

Meeting: Council

Date: 7 March 2023

Wards Affected: All Wards in Torbay

Report Title: Council Tax 2023/24

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1. Purpose of Report

The Council has a statutory obligation to set a 2023/24 Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies before 11 March in the preceding financial year.

2. Reason for Proposal and its benefits

The purpose of this technical report is to enable the Council to fulfil its statutory duty to calculate and set the Council Tax Requirement and Council Tax for 2023/24.

3. Recommendation(s) / Proposed Decision

3.1 That it be noted that, on the 8th December 2022, Council approved the following Council Tax Bases for 2023/24:

a) For the whole Council area as 46,620.10, [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 6,211.39 to which a Parish precept relates.

3.2 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 3.6 below.

3.3 That the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Brixham Town Council) of £82,722,425 be approved.

3.4 That the following amounts be calculated for the year 2023/24 in accordance with Chapter Three of the Act:

a) £350,171,372 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) (£267,054,575) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

c) £83,116,797 being the amount by which the aggregate at 3.5(a) above exceeds the aggregate at 3.5(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) £1,782.85 being the amount at 3.5(c) above (Item R), all divided by Item T (3.2(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) £394,372 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act

f) £1,774.39 being the amount at 3.5(d) above less the result given by dividing the amount at 3.5(e) above by Item T (3.2(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.

3.5 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 2023/24 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	1,182.93	1,380.08	1,577.24	1,774.39	2,168.70	2,563.01	2,957.32	3,548.78
Police and Crime Commissioner	174.37	203.44	232.50	261.56	319.68	377.81	435.93	523.12
Devon and Somerset Fire and Rescue Authority	64.53	75.28	86.04	96.79	118.30	139.81	161.32	193.58

Aggregate of Council Tax Requirements ex. Town Council	1,421.83	1,658.80	1,895.78	2,132.74	2,606.68	3,080.63	3,554.57	4,265.48
Brixham Town Council	42.33	49.38	56.44	63.49	77.60	91.71	105.82	126.98
Aggregate of Council Tax Requirements including Brixham Town Council	1,464.16	1,708.18	1,952.22	2,196.23	2,684.28	3,172.34	3,660.39	4,392.46

Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19 and 2020/21 to 2023/24.

3.6 That it be noted that the Council's basic amount of Council Tax for 2023/24 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (Refer to paragraph 5.7)

4. Precepts on Torbay Council as a Billing Authority

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 approved the statutory Tax Base for Torbay at its meeting on the 8 December 2022 as 46,620.10 for the year 2023/24 and approved the 2023/24 Tax Base for Brixham Town Council as 6,211.39. 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".

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

4.4 Brixham Town Council

Brixham Town Council met on 8 February 2023 and set a precept of £394,372. This results in a Band D Council Tax for 2023/24 of £63.49, (£61.37 2022/23), which is an increase of 3.46%. This precept is only payable by residents living in the Brixham Town Council area.

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

The Police and Crime Commissioner for Devon and Cornwall met on 27th January

2023 and set a precept (for Torbay) of £12,193,953.36 This results in a Band D Council Tax for 2023/24 of £261.56, (£246.56 2022/23), an increase of 6.08%.

4.6 Devon and Somerset Fire and Rescue Authority

Devon and Somerset Fire and Rescue Authority met on 15th February 2023 and set a precept of £4,512,359. This results in a Band D Council Tax for 2023/24 of £96.79, (£91.79 2022/23), an increase of 5.45%.

4.7 If the formal Council Tax Resolutions within 3.5 above are approved, the total basic amount “Band D” of Council Tax will be as follows:

	2022/23 £	2023/24 £	2023/24 % Change
Torbay Council	1,690.06	1774.39	4.99
Police and Crime Commissioner	246.56	261.56	6.08
Devon and Somerset Fire and Rescue Authority	91.79	96.79	5.45
Sub-Total	2,028.41	2,132.74	5.14
Brixham Town Council	61.37	63.49	3.46
Total	2,089.78	2,196.23	5.09

Background Documents

[The Referendums Relating to Council Tax Increases \(Principles\) \(England\) Report 2023-24 \(publishing.service.gov.uk\)](#)

[\(Public Pack\)Item 9 Council Tax Base 2023/2024 Agenda Supplement for Council, 08/12/2022 17:30 \(torbay.gov.uk\)](#)

[Agenda for Cabinet on Thursday, 23 February 2023, 5.30 pm \(torbay.gov.uk\)](#)

Supporting Information

5. Summary

- 5.1 The Partnership will present the 2023/24 revenue budget to Council on 7 March 2023. The 2023/24 net revenue budget for approval is £131.0m.
- 5.2 This is net expenditure before the Council’s general income and funding, NNDR Income, NNDR top up grant, other general grant and any collection fund surplus.
- 5.3 This results in a Council Tax requirement for the Torbay Council element of £82,722,475. Including the Brixham Town Council precept the Council Tax

requirement is £83,116,797.

- 5.4 Expenditure at that level for Torbay Council will result in a Band D Council Tax for 2023/24 of £1774.39, a 4.99% increase in the Torbay Council element of the Council tax.
- 5.5 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.
- 5.6 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 under “The Referendums Relating to Council Tax Increases (Principles) (England) Report”.
- 5.7 “For 2023-24, 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 2023/24 is 5% (comprising 2% for expenditure on adult social care, and 3% for other expenditure), or more than 5%, greater than its relevant basic amount of council tax for 2022/23”
- 5.8 For 2023-24 the Council will set an adult social care precept 2% and a precept of 2.99% for other expenditure. If the formal Council Tax Resolutions within 3.5 above are approved the change in the “relevant basic amount” (i.e. the Band D Council tax) for 2023/24 is 4.99%, which is not “excessive” per the regulations.
- 5.10 The gross expenditure and income figures included at 3.4 (a) and 3.4 (b) are linked to the budget digest information presented to Council in March, which are prior to any adjustments to comply with CIPFA and central government reporting requirements

6 Council Tax Support Fund

- 6.1 Alongside the 2023/24 Local Government Finance Settlement, the Government announced £100m of additional funding for local authorities (£334,257 for Torbay) to support the most vulnerable households in England.
- 6.2 [Council Tax Support Fund guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/council-tax-support-fund)
- 6.3 This funding will help to provide additional support to the 3.8 million households nationally already receiving council tax support. The support is a reduction on all council tax support scheme claimants where there is a council tax liability to pay to a maximum £25 reduction. i.e Where a taxpayer’s liability for 2023/24 is, following the application of council tax support, less than £25, then their liability would be reduced to nil. Where a taxpayer’s liability for 2023-24 is nil, no reduction to the council tax bill will be available and those bills should not be credited.

- 6.4 There should be no need for any recipient of Local Council Tax Support (LCTS) to make a separate claim for a reduction under this scheme. The billing authority should assess who is eligible for support and automatically apply the discount.
- 6.5 Council tax reductions should be applied from the beginning of the 2023/24 financial year for existing LCTS recipients and discounts should be reflected in council tax bills issued in March. It is for local authorities to decide how to treat households that become eligible for LCTS during the financial year.
- 6.6 Separate to this grant for 2023/24 the Partnership are proposing a further £75 maximum reduction to local council tax support scheme claimants of working age, with the same conditions as the national scheme where there is a council tax liability to pay.

7. Legal Implications

- 7.1 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 must be set by the Council.

8. Consultation

- 8.1 There has been consultation on the 2023/24 budget proposals with all Members and through the Priority and Resources Review Panel and consultation with stakeholders and residents through a consultation document and the use of social media including a Facebook Live event.

9. Associated 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.