

## Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to: Executive

Date: **08 February 2022** 

Subject: Council Budget 2022/23

Decision Reference: 1025388

Key decision? Yes

#### **Summary:**

This report asks the Executive to propose to the full Council the Council's budget and council tax in light of the provisional local government settlement and comments received on its initial proposals.

The Executive is also asked to consider prudential targets in relation to capital financing and other treasury management matters.

## Recommendation(s):

That the Executive:

- 1. Consider the effect of the funding available and revenue expenditure position as noted in paragraphs 1.21 and Table A of the report, supported by additional information in Appendix A;
- 2. Consider the Equality Impact Analysis at Appendix B and the consultation and engagement comments as shown in Appendix F and presented at the meeting;
- 3. Subject to recommendation 4 below approve for recommendation to full Council:
- a) the revenue budget for 2022/23 proposed in Table A of the report;
- b) the capital programme for 2022/23 proposed in Table B and Appendix C of the report;
- c) the levels of council tax proposed in Table C and shown in Appendix D of the report including the increasing of council tax in 2022/23 by 3.00% for Adult Social Care;
- d) the prudential indicators for 2022/23 shown in Appendix E of the report;

- e) the Medium Term Financial Strategy attached at Appendix G to this report;
- f) the Capital Strategy 2022/23 attached at Appendix H to this report.
- 4. Request the Leader to review and amend the Executive's budget recommendations to the County Council, as appropriate, in light of the final Local Government Finance Settlement and District Council business rates and final council tax information if received between the Executive meeting and the County Council on 18 February 2022.
- 5. Request the Leader to review and amend the figures within the Medium Term Financial Strategy to be recommended to the County Council as appropriate, to ensure consistency with final budget recommendations made to the County Council meeting on 18 February 2022.

#### **Alternatives Considered:**

- 1. The proposals for the Revenue Budget, Capital Programme and Council Tax as described in this report.
- 2. Higher levels of spending and consequently a higher level of Council Tax next year.
- 3. Lower levels of spending and consequently a lower level of Council Tax next year.

#### **Reasons for Recommendation:**

- The recommended option is proposed because it results in a balanced budget for 2022/23:
- the proposed increase in Council Tax of 3.00% will allow the Council to manage the cost pressures outlined in the Council Budget 2022/23 report at Appendix A: and
- efficiency savings on service expenditure are proposed to rebalance future spending with the funding which will be available to the Council;

#### 1. Background

1.1 The Executive, at its meeting on 5 January 2022, proposed the Council's budget for 2022/23 for engagement with the public and other stakeholders. This budget included the implications of the Local Government Provisional Finance Settlement announcement on 16 December 2021 and this budget report and appendices are attached for information at Appendix A.

- 1.2 The proposed revenue budget has not changed since the report to the Executive on 5 January 2022 and has been balanced with no requirement for reserves funding to support it.
- 1.3 Outstanding information from the Lincolnshire District Councils relating to Council Tax and Business Rates was not available at the time of writing this report. The potential implications of the outstanding budgetary items are described below. If the relevant information is received before the date of the Executive meeting it will be presented at the meeting as an update to this report.

#### **Council Tax**

#### Council Tax Base

- 1.4 District Councils have to confirm their Council Tax Base and surplus/deficit position on the Council Tax element of the Collection Fund to the government by mid January and share this information with precepting authorities as soon as possible. The report to the Executive on 5 January 2022 assumed an increase of 1.5% in the council tax base.
- 1.5 At the time of preparing this report the County Council has not yet received confirmed tax base figures from each of the seven District Councils.
- 1.6 An update on these figures will be tabled at the Executive meeting on 8 February once all information has been confirmed by all of the Lincolnshire District Councils.

