways:

- Taking the action requested in the petition;
- Holding an inquiry into the matter;
- Undertake research into the matter;
- Hold a public meeting; and/or
- Undertake consultation.

Full Council Debates

If a petition contains more than 1000 valid signatures it will be debated by all Councillors at a meeting of the Council unless the matter is resolved before the meeting to the Petition Organiser's satisfaction.

You will receive notification from the Governance Support team with details of the Council meeting to which your petition will be submitted. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. You will be given five minutes to present the petition at the meeting and the petition will then be discussed by the councillors.

The Council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests;
- not to take the action requested for reasons put forward in the debate;
- make recommendations to the Leader of the Council if the issue is one for him/her to make the decision; or
- commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7. Feedback – will the petitioners be told of the outcome?

Yes, the Petition Organiser will receive written confirmation setting out the Council's final response to the petition. This will normally outline the steps taken

by the Council to consider the issue, including the involvement (where applicable) of the elected Councillors.

We will also publish details of petitions received and the final response/outcome of the petition on the Council's website.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser can complain through the Council's complaints procedure. The Governance Support Team can provide you with details of how to complain or you can find details on the Council's website (www.torbay.gov.uk).

9. Other ways to make your views known

Torbay Council values petitions and this document sets out clear commitment about how we will respond to the petitions we receive.

Petitions are not, however, the only - or necessarily the easiest or quickest - way to resolve an issue or to make your views known.

You can also:

- Contact the relevant Council service directly.
- Contact your local Councillor or Community Partnership if you have a concern which relates to your local area or neighbourhood.

If you wish to make a complaint about a Council service, then you should instead use the Council's Complaints Process.

There are a number of other ways you can have your say and get involved in local decisions. To find out more go to our website:

<http://www.torbay.gov.uk/index/yourcouncil/councillorsdecisions/haveyoursay.htm>

10. Data Protection

If you are organising a petition you will need to consider whether you will become a data controller under Data Protection Law for the personal data you will process as part of the petition. Further information can be found on the ICO's [website](#).

One of the key requirements of data protection law is that individuals should be informed as to how their personal data will be used. Therefore, you will need to advise those signing your petition, that their personal data may be made available for anyone to inspect, to confirm the validity of the petition.

Petitions received under this scheme will not be published in full and when they are presented to Council or to the decision maker, details are provided about the petition organiser and the number of people who have signed the petition. A full original copy of the petition is retained by the Governance Support Team.

Once we receive your petition, Torbay Council becomes the data controller for the petition and will process it in accordance with this scheme. Our lawful basis under Data Protection Law for processing this personal data, is that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council, in accordance with our duties to support and promote democratic engagement under the Local Government Act.

Should an individual wish for their name to be removed from a petition, they can make an information rights request via our [website](#).

11. Special requirements

If you need any special help with accessing any Council buildings or if you have any special requirements please advise the Governance Support Team (using the contact details provided below) before the meeting.

To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact:

Governance Support on (01803) 207087

Email: governance.support@torbay.gov.uk

Subject of petition:	
Action required:	
Organiser/Main Contact for Petition	
Name:	Telephone number:
e-mail address:	
Address (including name or number, street, town):	

Using the guidance set out in this scheme please select the relevant petition type for your petition from the options below. If applicable, please also tick the box confirming whether you would like to present your petition by speaking at a Full Council meeting:

Ordinary (contains 25 signatures or more)

please indicate where you wish to submit your petition:

Full Council Meeting

or

Direct to Decision Maker

If you have chosen to submit your petition straight to a Full Council Meeting would you like to speak at the meeting? *please tick box below*

Yes

Name of speaker:

No

Petitions for Council debate (contains 1000 signatures or more)

please indicate if you would like to speak at the Council meeting

Yes

Name of speaker:

No

Local Protocol – Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums for Planning Applications

Contents

- 1. Introduction
- 2. Notification Procedures
- 3. Access to Information
- 4. Public Participation at Meetings of Planning Committee
- 5. Determination of Planning Applications
- 6. Training

1. Introduction

- 1.1 Torbay Council is the statutory Local Planning Authority ('LPA') with responsibility for implementing planning legislation contained in the Town and Country Planning Act 1990, and subsequent related legislation.
- 1.2 Planning applications are determined by Torbay Council's Planning Committee, by officers using powers delegated to them by the Council and (in exceptional circumstances) by Council.
- 1.3 By Council resolutions made on 19 June 2019, the Torquay, Paignton and Brixham Peninsula neighbourhood plans were made (adopted) by Torbay Council and now form part of the Development Plan.
- 1.4 For the purpose of this protocol Brixham Town Council is automatically the Qualifying body for (in its capacity as Brixham Peninsula Neighbourhood Forum for the area covered by ~~the the adopted~~ Brixham Peninsula Neighbourhood Plan (BPNP)) with, and Paignton Broadsands, Churston and Galmpton Neighbourhood Forum (BCG NF) for the unparished parts of the BPNP. and Torquay Neighbourhood Forums is the are each a 'Qualifying Body' for the Torquay Neighbourhood Plan. Forums have formal status for five years from the date of Designation. Paignton Neighbourhood Forum's status has expired.
- 1.5 Under the provisions of Paragraphs 8 and 8A Schedule 1 of the Town and Country Planning Act 1990 the Qualifying Body authorised to act in relation to a neighbourhood area for which a neighbourhood plan has been 'made' must be notified of all:
- (a) planning applications;
 - (b) alterations to planning applications which have been accepted by the LPA, unless they are trivial; and
 - (c) applications for approval of a matter reserved under an outline planning permission;

that relate to land in its area unless the Qualifying Body in question has notified the LPA in writing that it does not wish to be notified of any such application.

(Note: The Forum status does not affect the status of any adopted Neighbourhood Plan, which will remain part of the Development Plan.)

2. Notification Procedures

- 2.1 The LPA will fulfil the obligations detailed above by forwarding to the relevant Qualifying Body an email alert with links to the Council's website.
- 2.2 Where the Qualifying Body have been notified of applications they are required to let the LPA know as soon as practicable whether or not they wish to make

representations as to the way a particular application should be determined and in any case, to make those representations within 21 days of being notified.

- 2.3 There is no statutory requirement for the LPA to notify a Qualifying Body of applications outside its neighbourhood area, although as a matter of good practice this will be done with more significant applications which adjoin the boundary of another neighbourhood area.
- 2.4 In addition to notifying Qualifying Bodies, the LPA will continue to advertise details of applications as it did before the neighbourhood plans were made. Applications are currently advertised by either site notice, neighbour letters and/or advertisement in the Herald newspaper depending on the application type.
- 2.5 If the LPA allows an application to be amended before it is determined, the Qualifying Body shall be notified of any significant amendments. Whether or not an amendment is significant shall be determined by the LPA.
- 2.6 The Qualifying Body may request an extension of time should it be unable to make representations within the 21 day period. Any reasonable requests to delay consideration of applications so as to allow full representation to be made by the Qualifying Body will be at the discretion of the Divisional Director, Planning, Housing and Climate Emergency (in the case of major applications, following consultation with the Chairman/woman of the Planning Committee), but will not be permitted to prejudice statutory determination times.
- 2.7 When a Qualifying Body submits representations within the time allowed, the LPA must take them into account when determining the application. If a Qualifying Body makes representations with respect to an application, it shall receive details of the decision made.
- 2.8 The LPA must not determine any application before the first of the following to occur;
- (a) notification by the Qualifying Body for the area in which the application site is situated that no representations are to be made, or
 - (b) receipt of written representations from the Qualifying Body, or
 - (c) the expiry of the 21 day period.
- 2.9 Torbay Council will only accept a formally-constituted representation (this being a written representation and/or verbal representation) from a Qualifying Body in response to a planning application. Torbay Council will consider a representation 'formally constituted' if it reflects the views of the Qualifying Body as agreed
- (a) at a formal meeting of the Qualifying Body; or
 - (b) following an alternative protocol adopted at a formal meeting of the Qualifying Body and where details of the adopted protocol have been provided to [and approved by](#) the Divisional Director for Planning, Housing and Climate Emergency.

[The minutes of the meeting \(or details of compliance with the alternative protocol\) including details of the representations should be available on the Qualifying Body's](#)

[website](#) -(Torbay Council may in other circumstances require confirmation that any representations are formally constituted).

2.10 Written Representations from Qualifying Bodies will normally be from:

- (a) the Town Clerk or Chairperson of the Planning Committee of Brixham Town Council; or
- (b) the Chairperson/Vice-Chairperson of [the Paignton-Broadsands, Churston and Galmpton Neighbourhood Forum](#) or Torquay Neighbourhood Forums;

following a formal meeting, or other adopted protocol [contained within the approved Neighbourhood Forum Constitution which is approved by the Council/Local Planning Authority](#). Written Representations shall be the collective opinion of a Qualifying Body and not solely the view of an individual nominated member.

2.11 A town councillor/individual member of a neighbourhood forum may make written representations in a personal capacity, but in doing so must not seek to associate the Qualifying Body in question with those views.

3. Access to Information

3.1 Torbay Council will provide access to all public information held on planning application files (on request), and will provide photocopies of relevant documents subject to copying charges applicable at the time. Such information is also provided free of charge on the Council's website.

4. Public Participation at Meetings of Planning Committee

- 4.1 The meetings of the Council's Planning Committee are open to the public and therefore members of the Qualifying Bodies may attend all or part of these meetings (except for confidential and exempt items where the public are excluded).
- 4.2 Where a Qualifying Body agrees and records its views on a planning application following a formal meeting or other adopted protocol, a representative of the Qualifying Body may speak on a planning application in accordance with paragraph A22 of the Standing Orders – Council Meetings.
- 4.3 If a Qualifying Body agrees and records its views on a planning application in accordance with paragraph 4.2, it may nominate a representative to speak on its behalf at a meeting of the Planning Committee when that application is considered. [Where possible written representations should be submitted to the Local Planning Authority within the statutory timeframe so that they can be considered by the Planning Officer as part of their Report to the Planning Committee. However, where representations have not been submitted in advance The Qualifying Body may still register to speak at the Planning Committee.](#) The Qualifying Body shall notify the Council's Head of Governance Support or his/her representative of this fact by 11.00 am on the day of the meeting, providing details of the person nominated to speak, the agenda item(s) on which the representations will be made and details of the meeting of the Qualifying Body at which the application was considered. Members of Qualifying Bodies will only be permitted to make representations/answer questions on behalf of the Qualifying Body if prior notification has been given in accordance with this paragraph.

- 4.4 Persons who have a personal or financial interest in the outcome of a planning application (as applicant or otherwise) shall not speak as a representative of a Qualifying Body when representations are made to the Planning Committee although such persons may apply to make representations in their personal capacity, in the same way as other members of the public can. Where a member of a Qualifying Body has a personal interest in a planning application the Qualifying Body may nominate a member without a personal or financial interest in the application to make representations on its behalf, providing the requirements of paragraphs 4.2 and 4.3 above have been followed.

