

Wednesday, 29 January 2025

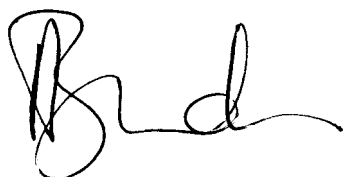
Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 6 February 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**

To confirm as a correct record the minutes of the meeting of the Council held on 5 December 2024.

(Pages 5 - 16)

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, including the presentation of long service awards to staff and a verbal report on the Virtual School;
- Leader of the Council;
- Overview and Scrutiny Co-ordinator;
- Chief Executive.

6. **Petitions**

To receive a petition and any oral representations from the public in accordance with Standing Order A23 as set out below:-

(Pages 17 - 18)

Stop the Closure of the Hearing Unit at St Margaret's School

7. **Members' questions** (Pages 19 - 20)
To respond to the submitted questions asked under Standing Order A12.
8. **Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions** (Pages 21 - 46)
To consider the recommendations of Cabinet and submitted report on the Torbay Council Annual Pay Policy Statement and review of pensions discretions.
9. **Civic Mayor Elect and Deputy Civic Mayor Elect 2025/26**
In accordance with the Council's Standing Orders (A9.1) to select, the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the 2025/2026 Municipal Year.
10. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 47 - 48)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.

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 Council
(Council decisions shown in bold text)

5 December 2024

-: 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, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Law, Chris Lewis, Long, Maddison, Nicolaou, Penny, Pentney, Spacagna, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

59 Opening of meeting

The meeting was opened with a prayer.

60 Apologies for absence

An apology for absence was received from Councillor Harvey.

61 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Barbara Lewis 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 12 September 2024 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

62 Declarations of interests

Councillors Atiya-Alla and Nicolaou declared Section 106 of the Local Government Finance Act 1992 applied to them in respect of Minutes 69 and 72.

63 Communications

The Worshipful The Mayor of Torbay and Director of Corporate Services presented long service certificates to officers. The following officers received certificates in recognition of their dedication to public service in Torbay:

Susan Clarke;

Lorraine Layne; and
Laura Wright.

The Worshipful The Mayor of Torbay advised that she had opened the Bay of Lights Illumination Trail, which was free and taking place throughout Torquay, Paignton and Brixham in December 2024. The trail included a new Christmas Market and 'Torre Abbey: Alive with Light' projection show, which celebrated 800 years of Christmas traditions at the Abbey. The Worshipful The Mayor of Torbay also encouraged Members to purchase an LED flower, which was part of the trail, as 50% of the proceeds would be donated to The Worshipful The Mayor of Torbay's charities.

64 Petitions

In accordance with Standing Order A23, the Council received a petition requesting that the Council suspend the plan to close the pitch and putt course and cede the land to Torre Abbey, until a public consultation and vote of the full Council was completed (approximately 794 paper signatures and 189 e-signatures, which qualified under the Council's Petition Scheme).

At the invitation of the Worshipful The Mayor of Torbay, Gail Hunt addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Interim Director of Pride in Place, Anthony Payne, for consideration in consultation with the Cabinet Member for Tourism, Culture & Events and Corporate Services, Councillor Jacqueline Thomas.

65 Public question time

In accordance with Standing Order A24, the Council heard the following public questions and statements from:

- a) Margaret Forbes-Hamilton in relation to the pitch and putt site in front of Torre Abbey and Scheduled Monument Consent requirements for the works at this site. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jacqueline Thomas, responded to the question that had been put forward;
- b) Margaret Forbes-Hamilton in relation to costs for the works at the pitch and putt site in front of Torre Abbey. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jacqueline Thomas, responded to the question that had been put forward, plus supplementary questions asked by Margaret Forbes-Hamilton;
- c) Bethan Huntley in respect of the proposed 2-way cycle lane on the Eastern Esplanade, Paignton. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the statement and question that had been put forward, plus a supplementary question asked by Bethan Huntley; and

- d) Bethan Huntley in respect of safety of on-road dashed cycle lanes. The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings, responded to the statement and question that had been put forward, plus a supplementary question asked by Bethan Huntley.

66 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Billings, Bye, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman and was circulated prior to the meeting.

