

Report to: **Council Tax Setting Panel**

Date: **22 February 2023**

Title: **Council Tax 2023-24**

Portfolio Area: **Support Services**

Wards Affected: **ALL**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

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### **Recommendations:**

That the Council Tax Setting Panel approves the formal council tax resolutions as detailed below:

1. That it be noted that in December 2022 the Senior Leadership Team, under delegated authority from full Council, approved the Council Tax Base for the year 2023/24
  - (a) for the whole Council area as 21,225.87 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012; and

- (b) for dwellings in those parts of its area to which a Parish Precept relates in accordance with regulation 6 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (**Appendix A**)
2. That the Council Tax requirement for West Devon Borough Council's own purposes for 2023/24 (excluding Parish precepts) is calculated at £5,391,371 (**Appendix B**).
3. That the following amounts are calculated by the Council for the year 2023/24 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 and the Localism Act 2011 (**Appendix B**):
- (a) £27,787,721 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 all precepts issued to it by Parish/Town Councils (**Gross expenditure including parish precepts**).
- (b) £20,267,247 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act (**Total income including business rates and council tax collection fund surplus**).
- (c) £7,520,474 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(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) (**Council tax requirement including parish precepts**).
- (d) £354.31 being the amount at 3(c) above (Item R), all divided by the council tax base (1(a) above) in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (**Average band D council tax for West Devon Borough Council and parishes**).
- (e) £2,129,103 being the aggregate amount of all special items (Parish Precepts), referred to in Section 34(1) of the Act (as per the attached **Appendix C – Parish Precepts**).

(f) £254.00

being the amount at 3(d) above less the result given by dividing the amount at 3(e) by the Council tax base (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 (**Band D council tax for West Devon Borough Council only**).

4. That it be noted the County Council, the Police and Crime Commissioner and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings as shown below:

Precepting authority	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Devon County Council's tax requirements	1,089.42	1,270.99	1,452.56	1,634.13	1,997.27	2,360.41	2,723.55	3,268.26
Police & Crime Commissioner's tax requirements	174.37	203.44	232.50	261.56	319.68	377.81	435.93	523.12
Devon & Somerset Fire & Rescue Authority's tax requirements	64.53	75.28	86.04	96.79	118.30	139.81	161.32	193.58

5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts of Council Tax for the year 2023/24 for each of the categories of dwellings shown at **Appendix D (total of all valuation band council taxes for West Devon Borough Council including parishes, county, police and crime commissioner and fire authority)**.
6. That the Council concluded that the basic amount of Council Tax for West Devon Borough Council for 2023/24 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (see calculation at **Appendix B**).



## **1. Summary**

The Council Tax Setting Panel is required to approve the formal council tax resolutions in which the Council Tax will be set for each parish and town. Council considered the overall budget and 'net council tax requirement' at the meeting on the 21<sup>st</sup> February 2023. At that stage the level of Council Tax is effectively set for the Borough Council and all that remains is to formally add in the County, Police and Crime Commissioner, Fire Authority and Town and Parish precepts to arrive at the overall level of council tax. The Local Government Finance Act 1992, Section 67(3) permits authorities to delegate this function.

Within West Devon Borough Council's Constitution, one of the Council Tax Setting Panel's responsibilities is to agree the Council Tax Resolution on behalf of the Council.

## **2. Background**

2.1 The Localism Act 2011 has made significant changes to the Local Government Finance Act 1992, and now requires the billing authority to calculate a council tax requirement for the year, not a budget requirement as previously. West Devon Borough Council is a billing authority.

2.2 Precepts have been notified to us from the Parish and Town Councils, Devon County Council, Devon and Cornwall Police and Crime Commissioner and Devon and Somerset Fire and Rescue Authority. These are detailed below:

### **(i) Town & Parish Council**

The Town & Parish Council Precepts for 2023/24 are detailed in Appendix C and total £2,129,103. The increase in the average Band D Council Tax for Town and Parish Councils is 12.46% and results in an average Band D Council Tax figure of £100.31 for 2023/24.

### **(ii) Devon County Council**

Devon County Council met on 16th February 2023 and set their precept at £34,685,830.94, adjusted by a contribution from the Collection Fund surplus of £1,744,000. This results in a Band D Council Tax of £1,634.13. This is an increase of £77.67

(See Section 3) of which £31.05 relates to the Adult Social Care Precept.

