

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

22 February 2024

-: Present :-

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

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

83 Opening of meeting

The Worshipful The Mayor of Torbay welcomed the Civic Mayor's Cadets to the meeting. The meeting was then opened with a prayer.

84 Apologies for absence

Apologies for absence were received from Councillors Atiya-Alla, Joyce and Nicolau.

The Chief Executive advised that Councillor Law had indicated she would be leaving the meeting early.

85 Minutes

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

that the Minutes of the meeting of the Council held on 1 February 2024 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

86 Declarations of interests

At the invitation of The Worshipful The Mayor of Torbay, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the budget and Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that dispensation permitted Members to discuss and vote on the budget in respect of these matters without the need to declare an interest.

No interests were declared.

87 Communications

The Leader of the Council:

- a) referred to the announcement that Torquay United Football Club (TUFC) had filed for administration. He advised that TUFC was an important part of the community and provided assurance that the Council would engage with interested parties to support the Club. The Leader of the Council also confirmed the Council would continue to hold the freehold for the football ground; and
- b) advised the decision of the Council to consult on devolution was now in progress with consultation running from 12 February to 24 March 2024. The Leader of the Council referred to the consultation sessions, advised a website had been established (www.devontorbaydeal.org.uk) and encouraged people to get involved and learn more about the proposals.

The Overview and Scrutiny Co-ordinator also made reference to the news that TUFC had gone into administration and advised that Members of the Overview and Scrutiny Board would be reviewing how they could assist.

88 Order of Business

In accordance with Standing Order A2.2 in relation to Council meetings, the Worshipful The Mayor of Torbay varied the order of business to enable agenda Item 7 (Members' questions) to be considered at end of the meeting.

89 Public question time

In accordance with Standing Order A24, the Council heard from Mr Jackson who had submitted a statement and question in relation to the global heating theory and the Council's estimation of the level of sea and river rises in the future so that the Council could prepare. 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 Mr Jackson.

90 Notice of motions - Civic Mayor's Cadet

Members considered a motion in relation to formalising the appointment of Civic Mayor's Cadets in the Council's Constitution, notice of which was given in accordance with Standing Order A13.

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

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

91 Redevelopment of St Kilda's, Brixham

The Council considered the recommendation of the Cabinet and the submitted report to include in the Capital Programme the development at St Kilda's for 23 new age-restricted flats for social housing and associated borrowing.

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

that the Council be recommended to:

- 1. approve the inclusion of the full St Kilda's scheme (including the addition of demolition of the former Care Home and the construction of 23 new age-restricted flats for social housing) in Torbay Council's Capital Programme;**
- 2. increase the capital programme for the St Kilda's scheme to a total sum of £5,683,164 to include costs already incurred and the costs of demolition and construction as set out in Exempt Appendix 1 to the submitted report; and**
- 3. approve up to £2,667,058 of prudential borrowing funded from rent receipts, net of the costs of maintenance and management of the completed scheme.**

92 Revenue and Capital Budget 2024/2025

Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2024/2025, Fees and Charges for 2024/25, Capital Strategy 2024/2025, Capital Investment Plan 2024/2025 and Treasury Management Strategy (as set out in the submitted report and supporting documents). A revised Fees and Charges for 2024/25 was published on 21 February 2024.

In accordance with legislation, The Worshipful The Mayor of Torbay advised that recorded votes would be taken on all the budget items on this agenda.

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

- 1. that for 2024/25 net revenue expenditure of £139.2m resulting in a Council Tax requirement of £88.4m for 2024/25 (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved, subject to:**
 - a. the allocation of £250,000 for one off funding to Children's Services, to create a reserve to manage transition, and deliver changes**

required to implement Stable Homes Built on Love, to be funded from the Comprehensive Spending Reserve; and

- b. the set up of an Enterprise Development Reserve of £100,000 to be funded through a 'one off' contribution from the Council's Collection Fund Reserve. Drawdown against the new Reserve will be subject to compliance with specific criteria with responsibility for setting this criteria delegated to the Director of Pride in Place in consultation with the Cabinet Member for Place Development and Economic Growth and Group Leaders;
2. that the revised Fees and Charges for 2024/25 (as circulated on 21 February 2024 at Appendix 18), Capital Strategy 2024/25, Capital Investment Plan 2024/25 and Treasury Management Strategy (including the Prudential Indicators 2024/25; and Annual Minimum Revenue Provision Policy Statement for 2024/25) be approved;
3. that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the report) be noted; and
4. that it be noted that the Brixham Town Council precept for 2024/25 of £473,471 will be included as part of the Torbay Council budget for Council Tax setting purposes.

