

Wednesday, 16 July 2025

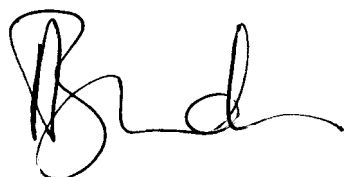
Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Forum, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 24 July 2025** 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.)

A Healthy, Happy and Prosperous Torbay

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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** (Pages 5 - 10)
To confirm as a correct record the minutes of the Annual meeting of the Council and Adjourned Annual meeting of the Council held on 15 May 2025.
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. **Members' questions** (Pages 11 - 18)
To respond to the submitted questions asked under Standing Order A12.
7. **Acquisition of four properties to deliver Local Authority Housing Fund Round 3** (Pages 19 - 46)
To consider the recommendation of Cabinet and a report that seeks approval to proceed with the acquisition of four residential properties.

8. **Budget Monitoring 2024/2025 Quarter 4 Outturn** (Pages 47 - 72)
To consider the recommendations of Cabinet and a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2024/25 based on the final outturn position for the year ended 31st March 2025.
9. **Torbay Council Pensions Discretions** (Pages 73 - 92)
To consider the recommendations of Cabinet a report that sets out a requirement to amend the current Employer Pension Discretions to introduce a Shared Cost Additional Voluntary Contribution arrangement.
10. **Review of Political Balance** (Pages 93 - 104)
To consider a report that sets out a review of the political balance of the Council to ensure places on Committees and Council appointed Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements.

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>.

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

15 May 2025

-: Present :-

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

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

1 Opening of meeting

The meeting was opened with a prayer.

2 Apologies for absence

Apologies for absence were received from Councillors Carter, Cowell and Maddison.

3 Election of The Worshipful The Mayor of Torbay

Councillor Tolchard proposed and Councillor Jacqueline Thomas seconded a motion, which was agreed (unanimously) by the Council as follows:

that Councillor Barbara Lewis be elected The Worshipful The Mayor of Torbay for the Municipal Year 2025/2026.

(The Worshipful the Mayor of Torbay, Councillor Barbara Lewis, in the Chair)

The Worshipful The Mayor of Torbay took the Declaration of Acceptance of Office and Oath of Allegiance and thanked the Council for the honour bestowed upon her.

The Worshipful The Mayor of Torbay also announced that Councillor Chris Lewis would be her Consort during her term of office and her charity would be Rowcroft Hospice. The Worshipful The Mayor of Torbay also advised that she had appointed Reverend Nathan Kiyaga to be her Chaplain.

4 Retiring Civic Mayor

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

that the Council express its sincere thanks and appreciation to Councillor Stevens and Mr Ian Stevens for the manner in which they have carried out their duties during their term of office.

5 Election of Deputy Civic Mayor

Councillor Bye proposed and Councillor Fellows seconded a motion, as set out below:

that Councillor Foster be elected The Deputy Civic Mayor of Torbay for the Municipal Year 2025/2026.

During the debate Councillor Johns proposed and Councillor Fox seconded an amendment to the motion as follows:

~~that Councillor Foster be elected Deputy Civic Mayor of the Council of the Borough of Torbay for the municipal year 2025/2026.~~

that the election of The Deputy Civic Mayor be deferred, to a second adjourned Annual Council Meeting (date to be arranged by the Head of Governance Support in consultation with the Civic Mayor), to allow for further discussions between the Administration and the Opposition to take place.

The amendment was put to the vote and declared lost.

Councillor Bye's and Councillor Fellows' original motion was then considered by the Council which was agreed, as set out below:

that Councillor Foster be elected The Deputy Civic Mayor of Torbay for the Municipal Year 2025/2026.

The Deputy Civic Mayor of the Council took the Declaration of Acceptance of Office and thanked the Council for the honour bestowed upon her.

The Deputy Civic Mayor also announced that Mr Kevin Foster would be her Consort during her term of office.

6 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Thursday, 15 May 2025.

The Worshipful The Mayor of Torbay

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

15 May 2025

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Barbara Lewis) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Foster)

Councillors Amil, Billings, Brook, Bryant, Bye, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Fox, Harvey, Hutchings, Johns, Law, Chris Lewis, Long, Nicolaou, Penny, Pentney, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Twelves, Tyerman and Virdee

7 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Foster 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 27 February 2025 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

8 Declarations of interests

No interests were declared.

9 Communications

The Leader of the Council informed the Council that earlier in the day on 15 May 2025, the Council had received a letter from the Government on the Interim Plan Feedback for Local Government Reorganisation (Devon, Plymouth and Torbay), which would be shared in due course.

10 Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of Scrutiny Lead Members for the 2025/2026 Municipal Year.

Councillor David Thomas proposed and Councillor Long seconded a motion which was agreed (unanimously) as set out below:

1. **that Councillor Long be appointed as the Overview and Scrutiny Co-ordinator for the 2025/2026 Municipal Year; and**
2. **that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2025/2026 Municipal Year:**
 - **Councillor Law - Overview and Scrutiny Lead for Children's Services;**
 - **Councillor Johns - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;**
 - **Councillor Douglas-Dunbar - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and**
 - **Councillor Cowell - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.**

11 Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2025/2026

The Council considered the submitted report on the annual appointment of council committees, working parties, Chairman/women and Vice-Chairman/women and the allocation of seats in accordance with political balance. A revised Appendix 3 and Appendix 4 (which included Group Leaders nominations) was circulated prior to the meeting.

Councillor David Thomas proposed and Councillor Long seconded a motion which was agreed (unanimously) as set out below:

1. **that the overall political balance of the committees as set out at Appendix 1 of the submitted report be approved;**
2. **that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 of the submitted report be approved;**
3. **that the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in revised Appendix 3 of the submitted report;**
4. **that nominations from Group Leaders be received to fill the seats on the committees;**
5. **that the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in revised Appendix 4;**
6. **that a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three**

Members of the relevant Statutory Licensing Committee or Regulatory Committee;

- 7. that both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and**
- 8. that the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required.**

Following the vote, the nominations for members to serve on each committee and other bodies were confirmed by the Leaders of the Conservative, Independent and Liberal Democrat Groups, as set out in revised Appendix 3 to the submitted report and circulated on 14 May 2025.

12 Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions

Members noted the submitted report on the above, which provided details of the portfolios of the Cabinet Members and delegation arrangements of executive functions, as appointed by the Leader of the Council.

13 Overview and Scrutiny Annual Report 2024/2025

The Council received and noted the Overview and Scrutiny Annual Report for 2024/2025, as presented by the Overview and Scrutiny Co-ordinator Councillor Long.

14 Audit Committee Annual Report 2024/2025

The Council received and noted the Audit Committee Annual Report for 2024/2025, as presented by the Chairman of the Audit Committee, Councillor Penny.

15 Formation of a Social Housing Delivery Programme for Torbay and Associated Financing Proposal

The Council considered the recommendation of the Cabinet and submitted report on funding to accelerate and extend the Accommodation Repurposing Programme to deliver up to 75 Affordable housing units per year over a 5-year programme.

Councillor Tyerman proposed and Councillor Cowell seconded a motion which was agreed (unanimously) as set out below:

that £20 million of prudential borrowing be approved to part fund individual schemes within the Accommodation Repurposing Programme, subject to repayment of borrowing being supported by rental income from

the schemes after deduction of projected management and operating costs and appropriate allowances for future maintenance cost of the properties (taking account of any grant funding that may be available for the individual site).

16 Brokenbury Solar Farm

The Worshipful the Mayor of Torbay reported that this item had been withdrawn following the decision of the Cabinet on 13 May 2025.

17 Torbay Inclusion Strategy

The Council considered the Cabinet's recommendation and the submitted report on the Torbay Inclusion Strategy and Action Plan which aimed to support the Council to embed inclusion across the organisation. It was noted the Inclusion Strategy aims to holistically bring together the Council's work on inclusion and its equality objectives into one overarching document to support the Council to meet its Public Sector Equality Duty and it was recommended to include the Strategy in the Council's Policy Framework.

Councillor David Thomas proposed and Councillor Douglas-Dunbar seconded a motion which was agreed (unanimously) as set out below:

that the list of Policy Framework documents set out in Torbay Council's Constitution be updated to include the Inclusion Strategy for Torbay for 2025 - 2030 and that the Strategy be approved.

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

Members noted the submitted report setting out a decision taken by the Cabinet (namely Local Government Reorganisation – Submission of Interim Plan) to which the call-in procedure did not apply.

The Worshipful The Mayor of Torbay

Meeting of the Council, Thursday, 24 July 2025

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

A sign at the stream opening onto Torre Abbey Sands reading "Is not recommended to play in the streams that empty onto this beach. The water quality cannot be guaranteed". Why does the local authority have this sign in place?

Question 2

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

The Clennon Lakes in Goodrington are in desperate need of dredging, especially one of the lakes where the silt has badly built up. The Council have kept delaying doing the work for a long time now, and we are in danger of losing some of our wildlife and birds, and possibly even our friends' group down there if no work is done soon. Please can the Cabinet Member for Pride in Place, Transport and Parking confirm when this work will take place?

Question 3

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

Following the Council decision to decommission the St Margarets Academy Hearing Impairment Unit (HIU), several parents have or are planning to request an Education, Health and Care (EHC) needs assessment for their child to make sure their educational needs are being met.

How long are children needing assessment having to wait in Torbay for an Education, Health and Care Plan and are those impacted by the St Margarets Academy and The Spires College HIU decommissioning being prioritised?

Question 4**Councillor George Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)**

Earlier this year, the Explorer Unit of the 11th Torbay Sea Scouts undertook a review of several play parks across Torquay, including Armada, Ellacombe, Victoria and Plainmoor Parks. From this, they identified problems with accessibility, the poor state of play equipment, and a lack of bins leading to increased littering. Could the Cabinet Member for Pride in Place, Transport and Parking advise what action the Council is taking to address these three specific areas of concern in our Torbay parks?

