

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 9 July 2014

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Board

Councillor Thomas (J) (Chairman)

Councillor Bent
Councillor Darling (Vice-Chair)
Councillor Pentney
Councillor Stockman

Councillor Hytche
Councillor Davies
Councillor McPhail
Councillor Kingscote

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

Working for a healthy, prosperous and happy Bay

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

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OVERVIEW AND SCRUTINY BOARD AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)
To confirm as a correct record the minutes of the meetings of the Board held on 18 June 2014.
3. **Declarations of Interest**
 - 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.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Provisional Revenue Budget Outturn 2013/2014** (Pages 5 - 18)
To consider the provisional revenue budget outturn position for 2013/2014 and to make any recommendations to the Council.
6. **Provisional Capital Plan Budget Outturn 2013/2014** (Pages 19 - 26)
To consider the provisional Capital Plan budget outturn for 2013/2014 and to make any recommendations to Council.



Minutes of the Overview and Scrutiny Board

18 June 2014

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Addis, Darling (Vice-Chair), Davies, McPhail, Pentney and Stockman

(Also in attendance: The Mayor and Councillors Cowell, Excell and Thomas (D))

7. Apologies

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillor Addis in place of Councillor Kingscote.

Apologies for absence were received from Councillors Bent and Hytche.

8. Minutes

The minutes of the meeting of the Board held on 21 May 2014 were confirmed as a correct record and signed by the Chairman.

9. Energy and Climate Change Strategy 2014-2019

The Board considered the draft Energy and Climate Change Strategy that was currently subject to consultation. It was noted that the Strategy outlined ten policies including a carbon reduction target for both the community and the Council. It was also noted that having the Strategy in place would enable the Council to attract funding.

During the course of the debate, the Board heard how the Council was working under the banner of Cosy Devon to improve the energy efficiency of private rented properties within Torbay.

Resolved: that it be recommended to the Council that the draft Energy and Climate Change Strategy should include an action plan to underpin the Strategy which identifies the core issues which the local authority should be tackling.

10. Economic Strategy - Delivery against objectives

At the request of members, the Board received a report on the progress being made against the Torbay Economic Strategy. The actions within the Strategy were grouped under four priorities with Board members asking a range of

questions around “raising skill levels”. Information was shared about the Torbay Works programme, developing a demand for labour and encouraging apprenticeships.

The Board also questioned the Torbay Growth Fund and how the outcomes from that Fund were being measured.

The Board requested that future reports include how preventing worklessness is being explored, tangible outcomes from Torbay Growth Fund and the strategy for improving the numbers of apprentices.

11. Community Safety Commercial Team Service Plan 2014-15

The Board considered a report which set out the Commercial Team Service Plan incorporating the Food Safety Service Plan. The Commercial Team Service Plan set out the current work plan of the Team which includes the functions of Food Safety, Trading Standards, Licensing, Health and Safety and Emergency Planning.

The Board noted that the Business Unit continues to prioritise its workload based on risk and will always target first those businesses, activities, emergencies and disease outbreaks considered to be of the highest risk. Whilst its resilience to continue to deliver its full range of statutory duties and meet customer expectations, within the resources allocated, remains under significant strain, the Board was pleased to note that significant improvements had been made from 12 months ago. The target of inspecting 50% of Category C food premises had been exceeded (and was currently at 70%) and it was hoped that 100% of those premises would be inspected this year, resources and workloads allowing.

The Board asked that their thanks be passed on to the Commercial Services Team.

Chairman

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The Board asked that their thanks be passed on to the Commercial Services Team.

Chairman



Meeting: Overview and Scrutiny Board **Date:** 9 July 2014

Wards Affected: All Wards

Report Title: Provisional Outturn 2013/14 – Subject to Audit

Executive Lead Contact Details: Mayor Oliver

Supporting Officer Contact Details: Paul Looby Executive Head – Finance

1. Purpose and Introduction

1.1. The revenue outturn report provides a summary of the Council's expenditure for the financial year 2013/14 and makes recommendations with respect to any uncommitted resources.

1.2 A separate report will be presented to the Overview and Scrutiny Board and Council of the final capital outturn position.

2. Proposed Decision

2.1 That the revenue outturn position for 2013/14 be noted.

2.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the outturn position, including any views on the recommendations being made by the Executive Head – Finance, namely:

(i) £0.8m of restructuring costs are funded from the available resources identified at outturn to protect the Council's Comprehensive Spending Review reserve – paragraph 4.3.

(ii) A sum of £0.350m is approved as carry forwards into 2014/15 for Crisis Support Fund and Hardship Fund - paragraph 4.15 - 4.17.

(iii) Members to note that the transfers above in 2.3 (i) to (ii) are subject to the final audit of the Council's accounts.

3. Reasons for the Decision

3.1 The approval of the outturn position and agreement as to how any unallocated budgets are used is an essential part of the financial monitoring process. In addition the Council has a statutory duty to close its annual accounts which is

assisted by the production of a provisional outturn statement which is presented to and approved by Members.

- 3.2 The Council's accounts must be finalised and signed by the Chief Finance Officer before the end of June each year in accordance with statute. The presentation of the financial outturn report concludes the regular reporting to Council on its revenue expenditure and makes recommendations to Members with respect to any uncommitted budgets there may be available at year end.
- 3.3. The recommendations within the report will ensure the Council maintains an adequate level of reserves by utilising the available resources at year end to fund the costs of restructuring the Council.
- 3.4 Approval of the carry forward request, in particular ring fencing monies to support vulnerable members of the community through the Crisis Support Fund, will ensure financial resources are available to continue to operate a scheme. Members will be aware that the Coalition Government will stop funding for the Crisis Support Scheme after March 2015.