The Worshipful The Mayor of Torbay advised that two notice of motions to amend the Cabinet's revenue budget proposals had been received, in accordance with Standing Order A13.4.

During the debate as Councillor David Thomas had incorporated the two notice of motions to amend the revenue budget proposals in his motion, in accordance with Standing Order A16.9: Councillor Law withdrew her motion with the consent of Councillor Cowell as seconder; and Councillor Maddison withdrew her motion with the consent of Councillor Cowell as seconder.

Councillor David Thomas' and Councillor Tyerman's original motion was then considered and agreed by the Council (by recorded vote) as set out below:

1. **that for 2024/25 net revenue expenditure of £139.2m resulting in a Council Tax requirement of £88.4m for 2024/25 (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved, subject to:**
 - a. **the allocation of £250,000 for one off funding to Children's Services, to create a reserve to manage transition, and deliver changes required to implement Stable Homes Built on Love, to be funded from the Comprehensive Spending Reserve; and**

2. that the Police and Crime Commissioner for Devon and Cornwall, and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph 5 below;
3. that the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Brixham Town Council) of £88,052,948 be approved;
4. that the following amounts be calculated for the year 2024/25 in accordance with Chapter Three of the Act:
 - a) £369,328,784 being the estimated aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
 - b) £280,802,435 being the estimated aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c) £88,526,349 being the amount by which the aggregate at 4. a) above exceeds the aggregate at 4. b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
 - d) £1,868.66 being the amount at 4. c) above (Item R), all divided by Item T (1. a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e) £473,401 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
 - f) £1,858.67 being the amount at 4 d) above less the result given by dividing the amount at 4 e) above by Item T (1 a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
5. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts

shown in the tables below as the amounts of Council Tax for 2024/25 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band-to-Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	1,239.11	1,445.63	1,652.15	1,858.67	2,271.71	2,684.75	3,097.78	3,717.34
Police and Crime Commissioner	183.00	213.50	244.00	274.50	335.50	396.50	457.50	549.00
Devon and Somerset Fire and Rescue Authority	66.45	77.53	88.60	99.68	121.83	143.98	166.13	199.36
Aggregate of Council Tax Requirements ex. Town Council	1,488.56	1,736.66	1,984.75	2,232.85	2,729.04	3,225.23	3,721.41	4,465.70
Brixham Town Council	50.49	58.90	67.32	75.73	92.56	109.39	126.22	151.46
Aggregate of Council Tax Requirements including Brixham Town Council	1,539.05	1,795.56	2,052.07	2,308.58	2,821.60	3,334.62	3,847.63	4,617.16

Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19 and 2020/21 to 2024/25.

6. that it is noted that the Council's basic amount of Council Tax for 2024/25 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (paragraph 5.7 of the submitted report refers).

The voting was taken by roll call as follows: For: Councillors Amil, Billings, Brook, Bryant, Bye, Cowell, Fellows, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (19); Abstain: Councillors Carter, George Darling, Mandy Darling, Steve Darling, Fox, Harvey, Johns, Long, Maddison, Penny, Pentney and Virdee (12); and Absent: Councillors Atiya-Alla, Douglas-Dunbar, Joyce, Law and Nicolaou (5).

(Note: Councillors Douglas-Dunbar and Law left during consideration of this item.)

94 Budget Monitoring 2023/24 - April to December 2023 Revenue and Capital Outturn Forecast

The Council received the submitted report on the high-level budget summary of the Council's revenue and capital income and expenditure for the end of quarter 3 (up to 31 December 2023) of the 2023/24 financial year and the Cabinet's recommendations. It was noted the revenue budget was predicting an overspend of £0.8 million, a reduction of £500,000 on the forecast made at quarter 2.

The submitted report included recommendations to revise the Council's Capital Programme.

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

that Council approves the revised Capital Investment Plan (as detailed in Appendix 2 of the submitted report).

95 Members' Allowances Scheme - Recommendation from the Independent Remuneration Panel

The Council received the report of the Independent Remuneration Panel's review of the Council's Members Allowances Scheme (as set out the in the submitted report) and a cross party motion.