5. Determination of Planning Applications

- 5.1 Torbay Council's Planning Committee will determine all 'major' applications, as defined in the terms of reference for that Committee. In exceptional circumstances, major applications may be referred to Council for determination or may be delegated to the Divisional Director of Planning, Housing and Climate Change in consultation with the Chairman of Planning Committee. All other applications may be determined by an officer under delegated powers [*subject to 5.2 below*].
- 5.2 Torbay Council will notify the relevant Qualifying Body of every planning decision made by the Planning Committee, Council or by an officer who has authority to determine a planning application under delegated powers.
- 5.3 Torbay Council will notify the Qualifying Body for a neighbourhood area of any planning appeal its area.

6. Training

- 6.1 Torbay Council will when practicable arrange for training on planning matters for members of Qualifying Bodies

Meeting: Council

Date: 22 February 2024

Wards affected: All Wards

Report Title: Constitution Amendments – Notice of Motions

When does the decision need to be implemented? As soon as possible

Cabinet Member Contact Details: Councillor Jackie Thomas, Cabinet Member for Tourism, Culture & Events and Corporate Services, jackie.thomas@torbay.gov.uk

Lead Officer Contact Details: Amanda Barlow, Monitoring Officer, amanda.barlow@torbay.gov.uk

1. Purpose of Report

- 1.1 This report sets out changes to the Council's Constitution in respect of the procedure for Notice of Motions that fall within the remit of the Cabinet and to reflect current practice.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report ensures that the following sections of the Constitution are up to date and fit for purpose:
- Standing Orders – Council Meetings;
 - Standing Orders – Cabinet Meetings

3. Recommendation(s) / Proposed Decision

1. That Council approves the following revised Constitution documents, as set out in Appendices 1 and 2 to the submitted report:

Appendices

- Appendix 1 - Standing Orders – Council Meetings
- Appendix 2 – Standing Orders – Cabinet Meetings

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Article 13 – Review and Revision of The Constitution sets out the arrangements for revisions to the Council’s Constitution. This enables the Monitoring Officer to keep the Constitution under review and to make changes that are required for technical or legal reasons. The Monitoring Officer to also make other changes to the Constitution that he/she believes are in the best interests of the Council and/or local people, in consultation with Group Leaders, with an escalation provision to report matters to full Council for a decision.
- 1.2 The Standing Orders in relation to Council Meetings, as set out in Appendix 1 have been amended to clarify the deadline by which Notice of Motions must be submitted in order to be included on the agenda for the relevant Council or Cabinet meeting.
- 1.3 The Standing Orders in relation to Cabinet Meetings have been amended to include details of how a Notice of Motion will be dealt with by the Cabinet.

2. Options under consideration

- 2.1 To not update the Constitution, this option was discounted as the current standing orders did not adequately address Notice of Motions being considered and determined by Cabinet.

3. Financial Opportunities and Implications

- 3.1 None

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The revised sections of the Constitution have been discussed with Group Leaders and their suggestions have been incorporated into the final version of the documents, in accordance with Article 13 of the Constitution.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable.

8. Associated Risks

8.1 None

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on			There is no differential impact.

child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Standing Orders – Council Meetings

Contents

Standing Order

- A1. Annual Meeting of the Council
- A2. Ordinary meetings
- A3. Extraordinary meetings
- A4. Time, place and arrangement of meetings
- A5. Notice of and summons to meetings
- A6. Opening of Meeting
- A7. Urgent items of business
- A8. Chairman/woman of meeting
- A9. Election of Civic Mayor
- A10. Quorum
- A11. Duration of meeting
- A12. Questions by members
- A13. Notices of Motion
- A14. Motions which may be moved without Notice and/or during debate
- A15. Rules of debate
- A16. State of the Borough Debate
- A17. Previous decisions and motions
- A18. Voting
- A19. Minutes
- A20. Record of attendance
- A21. Exclusion of public
- A22. Representations in respect of planning and licensing applications
- A23. Petitions (please see Appendix 3 for petitions scheme)
- A24. Public Question Time
- A25. Members' conduct

- A26. Disturbance by members of the public
- A27. Use of cameras and tape and video recorders
- A28. Prohibition of smoking, alcohol and drugs at Council meetings
- A29. Suspension and amendment of Standing Orders in relation to Council procedure
- A30. Interpretation
- A31. Application of Standing Orders in relation to Access to Information to meetings of the Council

A1. Annual Meeting of the Council**(This Standing Order may not be suspended)**

- A1.1 In a year when there is an all-Council election, the annual meeting will take place between 8 and 21 days after the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. (Schedule 12 of the Local Government Act 1972)
- A1.2 At the Annual Meeting, the Council will:
- (i) elect a person to preside if the Civic Mayor is not present. (Note: Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor.);
 - (ii) receive apologies for absence;
 - (iii) elect the Civic Mayor for the ensuing Municipal Year. The person nominated as Civic Mayor may not vote for him/herself at the Annual Meeting. (Note: Members of the Cabinet are not permitted to be the Civic Mayor.);
 - (iv) elect the Deputy Civic Mayor for the ensuing Municipal Year. (Note: Members of the Cabinet are not permitted to be the Deputy Civic Mayor.);
 - (v) receive any declarations of interest from the members and officers;
 - (vi) approve the minutes of the last meeting;
 - (vii) receive any announcements from the Leader of the Council (excluding the year of a whole Council election), Civic Mayor and/or the Chief Executive;
 - (viii) in the year of a whole Council election, to elect the Leader of the Council for a four year term and until the Annual Council meeting following the next whole Council election;
 - (viii) appoint the Overview and Scrutiny Co-ordinator and (if any) up to four Overview and Scrutiny Lead Members. (Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or scrutiny lead members);
 - (ix) appoint at least one Overview and Scrutiny Committee, a Health and Wellbeing Board, a Standards Committee and such other committees and working parties as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution). In appointing those committees the Council will:
 - (a) determine which committees to establish for the Municipal Year;
 - (b) determine the size and terms of reference of those committees;
 - (c) determine the allocation of seats in accordance with the political balance rules;

- (d) request nomination of members to serve on each committee and appoint to these committees in accordance with Standing Order A1.4) below; and
 - (e) elect the Chairmen/women and appoint the Vice-Chairmen/women of those bodies (with the exception of Committees and Sub-Committees which meet on ad-hoc basis and require the election of the Chairman/woman and appointment of Vice-Chairman/woman at each meeting or in the case of an in year vacancy, such appointment shall be made at the next available Council meeting);
 - (x) approve a programme of ordinary meetings of the Council for the 4 year term in the year of a whole Council election;
 - (ix) be informed by the Leader of the Council about the composition of the Cabinet and the names of councillors he/she has chosen to be members of the Cabinet;
 - (x) to receive from the Leader of the Council a record of delegation of executive function in accordance with Standing Order C2;
 - (xiii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution); and
 - (xiv) consider any business set out in the notice convening the meeting.
- A1.3 In the year of a whole Council election, to determine appointments to outside organisations.
- A1.4 The members to serve on each committee, sub-committee, working party and any other body (including outside organisations) may be nominated by the Group Leaders by notice in writing to the Head of Governance Support not later than the day before the Annual Meeting (including by e-mail if verified by the Head of Governance Support) otherwise they must be nominated by the Group Leaders at the Annual Meeting. Once appointed, Group Leaders will notify any changes to appointments in writing to the Head of Governance Support. Members not affiliated to any political group may indicate their preference in relation to places on committees, sub-committee, working parties and other bodies in writing not later than the day before the Annual meeting (including by e-mail if verified by the Head of Governance Support).
- A1.5 The Civic Mayor shall not be a member of any committee, sub-committee or working party.
- A1.6 The Annual Meeting of the Council will not receive petitions and questions from the public or members.
- A2. Ordinary Meetings**
(A2.2 (ii) to (iv) and (xiii) to apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)
- A2.1 Ordinary meetings of the Council and its committees will take place in accordance with the 4 year programme decided at the Council's Annual Meeting following the all Council election. The Chief Executive in consultation with the

Civic Mayor may amend that programme during each year. In relation to committees the relevant Director, Divisional Director or Head of Service in consultation with the Chairman/woman of that committee may amend that committee's programme during each year.

A2.2 Every ordinary meeting of the Council shall commence with the following items. These items must not be displaced elsewhere in the agenda:

- (i) to elect a person to preside if both the Civic Mayor and Deputy Civic Mayor are not present. (Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor.);
- (ii) to deal with any business required by statute to be dealt with before any other business; and
- (iii) to approve as a correct record the minutes of the last meeting of the Council;

The remaining order of business for the meeting shall be determined by the Civic Mayor and he/she will place those items with significant public interest at the beginning of the meeting. The business of ordinary meetings of the Council shall include:

- (iv) to receive any declarations of interest from members and officers;
- (v) to receive any communications or announcements from the Leader of the Council, the Civic Mayor, the Overview and Scrutiny Co-ordinator or Chief Executive;
- (vi) to receive petitions from the public in accordance with Standing Order A23;
- (vii) to receive questions from the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Council and in accordance with Standing Order A24;
- (viii) to deal with any business from the last meeting of the Council that was on the agenda, but was not dealt with at the last meeting;
- (ix) to answer any question under Standing Order A12;
- (x) to consider motions in accordance with Standing Order A14;
- (xi) to receive reports from the Cabinet, the Council's committees (including Overview and Scrutiny Bodies) and officers including proposals from the Leader of the Council in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- (xii) to receive reports on the business of joint arrangements and external organisations; and
- (xiii) to consider any other business specified in the summons to the meeting.

A3. Extraordinary Meetings (To apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)
(Paragraph 3 of Part 1, Schedule 12 of the Local Government Act 1972)

- A3.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (i) the Council by resolution;
 - (ii) the Civic Mayor;
 - (iii) the Monitoring Officer; and
 - (iv) any five Members of the Council if they have signed a requisition presented to the Civic Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
(Members exercising their rights under this paragraph are to give notice in writing (including by e-mail if verified by the Head of Governance Support) to the Head of Governance Support who will then call the meeting in accordance with the Standing Orders in relation to Access to Information.)
- A3.2 An extraordinary meeting shall conduct no business other than that for the purpose of which it was called.
- A4. Time, Place and Arrangement of Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)**
(This Standing Order may not be suspended)
- A4.1 The time and place of meetings will be determined by the Chief Executive, in consultation with the Civic Mayor, and notified in the summons.
- A4.2 Seating arrangements at meetings of the Council shall be determined by the Civic Mayor in consultation with the Leader of the Council and Group Leaders.
- A5. Notice of and Summons to Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)**
(This Standing Order may not be suspended)
- A5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Standing Orders in relation to Access to Information.
- A5.2 The Chief Executive will send by electronic means, or in paper form where a member has requested, a summons signed by him/her to every member of the Council.
- A5.3 The summons will give the date, time and place of the meeting, specify the business to be transacted and will be accompanied by such reports as are available. However, non-receipt of a summons by any member shall not affect the validity of the meeting.
- A6. Opening of Meeting**
- A6.1 The proceedings of every Council meeting may be preceded by such an address as the Civic Mayor may determine.
- A7. Urgent Items of Business**
(This Standing Order may not be suspended)
(Paragraph 4(5) of Part 1, Schedule 12 of the Local Government Act 1972)

A7.1 Urgent items of business shall not be dealt with at ordinary or extraordinary meetings of the Council unless notice of the item in question has been included in the summons sent to members under Standing Order A5.2.