4 Summary

- 4.1 The continuing reduction to local government funding meant 2013/14 was another challenging year financially for the Council. As part of the budget setting Members acknowledged and accepted the risks and were aware of the challenges the council faced in ensuring a balanced budget was achieved due to the reductions in funding and the increasing demands and expectations from customers across a range of services.
- 4.2 As in previous years there were significant budget pressures that the Council had to manage, particularly within Safeguarding and Wellbeing (Children's Services) and achievement of the income target for Car Parking.
- 4.3 However despite these challenges the Council delivered a balanced budget at year end by delivering underspends as part of the in – year savings strategy and utilising reserves and uncommitted budgets. The declared outturn position has identified £0.8m of restructuring costs which are recommended to be funded from the 2013/14 outturn position. Members will recall that the Comprehensive Spending Review (CSR) Reserve was earmarked to fund all restructuring costs – by approving the recommendation within this report the CSR reserve will be protected and will provide contingency against any unforeseen budget pressures and future restructuring costs. A summary of the provisional outturn position is shown below:

	Council Budget	Council Outturn	Over/(under) spend
Council Expenditure	126,950	128,286	1,336
Use of Budget Pressures Contingency	0	(1,000)	(1,000)
Unallocated Grants	0	(1,136)	(1,136)
Uncommitted budgets at year end	126,950	126,150	(800)
Recommendation Allocated to: - Restructuring Costs			800
Balance			0

- 4.4 It is important to note that without the application of reserves, uncommitted budgets and approved management action of strict financial control throughout the year the Council would have declared an overspend at year end. The action taken in year included a moratorium on non-essential expenditure, strict control of vacancy management (using redeployment for vacancies in preference to redundancies where possible), bringing forward 2014/15 proposed savings to deliver in year savings and the non committal of un ring-fenced grants. These measures were supported by careful monitoring of budgets and performance by the Mayor, Executive Leads, Overview and Scrutiny Board and the Senior Leadership Team. A summary of the key variances within departments are outlined within this report.

Reserves

- 4.5 Members will be aware of the important decision taken by Council with the creation of the Comprehensive Spending Review (CSR) reserve; which is the Council's uncommitted reserve set up to meet the financial challenges faced by the Council to response to the Coalition Government's austerity programme. These challenges include:
- any unforeseen events or pressures that emerge during the year;
 - invest to save initiatives where demonstrable savings can be delivered in

- future years;
- making provision for any costs of restructuring Council services.
- 4.6 The Chief Finance Officer has advised Members that, where possible, reserves should only be used to support one off initiatives as it is not sustainable to use reserves to support ongoing commitments. Use of reserves should only be used where there is a planned invest to save scheme which is robustly managed and monitored and endorsed by the appropriate Director.
- 4.7 With respect to 2013/14, the Mayor agreed to allocate the budget pressures contingency reserve of £1m to support the budget pressures within Safeguarding and Wellbeing.
- 4.8 As recommended within this report, if the costs for restructuring are funded from the resources available in 2013/14, the CSR reserve will be protected and the balance on the reserve as at 1 April 2014 will be £3.8m. This will be required to fund the costs of future reorganisations and any pressures if they emerge during 2014/15.

General Fund Balance

- 4.9 The Council also holds a General Fund Balance. Due to strict financial management there has not been a call on the general fund balances since the Council became a unitary authority in 1998. However, officers and Members will be aware of the continued reduction to local government funding and the expected demand pressures in 2014/15 and beyond will place ever increasing pressures on the council's non earmarked reserves. The Council's General Fund balance is £4.4m as at 1 April 2014. This balance represents 3.8% of the council's net budget in 2014/15.
- 4.10 In these challenging financial times a number of local authorities have been increasing the level of their reserves as part of a strategy to support budgets in future years. This approach has received significant media and Department of Communities and Local Government attention i.e. questioning why a local authority holds reserves during difficult times. However a strategy of increasing reserves when grant from government has and will continue to fall is a prudent approach to sound financial management. The Institute of Fiscal Studies have already declared that the government has not yet achieved 50% of the required austerity measures across the public sector. Whilst there are no confirmed figures for future levels of local government grant it is clear the period of austerity will continue and will impact directly upon the range and scale of services that can be provided by local government until the end of the decade.
- 4.11 Therefore it should be recognised that the general fund balance is uncommitted (unlike other earmarked reserves) and provides funds that would only be used for any unforeseen or unexpected expenditure that could not be managed within service budgets or earmarked reserves. With this in mind and in light of the difficult financial climate faced by the Council and reduction to the Council's net budget, I believe that a cash balance of £4.4m is a prudent level to protect the Council from the increased risks it faces with respect to the ongoing grant reductions from

Government and increased demand for some services. In addition the Council's external auditors will have a view as to the level of the Council's General Fund Balance.

- 4.12 The Council needs to consider the reserves position before the compilation of the statutory annual accounts and the audit of those accounts. As set out in the Accounts and Audit Regulations, the statutory accounts will be presented to Members of the Audit Committee for formal approval in September 2014. For Members information, the external audit of the accounts commenced on 16 June 2014 and is expected to take approximately 2 months.
- 4.13 As in previous years, there will be a review of all earmarked reserves. This will be undertaken as part of the budget preparation process and is reported to Members at least once a year as has been the practice in recent years.
- 4.14 Once this review has been completed, where applicable any surplus monies can be recycled as part of the budget setting process for the following year or support any other funding requirements. Members will be aware that these reserves are earmarked for specific purposes with the exception of the General Fund Reserve and CSR reserve which remains the only fund the Council holds to meet emergency costs. With media attention focusing in the level of Council reserves it should be noted that any release of monies from reserves should only be used for one off purposes and cannot be used to sustain ongoing expenditure. However, due to the expected challenges the Council will face with ongoing reductions to its grant, all earmarked reserves will continue to be closely scrutinised and considered as part of the Council's overall resources available to deliver services to local residents including invest to save initiatives where supported by a robust business case.