Councillor Tyerman proposed and Councillor Cowell seconded the cross party motion, which was agreed by the Council as set out below:

- 1. that the Torbay Independent Remuneration Panel be thanked for their report on the review of the Council's Members' Allowance Scheme;**
- 2. that the Panel's recommendation in respect of the Basic Allowance (namely to adopt the NJC allowances increase of 3.88%) be not accepted, but the principle to increase by the same percentage as the average of staff pay (as previously adopted) continue to be applied to the Basic Allowance, and the increase to be calculated annually by the Director of Finance;**

3. that the Panel's recommendation for a differential in multiplier dependent upon the number of Cabinet members be not accepted and a flat multiplier rate of 1.3 as recommended by the Panel for a Cabinet of up to 6 members be applied for Cabinet members' Special Responsibility Allowances regardless of the size of the Cabinet;
4. that the Special Responsibility Allowances ("SRA") be linked to the multipliers as recommended by the Panel and set out below:
 - (a) that the SRA for the Leader of the Council be set at 2.5 x Basic;
 - (b) that the SRA for the Deputy Leader be set at 1.5 x Basic;
 - (c) that the SRA for the Overview and Scrutiny Co-ordinator be set at 0.8 x Basic;
 - (d) that the SRA for the two Scrutiny Leads who Chair the Adult Social Care and Health Overview and Scrutiny Sub-Board and the Children and Young People's Overview and Scrutiny Sub-Board be set at 0.6 x Basic;
 - (e) that the SRA for the two Scrutiny Leads who Chair ad hoc Task and Finish Groups be set at 0.4 x Basic and it be noted that the Panel have requested that should the number of Scrutiny Leads exceed four, the Panel wish to re-visit the level of SRA allowance in that respect;
 - (f) that the SRA for the Chair of Planning Committee be set at 0.8 x Basic;
 - (g) that the SRA for all other Committee Chairs be set at 0.4 x Basic;
 - (h) that if any members of the Licensing Committee, other than the Chairman, are required to Chair Licensing Sub-Committees the SRA for those members be as follows:

10+ meetings	0.13 x Basic; and
5 – 9 meetings	0.07 x Basic;
 - (i) that the SRA for the Civic Mayor be 0.4 x Basic;
5. that the Panel's recommendation for the SRA for the Leaders of Political Groups £392 per member of the group (excluding the Leader of the Political Group) be not accepted and in order to bring this SRA in line with the same approach i.e. applying a multiplier to the rest of the SRAs, that the SRA for the Leaders of Political Groups be set at 0.04 x Basic per member of the group (excluding the Leader of the Political Group);

6. that Schedule 1 be amended to include the ability for those members with an SRA to claim mileage, subsistence and carers allowance, where that member is representing the Council at a formal external meeting in that capacity (including any members if they are acting as an approved substitute as notified by the relevant Group Leader to the Head of Governance Support in advance of the meeting);
7. that the remaining recommendations of the IRP as set out below be approved:
 - (a) that the rates for travel and subsistence be the same as those set in the Torbay Council Expenses Policy for officers and be paid for all Approved Duties;
 - (b) that the list of Approved Duties be expanded to include:
 - (i) internal Cabinet/Senior Officer meetings (Cabinet and Directors meeting (CAD))
 - (ii) internal cross party governance meetings with Councillors and Senior Officers, for example, Council Leadership Group; and
 - (iii) attendance at LGA Boards (for Torbay Councillors) who are members of those Boards but not appointed by Torbay Council.
 - (c) that Members be limited to claiming only one Special Responsibility Allowance (SRA);
 - (d) that the Co-optees Allowance increase to £140;
 - (e) that the Independent Person for Audit Committee should receive £1,000 per annum; and
 - (f) that the rates for carers' Allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty;
8. that Schedule 1 and 2 of the Members' Allowances Scheme be updated to enable members who are not the appointed member of that body to claim mileage and carers allowance (but excluding subsistence allowance) for attendance in person at meetings of the following, as set out below:
 - (a) the Council and any committee of the Council;
 - (b) any sub-committee appointed by a committee;
 - (c) the Cabinet or committee of the Cabinet (if appointed);
 - (d) working parties; and

- (e) scrutiny review panels;
9. that the Head of Governance Support, in consultation with the Cabinet Member for Tourism, Culture & Events and Corporate Services and Director of Finance, be authorised to update Members' Allowances Scheme with the changes outlined in 1. to 8. above; and
 10. that the changes to the Members' Allowances Scheme as a result of 2 to 7. above be implemented from 9 May 2023 and change as a result of 8. apply from 1 January 2024.