A8. Chairman/Woman of Meeting
(This Standing Order may not be suspended)

A8.1 At Meetings of the Council, the Civic Mayor, if present, shall preside and, in his/her absence, the Deputy Civic Mayor, shall preside. In the absence of both the Civic Mayor and Deputy Civic Mayor the Council shall elect a Chairman/woman for that meeting or the meeting shall be adjourned.

A8.2 The person presiding at any Council, committee or sub-committee meeting may exercise any power or duty of the Civic Mayor. (To apply to Committees and Overview and Scrutiny)

A9. Election of Civic Mayor and Deputy Civic Mayor
(This Standing Order may not be suspended)

A9.1 The selection of the Civic Mayor Elect and the Deputy Civic Mayor Elect of the Council shall take place at the penultimate ordinary Council meeting of each Municipal Year at the latest, following the rules of debate set out in Standing Order A15. Where a motion for the Civic Mayor Elect is the current Civic Mayor, the Civic Mayor shall leave the meeting whereupon the Deputy Civic Mayor will take the chair and exercise his/her casting vote where an equality of votes occurs on any motion or amendment. The Council may resolve not to select a Civic Mayor Elect and/or Deputy Mayor Elect in the year of the all-Council elections. In the event that the Council fails to pass a motion to select the Civic Mayor Elect and/or Deputy Civic Mayor Elect the matter must be determined at the following Annual Council meeting.

A10. Quorum
(This Standing Order may not be suspended)

A10.1 The quorum at a meeting of the Council shall one quarter of the whole number of members which equates to nine members, including the person presiding at the meeting.
(Paragraph 6 of Part 1, Schedule 12 of the Local Government Act 1972)

A10.2 During any meeting if the Civic Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11. Duration of Meeting (To apply to Committees, Cabinet and Overview and Scrutiny)

A11.1 Subject to Standing Order A11.2, unless the majority of members present vote for the meeting to continue, any meeting or adjourned meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11.2 Prior to the adjournment of any meeting pursuant to Standing Order A11.1, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Section 151 Officer (Chief Finance Officer) to indicate whether there is any other business that they believe must be transacted at that meeting. If any such officer indicates that there is any other business that must be transacted at the meeting before it is adjourned, such business must be transacted before any adjournment regardless of the outcome of the vote referred to at paragraph A11.1.

A12. Questions by Members

A12.1 Notices of questions at Council

Subject to Standing Order A12.3, a member of the Council may ask:

- (i) the Civic Mayor;
- (ii) the Leader of the Council;
- (iii) a member of the Cabinet;
- (iv) the Chairman/woman of any committee (including the Overview and Scrutiny Board); or
- (v) a Council representative on an outside organisation

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Torbay and is relevant to the area or areas of responsibility of the person to whom the question has been asked.

A12.2 Notice of questions

A member may only submit three questions for consideration at each Council Meeting and may only do so if either:

- (i) he/she has given notice in writing (including by e-mail if verified by the Head of Governance Support) of the question to the Head of Governance Support by 4.00 p.m. on the tenth clear working day before the next Council meeting and that question has been accepted; or
- (ii) the Civic Mayor permits the question to be put because of exceptional circumstances and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. on the working day prior to the meeting or (if later) as soon as reasonably practicable.

A12.3 The Chief Executive, in consultation with the Civic Mayor, may decline to accept any question if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has received a response within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or

- (iv) to respond to the question would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

Where a member's question is declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined question so that it is acceptable.

Following approval of the question, the Head of Governance Support will send a copy of the question(s) to the member to whom it has been put and include the question(s) with the Council agenda.

- A12.4 The Chief Executive (in consultation with the Civic Mayor and group leaders) may defer any question from a Member to a subsequent meeting of the Council where in his/her opinion, having regard to the complexity of the questions and amount of officer time reasonably likely to be required to be spent in researching the matter, it is reasonable to do so.

At the Meeting

- A12.5 At the 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.
- A12.6 The time for members' questions will be limited to a total of 30 minutes. If a member has already commenced a response, the member who asked the question shall have the right to ask his/her supplementary question and receive a response.
- A12.7 Any questions not dealt with after 30 minutes will be deemed withdrawn, the member may resubmit the question as one of their three question to the next Council meeting provided the question is submitted in accordance with Standing Orders A12.1, A12.2 and A12.3.
- A12.8 A member submitting a question under this Standing Order shall attend the Council meeting to present their question. In the absence of the questioner, another member may present the question.
- A12.9 Subject to Standing Order A12.11, questions submitted under this Standing Order shall be put and answered without discussion.

A12.10 Responses

An answer to a question will take the form of:

- (i) a written answer and will be published at least one hour prior to the meeting; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

An answer to a supplementary question will take the form of a:

- (i) a direct oral answer; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

Where the member to whom the question was asked is either absent and no other member is able to respond, the question will be referred to the next meeting where the member is present. If the member asking the questions wishes a response prior to the next meeting, they may request a written answer from the member concerned. If the member asking the question is absent, the member must seek agreement from the Civic Mayor prior to the Council meeting for another member to present the question on their behalf or the question will be withdrawn.

A12.11 **Supplementary Question**

A member asking a question under this Standing Order may ask one brief supplementary question, with the consent of the Civic Mayor or the person presiding (which shall not be reasonably refused), without notice to the member to whom the question was asked. The supplementary question must arise directly out of the original question or the reply and must not be a statement. A member asking a supplementary question shall have a maximum of one minute to put his/her question at the meeting. The member responding to a supplementary question shall have a maximum of three minutes to put his/her answer to the question.

A13. Notices of Motion

A13.1 **Scope** (This Standing Order may not be suspended)

Motions must be about matters for which the Council has a responsibility or direct ability to influence and/or control and must not include declaratory statements relating to matters wholly outside the ambit of the Council.

A13.2 **Notice**

- (a) Except for motions which can be moved without notice under Standing Order A14, written notice of every motion, signed (or sent by e-mail and verified by the Head of Governance Support) by the proposer and seconder, must be delivered to the Head of Governance Support by 4.00 p.m. on the tenth clear working day before the date of the Council meeting or, ~~Cabinet~~ for matters which relate to Cabinet functions, the Cabinet meeting. For matters relating to Cabinet functions the proposer and seconder shall be referred to as the promoter and supporter where those members are not members of the Cabinet.
- (b) The Chief Executive (in consultation with the Civic Mayor in respect of Council motions or the Leader of the Council in respect of Executive motions) may decline to accept any notice of a motion if it is in his/her opinion:
 - (i) factually inaccurate; or

- (ii) it is identical or materially similar to a motion which has been presented to a meeting of Council, the Cabinet or a Council committee within the 12 months preceding the meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable.

Where a member's Notice of Motion may be declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined Motion so that it is acceptable.

- (c) Motions for which notice has been given and require a council decision will be listed on the agenda in the order in which notice was received, unless the proposer and seconder giving notice state, in writing (including by e-mail if verified by the Head of Governance Support), that they propose to move it to a later meeting or withdraw it. The Civic Mayor may alter the order in which Notices of Motion are taken on the agenda if he/she considers this will facilitate the efficient running of the meeting. Motions which subject matter comes within the province of the Cabinet or any Council Committee will be included on the relevant agenda for those decision-making bodies
- (d) Motions which result in financial implications for the Council must include an outline of such implications together with advice from the Council's Finance Officer (including an officer report where required). Where there is insufficient time to enable a robust assessment of the financial implications the Motion will stand deferred to a subsequent meeting.

A13.3 Procedure

- (a) If the subject matter of any motion comes within the province of the Cabinet or any Council committee, it shall stand referred to the Leader of the Council or committee, as appropriate, without inclusion on the Council agenda. [Cabinet Standing Orders sets out the procedure for consideration of Notice of Motions at Cabinet](#)~~Cabinet matters will be considered and determined by the Leader of the Council at a meeting of Cabinet, or he/she may refer the matter to an individual member of the Cabinet or an officer.~~ Matters referred to a Council committee will be placed on the next available agenda and the Committee will determine whether to request officers to prepare a report on the matter for consideration at a future meeting.
- (b) If the subject matter does not fall within the remit of the Cabinet or a Council committee, the Council may deal with the matter immediately via normal rules of debate.

A13.4 Motions affecting the setting of the Budget (This Standing Order may not be suspended)

Written notice of every proposed amendment (or objection in the case of the first meeting of Council at which the Leader of the Council's proposals will be considered) to a recommendation affecting the setting of the Budget, signed (or sent by e-mail and verified by the Head of Governance Support) by the member (or members), must be delivered to the Head of Governance Support by 4.00 p.m. two clear working days before the commencement of the meeting (including any adjourned meetings) at which the setting of the Budget is to be considered. These will be published on the Council's website, after approval by the Chief

Executive, and be open to public inspection. The provisions in A13.2 (b) will apply.

A14. Motions which may be moved without Notice and/or during debate (To apply to Committees, Cabinet and Overview and Scrutiny)

A14.1 The following motions may be moved during the meeting:

- (i) to appoint a Chairman/woman for that meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or the adoption of recommendations of the Cabinet (or committees or individual members of the Cabinet), committees, sub-committees, working parties or officers and any resolutions following on from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next item of business;
- (x) that the motion/amendment be now put to the vote;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond four hours in duration;
- (xiv) to suspend a particular Council Standing Order (subject to Standing Order A29);
- (xv) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information;
- (xvi) to not hear further a member or to exclude them from the meeting where that member is behaving improperly or offensively or is deliberately obstructing business;
- (xvii) to give the consent of the Council where its consent is required by this Constitution; and
- (xviii) any motion relating to the use of cameras or the audio or visual recording of the proceedings of the meeting.

A15. Rules of Debate . See flowcharts at appendices 1 and 2

These rules do not apply for the consideration of Planning or Licensing applications.
Standing Order 22 below sets out the rules of debate for such applications.