Question 5**Councillor Atiya-Alla to the Cabinet Member for Children's Services (Councillor Bye)**

On Torbay Council, Ofsted stated that, '*Local area leaders have not developed a strategic approach to commission sufficient quality Alternative Provision to ensure placements adequately meet the needs of children and young people with SEND.*'

Considering that Torbay Council will be decommissioning alternative provision in the form of the St Margarets Academy and The Spires College Hearing Impairment Units next month, how can it be confident that children's needs will still be met without this strategic approach?

Question 6**Councillor Penny to the Cabinet Member for Children's Services (Councillor Bye)**

Sadly, St. Michael's School, Paignton has suffered two contract financial failures delaying completion of works for some time now. How has the Council supported the Department of Education through these completion struggles?

Question 7**Councillor Douglas-Dunbar to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)**

The Council has implemented a 'Restorative Model' approach in Children's Services, how is the Council progressing this Council wide?

Question 8

Councillor Long to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

What effect has the introduction of a deposit/bond of between £2,500 and £10,000 (depending on the size of an event) had on the viability of events organised by charities and smaller event organisers?

Question 9

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

Can an update be provided on the Nightingale Solar Farm project?

Question 10

Councillor Johns to the Leader of the Council (Councillor David Thomas)

Since the launch of the 'My Bay' discount card to date:

1. How many discount cards have been purchased; and
 2. How many have been issued free to carers;
-

Question 11

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

With my mailbox continually filled with messages from residents concerned about unauthorised traffic flow in Fleet Walk, and the police suggesting a barrier system to alleviate this which has also been used successfully in other areas of the country including Cambridge and Bath, would the Council now look to implement this system at the middle of Fleet Walk in order to avoid an accident which I fear is just waiting to happen?

Question 12

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

Traders in St Marychurch have reported an increase in petty theft and Anti-social Behaviour over the last year, attributed to the dispersal Public Spaces Protection

Order (PSPO) pushing criminals out of the town centre and into more-peripheral shopping areas like St Marychurch. This was confirmed with an increase in crime seen across St Marychurch in April and May. Will the Cabinet Member for Adult and Community Services, Public Health and Inequalities consider expanding the dispersal order PSPO to protect all our local shopping areas and avoid merely pushing crime from one business onto another?

Second Round

Question 13

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

At the Council meeting on 18 July 2024, I submitted a question to the Cabinet Member for Pride in Place, Transport and Parking regarding the state of repair of the clocks at Old Maids Perch, Torquay Town Hall and St John's Parish Church, Paignton. The response stated; 'The condition of our estate will be brought in front of Cabinet later in the year as the Asset Management Strategy is reviewed and I will ask that officers review the options for funding these works.' Could you please provide an update on these discussions and when these clocks will come back into service?

Question 14

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

Parents have raised concerns that children miss out on Free School Meals due to the Council's Opt-In policy. As part of the Council's review into Free School Meals, will it change to an Opt-Out policy, and maximise the number of children being supported?

Question 15

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

The 112 open-top bus service has been key to the tourism offering of Torquay and Babbacombe for many years, yet this service has now been cut to only cover Paignton. Why has the Council allowed this, and what action is it taking to see an open-top service return to Torquay and Babbacombe?

Question 16**Councillor George Darling to the Cabinet Member for Children's Services (Councillor Bye)**

Ofsted recently found that in Torbay, *'Too many children and young people with SEND in Torbay have poor experiences and outcomes due to the lack of access to the right provision and support at the right time'*. St Margarets Academy have made it clear that changes to their Hearing Impairment Unit funding will make it harder to retain specialist staff, making it more difficult for future students to access this support. Considering Ofsted's finding, will Torbay Council now listen to the school and reverse this decision?

Question 17**Councillor Penny to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)**

At the same time as the Leader of the Council was assuring Brixham Chamber of Trade that Churston Park and Ride facility would be used when works were being undertaken at the Central Car Park in Brixham, Stagecoach apparently announced it would no longer be using that Park and Ride facility.

How does the Council plan to improve its relationship with Stagecoach to avoid this situation?

Question 18**Councillor Douglas-Dunbar to the Cabinet Member for Housing and Finance (Councillor Tyerman)**

The magazine 'Ethical Consumer' has reported recently that Torbay Council, along with a number of other local authorities, has an Amazon business account and spends thousands of pounds with that business. Given that Amazon is criticised for avoiding tax, which could be used to fund public services such as local councils, does Torbay Council plan to switch its spend to other organisations on the Government's Public Sector Procurement Framework who might not so aggressively avoid tax?

Question 19**Councillor Long to the Cabinet Member for Housing and Finance (Councillor Tyerman)**

What has been the financial cost to date of the TDA transfer in to the Council to date; and when do the council envisage that the completion of the process will be finalised?

Question 20

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

What work is the Council undertaking to bring the Old Monastery in Paignton back into use, and could a community centre for the Clifton with Maidenway Ward (which is mainly residential and does not have a community centre) be part of the solution?

Third Round

Question 21

Councillor Harvey to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

Last year, the state of the Chilcote Memorial was raised by St Marychurch Councillors, with its urgent need for cleaning and repair. Cllr Jackie Thomas at that time stated: 'Officers are currently investigating the costs of cleaning the memorial, and to establish if repairs are required.' Could you please confirm what the outcome of this investigation was?

Question 22

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

Wooden bollards were placed on St Margaret's Avenue a decade ago to protect Homelands students from cars mounting the footway. The bollards have now reached the end of their lifespan with many becoming rotten or fallen, this has seen a recurrence of vehicles mounting the footway. When will the Council replace these bollards and tackle this problem?

Question 23

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

The recent Ofsted/CQC report into the Torquay SEND local area partnership stated: *"There are widespread and/or systemic failings leading to significant concerns about*

the experiences and outcomes of children and young people with special educational needs and/or disabilities (SEND), which the local area partnership must address urgently”.

Yet the Council's statement put out in response to the report failed to acknowledge this. What action has the Cabinet Member for Children's Services taken to address these widespread and/or systemic failings?

Question 24

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

Cornwall Council has a number of blue flag beaches which allow dogs on them at certain times of the day. Is Torbay Council thinking of following suit?

Question 25

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

The National Youth Agency have recently visited the Acorn Centre and recommended as part of their Safeguarding checks that lining of the Centre's car parking be re-done and lighting improved outside. This has been refused by the Council on cost grounds. When might the Council be in a financial position to do this work?

Question 26

Councillor Douglas-Dunbar to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

With the new harbour development at the Strand, and the additional event space now available, can you advise how many times this space has been booked to be utilised for events during the upcoming summer season?

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Meeting: Cabinet and Council

Date: 14 July and 24 July 2025

Wards affected: All Wards; Churston & Galmpton

Report Title: Acquisition of four properties to deliver Local Authority Housing Fund Round 3

When does the decision need to be implemented? September 2025

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

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

1. Purpose of Report

- 1.1. To endorse the proposed package of acquisitions funded through the Local Authority Housing Fund Round 3 (LAHF3) programme.
- 1.2. To specifically endorse the acquisition of the first three identified new build properties in Paignton.
- 1.3. To approve the necessary delegations to enable officers to progress with the acquisition of four units in total, in accordance with Council governance procedures.

2. Reason for Proposal and its benefits

- 2.1. This report seeks Cabinet approval to proceed with the acquisition of four residential properties, supported by a £551,500 grant from the Ministry of Housing, Communities and Local Government (MHCLG) from LAHF3.
- 2.2. Of these, three homes must be used to support families that require (or would otherwise require) temporary accommodation (TA), that have a local connection to Torbay. Officers have identified and reserved these homes, and this paper seeks approval to purchase the properties identified.
- 2.3. A condition of this grant is that the Council must also purchase a single family home for a household accepted on to the government's Afghan Resettlement Programme. This provides support for families that assisted the UK's Armed Forces in Afghanistan prior to military withdrawal in 2021 (interpreters etc.). This home has not yet been identified, but delegation is sought for the Director of Finance, in consultation with the Cabinet Member for

Housing and Finance to acquire this property in due course, once it has been identified and a purchase/financial model agreed.

- 2.4. The proposed acquisitions directly support the Council's strategic aims to increase the supply of social housing in Torbay. Torbay continues to experience acute pressures on its housing system, including:
- A notable increase in homelessness presentations, with over 1,400 households assessed under homelessness duties in 2024/25.
 - Consistently high numbers of households in temporary accommodation, with over 160 households currently placed, reflecting both increased demand and limited availability of local options.
 - A growing need for more social housing in Torbay by local families, through Devon Home Choice.
 - Ongoing need to support Afghan families under the government's resettlement programme, with Torbay having committed to helping a family in need of secure and stable accommodation.
- 2.5. The acquisition of additional homes will directly contribute to achieving the Council's goal of increasing emergency housing placements within the Bay, reducing reliance on costly and less suitable out-of-area or hotel accommodation. It also helps reduce the occurrence of families with children being forced to live in unsuitable bed & breakfast style accommodation, which is not suitable for long-term occupation. The first three homes proposed for purchase through this paper are modern, well-insulated and efficient – providing a stepping stone for vulnerable families on a pathway towards settled housing.
- 2.6. The three identified homes, would subject to the Cabinet decision, be available to be handed over to the Council in September 2025. The Council has already acquired a small portfolio of TA, which this will complement; however, unlike the existing portfolio which was funded entirely by council-borrowing, officers have been able to secure grant funding to significantly contribute towards the cost of provision through the LAHF3.
- 2.7. It should be noted that the grant terms allow the Council to re-designate these homes for general needs social housing (or 'council housing') once there is no longer a local need for either TA or by an eligible Afghan refugee family (respectively). Therefore, the homes will provide a tangible benefit to Torbay more widely, in the medium-term through adding to the social housing stock.
- 2.8. The grant does not provide 100% of the cost of acquiring the homes, the balance of which needs to be funded by the Council. However, the cost of providing homes in this way is less than the equivalent cost of housing a family in TA. Furthermore, the rent charged to the occupants is expected to be largely sufficient to cover the cost of any prudential borrowing (should it be necessary), making allowances for management and maintenance costs etc. Of the total £551,500 grant; £393,000 must be used to part-fund the identified

first three homes; the remainder is allocated to support the acquisition of the remaining property.

