

**Council Tax Resolution and Council Tax Setting Committee
(Councillor T Gracey, Leader of the Council and Chairman of the Corporate
Management Committee)**

Synopsis of report:

Following consideration of its own budget, the Council is required by statute to formally set the level of Council Tax to be levied in Runnymede Borough on behalf of itself and its preceptors (Surrey County Council and the Police and Crime Commissioner for Surrey). Appendix A sets out the draft Council Tax Resolution subject to confirmation by the precepting bodies following their own tax setting meetings.

If this confirmation is not received ahead of Runnymede's full Council meeting, then the overall level of Council Tax cannot be formally determined. If this situation arises, it is proposed to delegate this function to a special Council Tax Setting Committee, in order to set the Council Tax for the year ahead within the necessary timelines.

Recommendations:

1) To approve the formal Council Tax Resolution as set out at Appendix A, (if the requisite notifications from preceptors have been received)

Or:

2) To approve the formation of a Council Tax Setting Committee as detailed in the report and at Appendix B, delegating final approval of the Council Tax Resolution to that Committee, once all precept notifications have been received

1. Context and background of report

- 1.1 Once the Council has considered and formally set its own budget and Council Tax requirement for the year ahead, it is required under the Local Government Finance Act 1992 to set the Council Tax for its area, including the amounts to be levied on behalf of its local precepting bodies (in Runnymede Borough Council's case, the other precepting bodies are Surrey County Council and the Police and Crime Commissioner for Surrey).
- 1.2 This is delivered via the Council Tax Resolution which provides the formal approval of the figures to be used for the billing of Council Tax for the coming year.
- 1.3 The Resolution simply brings together the Council Tax levels agreed by each body and does not affect the decisions made by each, including the Council, on the amount of tax to be levied.
- 1.4 The Council Tax must be set before 11th March in the financial year preceding the year to which the tax relates and cannot be set before the earlier of:
 - 1st March in the financial year preceding the year to which the tax relates

- The date of issue to the authority of the last precept from its major precepting authorities for the relevant year

2 Report and options considered

- 2.1 Appendix A sets out the Resolution, in its prescribed format, based on the proposed budget requirements of the Council and each preceptor. If the formal precept confirmation is received ahead of the full Council meeting on 9th February, the Resolution may be considered for approval, subject to any amendments to the Borough Council's budget that may be approved earlier in the meeting.
- 2.2 However, there is a risk that confirmation from preceptors will not be received in time. The County Council is considering its budget at a meeting of its Full Council on 7th February, with precept notices expected shortly thereafter. The Surrey Police and Crime Panel will meet to consider its precept on 3rd February, for approval by the PCC on 6th February and precept notices to follow thereafter. However, the Panel has a right of veto, which if exercised, means that the Panel will reconvene on the 17th February to consider a revised precept, for approval by the PCC on 20th February, with precept notice to follow. If such a veto is exercised, it is clear that the precept notice would not be issued in time for the Resolution to be made at Runnymede Borough Council's meeting of its full Council 9th February and therefore alternative arrangements need to be made to allow for this eventuality.
- 2.3 One option would be to defer the Resolution to the next full meeting of the Council, currently scheduled for 2nd March. However, this would not leave sufficient time for the annual billing process, including the printing of Council Tax demands and the provision of sufficient notice to residents ahead of the first direct debit runs for the year.
- 2.4 Bringing the full Council meeting forward is not recommended as an option due to its already close proximity to the Feb Council meeting and the need to allow for recommendations from February committee meetings to be considered, where necessary, in a suitable timescale.
- 2.5 While much of the budget setting process is a function of the full Council and cannot be delegated to a committee, the passing of the Council Tax Resolution is one function that may be exercised by a committee of the authority appointed by it for that purpose. The Council must determine the number of members of the committee, who must be members of the Council and not external appointments, and the term of office.
- 2.6 It is recommended that a special Council Tax Setting committee be set up to undertake this final piece of the tax setting process, should the precept notices not be received in time for the Council meeting on the 9th Feb. It is further proposed that the Membership consist of the members of the current Corporate Management Committee, with the meeting to take place immediately before or after the Corporate Management Committee meeting scheduled for the 23rd February. These members would be appointed to the special committee for a fixed term running to no later than the 11 March, which is the final date for setting of the Council Tax. Draft terms of reference for the special committee are set out at Appendix B.
- 2.7 This proposal relates only to the tax setting for the financial year 2023/24. The necessity for any on-going contingency arrangements could be considered by the Constitution Working Group and presented to Council for consideration ahead of the following year's tax setting process.

3 Policy framework implications

- 3.1 The approval of the Council Tax Resolution is key element of the statutory framework for setting the Council Tax in Runnymede. It flows out of the decisions taken under the budget policy framework of the Council, and that of the other major precepting bodies. While the policy framework, including the Council's budget proposals, are required to be considered by full Council, the passing of the Resolution is allowed, under statute, to be delegated to a committee as set out in the body of the report.

4 Resource implications/Value for Money

- 4.1 The Council's budget sets out the resources required to deliver its objectives for the year ahead, including its Council Tax requirement, which drive the figures in the Resolution relating to Runnymede Borough Council. There are no additional resource implications contained in the report, other than an additional meeting, which is being held on the same evening as a scheduled meeting, to reduce the draw on Member and officer time.

5 Legal Implications

- 5.1 Under the Local Government Finance Act 1992 (the 1992 Act), the Council is required to determine the level of Council Tax for the Borough for 2023/24 by 11 March 2023. The 1992 Act prescribes the calculations to be set out in the Resolution while s67 of the 1992 Act allows for the Resolution to be determined by a committee of the Council following confirmation of the precepts.

6 Equality Implications

- 6.1 There are no equality implications of this report.

7 Environmental, Sustainability, Bio-diversity implications

- 7.1 The proposal that the Council Tax Setting Committee be constituted from the membership of the Corporate Management Committee and meet on the same date as an existing meeting, reduces the potential for additional environmental impacts from holding a separate meeting by reducing travel requirements.

8 Conclusions

- 8.1 Appendix A of this report sets out the draft Council Tax Resolution for 2023/24, including the Council Tax base for the Borough and the gross income and expenditure, Council Tax Requirement and Band D Council Tax level for Runnymede, as set out in the preceding budget report. In addition, it sets out the Council Tax by valuation bands A – H for Runnymede Borough Council, Surrey County Council and Surrey Police and Crime Commissioner along with the total Council Tax due for each band, before any discounts or premiums are awarded. If the Council has received formal notification of the preceptors' Council Tax amounts by the time of the meeting, then the Resolution can be considered, as set out in Recommendation 1.
- 8.2 Recommendation 2 sets out an alternative process to follow should the precept notifications not have been received in time for the meeting. This alternative will ensure that the formal setting of the Council Tax can take place within statutory

timescales and allow sufficient time for the testing and production of Council Tax demands, to meet requirements around notifications for Direct Debits, for example.

(To resolve)