

Cabinet

14 November 2018

Council Tax Base 2019/20 and Forecast Surplus on the Council Tax Collection Fund as at 31 March 2019



Key Decision: CORP/R/18/02

Report of Corporate Management Team John Hewitt, Corporate Director of Resources Councillor Alan Napier, Portfolio Holder for Finance

Purpose of the Report

- 1 To determine the Council's Tax Base for all domestic properties liable to pay council tax, which is an important component in the Council's budget setting process for 2019/20 and to report on the estimated collection fund surplus as at 31 March 2019, which will need to be distributed to the principal precepting authorities in 2019/20.

Background

- 2 Regulations made under the Local Government Finance Act 1992 (The Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended)) require each billing authority to calculate its 'Council Tax Base' for the following financial year.
- 3 The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012:2914) provides amended statutory guidance to incorporate the changes as a result of the introduction of Local Council Tax Reduction Schemes (LCTRS's) from 1 April 2013.
- 4 The Council Tax Base is a measure of the County Council's 'taxable capacity', for the purpose of setting its Council Tax. Legislation requires the Council to set out the formula for that calculation and that the tax base is formally approved by Cabinet.
- 5 Section 84 of the Local Government Act 2003 enables authorities to set their Council Tax Base, other than by a decision of the full Council, therefore, allowing Cabinet to take the necessary decisions to determine the Council Tax Base for 2019/20.
- 6 On 11 July 2018 Cabinet resolved to recommend to Council continuation of the current LCTRS into 2019/20. Council, on 31 October 2018, subsequently approved the continuation of the current Local Council Tax Reduction Scheme into 2019/20, which retains the same level of support to all council tax payers

as the previous Council Tax Benefit Scheme, which was abolished on 1 April 2013.

- 7 The extension to the LCTRS is initially for one more year and the Scheme will be kept under continuous review with a further decision to be considered by Cabinet in the summer of 2019 and Full Council by January 2020 with regards to proposals for 2020/21. There are no other discount changes impacting on the Tax Base for 2019/20.
- 8 All monies collected from Council Tax are paid into the Collection Fund. The Council collects monies on behalf of itself, the Police, Crime and Victims' Commissioner, the County Durham and Darlington Fire and Rescue Authority and local Town and Parish Councils in the County. Police and Fire are classified as major precepting bodies under Council Tax legislation, whereas Town and Parish Councils are classified as local precepting bodies.
- 9 Significant sums pass through the Collection Fund annually, a process which can result in a surplus or deficit on the Fund at the 31st March as the monies collected inevitably vary from those estimated.
- 10 As the billing authority, the Council is required on an annual basis, by 15 January, to make a declaration of the estimated Collection Fund outturn position, and identify and apportion any surplus or deficit anticipated for the following financial year between the principal precepting authorities making a precept on the Fund so that they can factor this into the budget setting processes. Quarterly updates are reported as part of the budgetary control reports to Cabinet. Last year, the Council declared a surplus of £5.483m, which was distributed in 2018/19 and used for budget setting in the current year.

Calculating the Tax Base 2019/20

- 11 Appendix 2 shows the number of dwellings in County Durham, allocated across the various Council Tax Bands. At 1 October 2018 there were 244,719 dwellings registered for Council Tax in the county.
- 12 Some of these properties are exempt from council tax (e.g. dwellings occupied solely by students), whilst in single person households only 75% of the tax is payable. Following decisions taken in December 2012, empty properties no longer receive any discount; neither do second homes and long term empty properties. Empty properties that have been empty for more than two years are charged a 50% premium.
- 13 The number of dwellings, therefore, needs to be adjusted to reflect these discounts and exemptions, giving a net property base (chargeable dwellings) for each Council Tax band. Council Tax for a Band A property is 6/9ths of the Band D council tax; Band B is 7/9ths and Band C is 8/9ths. Prior to consideration of the impact of the LCTRS, there are 215,495.2 chargeable properties in County Durham and 83.9% of these are within bands A to C, with 57.8% of all properties being in Band A.