In the absence of Councillor Harvey, question 12 was withdrawn.

Within the 30-minute timeframe allowed, supplementary questions were put and answered by Councillors Billings, Chris Lewis, David Thomas, Jacqueline Thomas and Tranter, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14 and 15.

After 30 minutes, the Director of Corporate Services advised that, in accordance with Standing Order A12.7, the remaining questions (questions 16 to 27) were deemed as withdrawn.

67 Notice of Motion - Appointment of Chairs, Overview and Scrutiny Co-ordinator and Scrutiny Leads

The Worshipful The Mayor of Torbay reported that, following publication of the agenda for this meeting, this Notice of Motion had been withdrawn by Councillor Long (with the consent from Councillor Cowell as seconder), as a result of the ongoing cross party working discussions being undertaken with Group Leaders.

68 Notice of Motion - Strengthening of Shadow Cabinet

The Worshipful The Mayor of Torbay reported that, following publication of the agenda for this meeting, this Notice of Motion had been withdrawn by Councillor Cowell (with the consent from Councillor Long as seconder), as a result of the ongoing cross party working discussions being undertaken with Group Leaders.

69 Review of Council Tax Support Scheme 2025/26

The Council considered the recommendations of the Cabinet and the submitted report on a review of the current local Council Tax Support Scheme and recommendations for a replacement Scheme to be introduced for 2025/26, and in accordance with statutory requirements. Members noted that the Council Tax Support Scheme provided financial support to households that were on a low income or were unemployed, to assist them in paying their Council Tax.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion as set out below:

that the Council be recommended to amend the Council Tax Support Scheme for 2025/26 as follows:

1. the self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability, or caring responsibility is removed and is based on the actual income received;
2. discounting any compensation payments made by the Post Office in connection with the failings of the Horizon system;
3. discounting any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation;
4. discounting any payments for the Vaccine Damage Payment Scheme;
5. discounting payments for Victims of Terrorist Attacks Abroad; and
6. all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change.

During the debate Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that the Council be recommended to amend the Council Tax Support Scheme for 2025/26 as follows:
 1. the self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability, or caring responsibility is removed and is based on the actual income received;
 2. discounting any compensation payments made by the Post Office in connection with the failings of the Horizon system;
 3. discounting any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation;
 4. discounting any payments for the Vaccine Damage Payment Scheme;
 5. discounting payments for Victims of Terrorist Attacks Abroad; and

6. all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change; and
2. that for future reviews of the Council Tax Support Scheme, the Director of Finance be instructed to incorporate the option for increasing the discount that residents receive on Council Tax and the Cabinet take this into consideration when setting the 2026/27 scheme, including any related impact on future budget proposals.

The amendment was put to the vote and declared lost.

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

that the Council be recommended to amend the Council Tax Support Scheme for 2025/26 as follows:

1. **the self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability, or caring responsibility is removed and is based on the actual income received;**
2. **discounting any compensation payments made by the Post Office in connection with the failings of the Horizon system;**
3. **discounting any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation;**
4. **discounting any payments for the Vaccine Damage Payment Scheme;**
5. **discounting payments for Victims of Terrorist Attacks Abroad; and**
6. **all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

70 Council Tax Base 2025/26

Members considered the submitted report which set out the Council tax base for Council Tax purposes for 2025/2026.

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

1. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2025/26 is 49,254.24 as detailed in Appendix 1 of the submitted report;**
2. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2025/26 is 6,670.18 as detailed in Appendix 2 of the submitted report; and**
3. **that, from April 2025 the Council adopts a 100% Council Tax premium in respect of second homes as agreed at Council on 8 December 2022.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

71 Budget Monitoring 2024/25 - April to September 2024 Revenue and Capital Outturn Forecast

The Council received the Cabinet's recommendations and the submitted report on the high-level budget summary of the Council's revenue and capital income and expenditure for quarter 2 (up to 31 September 2024) of the 2024/2025 financial year. It was noted that the revenue budget was predicting an overspend of £0.292 million.

The submitted report included recommendations for revisions to the Council's Capital Programme, along with changes to delegation arrangements in respect of drawdown of grants.