A15.1 No speeches until motion moved and seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

A15.2 Right to require motion or amendment in writing

Unless notice of the motion has already been given, the Civic Mayor may require it to be written down and handed to him/her before it is discussed. The Civic Mayor may also require an amendment to be written down and handed to him/her before it is discussed.

A15.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate (note: if a member does reserve their speech until later in the debate and that member wishes to speak later in the debate they must raise their hand/indicate such wish to the Civic Mayor).

A15.4 Content of speeches

A member's speech must relate to the business under discussion or to a personal explanation or point of order.

A15.5 Length of speeches

No speech or response may exceed five minutes without the consent of the Civic Mayor except the opening speeches on the revenue budget by the Leader of the Council and the leaders of each political group at the annual budget setting meeting, which shall not exceed fifteen minutes without the consent of the Civic Mayor.

A15.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (i) to speak once on any amendment;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply (under Standing Order A15.10);
- (v) on a point of order (under Standing Order A15.12);
- (vi) by way of personal explanation (under Standing Order A15.13).

A15.7 Amendments to motions

- (a) An amendment to a motion must be reasonably relevant (in the opinion of the Chief Executive) to the motion and must seek to:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) delete words;
 - (iii) delete words and add other words; or
 - (iv) add words,

and an amendment that otherwise complies with this Standing Order shall be valid even if the direct or indirect consequence of the amendment (if carried) would be to negate the motion (except amendments made at Planning Committee).

Assistance with drafting amendments will be provided by the Head of Governance Support where requested and the Head of Governance Support will involve the relevant officers for their professional advice. Where officer advice is sought in advance on amendments, this advice will be provided in confidence and not shared with any other members unless instructed to do so by the member preparing the amendment. The mover of an amendment prepared in advance of the meeting will confirm with the Head of Governance Support when they wish the amendment to be shared.

- (b) Only one amendment may be moved and discussed at any one time except that the Civic Mayor may permit more than one amendment to be debated at the same time if he/she considers this would facilitate the efficient running of the business and if a majority of members present do not object. No further amendment may be moved until the amendment under discussion has been disposed of. Amendments to motions will be moved at the earliest possible opportunity during the debate.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which further amendments may be moved. At the end of the debate, the substantive motion will then be put to the vote.
- (e) For the avoidance of doubt no amendment can be made to the motion to set the Council Tax.

A15.8 Amendment of motions by proposer

- (a) A member may request, with the consent of the seconder, to alter a motion of which he/she has given notice. If there is no objection to the request it shall be amended as proposed. If there is an objection, the request to alter the motion shall be put to the vote without debate.

- (b) A member may alter a motion which he/she has moved without notice with the consent of the seconder.
- (c) Only alterations which could be made as an amendment (in accordance with Standing Order A15.7) may be made.

A15.9 Withdrawal of motions

A member may withdraw a motion which he/she has moved with the consent of the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless the seconder refuses consent to withdraw the motion.

A15.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply before the mover of the original motion. The mover of the original motion then has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. This Standing Order also applies if the amendment is carried and further amendments are moved.
- (c) The mover of the amendment has no right of reply to the debate on his/her amendment.

A15.11 Procedural Motions which may be moved during debate

When a motion is under debate, the following procedural motions may be moved:

- (i) to proceed to the next business;

If a motion to proceed to the next business is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (ii) that the motion/amendment be now put to the vote;

If a motion that the motion/amendment be now put to the vote is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (iii) to adjourn a debate;

If a motion to adjourn the debate is seconded and the Civic Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If the motion is carried and no timeframe is explicit the discussion will be resumed at the next ordinary meeting of the Council and the member who moved its adjournment shall be entitled to speak first. If the motion to adjourn is lost, a second motion for adjournment may

be moved during the same meeting and the Civic Mayor thinks a reasonable amount of time has lapsed since the last motion to adjourn.

(iv) to adjourn a meeting;

If a motion to adjourn the meeting is seconded and the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and it shall be put to the vote without debate and without giving the mover of the original motion the right of reply.

(vii) that the meeting continue beyond four hours in duration;

If a motion that the meeting continue beyond four hours in duration or a motion to adjourn the meeting is moved, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and if the motion is then seconded it shall be put to the vote without debate.

(viii) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information; and

If a motion to exclude the press and public in accordance with the Standing Orders in relation to Access to Information is seconded, it shall be put to the vote without debate but the Civic Mayor may invite the Chief Executive and/or the Monitoring Officer to advise on the matter.

(ix) in accordance with Standing Order A25 (members' conduct), to not hear further a member or to exclude them from the meeting.

A15.12 **Point of order**

A member may raise a point of order, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or after the member speaking has finished their speech. A point of order may only relate to an alleged breach of these Council Standing Orders, a significant factual inaccuracy or a breach of the law. The member must indicate the Standing Order, the alleged significant factual inaccuracy or the law (and the way in which he/she considers it has been broken, or is inaccurate) before speaking further. The ruling of the Civic Mayor on the matter will be final.

A15.13 **Personal explanation**

A member may make a personal explanation, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or at an appropriate point during the debate. A personal explanation may only relate to some statement by, or material fact relating to, the member which may appear to have been misunderstood in the present debate. The ruling of the Civic Mayor on the admissibility of a personal explanation will be final.

A15.14 Briefings by Officers

In exceptional circumstance and with the consent of the Civic Mayor, the Chief Executive may request officers to provide members with a briefing at the Council meeting on agenda items before they are considered by the Council. The Civic Mayor will allow each member a maximum of two questions to the officer presenting. Questions must only relate to factual elements of the matter under discussion and not draw the officer into the debate of the Council.

A16. State of The Borough Debate**A16.1 Calling of debate**

The Leader of the Council or Civic Mayor may call a State of the Borough debate annually to be held at the first ordinary meeting of the Council after the Annual Council meeting or on such other occasion to be determined by the Civic Mayor in consultation with the Leader of the Council.

A16.2 Form of debate

The Leader of the Council in consultation with the Civic Mayor (or the Civic Mayor if calling the debate) may decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate.

A16.3 Chairing of debate

The debate will be chaired by the Civic Mayor.

A16.4 Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader of the Council in proposing the budget and policy framework to the Council for the coming year.

A17. Previous Decisions and Motions (To apply to Committees and Overview and Scrutiny)**A17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a non-Executive decision made at a meeting of Council within the past six months cannot be moved unless:

- (i) the notice of motion is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment is moved at a meeting, which seeks to rescind a previous decision, which is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or

- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

No resolution shall be rescinded if, in the opinion of the Monitoring Officer, it would infringe on any third party’s legal rights or be likely to result in a finding of maladministration against the Council.

This Standing Order does not apply to a decision that has previously been rescinded.

A17.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless:

- (i) the notice of motion or amendment is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment moved at a meeting is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or
- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

A18. Voting (To apply to Committees, Cabinet and Overview and Scrutiny except A18.5)

**A18.1 Majority
(This Standing Order may not be suspended)**

Prior to voting the Civic Mayor will read out the motion or amendment due to be voted upon if he/she considers the debate has been complex and clarity is needed before taking the vote. Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.
(Schedule 12 of the Local Government Act 1972)

**A18.2 Civic Mayor’s casting vote
(This Standing Order may not be suspended)**

If there are equal numbers of votes for and against, the Civic Mayor (whether or not he/she has voted) will have a casting vote. There will be no restriction on how the Civic Mayor chooses to exercise a casting vote, save that he/she must use his/her casting vote for the election of the Civic Mayor at the Annual Council meeting in the case of an equality of votes.
(Schedule 12 and Section 4 of the Local Government Act 1972)

A18.3 Method of Voting

Unless a recorded vote is demanded under Standing Order A18.4, the Civic Mayor will take the vote by a show of hands or by an appropriate alternative means determined by the Civic Mayor.

A18.4 Recorded vote

If at least the same number of members as would make the meeting quorate demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A18.5 Recorded vote at budget meetings

(This is a mandatory standing order under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and may not be suspended)

Recorded votes will be taken on any decision relating to the budget or Council Tax, including any amendments and substantive motions on agreeing the budget, setting, Council Tax or issuing precepts.

A18.6 Right to require individual vote to be recorded

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended.)

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. The member must ensure the Governance Support Officer present at the meeting is made aware of how they voted for the minutes.

A19. Minutes

(This Standing Order may not be suspended)

A19.1 Signing the minutes (To apply to Committees, Cabinet and Overview and Scrutiny)

The Civic Mayor will sign the minutes of the proceedings at the next suitable meeting (Schedule 12 of the Local Government Act 1972/Local Authorities (Standing Orders) Regulations 1993). The Civic Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

A19.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended. The language is constrained by that permitted in the regulations.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

A19.3 Form of minutes (To apply to Committees, Cabinet and Overview and Scrutiny)

Minutes will include all decisions in the form and order they were taken at the meeting.

**A20. Record of Attendance (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A20.1 The Governance Support Officer will make a record of all members present during the whole or part of a meeting before the conclusion of every meeting to assist with the record of attendance. The official attendance record will be held in the minutes of the meeting.
(Schedule 12 of the Local Government Act 1972)

**A21. Exclusion of Public (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A21.1 Members of the public and press may only be excluded either in accordance with the Standing Orders in relation to Access to Information or Standing Order A26 (Disturbance by Public).

A22. Representations In Respect Of Planning and Licensing Applications (To apply to Committees)

A22.1 Members of the public shall be entitled to speak at meetings of the Council, committees or sub-committees during the consideration of:

- (i) any application for approval or consent required under the Town and Country Planning legislation; and
- (ii) any licensing applications that fall outside the Licensing Act 2003.

in accordance with the following provisions and in accordance with Standing Order A24.4 below.

A22.2 Any member of the public or person who is not a member of the Committee who wishes to speak shall notify the Head of Governance Support or his/her representative by 11.00 am on the day of the meeting he/she wishes to speak at or at lesser notice at the discretion of the Civic Mayor.

