

<b>Item No.</b> 2.1	<b>Classification:</b> Open	<b>Date:</b> 26 February 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Policy and Resources Strategy 2020-21 – revenue budget	
<b>Wards or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Finance and Governance	

## RECOMMENDATION

That council assembly:

1. Agrees to increase the Southwark element of the council tax for 2020-21 by 1.99%.
2. Agrees to use the flexibility offered by the government to support Adult Social Care through a precept equivalent to 2% of council tax on the basis that these additional funds will be used exclusively for adult social care
3. Agrees the recommendations of the 4 February 2020 cabinet for a general fund budget requirement (after specific grants) for 2020-21 of £294.292m.

## BACKGROUND INFORMATION

### Revenue Budget

4. On 4 February 2020 cabinet considered a report on the council's Policy and Resources strategy 2020-21 revenue budget proposals (Appendix 1).
5. No amendments were made to the recommendations included in the report, which were agreed by cabinet. Cabinet also agreed the responses to the recommendations arising from the Overview and Scrutiny committee on 27 and 29 January 2020 (Appendix 2).
6. The final 2020-21 Local Government Finance Settlement was published on 6 February 2020. There were no changes from the provisional settlement announced on 20 December 2020.
7. In total and in the context of resources available, the recommendation of the cabinet was agreed to set a general fund revenue budget requirement for 2020-21 of £294.292m.

## KEY ISSUES FOR CONSIDERATION

### Revenue Budget 2020-21

8. Table 1 below shows a high level summary of the proposed budget following consideration by cabinet on 4 February 2020. The report and relevant appendices to the cabinet are now attached to this report as Appendix 1.

**Table 1: high level summary budget for 2020-21**

	<b>2020-21 Budget Proposals £m</b>
<b>Settlement Funding Assessment (SFA)</b>	
Retained Business Rates (NDR Baseline)	-80.015
Business Rates top-up	-35.854
Revenue Support Grant	-36.448
<b>Total Settlement Funding Assessment</b>	<b>-152.317</b>
<b>Government Grants</b>	
Public Health Grant	-27.466
Section 31 Grant - outside of growth calculation	-5.829
New Homes Bonus	-14.359
Improved Better Care Fund	-17.323
Social Care Support Grant	-10.015
<b>Specific Grants</b>	<b>-74.992</b>
<b>Locally generated resources</b>	
Business Rate Retention Growth	-24.739
Business Rate Retention Collection Fund deficit (net of pooling income)	2.037
Council tax baseline funding	-113.327
Council tax increase (3.99%)	-4.522
Council tax collection fund surplus	-1.425
<b>Total revenue from council tax and business rate growth</b>	<b>-141.975</b>
Contribution from balances and reserves	0.000
<b>TOTAL RESOURCES</b>	<b>-369.284</b>
<b>2019-20 base budget</b>	<b>354.285</b>
Pay and contract inflation (excluding Children's and Adult services)	3.919
Growth and Commitments	19.790
Efficiencies, income generation and other savings	
Effective use of resources and efficiencies	-5.964
Income from fees and charges	-2.326
Other Savings	-0.420
<b>TOTAL BUDGET</b>	<b>369.284</b>
<i>Funding shortfall/(surplus)</i>	<i>0.000</i>

### **Southwark Council Tax**

9. For the purpose of setting council tax, the council calculates the total budget, less specific grants, less contribution from reserves. For 2020-21 this would be:

	<b>2020-21 £m</b>
Total budget (table above)	369.284
Specific grants (included in table above)	(74.992)
Planned contribution from reserves	0
<b>Total budget requirement</b>	<b>294.292</b>

10. All local authorities are required to set their council tax by 11 March each year. This council will set its own tax on 26 February 2020. As in previous years, any delay to this date will mean the council may have to move its council tax instalment date beyond 1 April. This would result in a loss of income to the council from cash flow and could also put at risk the ability of the council to meet its collection targets.
11. Cabinet have recommended accepting the government's offer to raise a 2% adult social care precept in 2020-21 and to set a 1.99% increase in council tax for 2020-21.
12. The effect on the Southwark element of council tax is shown in the following table:

	<b>Band D</b>			
	<b>2019-20</b>	<b>2020-21</b>	<b>Increase</b>	<b>Change</b>
Southwark Council Tax	1,066.27	1,108.81	42.54	3.99%
<i>of which:</i>				
<i>ASC precept</i>			21.32	2.00%
<i>Local increase</i>			21.22	1.99%

### **Consultation**

13. The Policy and Resources Strategy 2016-17 to 2019-20 reported to cabinet on 27 January and 9 February 2016 contained a detailed report giving results and analysis from the spending challenge consultation held during 2015. The council's draft budget proposals for 2020-21 were issued for consultation following cabinet on 17 December 2019.
14. In addition, recommendations from overview and scrutiny committee on 27 and 29 January 2020 were considered and accepted by cabinet at their meeting on 4 February 2020.