(Note: Councillor Harvey left the meeting prior to consideration of this item.)

96 Draft Community and Corporate Plan

The Council considered the draft Community and Corporate Plan (as set out in the submitted report) which had been prepared by the Cabinet in consultation with the Group Leaders. The Plan included the vision of a healthy, happy and prosperous Torbay and set out the priorities of the Council for the next twenty years, together with the approach for delivering against the vision.

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

that the Council be recommended to approve the Community and Corporate Plan 2023- 2043.

97 Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

The Council considered the Cabinet's recommendations on the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011 (as set out in the submitted report). It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which 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.

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

that Council be recommended:

1. the Torbay Council Annual Pay Policy Statement 2024/25 as set out in Appendix 1 to these minutes be approved for publication;
2. the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

98 Constitution Amendment - Contract Procedures

The Council considered proposed amendments to Contract Procedures to bring them in line with the new Procurement Act 2023 which was due to come into effect in 2024/2025 financial year. Members notes the amendments also put in measures to enable external contracts to be procured in a more timely and efficient manner.

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

that the new Contracts Procedures (as set out at Appendix 1) to replace the current Contracts Standing Orders be approved.

99 Constitution Amendments - Planning Committee Various

The Council considered proposed changes to the Constitution in respect of operational arrangements for the Planning Committee and to reflect the current status of the Neighbourhood Forums, as set out in the submitted report.

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

that Council approves the following revised Constitution documents, as set out in Appendices 1 and 2 to this report:

Appendix 1 - Standing Orders – Council Meetings; and

Appendix 2 - Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums.

100 Constitution Amendments - Notice of Motions

The Council considered the submitted report on changes to the Constitution in respect of the procedure for Notice of Motions that fall within the remit of the Cabinet and to reflect current practice.

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

that Council approves the following revised Constitution documents, as set out in Appendices 1 and 2 to the submitted report:

Appendix 1 - Standing Orders – Council Meetings

Appendix 2 – Standing Orders – Cabinet Meetings

101 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, Chris Lewis, Tranter, Tyerman and was circulated prior to the meeting.

The Worshipful The Mayor of Torbay advised that Councillors Mandy Darling, Harvey and Johns had withdrawn their questions for 6, 10, 11 and 13 prior to the meeting.

Supplementary questions were put and answered by Councillors Billings, Chris Lewis, Tranter, Tyerman, arising from their responses to the questions in respect of questions 1, 2, 3, 5, 7, 8, 9 and 12. Question 2 was presented by Councillor Long in the absence of Councillor Harvey.

The Worshipful the Mayor of Torbay

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Annual Pay Policy Statement 2024 - 2025

Date February 2024

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

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1 Purpose and Scope

1. Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
 - Torbay Council Pay Policy
 - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives
 - JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
 - NHS Terms and Conditions
 - Torbay Council Local Government Pension Scheme Policy Discretions
 - Employment of Apprentices Policy
 - Re-evaluation Policy
 - Temporary Acting Up Policy
 - Temporary Additional Duties Policy
 - Expenses Policy
 - Market Supplement Policy
 - Market Forces Policy
 - Staff Travel Plan
 - Key Skills Retention Policy
 - Key Skills Golden Hello Scheme
 - Key Skills Student Loans Allowance Scheme
 - Key Skills Referral Scheme
 - Key Skills Accommodation Allowance
 - Flexible Retirement
 - Retirement and Long Service Award
 - Re-organisation and Redundancy Policy

1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will publish this multiple along with the following information:

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

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

2. Arrangements for officer pay

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

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

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

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

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

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

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

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

- 2.4 A review of Hay salary data was purchased in 2018 and salaries were reviewed in line with this and with South-West public and private sector data. Since 2018 there has been annual benchmarking of salary rates. This salary information, together with corresponding job descriptions, is available from the Council's internet page, link as follows:-
<http://www.torbay.gov.uk/council/finance/salary-levels/>
- 2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources. In such a scenario independent advice may be taken from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.
- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
The Council's pay and grading structure is available from the Council's website :-
www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/
- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
 - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
 - The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

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

3. Pensions contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table:-

Band	Salary Range	Contribution Rate 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 2024.