A22.3 The following procedure shall apply in respect of each item:

- (i) introduction of item by officer;
- (ii) representations by objector(s);
- (iii) Brixham Town Councillors (including as Brixham Peninsula Neighbourhood Forum) (if it relates to a Brixham application or area covered by the Brixham Peninsula Neighbourhood Plan);
- (iv) representations by Torquay Neighbourhood Forum (if it relates to an application in the area covered by the Torquay Neighbourhood Plan);
- (v) representations by Paignton Neighbourhood Forum (if it relates to an application in the area covered by the Paignton Neighbourhood Plan);
- (vi) representations by applicant, agent or supporters;

- (vii) in exceptional circumstances, the Civic Mayor may permit Members of the Committee to ask for clarification from the registered speakers outlined in (i) to (vi) above immediately following their presentation.
 - (viii) Once all questions have been asked, a motion will be put forward and seconded to open the application for debate, the options for the motion include:
 - 1. Approval (with or without conditions); or
 - 2. Refusal (with reasons); or
 - 3. Deferment for further information or a site visit; or
 - 4. Delegation for determination by an officer or other Committee of the Council.
 - (ix) Members may speak more than once on a motion;
 - (x) During the debate if any further additions (such as reasons for refusal or additional conditions) are suggested to the motion, the Civic Mayor will seek consent of the proposer and seconder for these to be included in the original motion. If consent is not forthcoming, then a further motion can be moved once the motion on the table has been dealt with;
 - (xi) prior to the vote on the motion, the Civic Mayor will confirm the details of the motion, including asking the Planning Officer to clarify if there are any additional technical conditions required or reasons for refusal; and
 - (xii) a vote will be taken on the motion and the Chairman/woman will announce the result of the vote. If the motion fails the Civic Mayor will invite Members to propose an alternative motion which will be subject to debate prior to the vote and following (viii) to (xi) above.
- A22.4 The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Civic Mayor may allow:
- (a) objectors;
 - (b) applicant, agent or supporters;
 - (c) Brixham Town councillors;
 - (d) Torquay Neighbourhood Forum; and
 - (e) Paignton Neighbourhood Forum.
- A22.5 Where more than one objector to or supporter of an application wishes to speak, the Civic Mayor may if he/she considers it convenient and conducive to the despatch of business of the meeting require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.
- A22.6 The Civic Mayor shall ensure, as far as is practicable, that both objectors and supporters are given the opportunity to speak but an application will not normally be deferred merely because one side is unable or does not wish to be present.

- A22.7 Brixham Town Council (including when acting as Brixham Peninsula Neighbourhood Forum), Torquay Neighbourhood Forum and Paignton Neighbourhood Forum may nominate a representative to speak on a planning application in relation to their respective areas.
- A22.8 The Civic Mayor may:
- (i) suspend the operation of this Standing Order during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
 - (ii) vary the order of representations if he/she considers that it is convenient and conducive to the despatch of business and will not cause any prejudice to the parties concerned.
- A22.9 Guidance on representations in respect of licensing (2003 Act) applications is available in the Local Code of Good Practice for Members and Employees Involved in the Licensing Process.
- A22.10 Guidance on representations from Brixham Town Council, Torquay Neighbourhood Forum and Paignton Neighbourhood Forum is available in the Local Protocol – Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums for Planning Applications.

(Note: This Standing Order A22 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation in respect of a planning or licensing application, but having made his/her representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A23. Petitions

- A23.1 The Council will consider petitions received in accordance with its Petition Scheme (as set out in Appendix 3 to these Standing Orders).

A24. Public Question Time

- A24.1 Members of the public shall be entitled to ask questions/make statements during the Question Time sessions held at the meetings of Council provided that the questions/statements:
- (a) relate to the Council and/or the services it provides (or are provided on its behalf) to local people or to a matter that affects local people more than the general public nationally and is relevant to the area or areas of responsibility of the person to whom the question or statement is directed;
 - (b) do not relate to planning or licensing applications to be considered by the Authority;
 - (c) do not relate to any matter where public consultation is being undertaken in the next six months by the Council; and
 - (c) are provided to the Head of Governance Support in writing (including by e-mail if verified by the Head of Governance Support) by no later than 4.00

p.m. on the tenth clear working day before the date of the meeting in order that a suitable response may be prepared. The Civic Mayor may permit a question/statement after this deadline in exceptional circumstances and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. two clear working days prior to the meeting.

However, the Chief Executive, in consultation with the Civic Mayor may decline to accept any question or statement if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has been presented to a meeting of Council or a Council committee within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or
- (iv) to respond to the question or statement would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question or statement is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

And the reasons for rejection will be provided.

A24.2 The Head of Governance Support will immediately send a copy of the question/statement to the member to whom it has been put and publish the questions/statements.

A24.3 The total time allowed for questions or statements shall not exceed 30 minutes except with the consent of the Civic Mayor of the body concerned. No person may submit more than 2 questions at any one meeting and no more than 2 such questions may be asked on behalf of one organisation.

A24.4 Each person addressing the meeting shall be restricted to five minutes of speech or such period as the Civic Mayor may allow. Any persons addressing the Council under this Standing Order may only refer to matters relevant to the question or statement and shall:

- (a) not use discriminatory or offensive language;
- (b) not make any party political statements;
- (c) not use personal abuse; and
- (d) treat others with courtesy and with respect.

If the Civic Mayor considers that any of these requirements have been breached he/she may take such action as he/she considers appropriate (including prohibiting the person addressing the Council from speaking further).

A24.5 Questions shall be directed to the Civic Mayor, who may request:

- (i) the Leader of the Council;

- (ii) a member of the Executive;
- (iii) the Chairman/ woman of any committee (including the Overview and Scrutiny Board or sub-committee);
- (iv) a Council representative on an outside organisation

to reply. The Civic Mayor, Leader of the Council or other Councillor may, in turn, request an appropriate officer or his/her representative to reply.

If a questioner who has submitted a written question is unable to be present, they may ask the Civic Mayor to put the question on their behalf or the Civic Mayor can decide to put the question. The Civic Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

- A24.6 Every question shall be put and answered without discussion although the questioner may be permitted by the Civic Mayor to ask one supplementary question provided that it is relevant to the original question (or the response thereto) and his/her allocation of five minutes is not exceeded (subject to Standing Order A24.4).
- A24.7 Statements will not be responded to. A response to a question shall take the form of:
- (i) a direct oral answer; or
 - (ii) where the reply to the question cannot conveniently be given orally, an undertaking that a written reply will be provided.
- A24.8 Unless the Civic Mayor decides otherwise, no discussion will take place on any question or statement, but any member may move that a matter raised by a question or statement be referred to the Executive or appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.
- A24.9 Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.
- (Note: This Standing Order A24 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation, but having made his/her representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A25. Members' Conduct (To apply to Committees, Cabinet and Overview and Scrutiny)**A25.1 Members addressing the meeting**

When a member addresses a meeting of the Council they must make themselves clearly identifiable and address the meeting through the Civic Mayor. If more than one member seeks to address the meeting, the Civic Mayor will rule on the order on which they may address the meeting. Other members must behave in an appropriate manner whilst a member is addressing the meeting and not interrupt unless they wish to move a motion under Standing Order A15.11 or to make a point of order or a point of personal explanation. When making a point of order or point of personal explanation, once requested the member making the request must sit down and not speak again until invited to do so by the Civic Mayor.

A25.2 Civic Mayor calling the meeting to order

When the Civic Mayor calls to order, whether by standing or banging his/her gavel or by some appropriate means during a debate, any member addressing the meeting at the time must stop and sit down. The meeting must be silent.

A25.3 Member not to be heard further

If a member behaves improperly or offensively or deliberately obstructs business, the Civic Mayor or the Council by resolution may determine that the member in question be not heard further in respect of the item under discussion.

A25.4 Member to leave the meeting

If the member continues to behave improperly after a motion under A25.3 is carried, the Civic Mayor may either determine that (a) the member in question leaves the meeting in respect of the item under discussion or for the remainder of the meeting, as appropriate, or (b) that the meeting is adjourned for a specified period.A25.5

A25.5 General disturbance

If there is a general disturbance making orderly business impossible, the Civic Mayor may adjourn the meeting for as long as he/she thinks necessary.

A25.6 Addressing other members

At meetings of the Council, its committees and sub-committees, members shall address each other as “councillor” followed by the member’s surname. At meetings of the Council, the Civic Mayor shall be addressed as the Worshipful the Mayor of Torbay or such other title as he/she may reasonably choose, but at meetings other than Council the Civic Mayor shall be referred to as “councillor” followed by his/her surname.

A25.7 Members Leaving During the Meeting

Where a Member leaves the meeting room temporarily during the meeting for whatever reason, they shall acknowledge the Civic Mayor by nodding their head (or by another appropriate means) and leave the chamber. Where a Member leaves the meeting room permanently before the end of the meeting (or its formal adjournment) they shall give their apologies to the Civic Mayor (either immediately prior to their departure or earlier during the meeting or immediately prior to its commencement) and their departure shall be recorded in the minutes.

A26. Disturbance by Members of the Public (To apply to Committees, Cabinet and Overview and Scrutiny)**A26.1 Removal of member of the public**

If a member of the public interrupts proceedings or behaves improperly or offensively, the Civic Mayor will warn the person concerned. If they continue to interrupt or behave improperly or offensively, the Civic Mayor may order their immediate removal from the meeting and the premises. If the Civic Mayor considers behaviour to be grossly improper or offensive he/she may order the immediate removal of the person from the meeting and the premises without warning. The person concerned shall not be permitted re-entry to the premises for the duration of the meeting.

A26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Civic Mayor may call for that part to be cleared.

A27. Use of Cameras and Tape and Video Recorders (To apply to Committees, Cabinet and Overview and Scrutiny)

A27.1 Any persons present at the meeting may, unless prohibited or restricted by a resolution, take photographs, make audio or visual recordings and make live stream recordings on social media of the proceedings of meetings of the Council, its committees and sub-committees. However, no flash photography or other artificial light source shall be used without the prior approval (which may be withdrawn or conditional) of the person presiding at the meeting concerned.

A27.2 The Head of Governance Support may make arrangements for the electronic recording (including filming) of those parts of the meetings of Council, Planning Committee and Standards Hearings Sub-Committee at which the press and public are entitled to be present.

**A28. Prohibition of Smoking, Alcohol and Drugs at Council Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A28.1 No member or officer or member of the public shall smoke (this includes any electronic smoking devices), consume (or, in the opinion of the Civic Mayor be incapacitated by) alcohol and/or illegal drugs at any council meeting.

A29. Suspension and Amendment of Standing Orders In Relation To Council Procedure (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A29.1 Suspension

All of these Standing Orders in relation to Council except Standing Orders A1, A2, A3, A4, A5, A7, A8, A9, A10, A13.1, A13.4, A18.1, A18.2, A18.5, A18.6, A19, A20, A21, A28 and A29 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

A29.2 Any motion to suspend any Standing Order (or part of any Standing Order) shall indicate the Standing Order (or part thereof) to be suspended.

A29.3 Amendment

Any motion to add to, vary or revoke these Standing Orders in relation to Council and Meetings will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council (unless the Monitoring Officer agrees otherwise).