- 14 The Council Tax levied varies between the different bands according to proportions laid down in legislation. These proportions are based around Band D, and are fixed so that the bill for a dwelling in Band A will be a third of the bill for a dwelling in Band H. Applying the relevant proportion to each band's net property base produces the number of 'Band D Equivalent' properties for the area. Prior to consideration of the impact of LCTRS, there are 169,708.0 Band D Equivalent properties in County Durham.
- 15 In determining the Council Tax Base for 2019/20, three further issues must be factored into the calculation:
- Forecast impact on the tax base as a result of changes in the incidence of LCTRS claims, which is a discount rather than a benefit payment and therefore reduces the tax base;
 - Forecast impact on the tax base as a result of growth (i.e. new build) or reductions (e.g. demolitions or increases in the incidence of other Council Tax discounts and exemptions) for 2019/20; and
 - Provision for non-collection of council tax due to bad debts that need to be written off.
- 16 In 2018/19 the provision for non-collection was 1%, giving a forecast overall collection rate of 99% and based on actual collection performance, it is proposed to retain the same non-collection rate for 2019/20 tax base setting purposes.
- 17 In previous years the Council has taken a cautious approach to tax base setting and has not built in any tax base growth into its tax base calculations. However, based on experience in recent years the 2019/20 calculations include a prudent assumption on net tax base growth. This therefore builds in more risk to the Collection Fund in 2019/20, where tax base growth of 500 Band D equivalents dwelling (495 @ 99% collection rate) is included in determining the tax base for next year.
- 18 Taking into account the forecast collection rate, the provision of tax base growth and factoring in the adjustments to the Band D Equivalent properties as a result of the LCTRS next year, the Band D Equivalent Tax Base is forecasted to be 139,738.8 in 2019/20. This compares to the current 2018/19 tax base figure for the County of 138,419.2 – an increase of 1,319.6 (0.95%).
- 19 The council tax base for the County Council will be used by the Police, Crime and Victims' Commissioner and the Durham and Darlington Fire and Rescue Authority to set their council tax precepts for 2019/20, which will be included in the council tax bills sent to every council tax payer in the County.

- 20 The Town and Parish (T&P) Councils and the Charter Trust for the City of Durham, council tax bases are set out at Appendix 3 and will be used to calculate T&P Councils and the Charter Trust for the City of Durham precepts in 2019/20. These will also be added to the council tax bills and sent to every council tax payer in the respective T&P Council areas.
- 21 The Council's formula grant includes an element relating to T&P Councils and whilst the Council has passed the grant on to the T&P Councils over the last three years, there is no statutory requirement to do so.
- 22 Following discussions with the T&P Councils' Working Group, Cabinet resolved on 11 July 2018 to continue to pass on the T&P element of its formula grant in 2019/20, but in doing so, continue to apply pro-rata reductions in the Local Council Tax Reduction Scheme Grant paid to T&P Councils in 2019/20 in line with reductions in the overall formula funding made available to the Council.
- 23 Formula grant has been subject to significant ongoing year on year reductions since 2010/11 and the latest MTFP includes a forecast c£14m reduction in Revenue Support Grant in 2019/20, partially offset by retail price index inflation (RPI) increases in the local share of business rates and top up grant under the localisation of Business Rates. The Local Council Tax Reduction Scheme Grant payable next year to the T&P Councils will be £1.311m, a reduction of £90,000.
- 24 Appendix 4 summarises the financial impact on individual T&P Councils across the county and the Charter Trust for the City of Durham from the combined effects of the changes to the tax base, and the distribution of LCTRS grant in 2018/19.
- 25 The LCTRS grant payable to individual T&P Councils has been allocated proportionate to impact on tax raising capacity brought about by the LCTRS, which was agreed as the most appropriate method of distribution.

