



Clerk: June Gurry
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Date: Tuesday, 21 February 2017

Governance Support
Town Hall
Castle Circus
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Dear Member

COUNCIL - THURSDAY, 23 FEBRUARY 2017

I am now able to enclose, for consideration at the Thursday, 23 February 2017 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
13.	Provisional Calendar of Meetings for 2017/2018	(Page 381)
15.	Revenue Budget 2017/2018	(Pages 382 - 387)
16.	Capital Plan 2017/2018	(Pages 388 - 389)
18.	Council Tax 2017/2018	(Pages 390 - 401)
19.	Jubilee Gardens - Mayoral Recommendations	(Page 402)

Yours sincerely

June Gurry
Clerk

Council Meeting

13 February 2017

(Revisions shown in bold text)

Revised Recommendation:

- 3.1 That the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, **plus an additional provisional Council meeting on 15 June 2017**, be approved for final ratification at the Annual Council Meeting.
- 3.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

Item 15 – Revenue Budget 2017/18

Conservative Group Amendment (A)

Amendment to Revenue Budget

(Constitution Reference: Budget and Policy Framework Standing Order F2.11)

Council Meeting

Thursday 23 February 2017

(Amendments shown in bold text)

Proposed Amendment:

- (ii) that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council, subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:
 - (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved;
 - (b) that the net revenue expenditure of ~~£109.642m~~ **£110.219m** resulting in a Council Tax requirement of ~~£60.075m~~ **£60.652** for 2017/2018, a ~~3.99%~~ **4.99%** increase which includes a ~~2%~~ **3%** increase in Council Tax specifically for adult social care be approved;
 - (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of ~~£1.155m~~ **£1.732m** raised by the ~~2%~~ **3%** increase in Council Tax to adult social care be confirmed;
 - (d) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
 - (e) 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 submitted report) be considered and noted; and

Continued over/....

- (f) that is be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

Proposed: Councillor Thomas (D)

Seconded: Councillor Robson

Item 15 – Revenue Budget 2017/18

Liberal Democrat Group Amendment (B)

Amendment to Revenue Budget

(Constitution Reference: Budget and Policy Framework Standing Order F2.11)

Council Meeting

Thursday 23 February 2017

(Amendments shown in bold text)

Proposed Amendment:

- (ii) that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council, subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:
- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, **subject to the reallocation of £100,000 contingency fund to underwrite the Air Show as follows:**
- £50,000 for grants given to community led youth service provision; and
£50,000 allocated to grounds maintenance of public open spaces**
- (b) that the net revenue expenditure of £109.642m resulting in a Council Tax requirement of £60.075m for 2017/2018, a 3.99% increase which includes a 2% increase in Council Tax specifically for adult social care be approved;
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.155m raised by the 2% increase in Council Tax to adult social care be confirmed;
- (d) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
- (e) 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 submitted report) be considered and noted; and

- (f) that is be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

Proposed: Councillor Darling (S)

Seconded: Councillor Pentney

Item 15 – Revenue Budget 2017/18

Liberal Democrat Group Amendment (C)

Amendment to Revenue Budget

(Constitution Reference: Budget and Policy Framework Standing Order F2.11)

Council Meeting

Thursday 23 February 2017

(Amendments shown in bold text)

Proposed Amendment:

- (ii) that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council, subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:
- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, **subject to the Mayor's Support Unit budget being reduced by £30,000 and that this budget be reallocated to the Discretionary Housing Payments fund to support the most vulnerable in our community.**
 - (b) that the net revenue expenditure of £109.642m resulting in a Council Tax requirement of £60.075m for 2017/2018, a 3.99% increase which includes a 2% increase in Council Tax specifically for adult social care be approved;
 - (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.155m raised by the 2% increase in Council Tax to adult social care be confirmed;
 - (d) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
 - (e) 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 submitted report) be considered and noted; and

- (f) that is be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

Proposed: Councillor Darling (S)

Seconded: Councillor Sanders

Cross Party Amendment to Capital Plan Budget
(Constitution Reference: Budget and Policy Framework Standing Order F3.11)

Council Meeting

23 February 2017

(Amendments shown in bold text)

Proposed Amendment:

That the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval, **subject to the following conditions and for presentation to Council at its meeting in July 2017, if not before:**

- (a) that the Elected Mayor and the Chief Executive be requested to review the projects listed below and make recommendations to Council on:**
 - (i) Claylands Redevelopment**
 - (ii) Edginswell Station**
 - (iii) Princess Pier Structural Repair**

