

Meeting: Council

Date: 25th February 2016

Wards Affected: All Wards in Torbay

Report Title: Council Tax 2016/17

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 2016/17 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 2016/17.

2. Proposed Decision

2.1 That the Council is recommended to note:

2.2 That in December 2015 the Council calculated the Council Tax Base for 2016/17:-

- a) For the whole Council area as 43,180.70, [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 5,811.07 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 2016/17 (excluding Brixham Town Council) of £56,631,056.
- 2.5 That the following amounts be calculated for the year 2016/17 in accordance with Chapter Three of the Act:
- a) £267,034,519 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) (£210,169,615) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c) £56,864,904 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) £1316.91 being the amount at 2.4(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) £233,848 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act.
 - f) £1,311.49 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 2016/17 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	874.33	1,020.05	1,165.77	1,311.49	1,602.93	1,894.37	2,185.82	2,622.98
Police and	115.23	134.43	153.64	172.84	211.25	249.66	288.07	345.68

Crime Commissioner								
Devon and Somerset Fire and Rescue Authority	53.32	62.21	71.09	79.98	97.75	115.53	133.30	159.96
Aggregate of Council Tax Requirements ex. Town Council	1,042.88	1,216.69	1,390.50	1,564.31	1,911.93	2,259.56	2,607.19	3,128.62
Brixham Town Council	26.83	31.30	35.77	40.24	49.18	58.12	67.07	80.48
Aggregate of Council Tax Requirements including Brixham Town Council	1,069.71	1,247.99	1,426.27	1,604.55	1,961.11	2,317.68	2,674.26	3,209.10

2.7 That the Council's basic amount of Council Tax for 2016/17 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 2016/17 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 2015 as 43,180.70 for the year 2016/17, and approved the 2016/17 Tax Base for Brixham Town Council as 5,811.07. 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 18th February 2016 and set their precept at £233,848. This results in a Band D Council Tax for 2016/17 of £40.24, (£39.00 2015/16), which is an increase of 3.2%.

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

The Police and Crime Commissioner for Devon and Cornwall met on 5th February 2016 and set a precept at £7,463,352. This results in a Band D Council Tax for 2016/17 of £172.84, (£169.47 2015/16), an increase of 1.99%.

4.7 Devon and Somerset Fire and Rescue Authority

Devon and Somerset Fire and Rescue Authority met on 19th February 2016 and set their precept at £3,453,592. This results in a Band D Council Tax for 2016/17 of £79.98, (£78.42 2015/16), 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:

	2015/16 £	2016/17 £	2016/17 % Change
Torbay Council	1,261.17	1,311.49	3.99%
Police and Crime Commissioner	169.47	172.84	1.99%
Devon and Somerset Fire and Rescue Authority	78.42	79.98	1.99%
Sub-Total	1,509.06	1,564.31	3.66%
Brixham Town Council (only payable by Brixham residents)	39.00	40.24	3.18%
Total	1,548.06	1,604.55	3.65%

5 Supporting Information

5.1 The Mayor presented the 2016/17 revenue budget proposal to Council on 4th February which was adjourned to the 11th February 2016. A number of objections were raised at this meeting, therefore the decision was deferred until the 25th February. The proposed 2016/17 net revenue budget is £109.1m

- 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 £56.631m. Including the Brixham Town Council precept the Council Tax requirement is £56.865m.
- 5.4 DCLG have confirmed that local authorities with adult social care responsibilities 'will be given 2% 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 2016/17 revenue budget proposals include the additional 2% precept to be spent on adult social care. This will result in a Band D precept of £25.22 and provide £1.1m to be spent on adult social care which is within the figures in para 5.3 above.
- 5.5 Expenditure at that level (as para 5.3) for Torbay Council will result in a Band D Council Tax for 2016/17 of £1,311.49, 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 2016/17 ' said:-
- 5.9 'For 2016-17, the relevant basic amount of council tax of an authority which belongs to the category is excessive if the authority's relevant basic amount of council tax for 2016-17 is 4% (comprising 2% for expenditure on adult social care and 2% for other expenditure), or more than 4%, greater than its relevant basic amount of council tax for 2015-16'.
- 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 3.99%. 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 2015 and in January 2016 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/publications/council-tax-in-2016-to-2017-updated>

Council Taxbase 2016/17 - Report to Council 10 December 2015

<http://www.torbay.gov.uk/DemocraticServices/documents/s26587/Council%20Tax%20Base%202016%2017.pdf>

2016/17 Revenue Budget Proposals – Report to Council 3 February 2016

<http://www.torbay.gov.uk/DemocraticServices/documents/b13118/Revenue%20and%20Capital%20Plan%20Budget%202016%2017%20Wednesday%2003-Feb-2016%2017.30%20Council.pdf?T=9>