Crisis Support Funding

- 4.15 The Council has been responsible for the operation of the Crisis Support Scheme since April 2103. The Coalition Government announced that funding for the scheme will end in March 2015. If the Council wants to continue to administer the same or similar scheme it will have to be funded from existing resources and will become an additional budget pressure in future years.
- 4.16 As at 31 March 2014 there was an underspend of £0.3m on the scheme. The Chief Finance Officer is recommending that this sum is carried forward in 2014/15. This money can either be used to support the fund in the current financial year or, if there is an underspend at the end of 2014/15, used to ensure the scheme can continue for at least one further year after the coalition government has cut the funding.
- 4.17 There is also an underspend within the exceptional hardship fund for council tax and it is also recommended this is also carried forward into 2014/15 and ring fenced. There are no other carry forwards that have been proposed and require Member approval.

Supporting information

A1. Introduction and history

- A1.1 The Council approved the 2013/14 budget on 13 February 2013. Financial monitoring reports have been prepared throughout the year and distributed to Members of the Overview and Scrutiny Board and presented to Council during 2013/14 which ensured there was effective public monitoring and scrutiny of the revenue budget throughout the financial year. These reports summarised and identified the issues faced by Business Units within the Council and where appropriate, the action officers took to ensure the Council spent within the agreed budget set for the year.
- A1.2 This report compares the revised budget position for 2013/14 to the revenue outturn position as at the end of the financial year and summaries the key variances.
- A1.3 The outturn position indicated in this report is the final position subject to the Council's external auditors – Grant Thornton - completing their annual audit of the accounts. As part of any audit review, there is the possibility that changes may be made to the overall outturn position for the Council. However, should any variations to the figures be necessary these are not expected to be materially significant.

A2. Carry Forwards

- A2.1 The Council's Financial Regulations states that, subject to the approval of Council when considering the end of the financial year position, any overall net underspend within a directly controllable revenue budget may be carried forward into the following financial year.
- A2.2 Under the terms of the Constitution, Directors and Executive Members discuss and propose carry forwards and these are considered by Members at Council for approval.
- A2.3 There is one carry forward which is recommended by the Chief Finance Officer for approval:
- £350,000 within Finance. It is recommended that the underspend in the Crisis Support and Exceptional Hardship Fund is carried forward and ring fenced in 2014/15 and beyond in accordance the existing schemes.

This carry forward proposal has been included within the overall outturn figures.

Schools Service

A2.4 A balanced budget position has been declared for Schools Block Activities after making a contribution to reserves of £0.110m. This position will be reported to the Schools Forum.

A2.5 Schools will be carrying forward balances of £2.8m from 2013/14 to 2014/15 – these resources are earmarked for schools related expenditure. This is an increase against the previous year. It is important to note that although balances overall have decreased in 2013/14 this is on a smaller base as schools have converted to Academies over 2013/14 are no longer included in the figures (5 schools converted to Academies in 2013/14). Members are reminded that the Dedicated Schools Grant can only be used for schools related activities.

A3. Net Expenditure

A3.1 Net expenditure after the applications of reserves and uncommitted budget was £126.950m.

Net Revenue Expenditure 2013/14

Council Services	Revised Budget	Outturn	Net Over / (Under) spend
	£'000	£'000	£'000
Adults			
- Adult Social Care	43,757	42,613	(1,144)
- Supporting People	4,418	4,310	(108)
Sub Total	48,175	46,923	(1,252)
Children, Schools & Families	28,454	31,935	3,481
Public Health			
Public Health (ring fenced budget £7.150m)	0	0	0
Community Safety	1,982	1,739	(243)
Sub Total	1,982	1,739	(243)
Place			
- Residents and Visitors	7,807	7,896	89
- Spatial Planning	5,671	5,719	48
- TDA - Clientside	2,393	2,384	(9)
- TDA - TEDC	1,677	1,650	(27)
- Torbay Harbour Authority (ring fenced budget - £4.928m)	0	0	0
- Waste and Cleaning	11,826	11,799	(27)
Sub Total	29,374	29,448	74
Operations and Finance			
- Commercial Services	3,539	3,268	(271)
- Information Services	3,516	3,445	(71)
- Business Services	1,655	1,549	(106)
- Finance	9,119	7,843	(1,276)
Sub Total	17,829	16,105	(1,724)
Total	125,814	126,150	336
Unallocated Grants	1,136	0	(1,136)
Restructuring Costs	0	800	800
Approved Budget	126,950	126,950	0

A3.2 A brief summary of the main variances and the principal reasons for any underspends or overspends within each directorate are explained below

Adults

A3.3 Overall underspend £1.252m. The variations are summarised below:

<p>Adult Social Care – net underspend of £1.144m. As reported in the last monitoring report this was due to costs and commitments anticipated early in 2013 that did not materialise, overachievement of the Cost Improvement programme from all zone teams and learning disability and ordinary residency costs were below budgeted levels throughout the year.</p>

<p>Supporting People - underspend of £0.108m due to vacancy management within the service and contractual savings delivered during the year.</p>

Children, Schools & Families

A3.4 Overall overspend of £3.481m after the application of £1m from the budget pressures contingency and savings from the department's Recovery Plan and reported underspends primarily within Family Services.

A3.5 The main pressure was within Safeguarding and Wellbeing where an outturn overspend of £5.6m was declared. This was due to the numbers, costs and length of time for children in care and placements within the independent sector and continued use of agency social workers primarily as a result of cover for maternity leave and to provide additional capacity to support newly qualified social workers.

A3.6 Members will recall that as part of the 2014/15 budget an earmarked contingency was approved specifically to mitigate against budget pressures that may arise within Safeguarding and Wellbeing. Members also approved monies (which have been funded from reserves) for invest to save projects within Safeguarding and Wellbeing to reduce future costs.

A3.7 The number of looked after children at the end of March 2014 was 314 which compares to 305 at the beginning of the financial year. The number of children on Child Protection Plans for the same period is 173 compared to 180 in March 2013.

Public Health and Community Safety

A3.8 Overall underspend of £0.243m.