With no further significant work (as determined by the Chief Executive) to be undertaken until the schemes have been re-presented to Council for detailed consideration and determination as appropriate;

- (b) that the Elected Mayor and the Chief Executive review and make recommendations to Council on the specific proposals for expenditure on the capital budget for Integrated Transport;**
- (c) that, on the basis that the procurement process for replacement of a Torbay wide CCTV system has been paused pending the budget being approved, that the Elected Mayor and Chief Executive review and make recommendations to Council. With no further significant work (as determined by the Chief Executive) be undertaken, until the plan for capital expenditure on CCTV has been re-presented to Council for detailed consideration and determination;**

(d) that the Elected Mayor and Chief Executive be requested to set out to Council how the capital budgets for:

- (i) affordable housing**
- (ii) empty homes schemes**
- (iii) private sector renewals**

will be used to meet the Council's Housing strategy.

Proposed by Councillor Tyerman
Seconded by Councillor Carter



Meeting: Council

Date: 23rd February 2017

Wards Affected: All Wards in Torbay

Report Title: Report 1 Council Tax 2017/18 – (Mayoral Budget Proposal 3.99% Torbay Element)

Is the decision a key decision? Yes

When does the decision need to be implemented? The Council has a statutory obligation to set a Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies, for 2017/18 before 11th March in the preceding financial year.

Executive Lead Contact Details: Gordon Oliver, Mayor and Executive Lead for Finance and Audit, 01803 207001, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Finance Officer, 01803 207285, Martin.phillips@torbay.gov.uk

1. Purpose and Introduction

- 1.1 The purpose of this report is to enable the Council to calculate and set the Council Tax for 2017/18. This report sets out the Council Tax 2017/18 on the basis that the Council resolved to increase the Council Tax for Torbay Council to 3.99% (refer to item 15).

2. Proposed Decision

- 2.1 That the Council is recommended to note:

- 2.2 That in December 2016 the Council calculated the Council Tax Base for 2017/18:-

a) For the whole Council area as 44,049.22, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

b) For dwellings in the Brixham Town Council area as 5,900.83 to which a Parish precept relates.

- 2.3 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 2.6 below.

That the Council is recommended to approve:

- 2.4 The Council Tax requirement for the Council's own purposes for 2017/18 (excluding Brixham Town Council) of £60,075,000.
- 2.5 That the following amounts be calculated for the year 2017/18 in accordance with Chapter Three of the Act:
- a) £272,398,972 being the 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) (£212,070,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c) £60,328,972 being the amount by which the aggregate at 2.5(a) above exceeds the aggregate at 2.5(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) £1,369.58 being the amount at 2.5(c) above (Item R), all divided by Item T (2.2(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) £253,972 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act
- f) £1,363.82 being the amount at 2.5(d) above less the result given by dividing the amount at 2.5(e) above by Item T (2.2(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.
- 2.6 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 2017/18 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
	£	£	£	£	£	£	£	£
<i>Council – excluding Adult Social care</i>	874.91	1,020.73	1,166.55	1,312.37	1,604.01	1,895.65	2,187.28	2,624.74
<i>Council – Adult Social Care “precept” since 2016/17</i>	34.30	40.02	45.73	51.45	62.88	74.32	85.75	102.90
Torbay Council	909.21	1,060.75	1,212.28	1,363.82	1,666.89	1,969.97	2,273.03	2,727.64

Police and Crime Commissioner	117.52	137.11	156.69	176.28	215.45	254.63	293.80	352.56
Devon and Somerset Fire and Rescue Authority	54.38	63.44	72.51	81.57	99.70	117.82	135.95	163.14
Aggregate of Council Tax Requirements ex. Town Council	1,081.11	1,261.30	1,441.48	1,621.67	1,982.04	2,342.42	2,702.78	3,243.34
Brixham Town Council	28.69	33.48	38.26	43.04	52.60	62.17	71.73	86.08
Aggregate of Council Tax Requirements including Brixham Town Council	1,109.80	1,294.78	1,479.74	1,664.71	2,034.64	2,404.59	2,774.51	3,329.42

2.7 That the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see paragraph 5.9)

3. Reason for Decision

3.1 The Council has a statutory obligation to set a Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies, for 2017/18 before 11th March in the preceding financial year. By approving proposed decisions the Council will meet that requirement.