A29.4 Conflict between Standing Orders and the law

If any Standing Order does not comply with any relevant legal requirement (whether arising from statute, subordinate legislation, EU directives or case law), that Standing Order shall be deemed to be amended so far as shall be necessary to comply with the legal requirement in question

A30. Interpretation
(To apply to Committees, Cabinet and Overview and Scrutiny)

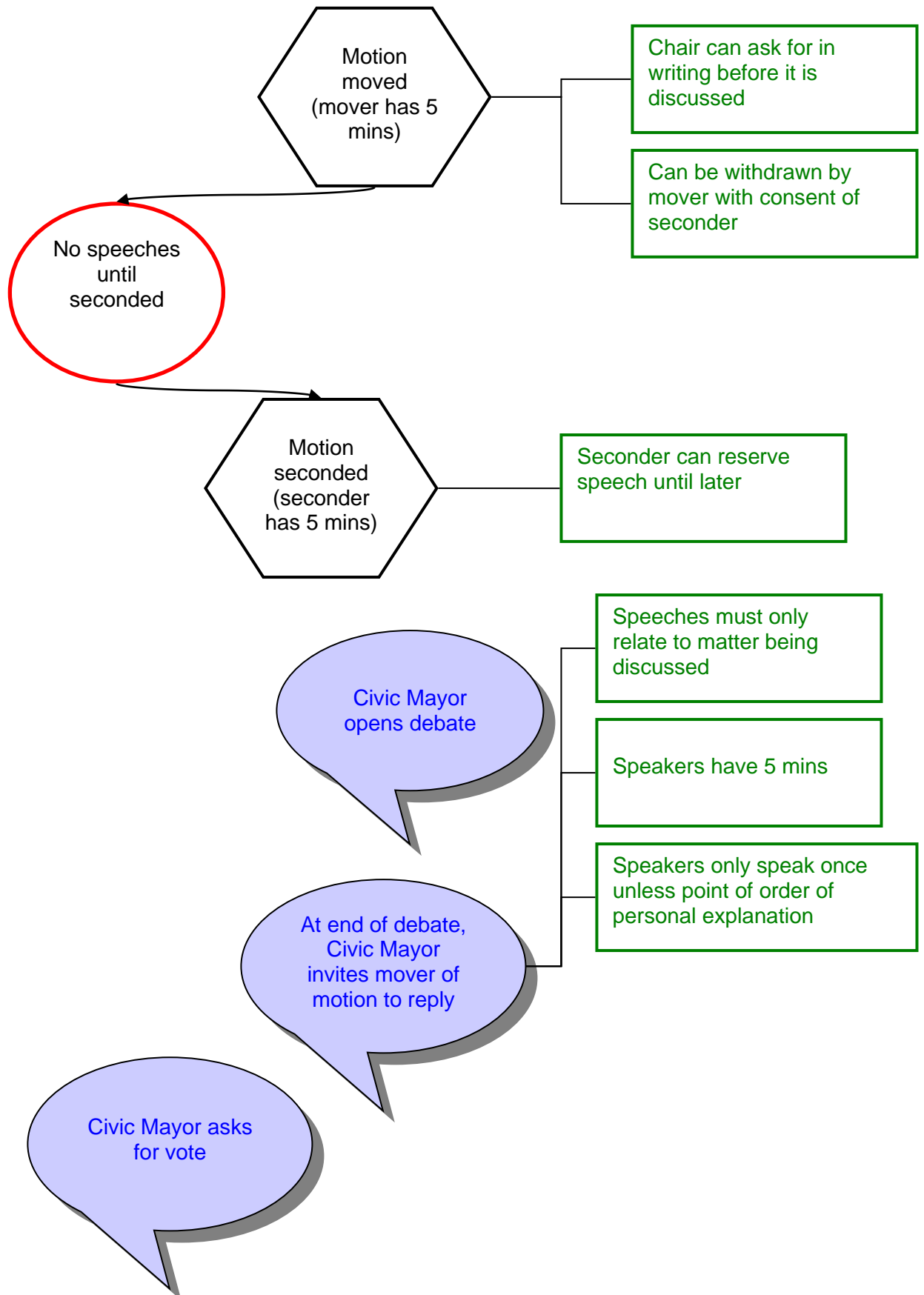
A30.1 Any references to writing or speaking in these Standing Orders shall be deemed to include any other means of communication that are reasonably appropriate having regard to any person's disabilities or special needs.

A30.2 The Civic Mayor's ruling on the interpretation of these Standing Orders and on the conduct of the proceedings shall be final.

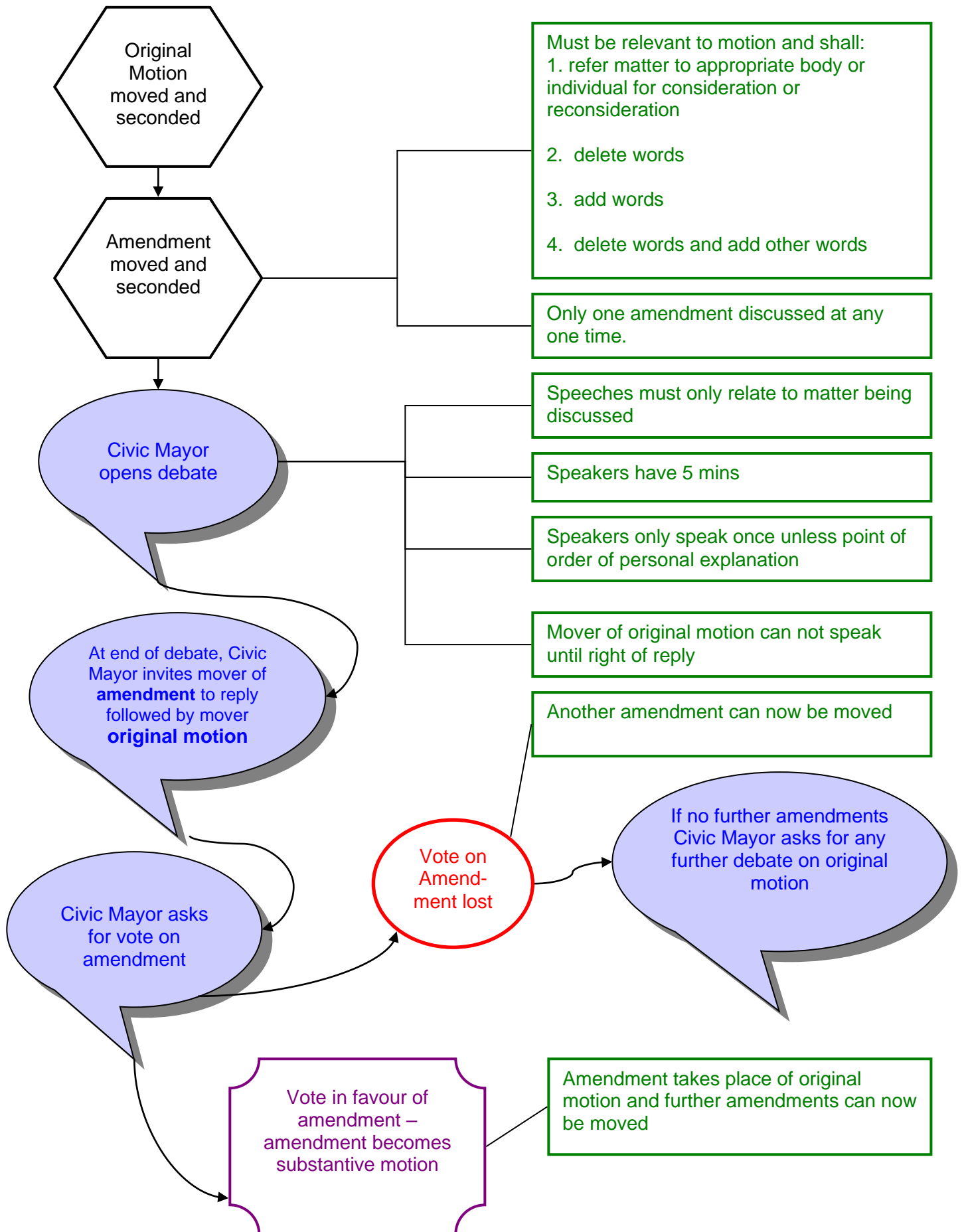
A31. Application of Standing Orders in Relation to Access to Information to Meetings of The Council

A31.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Council: E1 to E11, E19 and E20.

Appendix 1 Standing Order A16 Rules of Debate – Motions without Amendment



Appendix 2 Standing Order A16 Rules of Debate – Amendments to Motions



Appendix 3 - Petition Scheme

Contents

1. Introduction
2. What are the guidelines for submitting a petition?
3. Are there any issues which the Council will not consider in a petition?
4. How can I submit a petition?
5. Petition Deadlines
6. How will the Council respond to my petition?
7. Feedback – will the petitioners be told of the outcome?
8. What can I do if I feel my petition has not been dealt with properly?
9. Other ways to make your views known
10. Data Protection
11. Special requirements
12. Sample Petition Form

1. Introduction

A petition is a request for Torbay Council to consider an issue or concern or to take a particular course of action. Petitions set out a particular view point and can be a useful tool to demonstrate that a view is shared by others. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

This document sets out the guidelines for submitting a petition and what you can expect from the petitions process.

To meet the requirements of the scheme, the petition must be about:

- **an issue which relates to the Council and/or services it provides to local people;**
- **an improvement in the economic, social or environmental well-being of Torbay to which any of the Council’s partner authorities could contribute’; or**
- **to issues which relate to services provided by partner authorities, including matters which are sub-regional and cross-authority;**

Petitions can be submitted in paper format or can be scanned and sent electronically. There is also a [*Torbay Council e-petitions*](#) facility available (this is a method of starting a petition and gathering signatures online which allows petitions and supporting information to be made available to a much wider audience). We are also happy to accept e-petitions generated from third party facilities, but only if they meet the submissions criteria set out in this scheme – including, for example, by providing sufficient information to enable the Council to verify signatures in support of the petition.

2. What are the guidelines for submitting a petition?

Petitions submitted to the Council **must** include (*see Appendix 1 for a sample paper petition template*):

- **A clear and concise statement covering the subject of the petition.** It should state what action the petitioners wish the Council to take.
- **The subject matter of the petition on each page.** People need to know what they are signing and therefore the petition should clearly state this on each page.
- **The petition organiser’s contact details.** Including a phone number and address, – this will be the person who we will contact to explain how we will respond to the petition.
- **At least 25 valid signatures.** Anyone who lives, works or studies in the Torbay area, including under 18’s, can sign or organise a petition. In order for a signature to be valid it must be accompanied by the name and

address (which must include the name or number, street and town) of each person supporting the petition. The address provided should be that place of work or study if they do not live in the bay. To ensure the Council understands the local level of support for a petition, it reserves the right to seek to verify each signature submitted as part of a petition. This may be particularly significant when establishing whether a petition has obtained the required number of signatures to trigger a specific process (see section 6 below Full Council Debate).

In the case of e-petitions, (including those submitted from other online petition facilities) the Council requires a name, valid email address (one email address per person), address (including the name or number, street and town) for each person supporting the petition; failure to provide this information may lead to a signature not being counted.

The Council may also ask for additional information it may require to confirm that the petition complies with the requirements of this scheme.

The Council's Monitoring Officer may decline to accept any petition where in his/her opinion the petition does not include any of the above.