Public Health is funded from a specific grant of £7.150m and was only used to fund Public Health related activities. The service underspent by £0.728m. This will be carried forward into 2014/15 and ring fenced for Public Health.

Community Safety - underspend of £0.243m due to additional contract income within the Crematoria budget, vacancy management and a moratorium on expenditure.

Place

A3.9 Overall overspend of £0.074m.

Residents and Visitor Services – overspend of £0.089m. This was primarily due to a shortfall in car parking income during the year which was offset by the implementation of a moratorium on all discretionary spending resulting in service reductions across this business unit.

Waste and Cleaning - underspend of £0.027m. This was a small projected underspend due to a small reduction in tonnages at year end and full year impact of various waste reduction and diversions initiatives by TOR2.

Spatial Planning - overspend of £0.048m arisen mainly due to additional costs within the Planning team arising from recently announced Planning appeals and associated costs. Members will note during the year the volatile Concessionary Fares budget reported underspends due to a reduction in the contracted payments to providers and reduced passenger numbers which helped reduced the projected outturn position.

Economic Development Company (Client side) – reported a small underspend of £0.009m.

Economic Development Company (TDA) - £0.027m underspend achieved through efficiency savings.

Operations and Finance

A3.10 Overall underspend of £1.7m. The variations are summarised below:

<p>Finance - underspend of £1.276m due to savings within treasury management primarily due to savings on interest payments due to the repayment of loans, lower audit and inspection fees, additional housing benefit administration grant, higher benefit overpayment recovery, lower than budgeted discretionary pension costs, reduced staffing costs arising from vacancy management within the business unit, early implementation of 2014/15 budget savings and an unexpected late receipt of a capitalisation grant from Department of Communities and Local Government.</p>
<p>Commercial Services – underspend of £0.271m due to savings within the Members Allowances budget, a reduced contribution to the insurance reserve and vacancy management savings and early implementation of 2014/15 budget savings.</p>
<p>Information Services – underspend of £0.071m due to vacancy management and IT Infrastructure savings.</p>
<p>Business Services - underspend of £0.106m due to vacancy management savings, early implementation of 2014/15 budget savings and additional income for bought back services.</p>

A4. Debtors Outturn

A4.1 The key issues with respect to debtors are:

Council Tax

A4.2 The 2013/14 targets for collection of Council Tax were:

- (i) collect 96.5% of the Council Tax due within the financial year; and
- (ii) collect 50% of the arrears brought forward from previous years.

At the end of the financial year the Council collected £60.5m which is 94.9% of the Council Tax due in 2013/14. The collection level is down on last year's performance, reflecting the impact of the Local Council tax Support Scheme.

A4.3 The collection of arrears proved difficult due to the weakness of the local economy and introduction of the Local Council Tax Support Scheme. The total arrears outstanding at the end of the financial year were £4.9m.

A4.4 Following the introduction of the Local Council Tax Support Scheme in April 13 the Council has been monitoring closely the impact of the changes upon collection rates. The collection rate for accounts where last year there was no Council Tax liability in 2012/13 is 68.2%. The collection rate where the account was not entitled

to maximum Council Tax Benefit is 76.9% compared to 80.0% for the previous year.

- A4.5 There are no Council Tax write-offs over £5,000 to report to Members of the Overview and Scrutiny Board. 332 council tax accounts with a value of £0.084m have been written off in the final quarter.

Non-Domestic Rates

- A4.6 The targets for the collection of NNDR (business rates) were:

(i) To collect 97.0% of the business rates due in the financial year; and

(ii) To collect 50% of the arrears brought forward from previous years.

- A4.7 At the end of the fourth quarter, the Council collected £35.6m which is 97.2% of the business rates due in the year 2013/14.

- A4.8 Members will recall that from April 2013 with the introduction of the NNDR retention scheme the Council is now liable for 49% of all income and costs associated with NNDR including any costs relating to pre April 2013 such as write offs and successful revaluation appeals. Since April 2013 the impact of the new scheme has had an impact upon the council's income as there has been a reduction in the tax base within the Bay and a number of appeals dating back to 2005 which are still outstanding. As at the 31 March 2014 the estimated value of outstanding appeals is £2.5m of which the council's share (49%) is £1.250m. Due to the new arrangements for business rates the Council has recognised the estimated cost of backdated appeals within the 2013/14 final accounts.

- A4.9 NNDR write - offs above £5,000 are set out at exempt Appendix 1 for Members of the Overview and Scrutiny Board and are available to all other Members upon request. 25 NNDR accounts with a value of £0.073m have been written off in the third quarter.

A5. Financial Performance of External Companies

- A5.1 For completeness a summary of the financial performance of the companies that Torbay Council has an interest in is included as appendix 2 to this report.

A6 Possibilities and Options

- A6.1 Members could consider alternative uses for the uncommitted budgets identified within this report.

A.7 Preferred Solution /Option

- A7.1 As set out in the recommendations.

A.8 Risks

- A8.1 There is a risk that the Council will have insufficient reserves to meet any unforeseen events. The maintenance of the general fund balances of £4.4m and the CSR reserve of £3.8m will assist in ensuring the Council's reserves are

sufficient to assist with its medium term financial planning and manage unforeseen events.

A9 Consultation

A9.1 Directors and Executive Heads and their Executive Leads have discussed and considered the outturn position.