### Council Tax Collection Fund

- 1.7 At the time of preparing this report, none of the District Councils had submitted their confirmed positions on the council tax elements of their Collection Funds.
- 1.8 An update on these figures will be tabled at the Executive meeting on 8 February once all information has been confirmed by all of the Lincolnshire District Councils.
- 1.9 The Local Government Provisional Finance Settlement for 2021/22 confirmed that a deficit on the Council Tax Collection Fund for 2021/22 must be spread equally over 2021/22, 2022/23 and 2023/24 and new regulations to allow this to happen came into force in December 2020. This means that the impact of the deficit in 2021/22 is one third of this total, which will be repeated in each of the following two years in addition to any surpluses or deficits arising in those following two years. The element of the 2021/22 collection fund deficit charged to 2022/23 is £0.298m and this is included in our budget assumptions. Any surplus or deficit arising for 2022/23 will be added to this figure.

## Council Tax Increase

1.10 The Executive on 5 January 2022 proposed a council tax increase for 2022/23 of 3.00%, which is all Adult Social Care (ASC) Precept and is the amount of ASC

- precept that adult social care authorities could have charged in 2021/22. This Council decided to defer the charging of this precept last year, which was allowed under the regulations. The charging of this 2021/22 ASC precept cannot be deferred again.
- 1.11 The referendum threshold limit for 2022/23 was proposed by the Provisional Finance Settlement as 2.00%, which will be confirmed in the Final Local Government Finance Settlement. We will also have the ability to raise an ASC Precept of up to 1.00% for 2022/23. The Executive on 5 January 2022 did not propose a general council tax increase, and did not propose to charge a further 1.00% ASC precept in addition to the 3.00% proposed and set out in the previous paragraph.
- 1.12 An Impact Analysis has been completed for the 3.00% increase and is attached at Appendix B. The equality impacts are addressed further below in part 2 of the report 'Legal Issues'.

## **Business Rates**

- 1.13 The District Councils have until 31 January 2021 to provide business rates returns showing:
  - The amount of business rates to be passed to the Council;
  - The position on the business rates element of the collection funds; and
  - The value of the section 31 compensation grant due to the County Council.

## **Business Rates Collection Fund**

- 1.14 At the time of preparing this report, none of the seven District Councils had notified the Council of their confirmed Business Rates Collection Fund positions.
- 1.15 The Local Government Provisional Finance Settlement for 2021/22 confirmed that a net deficit on the Council Tax Collection Fund for 2021/22, after allowing for additional Section 31 grant in 2021/22, must be spread equally over 2021/22, 2022/23 and 2023/24 and new regulations to allow this to happen came into force in December 2020. The report to the Executive on 5 January 2022 included the assumption of a collection fund deficit of £0.320m relating to 2021/22 and a neutral position for 2022/23. Any surplus or deficit arising for 2022/23 will be added to this figure.
- 1.16 An update on these figures will be tabled at the Executive meeting on 8 February once all information has been confirmed by all of the Lincolnshire District Councils

## **Business Rates Section 31 Grant**

- 1.17 The Government confirmed that it will continue to compensate councils in full for the continuation of the business rates cap, small business rates relief and rural rate relief by way of a section 31 grant, as in previous years. In addition, there will be section 31 grant to compensate councils for the impact of the government's decision to freeze the business rates multiplier in both 2021/22 and in 2022/23.
- 1.18 At the time of preparing this report the Council had not received final notifications from each of the District Councils in respect of section 31 grants.
- 1.19 An update on these figures will be tabled at the Executive meeting on 8 February once all information has been confirmed by all of the Lincolnshire District Councils.

#### **Business Rates Pooling**

1.20 The Council has confirmed that it wishes to remain in a business rates pool with the seven Lincolnshire District Councils. Based on the pooling gain in 2020/21 and the estimated gain for 2021/22, an assumption of a £2.800m pooling gain has been made for 2022/23.

## **Revenue Budget**

1.21 The proposed revenue budget has not changed since the report to the Executive on 5 January 2022, as we are awaiting confirmation of the both council tax and business rates information from the District Councils, as well as confirmation of the Final Local Government Finance Settlement. The table on the next page shows the current proposed revenue budget.