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

4. Termination payments - Chief Officers

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

5. Salary packages upon appointment

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

6. Settlement agreements

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.2 In the case of Settlement Agreements for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.3 Settlement Agreements for any other member of staff will need to be authorised by the Director of the service following consultation with the Chief Executive/Head of Paid Service.

7. Gender pay gap reporting

- 7.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March annually to the Government and also on Torbay Council's website.
- 7.2 The Council's Gender Pay Gap Report will be reported separately on 30th March 2024 for the snapshot date of 31st March 2022: <https://www.torbay.gov.uk/council/information-and-data/transparency-and-data/annual-pay-policy-statement/#c7>
- 7.3 The Government publishes the results on their Gender Pay Gap Viewing Service:- <https://gender-pay-gap.service.gov.uk/>

8. Publication

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

8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.

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

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

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

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

Equality Statement

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

Appendix 1 - Multipliers

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

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

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

The Council's current ratio in this respect is 4.54:1, i.e. the highest salary earns 4.54:1 times more than the Council's median salary. The lowest full-time salary is £22,366 which is Grade A, scale point 1. When measured against the lowest salary the ratio between highest and lowest is 6.90:1.

Date of assessment: December 2023.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £150,00 - £155,000	
Median (Mid-point) value	£34,001	4.54 : 1
Lowest full-time salary	£22,366	6.90 : 1

The difference in ratio between the median and lowest points in this year's pay policy statement is smaller than the 2023/24 Annual Pay Policy Statement. In 2023/24 it was 4.78:1 for the median point and 7.27:1 between the highest and lowest point values. This shows a smaller difference in the ratio between the highest and lowest salaries. This can be attributed to the 2023 NJC Pay Award that took effect in November 2023 which uplifted the lowest spinal column points considerably, in some cases by £1, therefore narrowing the difference between the highest and lowest paid employees.

Sources of Information:-

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

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

LGA – Pay Policy and Practice in Local Authorities

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

Policy Feedback

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

HRpolicy@torbay.gov.uk

History of Policy Changes

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

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6th December 2012	5-6	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13

5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16. New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e. delegation to Employment Committee for decisions relating to Directors and Assistant Directors. Reference to “Openness and Accountability in Local Pay: Supplementary Guidance”	Approved by Full Council – 10.12.15

February 2017	Various	Update to reflect change in job title – Chief Officer to Chief Executive. Changes to Appendix 1 – Multipliers, due to salary pay award in 2016 and introduction of National living Wage. Changes to terms and conditions relating to enhancements and other terms and conditions that have been varied through Collective Consultation. Updated to reflect Hay 2016 rates low to medium and spinal scales. General re-wording to take into account constitution, general delegations.	Approved by Full Council February 2017
June 2017	Wording to 2.5 updated.	To reflect how Chief Executive salary will be reviewed following recommendation from Employment Committee.	Approved by Full Council 10 th May 2017.
January 2018	Various	Changes to job titles to reflect Senior Leadership Team restructure. Replace external link to Salary Disclosure information. Update to pensions contributions information. Update to Appendix 1 – multiplier information. Inclusion of Appendix 2 – Gender Pay Gap Report	Full Council Approval 22 nd February 2018.
January 2019	Various	Insertion of new section 2.9 re:- pay and grading structure changes. Update to Pensions information – Section 3 Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report Amendment to Scope of Gender Pay Gap Report – pay calculations no longer include Schools data.	Full Council Approval 21 st February 2019.

January 2020	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report. ONS Annual Earnings Survey Results included for private and public sectors.	Full Council Approval 27th February 2020.
January 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for private and public sectors. Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.	Full Council Approval 24th February 2021.
December 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for public sector and all employers. Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme. Removal of Restriction of Public Sector Exit Payment Regulations 2020. Update to LGPS contribution rates and bandings. Update	Full Council Approval 3rd March 2022.
December 2022	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution rates and bandings. Removal of Gender Pay Gap Report, to be reported separately.	Full Council Approval 23rd February 2023.
December 2023	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information.	Full Council Approval 22nd February 2024.

Policy to be reviewed December 2024.

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