3. Are there any issues which the Council will not consider in a petition?

3.1 There are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, this mirrors the UK Parliament and Government petition rules and includes if a petition:

- calls for the same action as a petition that's already open
- does not ask for a clear action from the Council
- relates to an issue which is clearly outside the control or reasonable influence of the Council (e.g. petitions on national issues)
- is defamatory or libellous, or contains false or unproven statements
- refers to a case where there are active legal proceedings
- contains material that may be protected by an injunction or court order
- contains material that could be confidential or commercially sensitive
- could cause personal distress or loss. This includes petitions that could intrude into someone's personal grief or shock without their consent.
- accuses an identifiable person or organisation of wrongdoing, such as committing a crime
- names individual officers, unless they are Divisional Directors or above
- names family members of councillors or officers
- asks for someone to be given a job, or to lose their job. This includes petitions calling for someone to resign and petitions asking for a vote of no confidence in an individual councillor or officer or the Cabinet as a whole
- contains party political material
- is nonsense or a joke
- is an advert, spam, or promotes a specific product or service

- is a Freedom of Information request
- contains swearing or other offensive language
- is offensive or extreme in its views. That includes petitions that attack, criticise or negatively focus on an individual or a group of people because of characteristics such as their age, disability, ethnic origin, gender identity, medical condition, nationality, race, religion, sex, or sexual orientation
- is a duplicate or substantially similar to a petition received in the last 12 months, unless there has been a material change in circumstances

Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, will be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it will then be dealt with through this Petitions Scheme in exactly the same manner as any other petition.

3.2 This Petitions Scheme does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore excluded from the scope of this Petitions Scheme:

- Any matter relating to a planning decision,
- Any matter relating to a licensing decision,
- Any matter relating to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months, (e.g. Formal Budget/Savings Proposals consultation).
- Any matter where there is already an existing right of appeal such as council tax banding and non-domestic rates.

We will advise the petition organiser what will happen to petitions under this category.

3.3 In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

4. How can I submit a petition?

Paper petitions may be submitted to the Council in person/by post to:

Governance Support
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.

Petitions can be emailed to:

Governance.support@torbay.gov.uk

For emailed petitions each sheet of signatures should be scanned in full as an exact replica of the original copy.

E-petitions may be submitted through the Council's *e-petitions facility* or via an independent online e-petition system and not via the Council's facility, however, in this case the Petition Organiser must ensure that the petition meets the submissions criteria set out in this scheme – including, for example, a valid email address (one email address per person), full name, address and postcode for each person supporting the petition to enable the Council to verify signatures on the petition.

The Council will also allow a combined paper and e-petition providing there are no duplicate signatories and the date of receipt is when the final submission is made.

Please note that we keep all original copies of petitions for our records for six years.

Upon submission of your petition, you need to advise the Governance Support Team whether you wish for your petition to be presented to a meeting of the full Council or referred directly to the decision maker for consideration. Please refer to section 6 below for further details.

5. Petition Deadlines

If you would like your petition to be presented at a Council meeting, (see details in section 6 below), it must be received by the Governance Support Team by 4.00 p.m. 10 clear working days before the meeting. The deadlines/dates of meetings can be found at (www.torbay.gov.uk).

Once approved and activated, a standard e-petition will remain open for 60 days. However this can be amended, following discussion with the petition organiser, to fit with timescales for specific meeting deadlines.

6. How will the Council respond to my petition?

All petitions received by the Governance Support Team will be acknowledged within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Your petition details will be provided to the Leader of the Council, the Civic Mayor, the Group Leaders and the Chief

Executive. Details of any petitions that have not been accepted for the reasons cited in 3.1 will also be provided to those listed above for information purposes.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, relates to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months (e.g. Formal Budget/Savings Proposals consultation), or is a statutory petition on a matter where there is already an existing right of appeal (such as Council tax banding and non-domestic rates) other procedures apply. In our acknowledgment to you, we will explain these procedures and how you can express your views. Where a petition is passed to another department it may then become subject to any conditions relating to representations for such matters i.e. a petition in respect of a planning representation may be published in full which includes names and address of those who have signed the petition.

Petitions containing less than 25 signatures will not be presented to a Council meeting, but treated as general correspondence and forwarded directly to the relevant service department for response.

‘Ordinary’ petitions

For petitions containing at least 25 valid signatures you can present your petition to a meeting of the Council (which all Councillors can attend). Alternatively, you (as the petition organiser) and up to two other people who have signed the petition, can choose to meet directly with the relevant decision-maker to present your petition.

Once an ‘ordinary’ petition is received the Governance Support Team will write to you to inform you which body/decision-maker will respond to your petition and confirm which of the above options you would like to proceed with.

Presentation to Council

If you wish for the petition to be presented to a meeting of the Council you can speak in support of the petition at the meeting for up to five minutes. Confirmation of speaking in support of a petition must be received from the petition organiser by 4.00 p.m. the day before the Council meeting by registering with the Governance Support Team (by telephone on 01803 207087 or by e-mailing governance.support@torbay.gov.uk).

Please note the petition will not be debated by the Councillors at the Council meeting, it will be referred straight to the relevant decision maker following the presentation of your petition at the meeting.

Also, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker

direct and you will not, therefore, have the opportunity to present the petition at a Council meeting.

Meeting with decision-maker

If you wish for the petition to be submitted directly to the decision-maker you will be informed of who will be contacting you to make the necessary arrangements for meeting with the decision maker. This meeting will normally be arranged within 28 days from notifying the Governance Support Team of your decision to proceed with this option.

The decision-maker may respond to the issues raised in your petition in one or more of the following ways:

- Taking the action requested in the petition;
- Holding an inquiry into the matter;
- Undertake research into the matter;
- Hold a public meeting; and/or
- Undertake consultation.

Full Council Debates

If a petition contains more than 1000 valid signatures it will be debated by all Councillors at a meeting of the Council unless the matter is resolved before the meeting to the Petition Organiser's satisfaction.

You will receive notification from the Governance Support team with details of the Council meeting to which your petition will be submitted. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. You will be given five minutes to present the petition at the meeting and the petition will then be discussed by the councillors.

The Council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests;
- not to take the action requested for reasons put forward in the debate;
- make recommendations to the Leader of the Council if the issue is one for him/her to make the decision; or
- commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7. Feedback – will the petitioners be told of the outcome?

Yes, the Petition Organiser will receive written confirmation setting out the Council's final response to the petition. This will normally outline the steps taken

by the Council to consider the issue, including the involvement (where applicable) of the elected Councillors.

We will also publish details of petitions received and the final response/outcome of the petition on the Council's website.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser can complain through the Council's complaints procedure. The Governance Support Team can provide you with details of how to complain or you can find details on the Council's website (www.torbay.gov.uk).

9. Other ways to make your views known

Torbay Council values petitions and this document sets out clear commitment about how we will respond to the petitions we receive.

Petitions are not, however, the only - or necessarily the easiest or quickest - way to resolve an issue or to make your views known.

You can also:

- Contact the relevant Council service directly.
- Contact your local Councillor or Community Partnership if you have a concern which relates to your local area or neighbourhood.

If you wish to make a complaint about a Council service, then you should instead use the Council's Complaints Process.

There are a number of other ways you can have your say and get involved in local decisions. To find out more go to our website:

<http://www.torbay.gov.uk/index/yourcouncil/councillorsdecisions/haveyoursay.htm>

10. Data Protection

If you are organising a petition you will need to consider whether you will become a data controller under Data Protection Law for the personal data you will process as part of the petition. Further information can be found on the ICO's [website](#).

One of the key requirements of data protection law is that individuals should be informed as to how their personal data will be used. Therefore, you will need to advise those signing your petition, that their personal data may be made available for anyone to inspect, to confirm the validity of the petition.

Petitions received under this scheme will not be published in full and when they are presented to Council or to the decision maker, details are provided about the petition organiser and the number of people who have signed the petition. A full original copy of the petition is retained by the Governance Support Team.

Once we receive your petition, Torbay Council becomes the data controller for the petition and will process it in accordance with this scheme. Our lawful basis under Data Protection Law for processing this personal data, is that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council, in accordance with our duties to support and promote democratic engagement under the Local Government Act.

Should an individual wish for their name to be removed from a petition, they can make an information rights request via our [website](#).

11. Special requirements

If you need any special help with accessing any Council buildings or if you have any special requirements please advise the Governance Support Team (using the contact details provided below) before the meeting.

To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact:

Governance Support on (01803) 207087

Email: governance.support@torbay.gov.uk

Subject of petition:	
Action required:	
Organiser/Main Contact for Petition	
Name:	Telephone number:
e-mail address:	
Address (including name or number, street, town):	

Using the guidance set out in this scheme please select the relevant petition type for your petition from the options below. If applicable, please also tick the box confirming whether you would like to present your petition by speaking at a Full Council meeting:

Ordinary (contains 25 signatures or more)

please indicate where you wish to submit your petition:

Full Council Meeting

or

Direct to Decision Maker

If you have chosen to submit your petition straight to a Full Council Meeting would you like to speak at the meeting? *please tick box below*

Yes

Name of speaker:

No

Petitions for Council debate (contains 1000 signatures or more)

please indicate if you would like to speak at the Council meeting

Yes

Name of speaker:

No

Standing Orders – The Cabinet

Contents

Standing Order

- C1. Introduction
- C2. Record of delegations of executive functions
- C3. Sub-delegation of executive functions
- C4. The Council's Scheme of Delegation and executive functions
- C5. Chairman/woman of the Cabinet
- C6. Meetings of the Cabinet
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- C8. Cabinet decisions
- C9. Conflicts of interest
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- C11. Cabinet Working Parties
- C12. Referral of matters to Overview and Scrutiny Bodies
- C13. Application of Standing Orders in Relation to Council Meetings to Meetings of the Cabinet and Committees of the Cabinet
- C14. Application of Standing Orders in relation to Access to Information to Meetings of the Cabinet and Committees of the Cabinet

C1. Introduction

- C1.1 In accordance with Article 6, the Cabinet will comprise the Leader of the Council and at least two but no more than nine councillors appointed to the Cabinet by the Leader of the Council. The terms of office of the Leader of the Council and Cabinet Members are detailed in Article 7.
- C1.2 Functions which are the responsibility of the Cabinet may be exercised by the Leader of the Council. The Leader of the Council may also delegate authority to exercise those functions to the extent he/she wishes to:
- (i) the Cabinet as a whole;
 - (ii) a committee of the Cabinet (the membership of which will only include members of the Cabinet including the Leader of the Council);
 - (iii) an individual member of the Cabinet;
 - (iv) an officer;
 - (v) an area committee;
 - (vi) joint arrangements; or
 - (vii) another local authority.