4 Summary

4.1 Members should note that due to the complexity of setting the council tax level in accordance with statute it is not possible to simplify this report.

4.2 The Council is required, in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, to set an amount of Council Tax for each of the eight Valuation Bands for the coming financial year before 11th March. This is a matter of calculation only but in accordance with Section 67 of the Act has to be set by the Council.

4.3 The Council approved the statutory Tax Base for Torbay at its meeting in December 2016 as 44,049.22 for the year 2017/18, and approved the 2017/18 Tax Base for Brixham Town Council as 5,900.83. When the "Council Tax Requirements" of the Police and Crime Commissioner for Devon and Cornwall, the Devon and Somerset Fire and Rescue Authority and Torbay Council (including Brixham Town Council) are

determined, it remains only to make the statutory “basic tax” calculations in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, and “set” the tax for the eight Valuation Bands A to H ranging from 6/9ths to 18/9ths of the basic amount – “Band D”.

4.4 The precept levels of other precepting bodies have been received. These are detailed below:

4.5 Brixham Town Council

Brixham Town Council met on 16th February 2017 and set their precept at £253,972. This results in a Band D Council Tax for 2017/18 of £43.04, (£40.24 2016/17), which is an increase of 6.96%.

4.6 Police and Crime Commissioner (PCC) for Devon & Cornwall

The Police and Crime Commissioner for Devon and Cornwall met on 17th February 2017 and set a precept at £7,764,997. This results in a Band D Council Tax for 2017/18 of £176.28, (£172.84 2016/17), an increase of 1.99%.

4.7 Devon and Somerset Fire and Rescue Authority

Devon and Somerset Fire and Rescue Authority met on 17th February 2017 and set their precept at £3,593,095. This results in a Band D Council Tax for 2017/18 of £81.57, (£79.98 2016/17), an increase of 1.99%.

4.8 If the formal Council Tax Resolutions within 2.6 above are approved, the total basic amount “Band D” of Council Tax will be as follows:

	2016/17 £	2017/18 £	2017/18 % Change
Torbay Council	1,311.49	1,363.82	3.99%
Police and Crime Commissioner	172.84	176.28	1.99%
Devon and Somerset Fire and Rescue Authority	79.98	81.57	1.99%
Sub-Total	1,564.31	1,621.67	3.67%
Brixham Town Council (only payable by Brixham residents)	40.24	43.04	6.96%
Total	1,604.55	1,664.71	3.75%

5 Supporting Information

5.1 The Mayor presented the 2017/18 revenue budget proposal to Council on 2nd February which was adjourned to the 9th February 2017. A number of objections were raised at this meeting, therefore the decision was deferred until the 23th February. The proposed 2017/18 net revenue budget is £109.6m

- 5.2 This is net expenditure before the Council's general income and funding, which includes a 49% share of business rates retention, NNDR top up grant, revenue support grant, other general grants and any collection fund surplus or deficit.
- 5.3 This results in a Council Tax requirement for the Torbay Council element of £60.075m. Including the Brixham Town Council precept the Council Tax requirement is £60.329m.
- 5.4 DCLG have confirmed that local authorities with adult social care responsibilities 'will be given 3% additional Council Tax flexibility, on top of their existing referendum threshold, for the rest of the Parliament on the understanding that they use all additional revenue for adult social care services'. The 2017/18 revenue budget proposals include the additional 2% precept to be spent on adult social care. This will result in a Band D precept of £26.23 and provide £1.2m to be spent on adult social care which is within the figures in para 5.3 above. The cumulative impact on council tax since the introduction of the additional precept in 2016/17 is identified separately on the face of the Council tax bills.
- 5.5 Expenditure at that level (as para 5.3) for Torbay Council will result in a Band D Council Tax for 2017/18 of £1,363.82, a 3.99% increase in the Torbay Council element of the Council tax.
- 5.6 Under section 52ZB(1) of the Local Government Finance Act 1992 ("the 1992 Act") as inserted by Schedule 5 to the Localism Act 2011, each billing authority and precepting authority must determine whether its relevant basic amount of council tax for a financial year ("the year under consideration") is excessive. If an authority's relevant basic amount of council tax is excessive a referendum must be held in relation to that amount.
- 5.7 The question whether an authority's relevant basic amount of council tax for a financial year ("the year under consideration") is excessive must be decided in accordance with a set of principles determined by the Secretary of State for the year
- 5.8 The 'Referendums Relating to Council Tax Increases (Principles) Report 2017/18 ' states:-
- 5.9 *For 2017-18, the relevant basic amount of council tax of an authority which belongs to the category mentioned in paragraph 2(a) is excessive if the authority's relevant basic amount of council tax for 2017-18 is 5% (comprising 3% for expenditure on adult social care and 2% for other expenditure), or more than 5%, greater than its relevant basic amount of council tax for 2016-17.*
- 5.9 For Torbay Council if the formal Council Tax Resolutions within 2.5 above are approved the change in the "relevant basic amount" (i.e. the Band D Council tax) is 3.99%, which is not excessive.
- 5.10 The gross expenditure and income figures included at 2.5 (a) and 2.5 (b) are linked to the budget digest information presented to Council in February, which are prior to any adjustments to comply with CIPFA and central government reporting requirements