Estimated Collection Fund Surplus – Council Tax

- 26 The Council needs to determine and declare the estimated surplus or deficit on its Collection Fund at 31 March each year by 15 January.
- 27 As highlighted in the quarter 2 forecast of outturn report (based on the position to 30 September 2018) the Council Tax Collection Fund is forecast to achieve a surplus of £1.716 million at 31 March 2019 and therefore the Council will be declaring a surplus for budget setting purposes and needs to apportion this between the major precepting bodies.
- 28 The estimated surplus for council tax will be shared between the County Council, the Fire Authority and Durham Police, Crime and Victims' Commissioner in proportion to the 2018/19 demands / precepts on the Fund. The £1.716 million will therefore be allocated as follows:

	Forecast Surplus to be Distributed in 2019/20
Durham County Council	£1.447m
Durham Police, Crime & Victims' Commissioner	£0.173m
Durham & Darlington Fire and Rescue Authority	£0.096m
Total	£1.716m

- 29 Officers will continue to carefully track and monitor the Council Tax Base and Collection Fund performance over the coming months. It is unlikely that the forecast outturn on the Collection Fund will change significantly at this stage.

Next Steps

- 30 Police, Fire and local town and parish councils have been notified of their indicative Council Tax Bases earlier this summer and the Fire Authority and Durham Police, Crime and Victims' Commissioner have also been notified that they will receive a share of an anticipated surplus on the Council Tax Collection Fund.
- 31 Subject to Cabinet consideration of this report, the tax bases will be confirmed. T&P Councils will be requested to submit their precept requests by 25 January 2019 to enable these to be incorporated into the 2019/20 Budget and Council tax setting reports to Cabinet and Council in February 2019.
- 32 The Fire Authority and Durham Police, Crime and Victims' Commissioner will be notified of their share of the estimated surplus on the Council Tax Collection Fund to enable them to factor this into their budget setting for 2019/20. This will produce a one-off benefit / additional resource in 2019/20.
- 33 In continuing with the current LCTRS next year, members have committed to a full review of the Scheme in early summer of 2019, including options to move to a banded scheme in future years. This review will draw on experiences elsewhere and the impact of the wider welfare reforms in County Durham, including the impact of the roll out of Universal Credit, during the period 2013/14 to 2018/19 and put forward options for consideration by Cabinet in the summer next year, with a view to consultation on any changes for 2020/21 being in late Summer / Autumn of 2019 and a report being presented to Cabinet on the outcome of the consultation by December 2019. The 2020/21 LCTRS scheme will need to be endorsed by Council before 31 January 2020.

Recommendation and Reasons

- 34 It is recommended that Cabinet:
- (i) approves the Council Tax Base for the financial year 2019/20 for the County, which has been calculated to be 139,738.8 Band D equivalent properties;

- (ii) notes the impact on individual Town and Parish Council Tax bases and Local Council Tax Reduction Scheme Grant allocations for the financial year 2018/19
- (iii) approves the declaration of a surplus on the Council Tax Collection Fund at 31 March 2019 of £1.716 million, to be distributed to the Council; the County Durham Fire and Rescue Authority; and the Durham Police and Crime Commissioner in accordance with Council Tax regulations.

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Background Papers

- Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI:2012:2914)
- Welfare Reform Act 2012.
- Medium Term Financial Plan (9), 2019/20-2022/23 and Review of the Local Council Tax Reduction Scheme, Council Tax Discounts and Business Discretionary Rate Reliefs – Report to Cabinet 11 July 2018
- Local Council Tax Scheme 2019/20 – report to Council 31 October 2018
- Forecast of Revenue and Capital Outturn 2018/19: Quarter 2 – report to Cabinet 14 November 2018

Appendix 1: Implications

Finance

Council on 31 October 2018 approved the Cabinet's recommendations to extend and continue the current Local Council Tax Reduction Scheme (LCTRS) into 2019/20, which retains the same level of support to all council tax payers as the previous Council Tax Benefit Scheme, which was abolished on 1 April 2013.

The extension to the LCTRS is initially for one more year and the Scheme will kept under continuous with a report being considered by Cabinet in the summer next year, with a view to consultation on any changes for 2020/21 being in late summer / Autumn of 2019 and a report being presented to Cabinet on the outcome of the consultation by December 2019. There are no other discount changes impacting on the Tax Base for 2019/20.

The Council will distribute £1.311 million of its formula grant to the T&P Councils and the Charter Trust for the City of Durham in 2019/20, reflecting the T&P element of the LCTRS Grant (as reduced in line with Council formula grant reductions).