TABLE A – Revenue Budget 2021/22 and 2022/23

| REVENUE EXPENDITURE     |   |                              |                               |
|-------------------------|---|------------------------------|-------------------------------|
| 2021/22<br>BUDGET       | REVENUE BUDGETS   | 2022/23<br>BUDGET<br>CHANGES | 2022/23<br>PROPOSED<br>BUDGET |
| £                       | COMMITTEE ADEA  | £                            | £                             |
| 10 771 272              | COMMITTEE AREA Children's Education                     | -105,750                     | 12,665,623                    |
|                         | Children's Social Care                                  | 3,666,096                    | 80,552,813                    |
|                         | Adult Frailty & Long Term Conditions                    | 6,656,712                    | 125,488,925                   |
|                         | Adult Specialities                                      | 5,808,483                    | 92,119,402                    |
| 29,355,056              | Public Health & Community Wellbeing                     | 328,556                      | 29,683,612                    |
|                         | Communities   | 5,052,460                    | 85,340,359                    |
|                         | Lincolnshire Local Enterprise Partnership               | 0                            | 344,105                       |
| 2,136,848<br>24,111,431 |   | -16,120<br>713,800           | 2,120,728<br>24,825,231       |
|                         | Fire and Rescue   | 107,961                      | 21,710,257                    |
| 21,002,200              | Public Protection & Emergency Planning                  | 101,001                      | 4,969,917                     |
| 00 455 500              | Finance   | 004.050                      | 7,324,796                     |
| 29,155,528              | Organisational Support                                  | -924,058                     | 13,938,343                    |
|                         | Legal and Governance                                    |                              | 1,998,413                     |
|                         | Corporate Property                                      |                              | 11,018,347                    |
| 39,164,413              | Commercial  | 430,230                      | 8,645,077                     |
|                         | Transformation Information Technology                   |                              | 4,597,546<br>15,333,673       |
| 2.943.487               | Corporate Services                                      | 15,770                       | 2,959,257                     |
|                         | Public Health Grant Income                              | -348,993                     | -33,895,130                   |
| -52,233,341             | Better Care Funding                                     | -2,102,911                   | -54,336,252                   |
| 0                       | Market Sustainability and Fair Cost of Care (New Grant) | -2,273,366                   | -2,273,366                    |
| 438,122,806             | Total Committee   | 17,008,870                   | 455,131,676                   |
|                         | SCHOOLS BUDGETS   |                              |                               |
|                         | Schools Block   | 63,325,730                   | 518,089,519                   |
|                         | High Needs Block  | 18,134,077                   | 110,116,512                   |
|                         | Central School Services Block                           | -336,555                     | 3,391,650                     |
|                         | Early Years Block Dedicated Schools Grant               | -1,229,511<br>-79,893,741    | 40,902,135<br>-675,175,731    |
|                         | TOTAL SCHOOLS BUDGETS                                   |                              |                               |
| -2,675,915              |   | 0                            | -2,675,915                    |
| 0.000.000               | OTHER BUDGETS   | 0.500.000                    | 0.500.000                     |
|                         | Contingency Capital Financing Charges                   | 3,500,000<br>1,327,361       | 6,500,000<br>42,989,307       |
| 22,699,741              |   | 9,869,974                    | 32,569,715                    |
|                         | TOTAL OTHER BUDGETS                                     | 14,697,335                   | 82,059,022                    |
| 502,808,578             | TOTAL NET EXPENDITURE                                   | 31,706,205                   | 534,514,783                   |
| 2.438.950               | Transfer to/from Earmarked Reserves                     | -2,438,950                   | 0                             |
|                         | Transfer to/from General Reserves                       | -200,000                     | 0                             |
| 505,447,528             | BUDGET REQUIREMENT                                      | 29,067,255                   | 534,514,783                   |
|                         | MET FROM:   |                              |                               |
|                         | Business Rates Local Retention                          | 3,439,743                    | 124,264,923                   |
|                         | Revenue Support Grant                                   | 640,216                      | 21,220,114                    |
|                         | Other Non Specific Grants County Precept                | 11,467,982<br>13,519,314     | 55,884,098<br>333,145,648     |
|                         | · · · · · · · · · · · · · · · · · · ·                   |                              |                               |
| 505,447,528             | TOTAL MET FROM  | 29,067,255                   | 534,514,783                   |

# **Capital Programme**

1.22 The proposed capital programme is summarised in Table B below. Some minor adjustments have been made since the report to the Executive on 5 January 2022, and the table below shows a summary of the programme and how the programme will be funded. Details of the Council's capital programme are set out at Appendix C.