(iii) Devon and Cornwall Police and Crime Commissioner

The Police and Crime Panel met on 27<sup>th</sup> January 2023 and set their precept at £5,551,838.56 adjusted by a Collection Fund surplus of £276,000.00. This results in a Band D Council Tax of £261.56.

(iv) Devon and Somerset Fire and Rescue Authority

Devon & Somerset Fire and Rescue Service met on 15<sup>th</sup> February 2023 and set their precept at £2,054,452, adjusted by a Collection Fund surplus of £103,000. This results in a Band D Council Tax of £96.79.

### 3. Outcomes/outputs

The Council Tax Setting Panel are requested to approve the formal Council Tax Resolutions for the year 2023/24 and the Council Tax for each of the parishes and towns within the Borough for the year 2023/24.

The table below shows how an average Band D council bill is made up for West Devon Borough for 2023/24 as compared to the previous year.

<b>Precepting Authority</b>	<b>Band D 2022/23</b>	<b>Band D 2023/24</b>	<b>£ Increase</b>	<b>% Increase</b>	<b>Date Approved</b>
West Devon Borough Council	£246.63	£254.00	£7.37	2.99%	21 Feb 2023
Devon County Council Precept	£1,372.59	£1,419.21	£46.62	4.99%	16 Feb 2023
Adult Social Care Precept *	£183.87	£214.92	£31.05		
Devon & Cornwall Police & Crime Commissioner	£246.56	£261.56	£15.00	6.08%	27 Jan 2023
Devon & Somerset Fire & Rescue	£91.79	£96.79	£5.00	5.45%	15 Feb 2023
Average Parishes/Towns	£89.20	£100.31	£11.11	12.46%	
<b>TOTAL</b>	<b>£2,230.64</b>	<b>£2,346.79</b>	<b>£116.15</b>	5.21%	

\*This is an additional precept for authorities who have Adult Social Care responsibilities.

#### 4. Options available and consideration of risk

The setting of the tax base has a significance far beyond the simple mathematics of the calculation and it forms an important component of the calculation of a robust budget and the medium term financial plan for both billing and precepting authorities. The council tax base has been calculated in accordance with Government legislation and associated guidance notes.

#### 5. Proposed way forward

The Council Tax Setting Panel is required by law to approve the Council Tax taking into account the requirements of our major precepting bodies.

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Financial	Y	<p>The Council Tax Setting Panel is required to calculate and approve the Council Tax requirement for 2023/24.</p> <p>As the billing authority, the Council must determine whether the Council's basic amount of Council Tax for 2023/24 is excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. These principles are set by the Secretary of State each year.</p> <p>Shire District Councils have the flexibility to set council tax increases of less than 3.00% or up to and including £5 for 2023/24, whichever is the greater.</p> <p>In the case of West Devon Borough Council, the £7.37 (2.99%) increase will not trigger a council tax referendum.</p>
Legal/Governance	Y	<p>The Council Tax Setting Panel is required by law to approve the Council Tax taking into</p>

		account the requirements of our precepting bodies.
Risk	Y	Council Tax Requirement - failure to calculate the council tax requirement correctly would result in a budget surplus or deficit.  Council Tax Setting - the Council has a statutory requirement to approve the formal council tax resolutions. The Authority could face a legal challenge if legislation is not fully complied with and the Council Tax is calculated incorrectly.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly arising from this report.
Safeguarding		None directly arising from this report.
Community Safety, Crime and Disorder		None directly arising from this report.
Health, Safety and Wellbeing		None directly arising from this report.
Other implications		None directly arising from this report

### **Supporting Information**

#### **Appendices:**

Appendix A - Parish and Town Council Tax Bases 2023/24

Appendix B - Calculations relating to recommendations

Appendix C - Parish and Town Council Precepts 2023/24

Appendix D – County, Police and Crime Commissioner, Fire Authority, District and Parish/Town Requirements 2023/24

### **Background Papers**

The Local Government Finance Act 1992

The Local Government Act 2003

SLT Dec 2022 - Declaration of Council Tax Base

Council 21 Feb 2023 – Budget Proposals 2023/24



### **Approval and clearance of report**

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes</b>
SLT Rep briefed	<b>Yes</b>
Relevant Exec Director sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
Accessibility checked	<b>Yes</b>