- 2.9. The proposed acquisitions align with the Council's Housing Delivery Plan, which prioritises increasing both the quantity and quality of affordable housing; and the corporate and Community Plan, which seeks to ensure that Torbay is a place where people are safe, supported, and have access to secure housing. Increasing the availability of self-contained TA also helps to reduce dependency on expensive private nightly lets, as outlined in recent housing reviews and the Council's accommodation strategy, reducing the Council's annual revenue cost. These homes will support local families in need and are ideally located in terms of access to key facilities such as schools, healthcare and public transport. They also accord with the grant requirement of being delivered by 31st March 2026.
- 2.10. This proposal represents a cost-effective and timely opportunity to deliver against multiple strategic objectives, supported by external grant funding. By endorsing the acquisition of the identified units (and the programme of four homes overall), the Council will strengthen its response to local homelessness pressures, support refugee resettlement, and enhance its affordable housing stock for future generations.

3. Recommendation(s) / Proposed Decision

3.1. That Cabinet:

1. Support the acquisition of four residential properties in Torbay, supported by £551,500 of Local Authority Housing Fund Round 3 (LAHF3) grant awarded by the Ministry of Housing, Communities and Local Government (MHCLG);
2. Approve the specific acquisition of the first three identified units, being three 3-bedroom houses as outlined in Exempt Appendix 1 (subject to the satisfactory conclusion of all necessary due diligence). Such properties to be used as either Temporary Accommodation, or for families that would otherwise be living in Temporary Accommodation that have a local connection to Torbay and require this type of assistance.
3. Provide delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to identify a suitable 4-bedroom home, and to approve the purchase of such a property (subject to the satisfactory conclusion of all necessary due diligence) to support the Afghan Resettlement Programme (ARP), as outlined in Exempt Appendix 1 (and as a condition of the LAHF3 grant).
4. Provide delegated authority to the Head of Strategic Housing and Delivery, in consultation with the Cabinet Member for Housing and Finance to agree and finalise the terms to acquire all of the homes and procure all necessary support services to facilitate the acquisitions, including any necessary legal and financial arrangements.

3.2. That Cabinet recommend to Council that:

5. The Capital Programme be uplifted by a maximum of £1,301,500 to acquire the four properties, part-funded by a grant of £551,500 from the Ministry of Housing, Communities and Local Government. The remaining balance of £750,000 to be funded by a combination of: prudential borrowing; revenue savings from existing Temporary Accommodation budgets; or any other relevant internal subsidy or receipts that may be appropriate. With delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance to agree the precise balance of funding sources to be deployed.

Appendices

- (Exempt) Appendix 1 – Full Business Case

Background Documents

4. Introduction

- 4.2. Torbay Council, like many coastal and rural authorities, continues to face significant and growing challenges in meeting local housing need – particularly in the provision of both temporary accommodation (TA) and longer-term affordable housing. This report outlines a strategic opportunity to address some of these pressures through the acquisition of four new-build residential units, supported by a £551,500 grant from MHCLG under the LAHF3 programme.
- 4.3. Currently, Torbay has low levels of self-contained temporary accommodation and a limited new supply of affordable rented housing, due to a combination of historic under-delivery, high housing market pressures, and a lack of suitable and available land for development. These challenges have been further exacerbated by:
 - Rising homelessness demand, with over 1,400 homelessness applications received in the last year;
 - Consistently high demand for temporary accommodation, with over 160 households currently in TA;
 - Significant use of hotels and bed & breakfasts as emergency accommodation – often at high cost to the Council with limited appropriateness for longer stays, particularly for families and vulnerable individuals.
- 4.4. The Council is seeking to commercially acquire four homes. The intention is to immediately acquire three of these for TA/families that would otherwise be in TA on a site identified in Exempt Appendix 1. The final property has not yet been identified but will be purchased to support the ARP as required by the grant terms.

- 4.5. Over time, as demand for temporary accommodation is alleviated through wider housing interventions (such as those endorsed by Cabinet at the meeting of May 2025), these units will be redeployed within the Council's social housing portfolio and re-let as general needs social rented housing through Devon Home Choice, to local households.
- 4.6. As outlined in a previous section, this proposal presents a pragmatic and timely solution that enables the Council to make best use of available grant funding within the limited timescales provided under the LAHF3 programme. Acquiring the homes identified in Exempt Appendix 1 is considered the most cost-effective route to securing accommodation within the required timeframe – by 31st March 2026 – and ensures that the grant is fully utilised to support both immediate and long-term housing need.

5. Options under consideration

- 5.2. In developing this proposal, the Council has considered two principal options:
- 5.3. **Option 1** Is to proceed with the purchase of four homes, including the first three identified in Exempt Appendix 1, prioritising new build homes where possible. In the longer term, these homes would be retained as part of the social housing stock and let through Devon Home Choice to eligible local households.
- 5.4. This would enable additional, self-contained accommodation within the Bay, reducing reliance on unsuitable and expensive hotel/B&B accommodation. It would also meet LAHF3 grant conditions and secure £551,500 of external investment that would otherwise be lost. This proposal provides immediate and long-term benefits, with permanent use as social rented homes once temporary accommodation need subsides. It also supports strategic objectives in the Housing Delivery Plan and Corporate and Community Plan; reduces financial pressures over time through more cost-effective TA provision and reduced nightly let costs; Ensures local control over the units, enabling sensitive placement and long-term asset management.
- 5.5. This requires upfront capital investment by the Council, although significantly offset by the grant. The acquisition must be completed by 31st March 2026. The proposal would require the Council to increase the capital programme by a maximum of £1,301,500, with £551,500 funded by MHCLG subsidy, and up to £750,000 funded by the combination of funding outlined in Paragraph 3.2 above.
- 5.6. **Option 2** is not to proceed with the purchase. This option would involve returning the LAHF3 grant and continuing to manage housing need through existing arrangements, including temporary accommodation placements in hotels and B&Bs. This will avoid capital outlay and associated financial risk. It will also not support additional households, and no revenue savings will be derived. As such, we would continue to rely upon high-cost, often inappropriate nightly lets, leading to worsening budget pressures. It would also be reputationally damaging for the authority and mean Torbay misses an opportunity to increase its TA and social housing stock, through a significant subsidy allocation.
- 5.7. On the balance of considerations, officers recommend proceeding as set out in **Option 1**.

6. Legal Implications

- 6.2. The Council will be entering into a commercial arrangement to purchase assets on the open market. External conveyancers have been appointed to undertake the conveyance, and the transaction will not proceed unless and until the relevant due diligence has been undertaken to a satisfactory conclusion.
- 6.3. Once we have exchanged contracts, the Council will not be able to withdraw from the purchase without considerable penalty.

7. Engagement and Consultation

- 7.2. The community is consulted on the principle of a sites' redevelopment through the planning process.
- 7.3. The Head of Strategic Housing & Delivery has engaged extensively with the Housing Options Team and has also briefed our in-house Housing Manager. The Cabinet Holder for Housing and Finance is fully aware of the proposal and has endorsed the course of action recommended. Cabinet are also aware of the scheme through information sharing sessions, and through the development of the Housing Delivery Plan. Senior Council officers have also been briefed, and the proposal has been endorsed by the Capital & Growth Board.
- 7.4. Additionally, the Head of Strategic Housing will offer to meet the elected members that represent the ward, prior to the cabinet meeting. A briefing will also be provided to the relevant Shadow Portfolio Holder.

8. Procurement Implications

- 8.2. Property transactions, such as land and residential property acquisitions, are exempt from the Public Contracts Regulations 2015, which excludes contracts relating to the acquisition of buildings or land. Therefore, a formal competitive procurement procedure is not required for this acquisition.
- 8.3. However, the Council will still comply with its own internal Contract Procedure Rules and demonstrate best value in line with the Local Government Act 1999, this includes:
- Evidence that the acquisition represents value for money;
 - A clear and transparent decision-making process;
 - Appropriate financial and legal due diligence;
 - Compliance with the grant conditions under the Local Authority Housing Fund.

- 8.4. In respect of the first of these, it should be noted that officers have secured both a discount against sale price, and an additional specification upgrade to the homes, through the acquisition of multiple properties in a single transaction.
- 8.5. The Council has appointed a conveyancing firm through a competitive process to act on its behalf in managing the legal aspects of the property transactions. This firm brings relevant market knowledge, experience in public sector conveyancing, and capacity to work within the required grant timelines. The appointment of this firm not only ensures a compliant and well-managed transaction but also supports the delivery of a value-for-money acquisition in line with the Council's legal and procurement responsibilities.

9. Protecting our naturally inspiring Bay and tackling Climate Change

- 9.1. The properties proposed for immediate acquisition are modern, energy-efficient new builds delivered by a well-known housebuilder. These homes are expected to meet or exceed current Building Regulations, incorporating features such as:
- Improved thermal insulation and airtightness;
 - High-efficiency heating systems;
 - Low energy lighting and water-efficient fittings;
 - Reducing carbon emissions and energy costs for residents.
- 9.2. Currently, the Council relies heavily on hotels, guesthouses, and B&Bs – many of which are not designed for long-term residential use and often operate with high energy consumption and poor environmental performance. By shifting households from these settings into purpose-built, energy efficient homes, the council will lower the overall carbon footprint associated with temporary accommodation provision; reduce transport emissions by enabling placements within Torbay (avoiding out-of-area travel); and provide healthier and more sustainable living environments for vulnerable households including children
- 9.3. The proposed acquisition supports the long-term development of stable, sustainable communities by ensuring homes remain available as social rent units beyond their initial use as temporary accommodation.
- 9.4. Climate change disproportionately affects vulnerable populations, including homeless households and displaced/refugee households. Providing safe, secure, and energy-efficient housing contributes to climate resilience by reducing exposure to extreme weather conditions; helping low-income households better manage rising costs; and support equitable access to housing that meets modern environmental and health standards.

10. Associated Risks

- 10.1. There are risks associated with any commercial activity. The risks associated with this scheme are described throughout this paper.

11. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18% of Torbay residents are under 18 years old.</p> <p>55% of Torbay residents are aged between 18 to 64 years old.</p> <p>27% of Torbay residents are aged 65 and older.</p>	It is recognised that refugees seekers may have experienced trauma and that providing safe and secure accommodation will promote wellbeing regardless of age.		Housing Options and Housing Management.
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.	Safe and secure accommodation will promote positive wellbeing for carers.	Services need to work holistically with individuals to fully understand their needs.	Lettings and Housing Management.
Disability	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.	As the first three properties (at least) are newbuild, the homes will adhere to Building Regulations. Any additional support needs would be assessed at the time of letting the properties.	Consider accessibility and mental health needs in designs of conversions.	Strategic Housing

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.	No adverse impacts are anticipated however, local data and intelligence is limited.	N/A	ALL
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.	The marital status of occupants should not influence the suitability of the homes. No adverse impact expected.	NA	ALL
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 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 areas.	As the three properties identified are of three bedrooms and the ARP unit is expected to be a larger four bedroom family home, we anticipate occupants are likely to have dependent children.	NA	Lettings and Housing Management
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 Torbay classified as	No adverse impact expected as we would not discriminate on the lettings of the TA homes based on ethnicity. However, it should be noted that the 4-bedroom home will be reserved for an eligible ARP household until	NA	Lettings and Housing Management

	being amongst the 20% most deprived areas in England.	such time as this is no longer needed locally.		
Religion and belief	64.8% of Torbay residents stated that they have a religion in the 2021 census.	No adverse impact expected as religion would not be a consideration in the lettings process	NA	Lettings and Housing Management
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impact expected as general needs lettings does not discriminate on gender	NA	Lettings and Housing Management
Sexual orientation	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.	No adverse impact expected as sexual orientation is not discriminated against	NA	Lettings and Housing Management
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	<p>Theoretically, affordable housing is more likely to be available to former service personnel and their families, as there is a degree of preference awarded to such households when they join the housing register.</p> <p>It should be noted that the ARP is specifically designed to help Afghan families that supported the British Military during the Afghanistan campaign. As such, this project positively contributes to households that worked closely with and assisted our veteran population.</p>	Consider needs during the lettings process	Lettings and Housing Management

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No negative impact expected. Affordable housing supports those in need of a safe and warm home, facilitating the improvement of socio-economic prosperity	NA	NA
Public Health impacts (Including impacts on the general health of the population of Torbay)		By providing suitable, safe, and warm affordable housing we can lower public health impacts and improve the health of occupants.	NA	NA
Human Rights impacts		No negative impact expected	NA	NA
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	No negative impact expected as the properties purchased will specifically support families with children that need accommodation.	NA	Lettings and Housing Management

12. Cumulative Council Impact

- 12.1. An increase to the Council's portfolio of social housing, which requires ongoing management etc. However, allowances have been made in the financial model to ensure the long-term, appropriate management and maintenance of our housing stock.

13. Cumulative Community Impacts

- 13.1. The provision of additional housing will reduce the number of households placed in inappropriate or out-of-area settings, allowing vulnerable residents – particularly families – to remain within their community networks, schools, and support systems.
- 13.2. When the units transition to general needs social housing, they will provide long-term, stable homes for local households in housing need through Devon Home Choice, reducing reliance on short-term lets and housing benefit-dependent arrangements.
- 13.3. Significant positive impact on local communities by addressing long-standing housing-needs, improving the quality of life for vulnerable residents, and contributing to the overall sustainability and cohesion of neighbourhoods within Torbay.
- 13.4. Families and individuals currently placed in hotels and B&Bs often face disruption, stigma, and poor living conditions, with limited access to cooking, washing, or private facilities. This acquisition will reduce the need for these placements, ensuring that local people are housed in Building Regulations compliant, decent, and purpose-built homes, which in turn supports their dignity, mental health and overall wellbeing.
- 13.5. The provision of a further property to support a family through the ARP promotes community cohesion, diversity and inclusion – offering a stable foundation for a displaced family to integrate safely and meaningfully into local life. The local community benefits from structured, well-supported resettlement, rather than unmanaged or ad hoc housing solutions that can cause community friction.
- 13.6. Keeping residents in Torbay ensures continued local spending and engagement with small businesses, schools, GPs and community services.

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Record of Decisions

Budget Monitoring - Revenue and Capital Outturn 2024/25

Decision Taker

Cabinet on 09 June 2025.

Decision

That the Cabinet recommends to Council:

- a. that Council notes the revenue outturn position and approves the use of £0.351m year-end surplus to be transferred into a specific reserve to be allocated across the following indicative priority initiatives:
 1. updated condition surveys of Community Centres circa £10,000;
 2. better Resident Communications circa £50,000;
 3. accelerate Adult Social Care Customer Management System – Paris replacement circa £50,000;
 4. support voluntary, community and social enterprise youth provision transitional arrangements (pending procurement) circa £50,000;
 5. events – ice skating rink circa £40,000;
 6. Operation Brighter Bay circa £81,000;
 7. Operation Town Centre – improving CCTV circa £40,000; and
 8. Enterprise Fund (Town Centre) £30,000; and
- b. that Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

To respond to the recommendations of the Overview and Scrutiny Board regarding the allocation of funding for condition surveys for Community Centres.

Implementation

The Cabinet's recommendations will be considered at the Council meeting on 24 July 2025.

Information

The Budget Monitoring 2024/25 report set out a high-level budget summary of the Council's revenue and capital position based on the final outturn figures for the year ending 31 March 2025.

The Council had delivered an end-of-year surplus of £0.351m on the revenue budget. This was an improved position on the forecast at Quarter 3, which projected a breakeven position.

The Overview and Scrutiny Board considered the Budget Monitoring 2024/25 report on 4 June 2025 and made recommendations to Cabinet. At the Cabinet meeting, Councillor Tyerman proposed and Councillor David Thomas seconded a motion that was agreed unanimously, as

set out above.

Alternative Options considered and rejected at the time of the decision

Various options for the allocation of the year-end surplus were discussed at the Overview and Scrutiny Board on 4 June 2025, with the Cabinet taking on board their recommendation.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None

Published

13 June 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Overview & Scrutiny Board/Cabinet/Council **Date:** 4/9 June and 24 July 2025

Wards affected: All Wards

Report Title: Budget Monitoring – Revenue and Capital Outturn 2024/25

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 Rowsell, Deputy Director of Finance,
ian.rowsell@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 based on the final outturn figures for the year ending 31 March 2025.
- 1.2. The Council has delivered an end-of-year surplus of £0.351m on the revenue budget. This is an improved position on the forecast at Quarter 3, which projected a breakeven position. The report includes proposals on the use of this surplus.
- 1.3. An updated forward looking Capital Investment Plan was included within the 2024/25 budget papers. In 2024/25 the Council spent £29.879m on capital projects in line with the revised budget. This spend is funded from capital receipts, grants and contributions, reserves, revenue budget contributions, and long-term borrowing.
- 1.4. The capital programme budget continues to change throughout the year as projects are approved.

2. Recommendations

Recommendations for Overview and Scrutiny Board

- 2.1. That the Overview & Scrutiny Board notes the Council's forecasted revenue outturn position and makes any comments and/or recommendations to the Cabinet on the use of the £0.351m year-end surplus.
- 2.2. That the Overview & Scrutiny Board notes the Council's Capital outturn position and makes any comments and/or recommendations to the Cabinet.
- 2.3. That the Overview & Scrutiny Board notes the updates to the Capital Investment Plan and the revised budget and makes any comments and/or recommendations to the Cabinet.

Recommendations for Cabinet/Council

2.4. That the Cabinet considers the recommendations of the Overview and Scrutiny Board as set out below:

that the Cabinet be recommended:

- a. to allocate an appropriate amount of funding from the year-end surplus to update the condition surveys for community centres to help them with grant funding applications; and
- b. to note that that the Overview and Scrutiny Board notes the suggested items put forward by the Cabinet for the year-end surplus and welcomes further discussions at the Cabinet and Council meetings.

2.5. That the Cabinet recommends to Council:

- a. that Council notes the revenue outturn position and that the £0.351m year-end surplus be transferred into a specific reserve to be allocated across priority initiatives to be determined by Full Council on 24 July 2025.
- b. That Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

3. 2024/25 Budget Summary Position

3.1. Across the Council there was a total underspend at the 2024/25 year end of **(£0.351m)**.

3.2. The table below provides a summary of the Outturn position across Council Services, along with the movement from the figures reported in Quarter 3. This shows the position has improved since Q3, where an overspend of £0.011m was forecast

Service	Budget £m	Final Outturn £m	Variance £m	Forecast at Q3 £m	Movement since Q3 £m
Adults and Community Services	55.712	55.434	(0.278)	(0.044)	(0.234)
Children's Services	54.147	53.655	(0.492)	(0.436)	(0.056)
Corporate Services	14.192	14.755	0.563	0.728	(0.165)
Financial Services	(16.646)	(18.156)	(1.510)	(1.550)	0.040
Investment Portfolio	(4.134)	(4.134)	0	0.000	0.000
Pride in Place Services	24.916	26.292	1.376	1.313	0.063
Public Health Services	11.018	11.008	0.010	0.000	(0.010)
Revenue sub-total	139.205	138.854	(0.351)	0.011	(0.362)

Sources of Finance	(139.205)	(139.205)	0.000	0.000	0.000
Revenue Over/ (Under) spend	0.000	0.000	(0.351)	0.011	(0.362)

- 3.3. The underspend against Financial Services, mainly within Treasury Management from higher interest rates, and underspends within Children's Services and Community Services has offset other overspends within Corporate Services and the Pride of Place Directorate. Many of these overspends have been addressed through the 2025/26 budget setting process and will continue to be managed and monitored to reduce the risk of these overspends arising again.
- 3.4. The outturn for the council in 2024/25 has improved compared with the last forecast made at Quarter 3. Whilst this is a positive position, we will review variances across services with the aim of identifying lessons learnt for the future and budgets that may require further review and more robust monitoring throughout 2025/26.
- 3.5. Financial Sustainability Plans have been completed by each Director in respect of the following key risk areas and will continue to be reviewed and updated:
- Integrated Adult Social Care contract – transformation programme
 - Children's Social Care placements
 - Home to School Transport
 - Children's Locality Model and oversight of Safety Valve
 - Prevention and Support for homelessness
 - Legal Services – staffing and agency costs
- 3.6. Action taken in respect of these plans have had a positive impact throughout 24/25 and it is anticipated that this will continue in 2025/26, mitigating pressures that otherwise would emerge. and reduce the overspends, where forecast.
- 3.7. The Dedicated Schools Budget, and particularly the Higher Needs Block, 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 write off of accumulated deficits of over £14m. This has become more challenging throughout 2024/25 and an overspend of £1.713m is now being forecast, compared with the budgeted overspend of £0.481m. A summary of the position is shown in Appendix 2.