6. Possibilities and Options

- 6.1 Statutory requirement, there are no alternative options.

7. Fair Decision Making

7.1 Statutory requirement, there are no alternative options.

8. Consultation

8.1 There has been extensive consultation on the budget proposals with all Members and through the Overview and Scrutiny Board meetings held in 2016 and in January 2017 and consultation with stakeholders and residents through a series of Community Partnership meetings and Council staff.

9. Risks

9.1 The Council must set the Council Tax before 11th March each year. The Collection of Council Tax income is essential to ensure the services provided by the Council and the other precepting bodies are adequately funded.

9.2 If the Council fails to set a Council Tax before 11th March, it will be in breach of its statutory obligation and subject to legal challenge.

Additional Information

Spending Review – Council Tax referendum principles

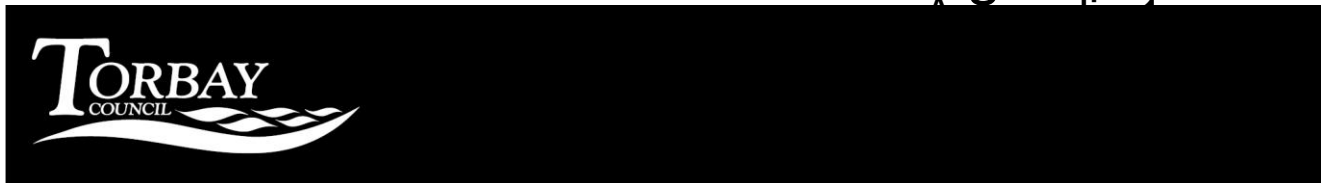
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593194/Council_tax_referendum_principles.pdf

Council Taxbase 2017/18 - Report to Council 8 December 2016

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6616&Ver=4>

2017/18 Revenue Budget Proposals – Report to Council 2 February 2017

<http://www.torbay.gov.uk/DemocraticServices/mgIssueHistoryHome.aspx?Id=24886>



Meeting: Council

Date: 23rd February 2017

Wards Affected: All Wards in Torbay

Report Title: Report 2 Council Tax 2017/18 – (Budget Amendment – 4.99% Torbay element)

Is the decision a key decision? Yes

When does the decision need to be implemented? The Council has a statutory obligation to set a Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies, for 2017/18 before 11th March in the preceding financial year.

Executive Lead Contact Details: Gordon Oliver, Mayor and Executive Lead for Finance and Audit, 01803 207001, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Financial Officer, 01803 207285, Martin.phillips@torbay.gov.uk

1. Purpose and Introduction

1.1 The purpose of this report is to enable the Council to calculate and set the Council Tax for 2017/18. This report sets out the Council Tax 2017/18 on the basis that the Council resolved to increase the Council Tax for Torbay Council to 4.99% (refer to item 15).

2. Proposed Decision

2.1 That the Council is recommended to note:

2.2 That in December 2016 the Council calculated the Council Tax Base for 2017/18:-

a) For the whole Council area as 44,049.22, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

b) For dwellings in the Brixham Town Council area as 5,900.83 to which a Parish precept relates.

2.3 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 2.6 below.