Councillor Tyerman proposed and Councillor Chris Lewis seconded a motion, which was agreed by the Council as set out below:

1. **that Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report;**
2. **that Council delegates authority to approve capital budget increases which are in respect of the drawdown of specific grant to the Director of Finance (S151 Officer) in consultation with the Cabinet Member for Housing and Finance. (This delegation applies to using grant funding where there is no direct financial impact or future liability to the Council.); and**

3. **that the Monitoring Officer be requested to update the Officer Scheme of Delegation to reflect the delegation in 2 above.**

72 Paignton Picture House

The Council received the Cabinet's recommendations and the submitted report on the funding arrangements to support the tripartite partnership between Torbay Council, the Arts Council England and the Paignton Picture House Trust in order to deliver the full restoration of the Paignton Picture House, and as part of the regeneration of Paignton Town Centre.

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

1. **that an additional £900,000 be allocated from the Future High Street Fund to delivery of the Paignton Picture House project; and**
2. **that the Council underwrites the delivery of the project up to a maximum of £1.6 million, to be funded from unsupported borrowing, if required. The Council will limit the financial liability through robust cost oversight of the project and seek to secure any other applicable funding sources.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

73 Union Square Land Assembly

The Council received the recommendations of the Cabinet and the submitted report on a proposal to acquire land adjacent to Union Square Shopping Centre, Torquay by means of negotiation (or by way of a Compulsory Purchase Order (CPO) if negotiations could not be successfully concluded), to enable the site to be regenerated as a mixed-use development and to improve the upper part of Torquay Town Centre.

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

1. **that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay, and their tenants, as edged red in Appendix 1 to the submitted report, and any other land, interests or rights subsequently required, in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;**

2. **that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:**
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;**
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;**
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and**
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights; and**
3. **that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street, identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area.**

74 Strand Redevelopment - Land Assembly

The Council received the recommendations of the Cabinet and the submitted report on a proposal to acquire various properties fronting The Strand (in addition to 10a,10, 12-24 The Strand, Torquay), by means of negotiation (or by way of a Compulsory Purchase Order (CPO) if negotiations cannot be successfully concluded), in order to progress the Torquay Town Centre Masterplan for the redevelopment of The Strand.

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

- 1. that delegated authority be given to the Director of Regeneration to continue negotiations with the owners of the various properties previously noted fronting The Strand and The Terrace, Torquay and their tenants as edged red in Appendix 1 to the submitted report, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of The Strand and The Terrace;**
- 2. that, having taken into account the options to acquire the various properties fronting The Strand and The Terrace, Torquay, the making of the Compulsory Purchase Order (CPO) for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 , as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment. The Director of Regeneration, in consultation with the Cabinet Member for Place Development and Economic Growth, be given delegated authority to give effect to this decision, including:**
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;**
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;**

- (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights; and
3. that Council delegate to the Chief Finance Officer, in consultation with the Cabinet Member for Housing and Finance, the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land at various properties fronting The Strand and The Terrace identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

75 Homelessness and Rough Sleeping Strategy

The Council considered the recommendations of the Cabinet and the submitted report on the Homelessness and Rough Sleeping Strategy, which provided the overarching strategy on activities to address homelessness in Torbay. The Strategy had been refreshed following an evidence-based review and public consultation resulting in a more focussed and succinct Strategy.

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

that following the results of the consultation, the Torbay Homelessness and Rough Strategy 2024-2030, as set out in Appendix 1 to the submitted report, be approved.

76 Gambling Act 2005 - Statement of Principles (Gambling Policy) 2025 - 2028

The Council considered the recommendations of the Cabinet and the submitted report on the Licensing Statement of Principles (Gambling Policy) 2025-2028, which provided the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Council carries out its functions in relation to legislation.

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

that the Gambling Statement of Principles 2025 to 2028, as set out in Appendix 2 to the submitted report, be adopted with effect from 31 January 2025.

77 Review of Political Balance

The Council considered a report on a review of political balance of committees and working parties following Councillor Maddison joining the Independent Group.