Agenda Item 5

Appendix 2

Outturn for Council Subsidiaries & Associates 2013/14 – as shown in annual statement of accounts

Outturn for Council Subsidiaries & Associates	Council Ownership	Gross Income £m	Gross Spend £m	Surplus or (Deficit) £m
Subsidiaries				
Torbay Economic Development Company	100%	(4.3)	4.5	(0.2)
English Riviera Tourism Company	100%	(0.8)	0.8	0
Oldway Management Company Limited	100%	(0.1)	0.1	0
Associates				
TOR2	19.99%	(15.3)	14.9	0.4
South West Careers	25%	(13.5)	14.0	0.5
PLUSS	25%	(27.8)	27.5	0.3



Meeting: Overview & Scrutiny Board
Council

Date: 9th July 2014
17th July 2014

Wards Affected: All

Report Title: Capital Investment Plan Update - (Outturn 2013/14) – subject to audit

Executive Lead Contact Details: mayor@torbay.gov.uk

Supporting Officer Contact Details: martin.phillips@torbay.gov.uk

1 Purpose

- 1.1 The Council's capital investment plan with its investment in new and existing assets is a key part of delivering the Council's outcomes. This is the final Capital Monitoring report for 2013/14 under the Council's budget monitoring procedures. It provides high-level information on capital expenditure and income for the year (subject to Audit), compared with the latest budget position as at quarter three reported in February 2014.

2 Proposed Decision

Overview & Scrutiny Board

- 2.1 **That Members note the outturn position for the Council's Capital expenditure and income for 2013/14 and make any recommendations to Council.**

Council

- 2.2 **That Council note the outturn position for the Council's Capital expenditure and income for 2013/14.**

- 2.3 **That Council note the action taken by the Chief Finance Officer, under the Officer Scheme of Delegation, to carry forward the unspent budgets for expenditure or work in progress (together with their funding) from 2013/14 to 2014/15.**

- 2.4 **That Council notes the funding of the capital investment plan for 2013/14 as outlined in paragraph 7.1.**

3 Reasons for Decision

- 3.1 Quarterly reporting to both the Overview and Scrutiny Board and to Council is part of the Council's financial management process.

4 Summary

- 4.1 Members of the Overview and Scrutiny Board and Council have received regular budget monitoring reports on the Council's Capital Investment Plan throughout the year. This report is the monitoring report for the fourth quarter 2013/14 which is also the financial year end. Variations reported are those arising in this quarter and any other changes reported will be reflected in the 2014/15 quarter one Capital Investment Plan update to Council in July 2014.
- 4.2 Outturn expenditure for the year was £17.3 million compared with the budgeted spend in the last monitoring position in February of £21.9 million. Reasons for this variation over a number of schemes are included in paragraph 6.4. In percentage terms, spend was 79% (78% 12/13) of the forecast in February.

5 Supporting Information

- 5.1 The original capital budget for 2013/14 approved by Council in February 2013 was £25.4 million. That was subsequently revised during 2013/14 for re profiling of expenditure from 2012/13, new schemes and re profiling spend to future years. All changes with reasons have been included in previous monitoring reports. Actual spend during 2013/14 was £17.3m, which is detailed in appendix 1.
- 5.2 Capital budgets of £5.0m will be carried forward to 2014/15 to enable schemes not completed or progressed in 2013/14 to be continued in the current year along with the funding sources for the scheme.
- 5.3 The Council set its Prudential Indicators for 2013/14 and monitoring arrangements for “affordable borrowing” in February 2013. The detailed Outturn Indicators are presented as part of the Treasury Management Outturn Report to be presented to Council in July.
- 5.4 The expenditure predictions as at January 2014 were presented as part of the Capital Investment Plan Update to Council in February 2014. That Report noted anticipated expenditure of £21.9 million in 2013/14.
- 5.5 Appendix 1 provides a schedule of the outturn for spending and funding in 2013/14.

Column (1) shows the revised budget for the year (as at quarter three).

Column (2) shows the actual payments during the year.

Column (3) shows the variance between outturn and revised budget.

Column (4) shows the net budget to be carried forward to 2014/15.

- 5.6 In order to meet the timetable for the statutory closure of accounts it is inevitable that assumptions are made with regard to the final outturn figures which may be subject to challenge by Grant Thornton (the Council’s external auditors) when the audit of the Council’s accounts is undertaken. Any material changes will be reported to a future meeting.

6 Expenditure Outturn & Performance

- 6.1 The actual service expenditure in 2013/14 was £17.3 million. The outturn for individual projects is provided in Appendix 1. A summary at service level is in the table below –

	Latest Budget	Outturn	Spent	Variation
	£m	£m	%	£m
Childrens, Schools & Families	7.0	5.4	77	(1.6)
Place & Resources	13.7	10.6	77	(3.1)
Adults & Resources	1.2	1.3	108	0.1
TOTALS	21.9	17.3	79	(4.6)

- 6.2 In overall terms there was net variation in the Plan spend of £4.6million, which is 21% of the revised budget which, although disappointing, there are reasons for variances on a number of schemes including the impact of the adverse weather in the last quarter of 2013/14. A summary of the significant re profiling and reasons is included below.
- 6.3 A summary of spend to date by funding type is as follows:

Funding Type	Revised Budget 13/14 (Q3)	Outturn	Variation
	£m	£m	£m
“Old” Funding	3.3	2.8	(0.5)
“New” Funding	10.2	8.8	(1.4)
Prudential Borrowing	4.2	3.3	(0.9)
Specific Funding	4.2	2.4	(1.8)
Total 2013/14	21.9	17.3	(4.6)

6.4 The re profiling of budget within the £4.7m of variations identified to be carried forward to 2014/15 is summarised by scheme (in excess of £0.250m) in the table below:

Scheme	Re Profiling £m	Reason
Warberry Primary School Expansion	(0.4)	Some work rescheduled around school term times
Beach Huts	(0.3)	Adverse weather and unforeseen ground conditions created delays to works at Meadfoot Beach
Office Rationalisation Project	(0.6)	Provision for costs of dilapidations of accommodation reassessed at a lower value
Torquay Harbour Pontoons	(0.8)	Scheme now due for completion by end of May 2014
Western Corridor	(0.5)	Late awarding of the funding from the DfT meant that the scheme will now be delivered in two larger phases rather than three.
Other Children's, Schools & Family	(1.2)	Various including 2 year old provision, Devolved Formula Capital and Torre Primary. The extreme weather over the winter months caused significant delays to many projects. Schemes also had to be delayed to accommodate school requirements and to fit within the school academic year.
Other Place & Resources	(0.9)	Various including Riviera Centre and Livermead structural repair
Other Adults & Resources	0.1	
Total	(4.6)	

These first five schemes are over 50% of the variance in the last quarter.