That the Council is recommended to approve:

- 2.4 The Council Tax requirement for the Council's own purposes for 2017/18 (excluding Brixham Town Council) of £60,652,000.
- 2.5 That the following amounts be calculated for the year 2017/18 in accordance with Chapter Three of the Act:
- a) £272,976,457 being the 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) (£212,070,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c) £60,906,457 being the amount by which the aggregate at 2.5(a) above exceeds the aggregate at 2.5(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) £1,382.69 being the amount at 2.5(c) above (Item R), all divided by Item T (2.2(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) £253,972 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act
- f) £1,376.93 being the amount at 2.5(d) above less the result given by dividing the amount at 2.5(e) above by Item T (2.2(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.
- 2.6 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 2017/18 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
	£	£	£	£	£	£	£	£
<i>Torbay Council – excluding Adult Social Care</i>	874.91	1,020.73	1,166.55	1,312.37	1,604.01	1,895.65	2,187.28	2,624.74
<i>Torbay Council – Adult Social Care “precept” since 2016/17</i>	43.04	50.21	57.39	64.56	78.91	93.25	107.60	129.12
Torbay Council	917.95	1,070.94	1,223.94	1,376.93	1,682.92	1,988.90	2,294.88	2,753.86

Police and Crime Commissioner	117.52	137.11	156.69	176.28	215.45	254.63	293.80	352.56
Devon and Somerset Fire and Rescue Authority	54.38	63.44	72.51	81.57	99.70	117.82	135.95	163.14
Aggregate of Council Tax Requirements ex. Town Council	1,089.85	1,271.49	1,453.14	1,634.78	1,998.07	2,361.35	2,724.63	3,269.56
Brixham Town Council	28.69	33.48	38.26	43.04	52.60	62.17	71.73	86.08
Aggregate of Council Tax Requirements including Brixham Town Council	1,118.54	1,304.97	1,491.40	1,677.82	2,050.67	2,423.52	2,796.36	3,355.64

2.7 That the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see paragraph 5.9)

3. Reason for Decision

3.1 The Council has a statutory obligation to set a Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies, for 2017/18 before 11th March in the preceding financial year. By approving proposed decisions the Council will meet that requirement.

4 Summary

4.1 Members should note that due to the complexity of setting the council tax level in accordance with statute it is not possible to simplify this report.

4.2 The Council is required, in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, to set an amount of Council Tax for each of the eight Valuation Bands for the coming financial year before 11th March. This is a matter of calculation only but in accordance with Section 67 of the Act has to be set by the Council.

4.3 The Council approved the statutory Tax Base for Torbay at its meeting in December 2016 as 44,049.22 for the year 2017/18, and approved the 2017/18 Tax Base for Brixham Town Council as 5,900.83. When the "Council Tax Requirements" of the Police and Crime Commissioner for Devon and Cornwall, the Devon and Somerset Fire and Rescue Authority and Torbay Council (including Brixham Town Council) are

determined, it remains only to make the statutory “basic tax” calculations in accordance with the Local Government Finance Act 1992, as amended by the Localism Act 2011, and “set” the tax for the eight Valuation Bands A to H ranging from 6/9ths to 18/9ths of the basic amount – “Band D”.

4.4 The precept levels of other precepting bodies have been received. These are detailed below:

4.5 Brixham Town Council

Brixham Town Council met on 16th February 2017 and set their precept at £253,972. This results in a Band D Council Tax for 2017/18 of £43.04, (£40.24 2016/17), which is an increase of 6.96%.

4.6 Police and Crime Commissioner (PCC) for Devon & Cornwall

The Police and Crime Commissioner for Devon and Cornwall met on 17th February 2017 and set a precept (for Torbay) at £7,764,997. This results in a Band D Council Tax for 2017/18 of £176.28, (£172.84 2016/17), an increase of 1.99%.

4.7 Devon and Somerset Fire and Rescue Authority

Devon and Somerset Fire and Rescue Authority met on 17th February 2017 and set their precept at £3,593,095. This results in a Band D Council Tax for 2017/18 of £81.57, (£79.98 2016/17), an increase of 1.99%.

4.8 If the formal Council Tax Resolutions within 2.6 above are approved, the total basic amount “Band D” of Council Tax will be as follows:

	2016/17 £	2017/18 £	2017/18 % Change
Torbay Council	1,311.49	1,376.93	4.99%
Police and Crime Commissioner	172.84	176.28	1.99%
Devon and Somerset Fire and Rescue Authority	79.98	81.57	1.99%
Sub-Total	1,564.31	1,634.78	4.50%
Brixham Town Council (only payable by Brixham residents)	40.24	43.04	6.96%
Total	1,604.55	1,677.82	4.57%

5 Supporting Information

5.1 The Mayor presented the 2017/18 revenue budget proposal to Council on 2nd February which was adjourned to the 9th February 2017. A number of objections were raised at this meeting; therefore the decision was deferred until the 23th February. The approved 2017/18 net revenue budget was £110.2m.