Factoring in the Tax Base figures contained in this report, the Council will be able to include additional Council Tax revenues of c£1.999 million into MTFP9 in 2019/20 as a recurring item.

The Council is forecasting a surplus on the Council Tax Collection Fund of £1.716 million at 31 March 2019 and therefore will be declaring a surplus for budget setting purposes and need to apportion this between the major precepting bodies. The Councils share of this surplus is £1.447 million and this will be included into MTFP9 in 2019/20 as a one off sum. These adjustments will be made in the December MTFP9 report to Cabinet.

Staffing

None.

Risk

The key risks associated with this report are financial, in terms of prudence and accuracy of forecasts used to determine the Tax Base and the estimation of the Council tax Collection Fund surplus / deficit position at 31 March 2019.

The Council's performance on recovery of Council Tax, both in year and the overall recovery rate needs careful monitoring. In 2018/19, the provision for non-collection was 1.0%, giving a forecast collection rate of 99.0% and it is proposed to retain the same collection rate for budget setting in 2019/20.

In previous years the Council has taken a cautious approach to tax base setting and has not built in any tax base growth into its tax base calculations. However, based on experience in recent years the 2019/20 calculations include a prudent assumption on net tax base growth. This therefore builds in more risk to the Collection Fund in

2019/20, where tax base growth of 500 Band D Equivalent properties (495 @ 99% collection rate) is included in determining the tax base for next year.

Officers will continue to carefully track and monitor the Council Tax Base and Collection Fund performance. The quarter 2 forecast of outturn report (based on the position to 30 September 2018) includes details of the Collection Fund performance.

For budget setting purposes the Council Tax Collection Fund surplus is estimated to be £1.716 million at 31 March 2019 and this will be distributed between the major precepting bodies in 2019/20 in accordance with Council Tax legislation.

Equality and Diversity / Public Sector Equality Duty

None.

Accommodation

None

Crime and Disorder

None.

Human Rights

None

Consultation

Towns and Parish Councils were consulted on the proposals to continue to passport an element of the Councils formula grant, equivalent to the Town and Parish share of the Local Council Tax Reduction Scheme grant funding within formula grant for 2019/20. Indicative tax base figures and LCTRS grant allocations were provided to Town and Parish Councils in July.

No further consultation has been undertaken as Council resolved on 31 October 2018 to continue with the current Local Council Tax Reduction Scheme into 2019/20, thereby retaining the same level of support to all council tax payers as the previous Council Tax Benefit Scheme, which was abolished on 1 April 2013.

The County Durham Fire and Rescue Authority have been informed of their indicative tax base for 2019/20 and an initial estimate of their share of a forecast surplus on the Council Tax Collection Fund in October 2018.

Procurement

None

Disability Issues

See above.

Legal Implications

The Council has a statutory responsibility to set its council tax base for the purpose of levying council tax from its council tax payers in order to raise the required amount of council tax income to balance its 2019/20 revenue budget

Regulations made under the Local Government Finance Act 1992 (The Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the Council to calculate a council tax base for each financial year.

The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012:2914) which came into force on 30 November 2012 and applies to the financial years beginning 1 April 2013 onwards contains the rules which require the Council to calculate the Council Tax Base.

Section 84 of the Local Government Act 2003 enables authorities to set their Council Tax Base, other than by a decision of the full Council, therefore, allowing Cabinet to take the necessary decisions to determine the Council Tax Base for 2019/20.

A key element of the tax base calculation is the Councils policy in terms of its LCTRS and on other discretionary discounts.

There is a statutory requirement for the Council to adopt a local council tax reduction scheme by 31 January each year and Council agreed on 31 October 2018 to continue with the current LCTRS into 2019/20, in line with the Cabinet decisions on 11 July 2018.

The Council is also required to determine and declare the forecast surplus or deficit position on its Collection Fund at the year-end by 15 January each year and notify its major precepting bodies (County Durham Fire and Rescue Authority; and the Durham Police and Crime Commissioner) of their share of these sums so that they can factor these into their budget setting processes.