

**Meeting:** Council

**Date:** 22 February 2024

**Wards Affected:** All Wards in Torbay

**Report Title:** Council Tax 2024/25

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## **1. Purpose of Report**

The Council has a statutory obligation to set a 2024/25 Council Tax Requirement and a Council Tax for the Torbay area, including the demands of the precepting bodies before the 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 2024/25.

## **3. Recommendation(s) / Proposed Decision**

3.1 That the Council is recommended to note:

3.2 On the 7<sup>th</sup> December 2023 Council approved the following Council Tax Bases for 2024/25: -

a) For the whole Council area as 47,374.08, [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 6,251.14 to which a Parish precept relates.

3.3 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 3.6 below.

That the Council is recommended to approve:

- 3.4 The Council Tax requirement for the Council's own purposes for 2024/25 (excluding Brixham Town Council) of £88,052,948.
- 3.5 That the following amounts be calculated for the year 2024/25 in accordance with Chapter Three of the Act:
- a) £369,328,836 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 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) £1,868.66 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) £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 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.
- 3.6 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 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	1652.15	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	1984.75	2,232.85	2,729.04	3,225.23	3,721.41	4,465.7
Brixham Town Council	50.49	58.9	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	2052.07	2,308.58	2,821.6	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.

3.7 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. (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 7th December 2023 as 47,374.08 for the year 2024/25 and approved the 2024/25 Tax Base for Brixham Town Council as 6,251.14. 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 10<sup>th</sup> January 2024 and set a precept of £473,401. This results in a Band D Council Tax for 2024/25 of £75.73, (£63.49 2023/24), which is an increase of 19.28%. 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 15<sup>th</sup> January 2024 and set a precept (for Torbay) of £13,004,184.96 This results in a Band D Council Tax for 2024/25 of £274.50, (£261.56 2023/24), an increase of 4.95%.

#### 4.6 Devon and Somerset Fire and Rescue Authority

Devon and Somerset Fire and Rescue Authority met on 16<sup>th</sup> February 2024 and set a precept of £4,722,248. This results in a Band D Council Tax for 2024/25 of £99.68, (£96.79 2023/24), an increase of 2.99%.

4.7 If the formal Council Tax Resolutions within 3.6 above are approved, the total basic amount “Band D” of Council Tax will be as follows:

	<b>2023/24</b>	<b>2024/25</b>	<b>2024/25</b>
	<b>£</b>	<b>£</b>	<b>Change</b>
Torbay Council	1,774.39	1,858.67	4.75%
Police and Crime Commissioner	261.56	274.50	4.95%
Devon and Somerset Fire and Rescue Authority	96.79	99.68	2.99%
<b>Sub-Total</b>	<b>2,132.74</b>	<b>2,232.85</b>	<b>4.69%</b>
Brixham Town Council	63.49	75.73	19.28%
<b>Total</b>	<b>2,196.23</b>	<b>2,308.58</b>	<b>5.12%</b>

### Background Documents

[The Referendums Relating to Council Tax Increases \(Principles\) \(England\) Report 2024-25 \(publishing.service.gov.uk\)](#)

[Agenda Item 12 - Council Tax Base 2024/25, Council - 7th December 2023](#)

[Agenda for Cabinet on Thursday, 13 February 2024, 5.30 pm \(torbay.gov.uk\)](#)

### Supporting Information

## **5. Summary**

- 5.1 The 2024/25 revenue budget will be presented to Council on 22<sup>nd</sup> February 2024. The net revenue budget proposed for approval is £139.2m.
- 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 £88,052,948. Including the Brixham Town Council precept the Council Tax requirement is £88,526,349.
- 5.4 Expenditure at that level for Torbay Council will result in a Band D Council Tax for 2024/25 of £1,858.67, a 4.75% 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 2024-25, 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 2024/25 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 2023/24"
- 5.8 For 2024-25 the Council will set an adult social care precept of 2% and a precept of 2.75% 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 2024/25 is 4.75%, which is not "excessive" per the regulations.
- 5.10 The gross expenditure and income figures included at 3.5 (a) and 3.5 (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. Legal Implications**

- 6.1 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.

## **7. Consultation**

- 7.1 There has been consultation on the 2024/25 budget proposals with all Members and through the Priority and Resources board meetings and consultation with stakeholders and residents through a consultation document and the use of social media.

## **8. Associated Risks**

- 8.1 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.
- 8.2 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.