- 6.5 The Capital Investment Plan spans 4 financial years and includes development projects where spending is expected to run for a number of years. It is normal that annual budgets need to be re-phased between years as schemes develop through feasibility, design and construction stages in order to ensure continuity. On occasion consultation with end-users, affordability of design and negotiation with external funders can significantly delay anticipated start dates.
- 6.6 During the year, budgets were regularly re-scheduled between the four years of the plan and the reasons were reported to Council.
- 6.7 On a number of schemes, even though works had not been undertaken by the year end a number of contractual commitments have been entered into, to progress the scheme.
- 6.8 Where project costs have exceeded budget, and funds could not be brought forward from future year's budgets, services were asked to identify additional sources of funding. No scheme has been carried forward to 2014/15 which will be a call on (new) funding allocated in for future years.
- 6.9 The Chief Finance Officer is authorised under the Officer Scheme of Delegation to approve re-phasing of expenditure between years provided the impact does not exceed the overall level of the approved programme and the available funding resources. Under this delegation, net budget provision of £5.0 million has been carried forward into 2014/15 to fund commitments on works in progress and to enable approved schemes to be completed. Conversely budgets for 2014/15 have been reduced on those projects which have spent in advance (within the overall capital budget for the project). A revised Capital Investment Plan, incorporating the budgets carried forward and any schemes that are now significantly changed will be presented with the first Capital Investment Plan update in 2014/15.
- 6.10 In addition to the re profiling of expenditure to future years the corresponding budgets for the funding of these schemes are also carried forward. Where funding has been received but not applied, this funding is reflected on the Council's balance sheet as usable reserves.

Individual Project Monitoring - Main Variations & Management Action

- 6.11 Appendix 1 shows the expenditure in 2013/14 on each individual project. A number of projects have been completed during the year and are now delivering improved services to users.
- 6.12 **"New Funding Regime"**
- 6.13 An estimate of funds was identified in the Capital Investment Plan (February 2012) for the four years of the Plan to 2015/16, which was provisionally allocated to a number of "priority" areas.
- 6.14 The Capital Investment Plan shows the approved schemes to the extent that funding has been received or confirmed. Where the value of the approved schemes exceeds the known funding, temporary prudential borrowing has been used pending the future receipt of funds, at which point the funding will be swapped. However if funding is not realised then the Capital Investment Plan will have to be reduced accordingly or alternative sources of funding allocated such as prudential borrowing.
- 6.15 During 2013/14 a total of £8.8m of resources allocated under the 'New Funding regime' was spent including £2.7m on schools including £0.8m at Warberry Primary School and £0.5m at Torre Primary school. During the year £1.2m was spent on Torre Abbey which re opened in 2013. Other expenditure included £0.8m on the Riviera Centre, £0.6m on Swim Torquay and £0.8m on sea defence works.
- 6.16 As reported in the last Capital Investment plan update report in February, the Council has been allocated £2.8m for the (un ringfenced) schools Basic Need grant for in 2015/16 and £2.9m in 2016/17. The allocation for 2016/17 was a new allocation and the 2015/16 allocation was higher than the Council was expecting by £1.8m. This additional funding of £4.7m will be allocated to support schools basic need, and will be included in the quarter one 2014/15 update.
- 6.17 In addition the 2014/15 allocation of £0.6m for schools repair and maintenance will also be allocated to schools, to the extent that the grant exceeded the original Council estimate.
- 6.18 **"Old Funding Regime"**
- Relates to the schemes in the Capital Investment Plan that were allocated to services from capital funding that originated in 2011/12 and earlier financial years.
- 6.19 During 2013/14 a total of £2.8m of resources allocated under the 'Old Funding regime' was spent including £2.4m on schools including £2.0m at Barton Primary School.
- 6.20 **"New" Ring fenced (Specific) funding**
- 6.21 During 2013/14 a total of £3.3m was spent from 'Ring fenced' funding including £0.7m on the Ferry and cycle path scheme and £0.5m on the Riviera Renaissance project.
- 6.22 **Schemes funded from Prudential Borrowing**
- 6.23 Within 2013/14 a total of £2.4m was spent, funded from Prudential Borrowing, including £0.6 m on Beach Huts, £0.5m on the Paignton cycle path and £1.2m on Princess Promenade.
- 6.24 **Contingency**
- The Council approved a capital contingency of £1.1 million. This contingency is still in place to provide for unforeseen emergencies or shortfall in projected income over the 4-year Plan period and represents approximately 2% of the total Capital Investment Plan.

7. Receipts & Funding

- 7.1 Resources used in the year to fund the actual spending, compared to the anticipated use of resources, are as follows –

	Revised Budget	Outturn	Variation
	£m	£m	£m
Borrowing – of which	6.9	3.9	(3.0)
Supported: (by Government funding)	0.5	0.3	(0.2)
Unsupported: (under Prudential Code)	6.4	3.6	(2.8)
Grants	12.2	10.6	(1.6)
Other Contributions	0.8	0.9	0.1
Revenue & Reserves	1.4	1.6	0.2
Capital Receipts	0.6	0.3	(0.3)
Total Funding	21.9	17.3	(4.6)

Grants

- 7.2 Capital Grants continue to be the major funding stream 61% (69% in 12/13) for the Council to progress its investment plans. An element of these grants result from “bids” to other public sector bodies. With ongoing significant reductions on public sector expenditure expected, this funding stream is significantly reduced for future capital projects. The Council used £10.6 million of grants in 2013/14 to support its capital expenditure. As at 31 March 2013 the value of grants received but not yet applied was £10.2 million (£11.7m 2012/13). This sum is reflected in the Council’s balance sheet.