Service Budgets

3.8. The table below summarises the most material variances (over £100k).

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m	Projected Q3 Outturn Variance £m
Community Services – Housing Benefit operations	(0.613)	(0.717)	0.120	0.000
Community Services – Housing Standards	0.497	0.395	0.102	0.000
Children's - Staffing/agency costs	20.846	20.679	(0.167)	(0.092)
Children's – Section 17	0.480	0.695	0.215	0.120
Children's - Social care placements (excl. UASC)	23.424	23.085	(0.339)	(0.410)
Children's - UASC	0.921	0.602	(0.319)	(0.289)
Children's – Disabilities	1.299	1.513	0.214	0.175
Corporate – Legal Services	1.693	2.164	0.471	0.515
Corporate – Staffing	1.133	1.243	0.110	0.138
Corporate IT Services	4.188	3.974	(0.213)	0.027
Finance – Investments and borrowing	18.572	16.972	(1.600)	(1.400)
Finance – External Audit Fees	0.319	0.599	0.290	0.000
Finance – Business rates retention surplus	(0.900)	(1.188)	(0.288)	0.000
Place – Torre Abbey	0.381	0.517	0.136	0.125
Place – Waste disposal (incl. Garden waste)	4.832	5.029	0.197	0.220
Place - Highways – road closure income	(0.126)	(0.244)	(0.118)	(0.100)
Place – Development Control and Planning - income	0.269	0.686	0.417	0.380
Place – Building Control income	0.127	0.240	0.113	0.135
Place – Concessionary Fares	3.746	3.434	(0.312)	(0.275)
Place – rental and income shortfalls on Estate	3.776	4.202	0.426	0.306
Place – Operational Property/Estates teams	1.816	2.176	0.360	0.000

(Note: Other variances under £100k are not highlighted within this table hence totals will differ from overall variance mentioned above)

Adult Services (incl. Community and Customer Services)

3.9. Overall Adults and Community Services underspent by (**£278k**). The table below highlights the material variances.

Service	Budget £m	Final Outturn £m	Variance £m		Forecast at Q3 £m	Movement since Q3 £m
Community Services – Housing Benefit Operations	(0.613)	(0.717)	(0.104)		0	0.104
Community Services – Housing Standards	0.497	0.395	(0.102)		0	0.102
Other variances	-	-	(0.072)		-	-
Outturn position			(0.278)			

3.10. 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). As a result, no significant variance is being reported and there is just a small overspend relating to a historical payment to Health.

3.11. Within Community services there are two variances over £100k. Both of these underspends relate to optimising the use of external funding such as the Healthy Homes grant to fund expenditure expected to be funded from our general fund budget.

3.12. In previous years we have reported overspends within our Housing Options Service relating to increasing costs for homelessness prevention and the provision of Temporary Accommodation. Although there continues to be considerable demand within this service, increases in the 24/25 budget and actions taken to invest in purchasing our own properties have resulted in no significant overspends in this year.

Children's Services

3.13. Overall Children's Services underspent by **£492k**. The table below highlights the material variances.

Service	Budget £m	Final Outturn £m	Variance £m		Forecast at Q3 £m	Movement since Q3 £m
Children's - Staffing/agency costs	20.846	20.679	(0.167)		(0.092)	(0.075)
Children's – Section 17	0.480	0.695	0.215		0.120	0.095
Children's - Social care placements (excl. UASC)	23.424	23.085	(0.339)		(0.410)	0.071
Children's - UASC	0.921	0.602	(0.319)		(0.289)	(0.030)
Children's – Disabilities	1.299	1.513	0.214		0.175	(0.039)
Other variances	-	-	(0.096)		-	-
Outturn Position			(0.492)			

3.14. There is an underspend across staffing and agency budgets of **(£167k)** as the Service has had success with recruitment and managed to reduce the dependency on agency placements wherever possible. This is positive news as there is increased salary expectations within the agency market and stiff competition from other Councils.

- 3.15. Expenditure relating to support for children in need under Section 17 of the Children Act 1989 ended up exceeding budget by **£215k**. This was down to increase in demand and covers areas such as housing support to ensure the Council meets its duty to safeguard children and promote their welfare.
- 3.16. The Service have managed to underspend against budget by **(£339k)** across our budgets for children social care placements. A significant shortage of suitable available placements has driven up costs within the market and £2.1m of growth funding was included as part of the 2024/25 budget setting process to recognise the high cost of Residential and Unregulated placements. There is also an underspend of **(£319k)** relating to Unaccompanied Asylum Seeking Children (UASC) as a result of funding being claimed from the Home Office be greater than expected.
- 3.17. A material overspend had previously been forecast on Home to School Transport budgets as a result of increasing fuel costs for transport providers, as well as children and young people needing more bespoke arrangements to get to and from school. However, mitigating actions within the Financial Sustainability Plan for this area have reduced the overspend to just £89k.
- 3.18. There is an overspend of **£214k** in relation to our budgets for Disabilities, due to an increase in demand for day services and placements.
- 3.19. 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.
- 3.20. The Council is part of the Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council continues to 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 DfE.
- 3.21. Torbay Council has already received £8.260m from the DfE in response to its recovery plan, without which the DSG cumulative deficit would have been £14.469 at the end of 24/25. The DSG overspend in 2024/25 was £1.713m, against the forecast deficit within the agreed safety valve plan of £481k. It is critical that the Council continues to deliver on its recovery plan and the Service continues to work with Schools and robustly monitors its position. Appendix 2 provides more detail on the year end position.

Corporate Services

3.22. Overall Corporate Services overspent by **£563k**. The table below highlights the material variances.

Service	Budget £m	Final Outturn £m	Variance £m		Forecast at Q3 £m	Movement since Q3 £m
Corporate - Legal Services	1.693	2.164	0.471		0.515	(0.044)
Corporate - Staffing	1.133	1.243	0.110		0.138	(0.028)
Corporate - IT Services	4.188	3.974	(0.226)		0.027	(0.253)
Other variances	-	--	0.164		-	-
Outturn Position			0.563			

3.23. Legal Services position improved slightly on the quarter three forecast but still finished the year overspent by **£0.471m**. An additional £300k was added to the base budget for 2024/25 to reflect increasing demand for the service and difficulties in recruiting permanent staff. This is a national issue across the public sector, with difficulties competing with the salaries paid by other organisations (both within the private and public sector) resulting in the use of more expensive agency staff to continue delivering legal advice and support across the Council. A financial sustainability plan continues to be in place for this area and the application of increased additional market factors is starting to have an impact and improve the success in recruitment. However, high demand levels mean vacancies and absence need to be covered and spend levels have remained high.

3.24. There was an overspend of **£110k** on other Corporate Services staffing costs, mainly as a result of agency cover for long term sickness absence at Director level and additional project management support.

3.25. IT Services underspent across all its budgets by **(£226k)**. This was down to some unexpected savings on licences and within the networks service, along with some vacancies within staffing and operations.

3.26. The other variances mainly relate to increased costs on insurance premiums and an outstanding insurance reimbursement.

Financial Services

3.27. Overall Financial Services underspent by **£1.510m**. The table below highlights the material variances.

Service	Budget £m	Final Outturn £m	Variance £m		Forecast at Q3 £m	Movement since Q3 £m
Finance – Investments and borrowing	18.572	16.972	(1.600)		(1.400)	(0.200)
Finance – External Audit Fees	0.319	0.599	0.280		0	0.290
Finance – Business rates retention surplus	(0.900)	(1.188)	(0.288)		0	(0.280)
Other variances	-	-	0.098		-	-
Outturn Position			(1.510)			

3.28. The Finance budget area includes a wide variety of budgets including finance operations/teams, contingencies, treasury management and central grants such as Public Health and Social Care Grant. Changes have been made to simplify this in 2025/26 and move the grants to the relevant service areas.

3.29. There has been underspend of **£1.6m** across our Treasury Management budgets, a slightly improved position from Q3. This is mainly as a result of increased interest rates being secured meaning the Council has earned higher levels of interest on its cash investments than budgeted. We also have a saving on interest payable by the Council on the amounts borrowed as a result of managing borrowing requirements.

3.30. Our External Audit fees for the year exceeded budget by **£290k** due to the additional work undertaken in 24/25, following the national issue re the audit of Local Authority accounts.

3.31. Torbay Council also received (**£280k**) more income from the Devon-wide business rates retention pool than was budgeted, resulting from total business rate income across the pool membership exceeding expectations.

3.32. As part of setting the 2024/25 budget some central contingencies were held, as in previous years. These are mainly linked to pay/inflation and other risk areas, to be released to fund identified cost pressures within services. These budget virements have a net nil impact across the Council.

Investment Portfolio

3.33. The Council's Investment Portfolio has provided a net revenue contribution, after the use of the investment property reserve to cover lost rent, holding costs of vacant premises and landlord' works.

3.34. This means the Council's investment portfolio has contributed £4.1m towards Council activity, in line with budget, whilst also maintaining its Investment Fund Reserve to offset future pressures as and when they arise.