TABLE B – Gross Capital Programme 2021/22 to 2022/23 (plus future years)

| Capital Programme                     |           |           |              |
|---------------------------------------|-----------|-----------|--------------|
|                                       | Revised   |           |              |
| (2021/22 plus Future Years)           | Gross     | Gross     | Gross        |
|                                       | Programme | Programme | Programme    |
|                                       | 2021/22   | 2022/23   | Future Years |
|                                       | £m        | £m        | £m           |
| ADULT CARE AND COMMUNITY WELLBEING    | ~         | ~111      | 2111         |
| Adult Frailty & Long Term Conditions  | 9.336     | 0.000     | 0.000        |
| Addit Franty & Long Term Conditions   | 9.330     | 0.000     | 0.000        |
| CHILDREN'S SERVICES                   |           |           |              |
| Children's Education                  | 41.209    | 42.926    | 37.233       |
| Children's Services                   | 1.119     | 1.535     | 0.745        |
| Official S Services                   | 1.119     | 1.535     | 0.745        |
| COMMERCIAL                            |           |           |              |
|                                       | 4.704     | 5.137     | 31.598       |
| Property<br>ICT                       | 3.815     | 8.608     | 17.751       |
| 101                                   | 3.815     | 8.608     | 17.751       |
| FIDE AND DECCHE & EMERCENCY DI ANNINO | 1.253     | 5.338     | 6.206        |
| FIRE AND RESCUE & EMERGENCY PLANNING  | 1.253     | 5.336     | 6.206        |
| DESCURSES                             |           |           |              |
| RESOURCES                             |           |           |              |
| Public Protection                     | 0.025     | 0.020     | 0.000        |
|                                       |           |           |              |
| <u>PLACE</u>                          |           |           |              |
| Communities                           | 11.207    | 6.441     | 7.187        |
| Growth                                | 19.270    | 3.058     | 0.000        |
| Highways                              | 126.274   | 68.732    | 108.349      |
|                                       |           |           |              |
| OTHER BUDGETS                         |           |           |              |
| Other Budgets                         | 11.476    | 8.570     | 67.500       |
|                                       |           |           |              |
| Total Budget                          | 229.688   | 150.364   | 276.569      |
|                                       |           |           |              |
| Gross Capital Programme               | 229.688   | 150.364   | 276.569      |
|                                       |           |           |              |
| Funded by:                            |           |           |              |
| Grants and Contribution               | 124.939   | 35.812    | 7.494        |
| Capital Receipts                      | 2.690     | 0.000     | 0.000        |
| Revenue Funding                       | 1.071     | 0.115     | 0.920        |
| Use of Reseve                         | 16.525    | 0.000     | 0.000        |
| Borrowing                             | 84.463    | 114.437   | 268.155      |
|                                       |           |           |              |
| TOTAL FUNDING                         | 229.688   | 150.364   | 276.569      |
|                                       |           |           |              |

#### **Council Tax Rates**

1.23 The impact on a Band D property of the proposed increase in council tax of 3.00% for 2022/23, as set out in paragraphs 1.10 and 1.11 above, is shown in Table C.