Borrowing

- 7.3 Borrowing was kept within Affordable Borrowing limits and the effect on the Revenue Accounts was within budget (see Prudential Indicators in Treasury Management Outturn 2013/14 Report).
- 7.4 In addition to the £0.3 million of borrowing “supported” by central government, unsupported (Prudential) borrowing of £3.7 million was utilised to fund (or part fund) expenditure on the following major projects:
- Princess Promenade
 - Beach Huts
 - Paignton Cyclopark

Of the £3.7m, £1.9m was “temporary borrowing”, i.e. using the Council’s internal cash resources, pending expected capital funding, was also used.

- 7.5 If no additional capital contributions to the South Devon Link Road are received then the level of prudential borrowing required will remain at £20m. This cost will impact on the Council’s revenue budget in 2016/17 once the road is operational. The repayment of £20m over 25 years will be an annual cost to the service of £1.3 million.
- 7.6 Repayment of the prudential borrowing by services varies between projects and reflects the anticipated use of the asset or a suitably shorter period over which the service feels is appropriate, however prudential borrowing is never taken over a period which is greater than the anticipated life of the asset.
- 7.7 The Council sets aside an amount in its revenue budget (known as minimum revenue provision) for the repayment of the borrowing on its maturity including a sum for the value of the debt inherited from Devon County Council in 1998. In 2013/14 it set aside £4.2m in respect of capital expenditure by the Council, along with £0.4m in relation to the PFI scheme for Westlands and Homelands Schools (funded by the PFI Grant). This ensures that in the long term all borrowing and long term liabilities will be repaid.
- 7.8 Borrowing is related to the funding of non current (fixed) assets. The costs of these assets tend to be spread over the long term which is line with the long term use of these assets. The value of Council long term assets as at 31/3/13 was approx. £250 million. It should be noted that as

schools convert to Academy status the value of the asset is removed from the Council's balance sheet however the Council remains liable for any borrowing or long term liabilities in relation to these schools up to the date of transfer. In 2013/14 the value of schools that converted to Academy status removed from the Council's balance sheet was over £15 million. More schools are expected to convert during 2014/15.

Capital Receipts –

7.9 Capital receipts in the year were £1.4 million. Receipts included the following:

- £0.3m Right to Buy Housing "clawback"
- £1.1m Land sales including Bench House, Paignton Old Town Hall and the White Rock land swop.

In year £0.3m of these receipts were applied in 2013/14 to fund capital expenditure, therefore the Capital Receipts reserve had a balance of £1.8m at year end.

7.10 The approved Plan as at 1 April 2014 relies upon the generation of a total of £3.4 million capital receipts from asset sales by the end of March 2016. These targets are expected to be achieved provided that -

- approved disposals currently "in the pipeline" are completed
- the Council continues with its disposal policy for surplus and underused assets (latest report to Council May 2014) and,
- no new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

7.11 Of the capital receipts target of £3.4m; £0.650m for the disposal of the old Paignton Library site has been received in 2014/15. In addition based on the developer agreement, £1m is due from the Oldway Development. All capital receipts up to the target of £3.4m are required to fund previously approved capital schemes It is only after this target has been reached that capital receipts can be applied to new schemes.

7.12 There is an ongoing risk over the value of receipts. The receipt of funds from Tesco at Brixham was part of the business case for the Brixham Regeneration project. As the expenditure on this project has already been incurred, if this receipt is not realised this will create a shortfall in the capital receipts target, which will have to be funded from future capital receipts or by other changes to the capital investment plan.

7.13 The expenditure to date from the £0.2m budget for enhancement of strategic sites budget is £0.039m. The budget will be increased on an annual basis by expenditure in the previous year to maintain the original budget for enhancing assets prior to sale.

7.14 As per the Council's approved capital strategy, the £0.3m of "right to buy" receipts received in 2013/14 will be allocated to housing schemes.

Capital Contributions – S106 & Community Infrastructure Levy

7.15 The general target for securing capital contributions to fund the 4-year Capital Investment Plan, excluding the target of £2.5m for South Devon Link Road, following review of the Budget in 2013/14 is £0.5 million (required by March 2016).

7.16 The intention is that capital contributions are applied to support the schemes already approved as part of Capital Investment Plan and not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital Investment Plan.

7.17 Income from s106's capital contributions during 2013/14 were under £0.3 million, although the Council did receive a further £0.4m of contributions from other bodies, mostly to support specific schemes. Of the s106, under £0.1m was to support South Devon Link Road.

7.18 The Council is anticipating that a charging schedule for its Community Infrastructure Levy will be applicable during 2015/16 which will, in part, replace S106 contributions from developers. The Council will need to keep this issue under review and will have to make future adjustments to the capital plan if required.