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

- 1. that overall political balance of the committees, as set out at option 1 in Appendix 1 of the submitted report, be approved;**
- 2. that it be noted the overall political balance of Council appointed working parties remains the same (as set out in Appendix 2 of the submitted report); and**
- 3. that it be noted that the political balance of the Adult Social Care & Health and Children & 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.**

78 Review of Parliamentary Polling Districts, Polling Places and Polling Stations 2024

The Council considered the recommendations of the Cabinet and the submitted report on a review of polling districts and polling stations for each district, which had been carried out in accordance with the Representations of the People Act 1983. It was noted there were minimal changes to the existing scheme, and the changes that had been made to existing polling stations were as a result of consultation feedback, availability, or a more suitable location being identified.

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

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

79 Statutory Officer Appointment - Director of Adult Social Services (and Community Services)

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

- 1. that Anna Coles be appointed as the Statutory Officer for the Director of Adult Social Services with effect from 1 April 2025; and**
- 2. that the Council convey its thanks to the retiring Director of Adult Social Services, Joanna Williams, for the work and support she has given the Council since her appointment in 2019.**

80 2024/25 Treasury Management Mid-Year Review

The Council noted the review of Treasury Management activities during the first part of 2024/2025, as set out in the submitted report.

The Worshipful The Mayor of Torbay

Petition – Stop the Closure of the Hearing Unit at St Margaret’s School

1,145 paper signatures
493 e-petition signatures

We the undersigned petition the council to abandon the plans to close the vital Hearing Impairment Provision at St Margaret's Academy. Ensuring our children resident in Torbay receive the support they deserve and upholding the values of inclusion and equal opportunities for all.

Children with Hearing Impairment are being let down by the administration of both Torbay Council and Devon County Council.

In October 2024, news of the closure of the Hearing Impairment Units at The Spires College and St Margaret’s Academy was delivered to the families of those with children within these Hearing Impairment Units.

This decision means that Hearing Impairment needs will be moved from an enhanced service provided directly in school to a statutory service within education settings. One parent of a child at St Margaret’s Academy stated that her daughter previously attended a school without a dedicated unit in the past, and would have to rely on the statutory service provided within education settings. This meant that her daughter would be seen once or twice a month if she was lucky. Since starting at St Margaret’s – within 6 months her daughter has learnt to read and write, all areas of her education have improved dramatically. She will have one to one sessions with her teacher of the deaf 2 or 3 days per week, and the hard work and dedication that this team provide is invaluable to her daughters learning. At a recent visit to the cochlear implant team in Bristol, the specialists were astounded at how far she has come since attending St Margaret's Academy.

These plans have caused great stress and worry to the parents, families, and support systems they work with.

Critical for the well-being and inclusion of hearing impaired individuals, we consider the consequences of this decision have the potential to cause mass disruption to the children and young people who depend on education support.

As summarised by the National Deaf Children's Society in their document regarding Specialist provision for hearing impaired children within mainstream schools: The involvement of parents and young people, and the provision of information and support to enable them to participate in decisions is a requirement under section 19 of the Children and Families Act. This not only applies to decisions about individual support, but also about local provision more generally. Section 27 of the Act also reiterates the requirement to consult with disabled children and their parents when on wider SEND provision.

<https://www.ndcs.org.uk/media/5560/guidance-for-local-authorities-on-rps-final-2019.pdf>

A number of parents were significantly worried about the impact of disruption to their children's routines and the detrimental effect of potentially having to take children out of learning environments where they were comfortable. We consider a deaf child with no deaf community would feel very isolated and this could be detrimental to their mental health.

In the latest published reports for the Torbay Councils School Forum team, the 'Safety Valve Agreement' (stated to be viewed as a 'high priority' across the Local Area Partnership) identifies in point 3.5 that 'building confidence within the parental community on the level of provision that can be provided within enhanced resource bases' is a specified 'Agreement Condition' that is not being well met. We consider the action taken by Torbay Council for children resident within Torbay goes directly against what it is trying to achieve.

We urge Torbay Council to abandon the plans to change the delivery model for this vital service.

Together, we can ensure our children receive the support they deserve and uphold the values of inclusion and equal opportunities for all.