TABLE C – County Council Element of the Council Tax for Band D

| County Council element of the council tax | 2021/22   | 2022/23   |
|---|-----------|-----------|
| Band D council tax                        | £1,364.16 | £1,405.08 |
| Increase over previous year               | 1.99%     | 3.00%     |

- 1.24 The effect of this increase on all Council Tax property bands can be found at Appendix D.
- 1.25 Under section 52ZB of the Local Government Finance Act 1992 the Council, as a major precepting authority, must in setting its precept, determine whether its relevant basic amount of council tax for the financial year under consideration is excessive. That question must be determined by the Council in accordance with any principles determined by the Secretary of State and approved by a resolution of the House of Commons. Whilst those principles have not been approved at the date of preparing this report, notification has been given that for 2022/23 the principles will provide for up to a 4.00% increase in council tax for expenditure on adult social care (up to 3.00% relating to 2021/22 plus 1.00% for 2022/23) and a 2.00% increase in council tax for other expenditure. Applying those principles, the Executive can determine that the recommended council tax increase of 3.00% for adult social care is not excessive.

## **Prudential Indicators**

- 1.26 The Council is required to agree targets for specified prudential indicators in relation to capital financing and other treasury management matters. The Council also sets its own targets in addition to the statutory ones. The main purpose of these targets is to ensure that the Council's capital financing, in particular its long term borrowing, is prudent, affordable and sustainable. The proposed draft targets are set out in Appendix E. Some minor updates to some of these indicators will feed into the Council Budget report and Budget Book for full Council on 18 February 2022.
- 1.27 One of the Council's voluntary Prudential Indicators, is that the repayment of external debt including interest will be less than 10% of annual income from general government grants, Dedicated Schools Grant and council tax. This is projected to increase to 6.4% by 2024/25 from 5.0% in 2021/22.

#### **Final Local Government Finance Settlement**

1.28 The government grant allocations assumed in the budget proposals are those announced in the Provisional Local Government Finance Settlement. These allocations may be altered in the Final Settlement, although major changes are not expected. At the time of preparing this report, the date of the Final Settlement is not known but expected to be in early to mid-February. An update will be tabled at the Executive meeting on 8 February if there are any amendments required arising from the final Local Government Finance Settlement. The recommendations in this report allow for the Leader of the Council to review and amend the Executive's budget recommendations to the County Council, as appropriate, in light of the final Local Government Finance Settlement if this is received after the meeting on 8 February 2022.

#### **Flexible Use of Capital Receipts**

- 1.29 The Council approved the strategy of using Capital Receipts flexibly to fund revenue transformation projects between 2016/17 and 2019/20, in line with the Government's amended policy which allowed this. From 2020/21 onwards we have not made use of the flexibility and have instead had a strategy in place to use Capital Receipts only to repay loans or to fund new capital expenditure. Transformation projects have been funded by using existing revenue budgets or earmarked reserves.
- 1.30 The Secretary of State's Direction, which introduced the flexibility and the Statutory Guidance which required the Council to approve annually a Flexible Use of Capital Receipts Strategy, both come to an end in March 2022. At the time of writing this report, no further information about the policy had been published by the government, so it is assumed that the flexibility will end on 31 March 2022, and that there is no longer a requirement for councils to approve annually a Flexible Use of Capital Receipts Strategy.

### **Budget Consultation and Engagement**

- 1.31 Comments received so far from various stakeholders on the budget proposals are detailed in Appendix F. The Executive must consider these comments in arriving at its recommendations in relation to the final budget.
- 1.32 At the time of writing this report, a number of engagement events were still to be held. Therefore, an expanded Appendix F to this report will be tabled and presented to the Executive at the meeting on 8 February to allow any comments from these events, and any other comments received, to be considered with those already made.

#### **Financial Risk**

1.33 There are some risks which may impact on the budget for 2022/23 and we have taken a realistic, but prudent approach to our estimates. The main risks are outlined below.

- 1.34 There are relatively high levels of inflation in the current economic environment. We have mitigated this risk to some extent by proposing an increase of £3.500m to our general contingency.
- 1.35 There is a risk of some continuation of Covid-19 costs which will no longer be funded by additional government grant. We have mitigated this risk to some extent by: building Covid-19 impacts into the budget proposals where these are known; proposing an increase to our general contingency as detailed in paragraph 1.38; planning to use any unspent Covid-19 grants which can be carried forward to 2022/23.