C2. Record of Delegations of Executive Functions

- C2.1 At the Annual Meeting of the Council, the Leader of the Council will present to the Council a written record of all delegations made by him/her for inclusion in the Council's Scheme of Delegation at Part 3 to this Constitution. The document presented by the Leader of the Council must contain the following information in relation to the following year in so far as they relate to executive functions:
- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council;
 - (ii) the extent of any authority delegated to those Cabinet members individually, including details of the limitation on their authority;
 - (iii) the terms of reference and constitution of such Cabinet committees as the Leader of the Council appoints (and the names of the Cabinet members he/she appoints to them), including details of any limitation on their authority;
 - (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements (and the names of those Cabinet members appointed to any joint committee for the coming year), including details of any limitations on such delegations; and
 - (v) the nature and extent of any delegation of executive functions to officers with details of any limitation of that delegation and the title of the officer to whom the delegation is made.

C3. Sub-Delegation of Executive Functions

- C3.1 If the Leader of the Council delegates functions to the Cabinet, and unless he/she directs otherwise, the Cabinet may delegate further to a committee of the Cabinet, an officer, an area committee, another local authority, or a joint arrangement.
- C3.2 If the Leader of the Council delegates functions to a committee of the Cabinet, and unless he/she directs otherwise, the committee may delegate further to a sub-committee or an officer.
- C3.3 Unless the delegating body directs otherwise, where executive functions are delegated to an area committee, that committee may delegate further to an officer.
- C3.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

C4. The Council's Scheme of Delegation and Executive Functions

- C4.1 The Council's Scheme of Delegation will be adopted by the Council at its Annual Meeting. It will contain the details required in Article 6 and be set out in Part 3 of this Constitution.
- C4.2 During the year, amendments to the scheme of delegation in relation to executive functions may be effected as follows:
- (a) The Leader of the Council may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Leader of the Council must give written notice to the proper officer and report these changes to the next ordinary meeting of the Council. Where the Leader of the Council wants to withdraw or amend delegations to a committee, notice will be served on that committee when it has been served on its Chairman/woman.
 - (b) The notice to the proper officer must set out the amendment to the Scheme of Delegation, as contained in Part 3 of this Constitution, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The amendment will take effect on service of the notice by the Leader of the Council on the proper officer.

C5. Chairman/woman of the Cabinet

- C5.1 The Leader of the Council will preside at any meeting of the Cabinet or its committees at which he/she is present, unless he/she appoints another person to do so. In the absence of the Leader of the Council, the Deputy Leader shall preside if they are present unless he/she appoints another person to do so (or the Leader of the Council has appointed another person to preside). In the absence of both the Leader of the Council and Deputy Leader, the Cabinet will elect a Chairman/woman unless the Leader of the Council has appointed another person to do so.

C6. Meetings of the Cabinet

- C6.1 The frequency, times and locations to be determined by the Leader of the Council.
- C6.2 The Chief Executive may call other meetings of the Cabinet throughout the Municipal Year, in consultation with the Leader of the Council.

- C6.3 All meetings of the Cabinet will be convened in accordance with the Standing Orders in relation to Access to Information.
- C6.4 The quorum for a meeting of the Cabinet, or a committee of it, shall be three.
- C6.5 The order of business at meetings of the Cabinet will be:
- (i) to elect a Chairman/woman for the meeting, if the Leader of the Council and Deputy Leader (if appointed) are absent, subject to C5.1 above;
 - (ii) to approve and sign as a correct record the minutes of the previous meeting;
 - (iii) to receive any declarations of interest;
 - (iv) to deal with any urgent business being dealt with in accordance with the Standing Orders in relation to Access to Information;
 - (v) to consider matters referred to the Cabinet (whether by the Overview and Scrutiny Board or any of its sub-committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Standing Orders in relation to Overview and Scrutiny or the Standing Orders in relation to the Budget and Policy Framework;
 - (vi) to consider any reports from the Overview and Scrutiny Board or its sub-committees; ~~and~~
 - (vii) to consider any other matters set out in the agenda for the meeting (which shall indicate which are key decisions and which are not in accordance with the Standing Orders in relation to Access to Information); and
 - (viii) to consider motions in accordance with A13 and C9.
- C6.6 The Head of Governance Support will prepare each agenda for the Cabinet meetings in consultation with the Leader of the Council.
- C6.7 The Head of Governance Support will ensure that an item is placed on the agenda of the next available meeting of the Cabinet if the Overview and Scrutiny Board (or any of its sub-committees) or the Council has resolved that an item must be considered by the Cabinet.
- C6.8 Any member of the Council may ask the Leader of the Council to put an item on the agenda for a Cabinet meeting for consideration. If the Leader of the Council agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered and that councillor will be invited to attend the meeting.
- C6.9 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.
- C6.10 Where a notice of motion has been submitted to the Cabinet for consideration, the Member who submitted the motion shall be entitled to address the Cabinet on such motion.

C6.11 In other circumstances, where the Head of the Paid Service, Chief Finance Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may include an item on the agenda of a Cabinet meeting. If there is no such meeting of the Cabinet within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

C7. Attendance at Cabinet Meetings

C7.1 Meetings of the Cabinet shall be held in public unless exempt or confidential information is likely to be discussed in accordance with the Standing Orders in relation to Access to Information.

C7.2 Any councillor may attend and speak at any meeting of the Cabinet and any meeting of any committee of the Cabinet subject to Standing Order B4.

C8. Cabinet Decisions

C8.1 All reports to the Cabinet from the Overview and Scrutiny Board (or any of its sub-committees) on proposals relating to the budget and policy framework must contain details of consultation with stakeholders. The level of consultation required will be appropriate to the matter under consideration.

C8.2 Reports about other matters will set out the details and outcome of consultation as appropriate.

C8.3 Decisions taken by the Leader of the Council, individual members of the Cabinet, the Cabinet or a committee of the Cabinet will have due regard to legal, financial and professional officer advice. The advice of the Monitoring Officer will be sought if there is doubt about the legality of the proposed decision.

C8.4 Where Cabinet decisions are made by the Leader of the Council or delegated to a committee of the Cabinet or an individual member of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

C8.5 Cabinet decisions (including key decisions taken by officers) are subject to a call-in mechanism as set out in the Standing Orders in relation to Overview and Scrutiny.

C9. Procedure for Notice of Motion at Cabinet meetings

C9.1 Motions that are within the remit of the Cabinet will be considered and either determined at a meeting of the Cabinet and determined by the Leader of the Council at a meeting of Cabinet, or the Cabinet he/she may refer the matter to an individual member of the Cabinet (where individual Cabinet member decision making arrangements are in place) or to -an officer for consideration in consultation with the relevant Cabinet member and the promoter and supporter of the motion.

C9.2 Motions for which notice has been given and require a eCabinet decision will be listed on the agenda in the order in which notice was received, unless the promoter and supporter giving notice state, in writing (including by e-mail if verified by the Head of Governance Support), that they propose to move it to a later meeting or withdraw it. The Leader of the Council may alter the order in which Notices of Motion

are taken on the agenda if he/she considers this will facilitate the efficient running of the meeting.

C9.3 At the meeting, the Notice of Motion promoter and supporter will be asked to present the motion as published on the Cabinet agenda. The promoter and supporter speeches will be limited to 5 minutes each.

C9.4 Upon conclusion of the promoter and supporter speeches, a Cabinet Member will propose and second the Cabinet's response to the Notice of Motion. The Cabinet's response will then be open for debate in accordance with Standing Order A15.

C109. Conflicts of Interest

C910.1 Where the Leader of the Council has a conflict of interest this shall be dealt with as set out in the Council's Code of Conduct for Members and Schedule 5 – Delegation of Executive Functions in Part 5 and Part 3 of this Constitution respectively.

C910.2 If every member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Council's Code of Conduct for Members and Schedule 5 – Delegation of Executive Functions as set out in Part 5 and Part 3 of this Constitution respectively.

C910.3 If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, which means that the committee, individual member or officer cannot exercise the function, then the function will be exercised by the person or body by whom the delegation was made and that person or body may delegate such function to another committee, individual member or officer.

C110. Record of Cabinet Decisions

C110.1 A record of any Cabinet decisions taken by the Leader of the Council, an individual member of the Cabinet, the Cabinet or a committee of the Cabinet will be prepared in accordance with the Standing Orders in relation to Access to Information.

C124. Cabinet Working Parties

C124.1 The Leader of the Council may appoint (on a task-and-finish basis) informal working parties in accordance with the Local Protocol on Working Parties.

C132. Referral of Matters to the Overview and Scrutiny Bodies

C132.1 The Leader of the Council, individual members of the Cabinet, the Cabinet and Cabinet committees may refer matters related to any executive functions to the Overview and Scrutiny Board with a request that the Board consider the matter and report back with recommendations. Such requests will be dealt with in accordance with the Standing Orders in relation to Overview and Scrutiny.

C134. Application of Standing Orders in Relation to Council Meetings to Meetings of the Cabinet and Committees of the Cabinet

C134.1 The following Standing Orders in relation to Council Meetings will apply to meetings of the Cabinet and Cabinet committees:

- A4 Time, place and arrangement of meeting
- A5 Notice of and Summons to Meetings
- A11 Duration of meeting
- A14 Motions which may be moved without Notice and/or during debate
- A18 (except A18.5)..... Voting
- A19 (except A19.2)..... Minutes
- A20 Record of attendance
- A21 Exclusion of public
- A24 Public Question Time, with the exception that public questions will be presented on a monthly basis at Cabinet meetings.
- A25 Members’ conduct
- A26 Disturbance by members of the public
- A27 Use of cameras and tape and video recorders
- A28 Prohibition of smoking, alcohol and drugs at meetings
- A29 Suspension and amendment of Standing Orders
- A30 Interpretation

C134.2 In applying these Standing Orders to meetings of the Cabinet and Cabinet committees, references to the Council shall be deemed to be references to the Cabinet and references to the Civic Mayor and/or Deputy Civic Mayor shall be deemed to be references to the Leader of the Council and/or Deputy Leader.

C134.3 The following Standing Orders in relation to Committee and Sub-Committee Meetings will apply to meetings of the Cabinet and Cabinet sub-committees:

- B2 Appointment of Substitute Members of Committees and Sub-Committees
- B3 Quorum
- B4 Attendance at committee meetings
- B5 Rules of Debate

C134.4 So far as the above mentioned Standing Orders in relation to Council meetings are inconsistent with these Standing Orders in relation to the Cabinet and Cabinet committees, the latter shall prevail.

C145. Application of Standing Orders in relation to Access to Information to Meetings of the Cabinet and Committees of the Cabinet

C154.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Cabinet and Cabinet committees:

- E1 Scope
- E2 Additional rights to information
- E3 Rights to attend meetings
- E4 Notices of meeting
- E5 Access to agenda and reports before and during a meeting