Pride of Place

3.35. Overall Pride of Place services overspent by **£1.376m**. The table below highlights the material variances.

Service	Budget £m	Final Outturn £m	Variance £m		Forecast at Q3 £m	Movement since Q3 £m
Place – Torre Abbey	0.381	0.517	0.136		0.125	0.011
Place – Waste collection and disposal	4.832	5.029	0.197		0.220	(0.023)
Place - Highways – road closure income	(0.126)	(0.244)	(0.118)		(0.100)	(0.018)
Place – Development Control and Planning - income	0.269	0.686	0.417		0.380	0.037
Place – Building Control income	0.127	0.240	0.113		0.135	(0.022)
Place – Concessionary Fares	3.746	3.434	(0.312)		(0.275)	(0.037)
Place – rental and income shortfalls on Estate	3.776	4.202	0.426		0.306	0.120
Place – Operational Property/Estates teams	1.816	2.176	0.360		0.000	0.360
Other variances	-	-	0.157		-	-
Outturn Position			1.376			

3.36. The budgets for Torre Abbey overspent by **£136k**, a slight increase in the figure reported at Q3. This is due to increased expenditure pressures and income levels being below budget for a number of areas including the café and weddings. A Financial Sustainability Plan is being developed to cover this area and consider actions that can be taken to reduce the risk of overspends in future years.

3.37. Budgets across Waste disposal service overspent by **£197k**, a slight improvement on the quarter 3 forecast. The budget was reduced in 24/25 in line with 23/24 levels, but recent disposal volumes and associated costs have been significantly higher than last year. This also includes an overspend relating to garden waste, where uptake and income levels relating to the home collection service are still lower than the revised budget.

3.38. There was an underspend of **(£118k)** on the Highways budget, mainly as a result of income from road closures exceeding budget.

3.39. There was an overspend of **£380k** is forecast in relation to shortfalls of income in Development Control - planning applications (£350k) and planning land charges (£67k), where the fees are forecast to be below budgeted levels. In addition, an overspend of

£113k is forecast within the Building Control service, also as a result of reduced levels of fee income. The position for Building Control improved slightly in the last quarter, but all overspends reflect the challenging economic position of the country and the region. These budgets have been rebased in 2025/26, with an additional £350k of funding to adjust income budgets and the risk of future overspends.

- 3.40. The underspend against the Concessionary fares budget increased from the quarter 3 prediction to **£312k** is forecast. The base budget was increased by £200k in 2024/25, but costs linked to the number of users have been lower than estimated.
- 3.41. There is an overspend of **£426k** in relation to management of our Council estate. We have voids in a number of commercial properties, particularly Fleet Walk, which is resulting in lost income and additional costs are being incurred that would have been met by tenants. An additional £300k of funding for commercial property budgets was included within the 2025/26 budget to reduce these risks the following year. We are forecasting underspends across various utility and NNDR budgets, however other budgets are projected to overspend including Paignton Library Hub (non-staffing budget), and a shortfall in income from Town Hall bookings
- 3.42. There is no material net variance across Parking Services, with any shortfall in parking income offset by enforcement income in excess of budget.
- 3.43. There is an overspend of **£360k** in respect of the operational services previously commissioned by the Council from Torbay Development Agency (TDA). This has arisen due to an increased focus on internal work rather than to external clients and changes in charging arrangements to capital projects. An additional £300k was approved for 2025/26 to ensure these budgets more accurately reflect current demand levels.
- 3.44. Assets transferred from TDA to Torbay Council throughout the year, some not transferring until the early part of 2025/26. These delays have meant that net rental income expected in the Council has remained in TDA and will transfer at a later date. These costs have been met from a relevant earmarked reserve and will be replenished once the funds are recovered from TDA.

Public Health

- 3.45. 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 linked to inflation. There is a small underspend of **£10k** in relation to non-ringfenced activities.

4. One-off allocations and ring fenced reserves

- 4.1. Reserves have been used appropriately by the Chief Finance Officer, who also transferred a number of unspent “one off” budget allocations to reserves to be spent in future years. In addition, funds unspent from other earmarked or ring-fenced funding

streams were also carried forward such as funds held for Adult Social Care and Public Health.

- 4.2. The net 2024/25 underspend across the Council enables the £0.351m year-end surplus be transferred into a specific reserve to be allocated across priority initiatives to be determined by Full Council on 24 July 2025.
- 4.3. The Section 151 Officer provided a report on Reserves to Council, in February 2025, as part of the 2025/26 budget setting papers. These Reserves will continue to be reviewed through the year and ultimately feed into the budget setting process for 2026/27.
- 4.4. The Overview and Scrutiny Board considered the Budget Monitoring and Capital Outturn Report for 2024/2025 at its meeting held on 4 June 2025 and unanimously resolved:
- that the Cabinet be recommended:
- a. to allocate an appropriate amount of funding from the year-end surplus to update the condition surveys for community centres to help them with grant funding applications; and
 - b. to note that the Overview and Scrutiny Board notes the suggested items put forward by the Cabinet for the year-end surplus and welcomes further discussions at the Cabinet and Council meetings.

5. Collection Fund

- 5.1. Collection rates levels in 2024/25 do not have any impact on the 2024/25 financial year and the collection fund equalisation reserve is maintained to manage any impact of shortfalls in collection. No draw down was required in 2024/25 and a surplus was transferred into this reserve, pending a further review around risk and appropriate reserve levels.
- 5.2. In-year income collection rates for 24/25 were in line with budgeted levels, with Council Tax collection at 94% and business rates at 95%. We continue to explore opportunities to increase our overall collection rates, whilst supporting residents and businesses.

6. Wholly Owned Companies

- 6.1 SWISCo. continued to experience financial pressures in terms of operational delivery throughout 2024/25 - mainly due to higher material and fuel costs. Costs were also high in respect of repairs and maintenance on ageing vehicles and associated hire costs. The annual pay award again had a disproportionate percentage impact on SWISCo given the higher proportion of staff on below average salary rates. The Council has an agreement with SWISCo to fund any additional costs arising from pay awards and as a result provided additional funding specifically to meet the shortfall. Despite the additional pressures the company met its target to break even during the year.
- 6.2 TEDC staff returned into Council management in April 2024 and assets and contracts transferred at different times through the year. The company continues to operate and we are continuing to work through the company accounts for 2024/25.

6.3 Torbay Education Limited, which is run with an objective to breakeven, returned a small surplus of £6k for the year which is retained in the company's books.

6.4 More detailed financial reporting about the Council's wholly owned Companies will form part of the final statement of accounts, when presented to Audit Committee.

7. Statement of Accounts

7.1. As at the end of the 2024/25 financial year the Council had cleared the backlog of accounts which did not have an audit opinion.

7.2. The 2021/22 accounts were signed off at audit committee in July 2024. The Council utilised the 'backstop' option in respect of the 2022/23 accounts which were signed off at audit committee in November 2024, it should be noted that these accounts did not receive an audit and the external auditors issued a disclaimed opinion. The 2023/24 Statement of Accounts were signed off by the committee on 25 February 2025, which was in line with the revised date to published audited accounts (28 February 2025).

7.3. The audit of the 2024/25 Statement of accounts is scheduled to be undertaken between September and December 2025, with the aim of the accounts being signed off by audit committee in January 2026. The deadline for publication of audited accounts for 2024/25 is 27 February 2026.

8. Capital

8.1. In 2024/25 the Council spent £29.879m on capital projects, which is part of a wider 4-year capital programme approved as part of the 2025/26 budget setting process.

8.2. The spend for each project compared to budgets is shown in Appendix 1 to this report. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years.

8.3. The capital plan is amended quarterly in order to add the funding for projects which have been recommended at the Capital and Growth Board and subsequently approved by Council. The budget increased to £39.115m in quarter 1, reduced to £33.365m in quarter 2 and reduced to £32.613m in quarter 3 due to re-profiling of spend into future years.

8.4. The total budget for the period of the plan (2024-25 to 2027-28) changed from £34.565m to £88.136m (Q3 figure). Additional significant project budgets added to the capital plan during the year were:

- Oldway Mansion - £7.304m
- Transport Capital Investment - £3.962m
- Hotels to Homes - £3.000m

- Schools Capital Programme (Various) – £2.905m
- Victoria Centre - £2.958m
- Union Square Acquisition & Development - £2.880m
- Station Square - £2.856m
- Torquay Strand Public Realm - £2.342m
- Paignton Picture House - £1.500m
- Crossways, Paignton - £1.300m
- Disabled Facilities Grants - £1.000m

8.5. The range of capital projects demonstrates the breadth and scale of the capital programme projects affecting services including highways, schools, housing and regeneration.

8.6. The Council were successful in its application for the third round of Levelling Up Funds (LUF3) to support the Brixham Port infrastructure and Paignton Technology Park projects. Subsequently, Torbay was awarded £20m, which has been allocated between these projects for delivery by March 2026. The total cost is estimated at £25.415m, with the Council required to match fund a total of £5.4m through supported borrowing, subject to an approved business case

8.7. Appendix 1 also shows that the funding of the capital spend on 2024/25 was broadly in line with forecasts - primarily funded from capital grants and unsupported borrowing. These were supplemented by capital receipts, revenue and external contributions such as s106 payments and the use of reserves. The Council, due to its cash flow did not borrow any additional funds during the year and remained within both its operational and authorised (borrowing) limits. Further detail will be included within a separate Treasury Management outturn report to Audit Committee.