#### The Medium Term Financial Strategy

1.36 The Medium Term Financial Strategy has been refreshed this year and is attached as Appendix G.

## **The Capital Strategy**

1.37 The Capital Strategy has been updated for 2022/23 and is attached as Appendix H.

## 2. Legal Issues:

## 2.1 Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

 Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

These equality considerations do not preclude changes in services being made, but do require that these be fully appreciated. It is clear that the current and future financial challenges facing local authorities and the need for budget savings may result in changes to service provision and to some reduction in Council services. These may apply to services accessed by all people in Lincolnshire as well as services provided to specific groups. It is possible that there may be an adverse impact on some people and communities including those with a protected characteristic.

In order to meet its obligations, Equality Impact Analyses will be carried out in relation to any proposed changes to services on an individual basis. The specific impacts on people with a protected characteristic will be investigated and the potential mitigation, if any, will be made clear, so that the implications of decisions are fully understood as they affect specific groups and communities. These have been and will continue to be regularly reported to the Executive as part of the decision making processes. Individual proposals will only be implemented after due regard to the legal matters that must be considered, including the public sector equality duty.

As part of its decision-making, the Executive will need to consider whether any alternative approaches could alleviate or at least mitigate the impact of the

decision; such as making reductions in other areas which do not have the same impacts, including, particularly, equality impacts. The result could be to require additional resources to be used in certain areas than has been budgeted for.

Consideration of the public sector equality duty and/or consultation may be necessary at the budget setting stage where a decision to reduce spending is significant, sufficiently focussed, and in financial terms, apparently rigid.

In the meantime consideration has been given as to whether there is any element of the current budget proposals that should be the subject of an equality impact analysis at this stage and as a result an assessment (attached at Appendix B) has been carried out on the proposal to increase Council Tax. That assessment identifies the potential for the proposal to impact on people with low income and therefore disproportionately on certain people with a protected characteristics including older and younger people, people with a disability and women with children. Overall, however, the increase is relatively modest and each District Council operates a Council Tax Support Scheme which has been designed following consultation and individual impact analyses to mitigate the effects of Council Tax levels on vulnerable people and people with low incomes. The savings of £4.818m built into this budget are all considered to have minimal impacts on service users but, as stated above, equality impact analyses will be carried out in relation to any proposed changes to services on an individual basis.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the public sector equality duty.

As part of its decision-making the Executive will need to consider whether any alternative approaches could alleviate or at least mitigate the impact of the decision such as making reductions in other areas which do not have the same impacts, including particularly equality impacts. The result could be to require additional resources to be used in certain areas than has been budgeted for. In this event the usual budget management processes such as virement would be followed and approval sought at the appropriate levels in accordance with Financial Regulations including full Council where necessary. In particular a contingency has been built into the budget proposals in the form of the Financial Volatility Reserve (the balance is currently £44.483m) and the annual Contingency budget which has been increased from £3.000m to £6.500m for 2022/23, for when additional funding cannot be found by way of virement from other service areas.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the Joint Strategic Needs Assessment and Joint Health and Well-being Strategy.

## Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the duty under section 17 of the Crime and Disorder Act 1988.

#### 3. Conclusion

- 3.1 These budget proposals reflect the level of Government funding available to the Council and a proposal to raise an Adult Social Care precept of 3.00% for 2022/23.
- 3.2 The budget proposal from the Executive meeting on 5 January 2022, as developed to reflect emerging budgetary information and consideration of engagement feedback, is recommended as the budget to be put forward by the Executive for approval at the County Council on 18 February 2022, subject to any change by the Leader to reflect the Final Local Government Finance Settlement, and District Council business rates and final council tax information.

## 4. Legal Comments:

The Executive is responsible for recommending a budget to the Council. Approval of the budget is reserved to full Council

When recommending a budget, the Executive must be mindful of its obligation to have due regard to a number of matters including under the Equality Act

2010.