- 5.2 This is net expenditure before the Council's general income and funding, which includes a 49% share of business rates retention, NNDR top up grant, revenue support grant, other general grants and any collection fund surplus or deficit.
- 5.3 This results in a Council Tax requirement for the Torbay Council element of £60.652m. Including the Brixham Town Council precept the Council Tax requirement is £60.906m.
- 5.4 DCLG have confirmed that local authorities with adult social care responsibilities have been given 3% additional Council Tax flexibility for 2017/18, on top of their existing referendum threshold, on the understanding that they use all additional revenue for adult social care services. The 2017/18 revenue budget included the additional 3% precept to be spent on adult social care. This will result in a Band D precept of £39.34 and provide £1.7m to be spent on adult social care (in 2017/18) which is within the figures in para 5.3 above. The cumulative impact on council tax since the introduction of the additional precept in 2016/17 is identified separately on the face of the Council tax bills.
- 5.5 Expenditure at that level (as para 5.3) for Torbay Council will result in a Band D Council Tax for 2017/18 of £1,376.93, a 4.99% increase in the Torbay Council element of the Council tax.
- 5.6 Under section 52ZB(1) of the Local Government Finance Act 1992 ("the 1992 Act") as inserted by Schedule 5 to the Localism Act 2011, each billing authority and precepting authority must determine whether its relevant basic amount of council tax for a financial year ("the year under consideration") is excessive. If an authority's relevant basic amount of council tax is excessive a referendum must be held in relation to that amount.
- 5.7 The question whether an authority's relevant basic amount of council tax for a financial year ("the year under consideration") is excessive must be decided in accordance with a set of principles determined by the Secretary of State for the year
- 5.8 The 'Referendums Relating to Council Tax Increases (Principles) Report 2017/18 ' states:-
- 5.9 *For 2017-18, the relevant basic amount of council tax of an authority which belongs to the category mentioned in paragraph 2(a) is excessive if the authority's relevant basic amount of council tax for 2017-18 is 5% (comprising 3% for expenditure on adult social care and 2% for other expenditure), or more than 5%, greater than its relevant basic amount of council tax for 2016-17.*
- 5.10 For Torbay Council if the formal Council Tax Resolutions within 2.5 above are approved the change in the "relevant basic amount" (i.e. the Band D Council tax) is 4.99%. which is not excessive.
- 5.11 The gross expenditure and income figures included at 2.5 (a) and 2.5 (b) are linked to the budget digest information presented to Council in February, which are prior to any adjustments to comply with CIPFA and central government reporting requirements

6. Possibilities and Options

- 6.1 Statutory requirement, there are no alternative options.

7. Fair Decision Making

7.1 Statutory requirement, there are no alternative options.

8. Consultation

8.1 There has been extensive consultation on the budget proposals with all Members and through the Overview and Scrutiny Board meetings held in 2016 and in January 2017 and consultation with stakeholders and residents through a series of Community Partnership meetings and Council staff.

9. Risks

9.1 The Council must set the Council Tax before 11th March each year. The Collection of Council Tax income is essential to ensure the services provided by the Council and the other precepting bodies are adequately funded.

9.2 If the Council fails to set a Council Tax before 11th March, it will be in breach of its statutory obligation and subject to legal challenge.

Additional Information

Spending Review – Council Tax referendum principles

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593194/Council_tax_referendum_principles.pdf

Council Taxbase 2017/18 - Report to Council 8 December 2016

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6616&Ver=4>

2017/18 Revenue Budget Proposals – Report to Council 2 February 2017

<http://www.torbay.gov.uk/DemocraticServices/mgIssueHistoryHome.aspx?Id=24886>

Agenda Item 19, Jubilee Gardens – Mayoral Recommendations

Revised Mayoral Recommendation

Council Meeting

23 February 2017

(Revisions shown in bold for information)

Revised Recommendation:

- 3.1 That the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of, **on the basis that there are existing covenants on this land to protect it and the Council has no plans to develop it.**
- ~~3.2 That the Council place a covenant on the land adjacent to 4 Berry Head Road, shown edged red on map number EM260 attached at Appendix 4 to the submitted report, protecting it from future development.~~

Proposer Mayor Oliver
Secunder Councillor Thomas (D)