Meeting of the Council, Thursday, 6 February 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 Long to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)

Further to my question at the 18 July 2024 Full Council Meeting, please can the Cabinet Member for Place Development and Economic Growth confirm if Cavanna Homes have responded to the letter from the Divisional Director for Economy, Environment and Infrastructure regarding residents' concerns about the playpark on Plantation Way in Torquay?

Question 2

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

In principle the double yellow lines have been agreed on Marldon Road. The parking issue on corners of junctions continues to be dangerous. Exiting junctions is at times hazardous and often done blindly. Could you please give some idea when these lines will be painted.

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Record of Decisions

Annual Pay Policy and Pension Discretions (LGPS)

Decision Taker

Cabinet on 23 January 2025.

Decision

That Council be recommended that:

1. the Torbay Council Annual Pay Policy Statement 2025/26 as set out in Appendix 1 to the submitted report be approved for publication, subject to the release and inclusion of the Local Government Pension Scheme (LGPS) employee contribution rates and bandings; and
2. the Employers Pensions Discretions as set out in Appendix 2 to the submitted report be approved for publication.

Reason for the Decision

To meet the statutory requirements to review these reports and policies.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 6 February 2025.

Information

The submitted report set out the Council's Annual Pay Policy Statement, as required under Section 38 (1) of the Localism Act 2011. It was noted that the pay policy statement drew together the Council's overarching policies on pay and conditions and would be published on the Council's Website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations.

At the meeting Councillor Jackie Thomas proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None

Published

28 January 2025

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

Meeting: Cabinet/Council **Date:** 23 January 2025/6 February 2025

Wards affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

When does the decision need to be implemented? February 2025

Cabinet Member Contact Details: Cllr Jackie Thomas, Cabinet Member for Tourism, Culture and Events and Corporate Services. Jackie.Thomas@torbay.gov.uk.

Director/Divisional Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services, (01803) 207449, matthew.fairclough-kay@torbay.gov.uk

1. Purpose of Report

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Council's Website.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

2. Reason for Proposal and its benefits

- 2.1 The Annual Pay Policy Statement 2024/25 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
- 2.3 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

3. Recommendation(s) / Proposed Decision

That Council be recommended that:

1. the Torbay Council Annual Pay Policy Statement 2025/26 as set out in Appendix 1 to the submitted report be approved for publication, subject to the release and inclusion of the LGPS employee contribution rates and bandings.
2. the Employers Pensions Discretions as set out in Appendix 2 to the submitted report be

approved for publication.

Appendices

Appendix 1: Torbay Council Annual Pay Policy Statement 2025/26

Appendix 2: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Councils associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<https://www.local.gov.uk/introduction-localism-act>

Supporting Information

1. Introduction

- 1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then the Council will be in breach of the legislation.

See Annual Pay Policy Statement, Appendix 1 for full details.

- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

2. Options under consideration

- 2.2 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a statutory requirement of Section 38 (1) of the Localism Act 2011.

- 2.3 The Employers Pensions Discretions were last approved by Council in February 2024. Although there are no changes proposed, Council are required to approve these discretions on an annual basis.

3. Financial Opportunities and Implications

- 3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

4. Legal Implications

- 4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011.

- 4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

5. Engagement and Consultation

5.1 Trade Unions representing staff within Torbay Council will be consulted at Joint Consultative meetings.

6. Purchasing or Hiring of Goods and/or Services

6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

7. Tackling Climate Change

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

8. Associated Risks

8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, please see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).

8.3 In addition to the risk of enforcement action by the EHRC, the Council should also consider the potential damage to their reputation of non-compliance with equal pay legislation if pay and grading processes are not followed.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			In regard to the Employers Pensions Discretions, these will only affect employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2024.
People with caring Responsibilities			
People with a disability			

Women or men	An Equality Impact Assessment was undertaken for the Council's Pay and Grading structure in 2019 – this indicated that men and women are both positively impacted by the new pay and grading structure.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			
People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral, no public health impact identified as a result of proposals.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Annual Pay Policy Statement 2025 - 2026