Capital Investment Plan 2013/14 Update - Outturn	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
	Col 1	col 2	col 3	col 4
Old Funding Regime (pre 12/13)				
Adults & Resources				
Mental Health Care Initiatives	22	15	-7	7
Various ICT Improvements	23	8	-15	15
	45	23	-22	22
Childrens, Schools & Families				
Asbestos Removal	9	3	-6	6
Barton Primary Cap Project	2,102	2,019	-83	83
Capital Repairs & Maintenance 2011/12	202	7	-195	195
Childrens Centres	81	139	58	-58
Curledge St - Remodelling	33	36	3	-3
Education Review Projects	51	0	-51	51
Minor Adaptations Childcare	5	3	-2	2
Preston Primary - ASD Unit	24	39	15	-15
Primary Places 2011/12	4	3	-1	1
Short Breaks for Disabled Children	17	6	-11	11
Special Education Needs - reactive works	24	-2	-26	26
St Margaret Clitherow Primary Bxm - Expansion	50	23	-27	27
Torquay Community College Re-build (Building Schools for the Future)	176	105	-71	71
Westlands 14-19 Project	0	1	1	-1
Youth Modular Projects	51	0	-51	51
	2,829	2,382	-447	447
Place & Resources				
Barton Infrastructure	70	62	-8	8
Enhancement of Development sites	30	27	-3	3
Haldon Pier - Structural repair Phase I/2	75	49	-26	26
Harbour Bxm Development Phase 1&2 (Quay & Buildings)	(122)	-120	2	0
Housing - Advances Budget to be allocated	0	0	0	0
NGP - Great Parks Access	0	3	3	-3
NGP - HCA Match Land Acquisitions	15	12	-3	3
NGP - Strategic Cycleway	17	65	48	-48
NGP - Windy Corner Junction	1	0	-1	1
Sanctuary HA - Langridge Road (4 units)	46	44	-2	2
Sea Change - Cockington Court	89	80	-9	9
Sovereign HA - Beechfield (102 units)	151	140	-11	11
Sovereign HA - Beechfield (Adapt 3 units)	0	15	15	-15
Westcountry HA - Preston Down Road (12 units)	11	11	0	0
	383	388	5	-3
Public Health				
Private Sector Renewal	29	2	-27	27
	29	2	-27	27
Sub Total	3,286	2,795	-491	493
New Funding Regime (12/13 onwards)				
	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Childrens, Schools & Families				
Ellacombe Primary Expansion	0	2	2	-2
Capital Repairs & Maintenance 2012/13	302	146	-156	156
Capital Repairs & Maintenance 2013/14	0	35	35	-35
Cockington Primary expansion	400	418	18	-18
Mayfield expansion	434	324	-110	110
Roselands Primary expansion	206	136	-70	70
Schools Access	43	25	-18	18
Torre CoE Primary expansion	689	542	-147	147
Warberry CoE Primary expansion	1,246	821	-425	425
Whiterock Primary expansion	200	96	-104	104
Schools Capital from Revenue	0	156	156	0
	3,520	2,701	-819	975
Place & Resources				
Beach Hut renewal strategy	0	0	0	0
Flood Defence/Cliff schemes (with Env Agency)	266	218	-48	48
Hele's Angels - Hele Road	0	0	0	0
Livermead Sea Wall structural repair	686	577	-109	109
Manscombe Quarry Cliff stabilisation	0	2	2	-2
Princess Promenade Phase 3	89	58	-31	31
Riviera Centre renewal	991	776	-215	215
Social Care - Hollacombe CRC	60	60	0	0
SWIM Torquay - improve facilities	557	558	1	0
Torre Abbey Renovation - Phase 2	1,371	1,293	-78	78
Transport - Gateway Enhancement	31	30	-1	1
Transport - Integrated Transport Schemes	894	900	6	-6
Transport - Structural Maintenance	1,065	982	-83	83
	6,010	5,454	-556	557
Public Health				
Disabled Facilities Grants	614	670	56	-56
	614	670	56	-56
Sub Total	10,144	8,825	-1,319	1,476

Capital Investment Plan 2013/14 Update - Outturn	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
	Col 1	col 2	col 3	col 4
New Ring Fenced or Specific Funding (12/13)	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Adults & Resources				
Enhancement Prior to Sale	0	0	0	0
Corporate Telephony System	168	167	-1	1
Capital Expenditure from Revenue	0	139	139	0
	168	306	138	1
Childrens, Schools & Families				
2 Year Olds Provision	253	60	-193	193
Devolved Formula Capital	438	295	-143	143
	691	355	-336	336
Place & Resources				
Brixham Harbour - Major repairs	240	250	10	0
Brixham - Victoria Breakwater	0	46	46	0
DfT Better Bus Areas	200	18	-182	182
DfT Local Sustainable Transport Fund (Ferry/Cycle)	607	736	129	-129
Edginswell Station - Project Development	80	1	-79	79
Env Agency - Colin Road Culvert Replacement	4	11	7	0
Meadfoot Sea Wall structural repair	286	223	-63	63
Public Toilets - Utilities saving measures	70	61	-9	9
Riviera Renaissance (Coastal Communities Fund)	494	479	-15	15
Torbay Leisure Centre - structural repairs	111	86	-25	25
Torre Valley North enhancements	127	3	-124	124
Western Corridor	603	65	-538	538
White Rock Business Park Land swap	275	275	0	0
Windmill Skate Park	56	57	1	0
	3,153	2,311	-842	906
Public Health				
Green Deal Fuel Poverty Fund	321	321	0	0
	321	321	0	0
Sub Total	4,333	3,293	-1,040	1,243
Prudential Borrowing Schemes	Total 2013/14 Revised £000	Total 2013/14 Outturn £'000	Total 2013/14 Variance £'000	Total Reprofile to 2014/15 £'000
Place & Resources				
Beach Huts Acquisitions	894	587	-307	307
Council Fleet Vehicles	74	14	-60	60
Empty Homes Scheme	20	0	-20	20
Office Rationalisation Project Ph 2 - Project Remainder	293	-292	-585	585
On Street Parking meters	207	154	-53	53
Paignton Velodrome Cyclopark	600	477	-123	123
Princess Promenade (Western Section) Repairs	1,176	1,242	66	0
South Devon Link Rd - Council contribution	70	63	-7	7
Torre Abbey Pathway	25	22	-3	3
Torquay Inner Harbour pontoons	800	135	-665	665
	4,159	2,402	-1,757	1,823
Sub Total	4,159	2,402	-1,757	1,823
Contingency				
General Capital Contingency	0	0	0	0
	0	0	0	0
TOTALS	21,922	17,315	-4,607	5,035
CAPITAL INVESTMENT PLAN - QUARTER 4 2013/14 - FUNDING				
Supported Borrowing	462	296	-166	
Unsupported Borrowing	6,431	3,661	-2,770	
Grants	12,185	10,592	-1,593	
Contributions	760	872	112	
Reserves	785	1,180	395	
Revenue	645	404	-241	
Capital Receipts	654	310	-344	
Total	21,922	17,315	-4,607	