Case law has established that generally it is lawful for a Council first to decide its budget and then to consider the question of consultation and the specific impact of proposed policies and service changes at the time they are developed and decisions are taken on them. Consideration has been given to whether there are any specific proposals within the budget that would require such consideration prior to the budget being set and apart from the proposed Council Tax increase which is dealt with in the Report there are not considered to be any such proposals

The way in which it is proposed to deal with specific service proposals is set out in full in the body of the report.

The legal issues relating to the recommended level of council tax and prudential indicators and the requirement for a Flexible Use of Capital Receipts Strategy are set out in the Report.

The proposed Medium Term Financial Strategy and Capital Strategy 2022/23 form part of the Financial Strategy which is part of the Council's Policy Framework. Approval of documents forming part of the Policy Framework is reserved to the full Council on the recommendation of the Executive.

The recommendations are within the remit of the Executive and are lawful. The Executive has the power to accept recommendation 3 or to agree one of the alternative approaches referred to in the report.

#### 5. Resource Comments:

These budget proposals incorporate the level of funding available to the Council from central Government plus an increase in Council Tax of 3.00% for an Adult Social Care precept.

The funding assumed is in line with the Provisional Local Government Finance Settlement received in December 2021, and we propose a balanced budget at this stage.

The Medium Term Financial Plan from 2023/24 onwards still shows an underlying deficit position. We expect to be able to resolve this once our future funding is known and further savings are built into the budget after a number of development initiatives, including transformational projects, are delivered.

#### 6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

## c) Scrutiny Comments

Councillor Budget Briefings:

A training event, to which all elected members have been invited, took place on 3 February 2022. The event covered local government finance plus the 2022/23 budget proposals. A record of any feedback received about the budget proposals at that event will be tabled at the meeting on 8 February 2022.

Further Scrutiny, Engagement and Consultation:

A consultation meeting with local business representatives, trade unions and other partners will take place on 28 January 2022. Comments from this meeting will be tabled at the meeting on 8 February 2022.

The Council's scrutiny committees scrutinised proposals in detail during January and their comments are included in Appendix F.

The Overview and Scrutiny Management Board will scrutinise the budget proposals in the report to the Executive on 5 January 2021 and their comments will be tabled at the meeting on 8 February 2022.

The proposal to increase Council Tax by 3.00% for the Adult Social Care precept has been publicised on the Council's website together with the opportunity for the public to comment. Comments and responses are included in Appendix F for the Executive to consider alongside this report on 8 February 2022.

## d) Risks and Impact Analysis

Yes. An impact analysis relating to the proposal to increase Council Tax has been carried out and is attached at Appendix B. Proposed service changes to give effect to the budget will be subject to their own policy proofing considerations.

# 7. Appendices

| These are listed below and attached at the back of the report |  |  |
|---|--|--|
| Appendix A  | Executive Report "Council Budget 2022/23" 5 January 2022                   |  |
| Appendix B  | Impact Analysis relating to increasing the council tax by 3.00% in 2022/23 |  |
| Appendix C  | Capital Programme 2021/22 to 2022/23 and future years                      |  |
| Appendix D  | Council Tax Increase per Band 2022/23                                      |  |
| Appendix E  | Prudential Indicators (in draft)   |  |
| Appendix F  | Consultation and Engagement Comments Received (to date)                    |  |
| Appendix G  | Medium Term Financial Strategy   |  |
| Appendix H  | Capital Strategy 2022/23   |  |

# 8. Background Papers

The following background papers as defined in section 100D of the Local Government Act 1972 were relied upon in the writing of this report.

| Document title   | Where the document can be viewed   |
|--|--|
| Provisional Local<br>Government Finance<br>Settlement    | Provisional local government finance settlement: England, 2022 to 2023 - GOV.UK (www.gov.uk) |
| Executive Report 5 January 2021 "Council Budget 2022/23" | Agenda for Executive on Tuesday, 5th January, 2021, 10.30 am (moderngov.co.uk)               |

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