Date December 2024

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

Contents

1	Purpose and Scope	2
2.	Arrangements for officer pay.....	3
3.	Pensions contributions and other terms and conditions.....	5
4.	Termination payments - Chief Officers	5
5.	Salary packages upon appointment.....	5
6.	Settlement agreements.....	6
7.	Gender pay gap reporting	6
8.	Publication.....	6
9.	Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers	7
10.	Equality Statement.....	7
	Appendix 1 - Multipliers.....	7
	Sources of Information:-	8
	Policy Feedback.....	8

1 Purpose and Scope

1. Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 and May 2022 – “Openness and Accountability in Local Pay: Supplementary Guidance” and “Statutory Guidance on the making and disclosure of special severance payments by local authorities in England”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
 - Torbay Council Pay Policy (includes details of market supplements, market forces, acting up and additional duties payments and also guidance on job evaluation processes)
 - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives
 - JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
 - NHS Terms and Conditions
 - Torbay Council Local Government Pension Scheme Policy Discretions
 - Employment of Apprentices Policy
 - Expenses Policy
 - Staff Travel Plan
 - Key Skills Retention Policy
 - Key Skills Golden Hello Scheme
 - Key Skills Student Loans Allowance Scheme
 - Key Skills Referral Scheme
 - Key Skills Accommodation Allowance
 - Flexible Retirement
 - Retirement and Long Service Award
 - Re-organisation and Redundancy Policy
- 1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider

workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above.

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

2. Arrangements for officer pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors - JNC for Chief Officers of Local Authorities
- Divisional Directors/Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-

- Chief Executive/Head of Paid Service
- Directors and Divisional Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council's GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the "Agenda for Change" evaluation scheme in order to ensure pay parity for similar clinical roles in the NHS.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 A review of Hay salary data was purchased in 2018, and salaries were reviewed in line with this and with South-West public and private sector data. Since 2018 there has been annual benchmarking of salary rates. This salary information, together with corresponding job descriptions, is available from the Council's internet page, link as follows: -

http://www.torbay.gov.uk/council/finance/salary_levels/

- 2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources. In such a scenario independent advice may be taken from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.
- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are considered for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
- The Council's pay and grading structure is available from the Council's website:-
www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/
- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
 - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
 - The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Pensions contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table. However, these figures represent the 2024/25 contribution rates and bandings which could be subject to change and have not yet been confirmed for 2025/2026.

Band	Salary Range	Contribution Rate Employee	50/50 Section Contribution Rate
1	£0 To £17,600	5.50%	2.75%
2	£17,601 To £27,600	5.80%	2.90%
3	£27,601 To £44,900	6.50%	3.25%
4	£44,901 To £56,800	6.80%	3.40%
5	£56,801 To £79,700	8.50%	4.25%
6	£79,701 To £112,900	9.90%	4.95%
7	£112,901 To £133,100	10.5%	5.25%
8	£133,101 To £199,700	11.4%	5.70%
9	£199,701 or more	12.5%	6.25%

3.2 The Torbay Council employer pension contribution rate is 18.4% from 1 April 2025.

3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

4. Termination payments - Chief Officers

4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

5. Salary packages upon appointment

5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.

5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

6. Settlement agreements

6.1 Settlement agreements fall under the Special severance payments arrangements as a payment exceeding an employee's statutory and contractual entitlements on termination of employment.

6.2 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so and in line with the Statutory Guidance on the making and disclosure of special severance payments by local authorities in England.

6.3 These agreements and associated pay are determined on a case-by-case basis.

6.4 Payments of £100,000 and above are subject to a formal decision made by Full Council, unless there is a good reason for departing from the Statutory Guidance.

6.5 Payments below £100,000 are subject to a formal decision of either:

- relevant elected members with delegated authority to approve such payments; or
- a suitable authorised senior officer with authority to approve such payments.

7. Gender pay gap reporting

7.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March annually to the Government and also on Torbay Council's website.

7.2 The Council's Gender Pay Gap Report will be reported separately on 30th March 2025 for the snapshot date of 31st March 2024: <https://www.torbay.gov.uk/council/information-and-data/transparency-and-data/annual-pay-policy-statement/#c7>

7.3 The Government publishes the results on their Gender Pay Gap Viewing Service: - [Find and compare gender pay gap data - GOV.UK](#)

8. Publication

8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.