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, given increasing spending challenges.	High	The Service continues to work closely with its schools and robustly manages and reports on its recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs	High	A new five-year contract has been agreed from April 2025 and the Director of Adult Social Care continues to work closely with Health Trust colleagues and our third-party transformation partners on a range of intervention activity and savings plans, in collaboration with

Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The 24/25 base budget included a higher than usual allowance for inflationary pressures and appropriate contingencies/reserves are held for revenue and capital.
The “cost of living” economic impact on the Council’s residents from higher fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from Council Tax.	Medium	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to support. The Council will continue to administer payments under both the Household Support Fund and Council Tax Rebates, whilst also monitoring collection rates.
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. Legal services staff continues to be a challenging area and the Financial Sustainability Plan will continue to be updated and reviewed.
Delivery of financial sustainability plans	Medium	Plans will be monitored at Directors’ meetings to assess progress and potential risks/issues and opportunities.
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
Voids in commercial properties and sites held pending development incur costs in excess of budget.	High	The 25/26 budget allocated £300k to help establish a reserve that can be used to offset unplanned costs.
Demands on the Council Repairs and Maintenance (R&M) budgets exceed funding available.	High	The R&M budget was increased by £200k in 24/25 and a further £400k in 25/26.
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	Medium	Budgets have been increased over recent years and robust monitoring will continue, including assessing the impact from directly procuring and properties to increase the stability of accommodation options available to the Housing Options team

10. Appendices

Appendix 1 – Capital Plan summary Outturn for 2024/25

Appendix 2 –Year end position 2024/25 – Dedicated Schools Grant (DSG)

Appendix 1 - 2024/25 Outturn Capital Plan

Summary

Project Name	2024/25 Budget & Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Schools Capital Programme	5,089	70	5,159	2,063	3,096
Projects under Feasibility and Development	7,561	5,426	12,987	9,069	3,918
Economic Development / Regeneration	4,652	220	4,872	4,895	(23)
Housing Development / Investment	3,802	1,300	5,102	4,024	1,078
Environment / Climate Capital Investment	2,805	20	2,825	1,861	964
Transport Capital Investment	3,942	2,136	6,078	4,561	1,517
Coastal Defence / Flood alleviation	1,410	0	1,410	704	706
Sports, Leisure and Culture	1,919	0	1,919	1,658	262
Schools Closed Projects	479	0	479	38	441
Other Closed Projects	954	6	960	669	291
Other	0	337	337	337	(0)
Total	32,613	9,515	42,128	29,879	12,249

Capital Plan Detail

Schools Capital Programme

Project Name	2024/25 Budget & Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Capital Repairs and Maintenance	662	0	662	196	466
Education Review Projects	720	0	720	60	660
High Needs Capital Provision	1,311	0	1,311	140	1,171
Devolved Formula Capital	280	0	280	244	36
Paignton Academy STEPS Relocation	1,170	0	1,170	889	281
Foster Homes Adaptations	0	0	0	0	0
Acorn Centre (Youth Investment Fund)	523	0	523	481	42
Childcare Expansion	199	0	199	18	181
YMCA	180	0	180	28	152
Sherwell School Salix	44	0	44	0	44
Mayfield College Relocation	0	70	70	7	63
Total	5,089	70	5,159	2,063	3,096

Schools Closed Projects

Project Name	2024/25 Budget & Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
PCSA Expansion	5	0	5	7	(2)
St Cuthbert Mayne Expansion	428	0	428	2	426
St Cuthbert Mayne Phase 2	46	0	46	29	17
Total	479	0	479	38	441

Projects under Feasibility and Development

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Outturn	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Crossways, Paignton - Regeneration	885	0	885	767	118
Extra Care Housing (Torre Marine)	45	965	1,010	1,010	0
Edginswell Railway Station	210	0	210	161	49
Union Square Acquisition & Development (Town Deal)	1,000	1,330	2,330	2,330	(0)
Debenhams Redevelopment	653	753	1,406	891	515
Torquay Town Deal - Pavilion	65	0	65	141	(76)
Torquay Town Deal - Core Area Public Realm	45	0	45	0	45
Torbay Road Paignton (High Streets Funding)	50	0	50	48	2
Station Square (High Streets Funding)	300	0	300	229	71
Victoria Centre (Paignton) (FHSF)	1,600	317	1,917	1,917	0
Oldway Mansion - phase 1 of Master-Plan	2,198	0	2,198	460	1,738
Brixham Square Public Realm (part of LUP £20m)	75	750	825	3	822
Brixham Central Car Park (part of LUP £20m)	114	250	364	119	245
Paignton Tech Park (Part of LUF £20m)	85	0	85	84	1
Brixham Port Infrastructure (Part of LUF £20m)	171	370	541	158	383
Peoples Parkfield - Community Infrastructure (part of £20m LUP funding)	0	200	200	200	0
Melville Square Public Realm - Community Infrastructure (part of LUP £20m)	0	91	91	91	0
CULTURAL INFRASTRUCTURE (LUP part of £20m)	0	400	400	400	0
Foxhole Play & Ecology Hub	35	0	35	60	(25)
Edginswell Business Park - Unit 3	30	0	30	0	30
Total	7,561	5,426	12,987	9,069	3,918

Economic Development / Regeneration

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Torquay Strand Public Realm (Town Deal Funding)	3,461	0	3,461	3,486	(25)
Paignton Picture House (High Streets Funding)	925	220	1,145	1,145	0
Paignton Picture House (Community Dev Fund)	0	0	0	0	0
Small Projects - UK Shared Prosperity Fund	266	0	266	264	2
Total	4,652	220	4,872	4,895	(23)

Housing Development / Investment

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Disabled Facilities Grants	1,054	0	1,054	1,141	(87)
Enhancement of Development sites	545	0	545	130	415
St Kilda's, Brixham - Affordable Housing	1,703	0	1,703	1,485	218
Hotels to Homes - Scheme 1	500	0	500	288	212
Hotels to Homes - Scheme 2	0	1,300	1,300	980	320
Total	3,802	1,300	5,102	4,024	1,078

Environment / Climate Capital Investment

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
SWISCO Loan - Vehicle & Equipment Replacement	265	0	265	897	(632)
Tor Park Road Site Improvements	1,120	0	1,120	135	985
Grant Payment to SWISCO, Food Waste Collection Grant		20	20	120	(100)
Car Park Investment	301	0	301	150	151
Climate Change Initiatives	387	0	387	(74)	461
Green Waste Bins	0	0	0	17	(17)
Local Electric Vehicle Infrastructure	0	0	0	0	0
Changing Places Toilets	61	0	61	60	1
Solar Farm, Brokenbury (EGF)	103	0	103	52	51
Solar Farm, Nightingale Park (EGF)	226	0	226	32	194
Paignton Library Heat Decarbonisation	142	0	142	338	(196)
Tor Hill House Lighting Upgrade	200	0	200	134	66
Total	2,805	20	2,825	1,861	964

Transport Capital Investment

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Transport Highways Structural Maintenance	2,272	0	2,272	2,077	195
Transport Integrated Transport Schemes	1,375	0	1,375	348	1,027
Transport - Torquay Gateway Road Improvements	30	0	30	(25)	55
Transport - Western Corridor	150	0	150	0	150
Shiphay Lane (Active Travel Fund)	100	0	100	25	75
Zero Emission Buses Grant		2,136	2,136	2,136	0
Babbacombe Beach Road	15	0	15	0	15
Total	3,942	2,136	6,078	4,561	1,517

Coastal Defence / Flood alleviation

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Flood Alleviation - Cockington	4	0	4	13	(9)
Flood Alleviation - Monksbridge	56	0	56	17	39
Paignton Coastal Defence Scheme	1,000	0	1,000	494	506
Flood Alleviation - Torquay	100	0	100	8	92
Paignton Flood Alleviation	42	0	42	22	20
Brixham Flood Alleviation	26	0	26	26	0
Collaton St Mary Flood Alleviation	182	0	182	124	58
Total	1,410	0	1,410	704	706

Sports, Leisure and Culture

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Haldon & Princess Pier	23	0	23	1	22
Princess Pier - Structural repair	0	0	0	0	0
Torre Valley North Sports Facilities	373	0	373	367	6
Armada Park Refurbishment	130	0	130	138	(8)
Torre Abbey Gatehouse/SW Wing	664	0	664	531	133
Torre Abbey SE Wing/Courtyard/Tower	424	0	424	424	0
Torre Abbey Renovation - Phase 3	136	0	136	28	108
Grants to Plainmoor and Admiral Swimming Pools	170	0	170	169	1
Total	1,919	0	1,919	1,658	262

Closed Projects

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
The Pines (TCCT)	75	0	75	0	75
Maidencombe Beach CP (TCCT)	45	0	45	0	45
Claylands Redevelopment	20	0	20	0	20
Edginswell Business Park Unit 1	188	0	188	123	65
Edginswell Enabling Works (LEP GBF)	109	0	109	107	2
Harbour View Hotel Development	186	0	186	128	58
Temporary Accommodation	39	0	39	37	2
Lymington Rd Business Centre (LEP GBF/EGF)	260	0	260	260	0
Torquay Town Dock - Infrastructure Improvements	0	6	6	6	0
RICCO Improvements - Backlog Repairs	32	0	32	8	24
Total	954	6	960	669	291

Other

Project Name	2024/25 Budget vs Spend				
	Q3 Approved Budget	Q4 Budget Revisions	Revised Budget	Actual Spend	Variance to Budget
	£000's	£000's	£000's	£000's	£000's
Corporate IT Developments	0	32	32	32	0
Capital Expenditure from Revenue	0	160	160	160	0
Schools Capital from Revenue	0	143	143	143	0
Youth Justice Serv-Unit 1 THH	0	2	2	2	0
Total	0	337	337	337	0

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Dedicated Schools Grant (DSG) - Outturn Position 2024/25

The following table details the main areas of both over and under spends.