8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief

Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.

8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows: www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx

9. Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's website:-

www.torbay.gov.uk/council/finance/salary-levels/

10. Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce, the Council will use the following definitions: -

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council's current ratio in this respect is 4.25:1 i.e. the highest salary earns (to be confirmed) times more than the Council's median salary. The lowest full-time salary is £23,656 which is Grade A, scale point 1. When measured against the lowest salary the ratio between highest and lowest is 6.66:1.

Date of assessment: December 2024.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £155,000 - £159,999	
Median (Mid-point) value	£37,035	4.25:1
Lowest full-time salary	£23,656	6.66:1

The difference in ratio between the median and lowest points in this year’s pay policy statement is smaller than the 2024/25 Annual Pay Policy Statement. In 2024/25 it was 4.54:1 for the median point and 6.90:1 between the highest and lowest point values. This shows a smaller difference in the ratio between the highest and lowest salaries. This can be attributed to the 2024 NJC Pay Award that took effect in November 2024 which uplifted the lowest spinal column points considerably therefore narrowing the difference between the highest and lowest paid employees.

Sources of Information:-

GOV.UK – Openness and accountability in local pay: guidance

www.gov.uk/government/publications/openness-and-accountability-in-local-pay-guidance

LGA – Pay Policy and Practice in Local Authorities

www.local.gov.uk/sites/default/files/documents/guide-pay-and-rewards-mem-4b6.pdf

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
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January 2020	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report. ONS Annual Earnings Survey Results included for private and public sectors.	Full Council Approval 27th February 2020.
January 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for private and public sectors. Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.	Full Council Approval 24th February 2021.
December 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for the public sector and all employers. Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme. Removal of Restriction of Public Sector Exit Payment Regulations 2020. Update to LGPS contribution rates and bandings.	Full Council Approval 3rd March 2022.
December 2022	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution rates and bandings. Removal of Gender Pay Gap Report, to be reported separately.	Full Council Approval 23rd February 2023.
December 2023	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information.	Full Council Approval 22nd February 2024.
February 2025	various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information. Updated policy history. Updated list of associated policies page 2	Pending - Full Council Approval February 2025.

Policy to be reviewed December 2025.

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Looking forward to your retirement

Employer Pensions Discretions Policy

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

(as at 14th May 2018)

Employer name: TORBAY COUNCIL

Policy effective from: 01/04/2025

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 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Please state your decision below:

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.



Flexible Retirement

Regulation R30 (6) and TP11 (2)

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, 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.

Please state your decision below:

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.

TP1(1)(c) Sch2

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1st April 2008 and 31st March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1st April 1998 and 31st March 2014) and elect for voluntary early payment of any deferred benefits

Please state your decision below:

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early, except in exceptional circumstances.

Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

Please state your decision below:

Torbay Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

Non-mandatory policies but recommended by Peninsula Pensions:

Reg 16(16) - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

Reg 22(7) and (8) - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31st March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

Reg 27 of the LGPS (Amendment) Regs 2018 - Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

R100 (6) - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

R9(1) & R9(3) - Determine rate of employees' contributions and when the contribution rate will be assessed

Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.



Pre LGPS 2014 discretions

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2

Early payment of benefits

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

Policy decision

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014

Early payment of benefits

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

Regulation D11(2)(c) of the LGPS Regulations 1995

In relation to members who ceased active membership before 1 April 1998:

Policy decision

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 55 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on

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

compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.



Flexible Retirement Additional Policy

Flexible Retirement (Regulation R30 (6) and TP11 (2))

This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1st April 2008(which the member must draw) to permit the member to choose to draw;
 - All, part, or none of the benefits they accrued after 31st March 2008 and before 1st April 2014 and/or,
 - All, part, or none of the benefits accrued after 31st March 2014, and,
 - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
 - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31st March 2008 and before 1st April 2014.
 - The Council will permit members to draw all of their benefits accrued after 31st March 2014.
 - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.



**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 6 February 2025**

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

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

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

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

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
English Devolution White Paper	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 9 January 2025, in order to respond to the Government’s English Devolution White Paper that was published on 16 December 2024.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and Public’s interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 2 January 2025.

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