Budget Heading	Budget	Final Spend	Over / (Under) Spend
Early Years – under 2's and 2, 3 & 4 yr old payments – PVI's, Schools & Academies	£10.831m	£10.690m	(£141k)
Estimated clawback from DfE for changes in Early Years pupil numbers between Jan 24 and Jan 25 pupil counts			£192k
Early Years – Pupil Premium	£129k	£103k	(£26k)
Early Years – Disability Access Fund	£123k	£50k	(£73k)
Early Years – Retained element	£427k	£323k	(£104k)
ALFI - Reversal of High Needs Contribution	0	(£100k)	(£100k)
Joint Funded Placements	£200k	£187k	(£13k)
Recovery of funding from schools for Excluded Pupils, MTS and Elective Home Education	(£150k)	(£135k)	£15k
Contribution from Health towards EHCP's	(£100k)	(£238k)	(£138k)
South Devon College Placements	£1.000m	£1.316m	£316k
Independent Special School Placements	£2.392m	£2.779m	£387k
Education other than at School (EOTAS) packages for EHCP pupils and SEND personal budgets	£1.699m	£2.863m	£1.164m
Payments to / recoupment from other authorities for mainstream and Special School places	(£362k)	(£404k)	(£42k)
Medical Tuition Service	£970k	£869k	(£101k)
Virtual School / Hospital Tuition / Vulnerable Students Team	£560k	£489k	(£71k)
School contingencies (Planned pupil growth, NQT induction etc)	£137k	£149k	£12k
EHCP in-year adjustments (see separate paper for details)	£500k	£595k	£95k
Special Schools / High Needs in-year adjustments (see separate paper for details)	£350k	£295k	(£55k)
School Intervention / Commissioning	£13k	(£7k)	(£20k)
Business Support / Business Intelligence	£262k	£251k	(£11k)
Senior Management, Central Recharges, Admissions, EAL / Travellers, SACRE, SEND reform staffing	£659k	£613k	(£46k)
Visually impaired / Hearing impaired / Advisory Teachers	£181k	£173k	(£8k)
Deficit DSG budget set for 24/25	(£481k)	£0k	£481k
Total – Final Position 24/25			£1.713m

Cumulative overspend before Safety Valve payments C/Fwd from 23/24 £12.756m

Cumulative overspend before SV payments at end of 24/25 £14.469m

Total Safety Valve payments at end of 24/25 (£8.260m)

Net overspend at end of 24/25 after Safety Valve payments £6.209m

Remaining SV payments due from DfE in 25/26 & 26/27 (£4.650m)

End of initial SV period (excluding additional 25/26 & 26/27 overspends) £1.559m

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Meeting: Cabinet/Council **Date:** 14 July/24 July 2025

Wards affected: All wards in Torbay

Report Title: Torbay Council Pensions Discretions

When does the decision need to be implemented? September 2025

Cabinet Member Contact Details: Cllr Alan Tyerman, Cabinet Member for Housing and Finance, alan.tyerman@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 Under the current Local Government Pension Scheme Regulations, Torbay Council can exercise a range of pension discretionary policies which apply to its employees who are members of the scheme. The current discretions were agreed at Council in February 2025.
- 1.2 There is a requirement to amend the current discretions to introduce a Shared Cost Additional Voluntary Contribution arrangement (SCAVC).
- 1.3 An employer can choose to contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC) where an employee has elected to pay AVC's by salary sacrifice. The amount of these employer shared cost AVC's will not exceed the amount of salary sacrificed by the employee. The proposals in this report provide benefits for both the Council and employees.

2. Reason for Proposal and its benefits

- 2.1 Torbay Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This is a discretion of the Council which is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.
- 2.2 The benefit of this proposal is that both the Council will pay less National Insurance and Employee will pay less in Tax and National Insurance contributions, it will also encourage employees to save more for their pension.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet recommends to Council:

That the amended Employers Pensions Discretions as set out in Appendix 1, to the submitted report, which now include the Shared Cost Additional Voluntary Contribution Scheme be approved.

Appendices

Appendix 1: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Councils associated 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>

1. Introduction

- 1.1 Under the current Local Government Pension Scheme Regulations, Torbay Council can exercise a range of pension discretions which apply 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. The current discretions were agreed by Council in February 2025.
- 1.2 It is now requested that they are amended to include the SCAVC arrangement.
See Pensions Discretions, Appendix 1, for full details of the existing and recommended discretions.
- 1.3 There are currently only 10 employees in a historical non-salary sacrifice AVC scheme. These scheme members will have the option to move to the new scheme. The remainder of the workforce will be invited to join the new scheme should they wish.

2. Options under consideration

- 2.2 There are no other options under consideration.
- 2.3 The Employers Pensions Discretions were last approved by Council in February 2025. There were no changes at this time.
- 2.4 Approval is now sought to amend the discretions to include an SCAVC scheme.

3. Financial Opportunities and Implications

- 3.1 The introduction of a Shared Cost AVC will bring savings in Tax and National Insurance for scheme members and National Insurance savings for the Council. However, the level of savings will be dependent on the number of employees who participate in the SCAVC scheme.
- 3.2 There is no cost to the Council for a Shared Cost AVC as the employee will be sacrificing an element of their salary which will then be used by the Council to pay for the employer contribution to the SCAVC. For example: if an employee elects for a £50.00 per month SCAVC, their contribution will be £1.00 per month, and the Council will pay £49.00 per month. However, the employee will be sacrificing £49.00 per month of their pay, which will in effect pay for the Council's contribution. The Council will make NI savings on the sacrificed amount of £49.00 per month.

- 3.3 There are no additional costs to the Council to the provider to implement this scheme, however, the provider will impose a 5% charge on the total amount of SCAVC payable which will be neutralised by the savings being made by National Insurance by the Council.

4. Legal Implications

- 4.1 The Council is required to review and publish its LGPS discretions annually in line with the LGPS Regulations, including any amendments to the discretions. Changes can be made to the discretionary pension policies at any time, but any amendments made must be published for one month before any new decisions can be exercised.

5. Engagement and Consultation

- 5.1 There will be a communication and engagement exercise with all members of staff once the scheme is introduced to invite employees to join the scheme if they wish, it is optional.
- 5.2 Trade Unions have been informed of our intention to introduce the scheme at the Torbay Joint Consultative Committee.
- 5.3 Agreement has been sought from the Director of Finance/Section 151 Officer to implement this scheme.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The proposed provider for the SCAVC Scheme has been procured through the appropriate Procurement process.

7. Tackling Climate Change

- 7.1 There are no climate change implications associated with these proposals.

8. Associated Risks

- 8.1 There are no associated risks with this proposal. The decision to join the SCAVC scheme is optional for employees, and they will be provided with the information necessary through the Engagement and Communication exercise to decide whether to join the scheme based on their personal circumstances.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 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.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
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.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Disability	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.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.			
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 equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
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.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the			Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Sexual orientation	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.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Public Health impacts (Including impacts on the general health of the population of Torbay)		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Human Rights impacts		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	for and care experienced children and young people.			

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.



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: 01/09/2025

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

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.

'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].

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, whom 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.

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).

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 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

Please state your decision below:

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their

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

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 pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This is a discretion of the Council which is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

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.

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 -

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

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:

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

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 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: 24 July 2025

Wards affected: All Wards in Torbay

Report Title: Review of Political Balance

When does the decision need to be implemented? Immediately

Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services,
matthew.fairclough-kay@torbay.gov.uk

1. Purpose of Report

- 1.1. This report sets out a review of the political balance of the Council to ensure places on Committees and Council appointed Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification that Councillor Hutchings wishes to be known as an Independent Councillor.

2. Reason for Proposal and its benefits

- 2.1. Following notification that Councillor Hutchings wishes to be known as an Independent Councillor, the political balance for the Council needs amending.

3. Recommendation(s) / Proposed Decision

- 3.1. That the overall political balance of the committees as set out at Appendix 1 be approved.
- 3.2. That it be noted that the political balance of Council appointed Working Parties, the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged.

4. Appendices

Appendix 1: Political Balance of Committees

Supporting Information

5. Introduction

5.1. Following notification that Councillor Hutchings wishes to be known as an Independent Councillor, this has resulted in changes to the political make-up of the Council. There are now 17 members of the Conservative Group, 15 members of the Liberal Democrat Group, 3 members of the Independent Group and 1 Independent ungrouped Councillor (Councillor Hutchings). The political balance is now:

Conservative Group	17 seats	= 47.22%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	3 seats	= 8.33%
Councillor Hutchings	1 seat	= 2.78%

1.2 The notification has resulted in a change in the political make-up of the Council with a recalculation of seats on Committees between political groups required as a consequence. Proportional distribution of seats on Committees is set out at Appendix 1.

5.2. Whilst not a legislative requirement, the Council has included in its Constitution that Council appointed Working Parties will also be politically balanced. The political balance of Council appointed Working Parties remain unchanged.

6. Options under consideration

- 6.1. The calculations set out at Appendix 1 provide political balance of Committees in accordance with the principles set out in paragraph 8.1 below.
- 6.2. It is possible for alternative arrangements to be considered which does not apply political balance principles however in order to do this a vote needs to be taken where no councillor voted against them.

7. Financial Opportunities and Implications

7.1. There are no financial implications.

8. Legal Implications

8.1. The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all Members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable

(a) that not all seats on the body are allocated to the same group;

(b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and

(d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

8.2 The current membership of political groups means no group holds the majority of the Council's membership. Therefore, paragraph (b) does not apply.

8.3 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the option for distribution would be proportional as set out at Appendix 1.

8.4 Once the Political Groups have been allocated the seats that they are due under the calculation and in line with the principles above, then any seats remaining are allocated the ungrouped member, namely Councillor Hutchings.

8.5 The allocation of seats includes a statutory bar on members of the Cabinet sitting on the Overview and Scrutiny Board and a local decision to exclude members of the Cabinet sitting on the Audit Committee.

- 8.6 Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. Any decision to dis-apply would require no councillor voting against such a decision.
- 8.7 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions (Council appointed Working Parties) will be appointed in accordance with the principles of political balance. The political balance of Council appointed Working Parties remains unchanged.
- 8.8 The political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged (in accordance with Paragraph 15 sub section (2) and (3) of the 1989 Act – namely the application of principle (d) outlined above).

9. Engagement and Consultation

- 9.1. Not applicable.

10. Procurement Implications

- 10.1. Not applicable.

11. Protecting our naturally inspiring Bay and tackling Climate Change

- 11.1. No impact.

12. Associated Risks

- 12.1. There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore, there are no risks unless members fail to determine the matter

13. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 97	18 per cent of Torbay residents are under 18 years old. 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.	There is no differential impact.		
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.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
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.	There is no differential impact.		
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 is no differential impact.		
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.	There is no differential impact.		

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 Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	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.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

14. Cumulative Council Impact

14.1. None.

15. Cumulative Community Impacts

15.1 None.

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Review of Political Balance of Committees

Red text indicates changes

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Councillor Hutchings	Total
Audit Committee (excluding Cabinet Members)	3	2	1	0	6
Civic Committee	2	2	0	0	4
Employment Committee (to include a Cabinet member)	3	2	1	0	6
Harbour Committee	3	3	0	0	6
Regulatory Committee (excluding Cabinet Member with responsibility for Licensing)	5 4	4	1	1	10
Overview and Scrutiny Board (excluding Cabinet Members, including Scrutiny Leads)	5	4	1	0	10
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4	4	0	0	8
Standards Committee	3 2	2	0 1	0	5
Totals	28 26	23	4 5	1	55

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