### **A strong and stable resource base**

15. In setting out the budget proposals for 2020-21 the Strategic Director of Finance and Governance, as the statutory section 151 officer, is assured that the range of spending commitments and proposed savings are being set within the resources available that meet local priorities. The draft budget proposed for 2020-21 is therefore robust.
16. In addition to ensuring that sufficient funds are available to finance the ongoing management of the council services, the Strategic Director of Finance and Governance needs to be assured that there is an appropriate level of reserves and balances available. The Local Government Act 2003 requires the chief finance officer to report on the adequacy of reserves held, and requires members to have regard to that report in setting the budget. The Act also gives powers to the Secretary of State to specify a minimum of reserves to be held, but those powers have not yet been applied.
17. The cabinet report included as Appendix 1 provides information about the use of reserves and balances (paragraphs 84 to 86).
18. The cabinet report also sets out how central government policy changes on Special Education Needs and Disability (SEND) have caused a significant and

growing deficit for the ring-fenced Dedicated Schools Grant (DSG). Whilst the 2019 Spending Round announced additional funding for SEND in 2020-21 which will assist managing in-year pressures, it will not resolve the accumulated deficit, estimated to be £18m by the end of 2019-20. Whilst the council has submitted a draft DSG recovery plan to the Education and Skills Funding Agency (ESFA), we have recently been informed that the proposed transfers between DSG spending blocks in both the current year and 2020-21 have been rejected. This decision if not reversed will significantly increase the deficit and the overall financial standing of the council. It is not clear how this decision reconciles with the government's statement that DSG deficits should not be covered from General Funds.

19. Maintaining an adequate level of reserves and balances are therefore key factors in the Strategic Director of Finance and Governance's assessment of the robustness of the budget. The relatively low levels of balances and reserves when compared to similar councils in London have been reported to cabinet.
20. The position remains under close review and the s151 officer will continue to make recommendations as appropriate within the Policy and Resources Strategy. He considers the current plans for use of balances to be acceptable and recognises that the budget continues to allow for a contingency that mitigates the risk of shortfalls in savings and income targets or higher levels of commitments arising from unforeseen budget pressures.
21. In setting the budget the council needs to be mindful of the continued uncertainty with regards to future funding. As set out in the Cabinet report there are significant uncertainties and complexities regarding the future funding of local government beyond 2020-21, including:
  - A Government Spending Review to be conducted during 2020;
  - A new local government needs based funding formula, the Fair Funding Review;
  - Redesign of the Business Rates Retention System for 75% retention from 2021-22;
  - Resetting of the business rates baseline from April 2021;
  - Government's intention to bring forward proposals for long-term reform of Adult Social Care and how it is funded;
  - Continued economic uncertainty following the UK's departure from the EU on 31 January 2020 and the 11-month transition period together with wider economic pressures on inflation, interest rates and area costs within London (especially housing).
22. The impact of these reforms cannot be assessed at this time. The use of the Financial Risk Reserve, the Business Rate Retention Risk and the Brexit Risk Reserve all form part of the mitigation strategy. The risks identified strengthen the importance of maintaining a robust Medium Term Financial Strategy (MTFS) within which to plan council business and sustain delivery of essential frontline services. A refreshed financial outlook of the financial position will be presented to Cabinet in summer 2020.

### **Community impact statement**

23. The community impact statement is set out in the cabinet report of 4 February 2020 attached at Appendix 1.

24. The council works in accordance with the single public sector equality duty contained within section 149 of the Equality Act 2010. This means the council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and advance equality of opportunity and foster good relations between different groups.
25. Transparency and fairness form part of the seven budget principles and are an underlying principle in the Council Plan. As with the budget for 2020-21 and for previous years, each department has undertaken equality analysis/screening on its budget proposals ahead of the final decisions being taken. Where screenings identify potential impacts more detailed analysis is being carried out and will be developed as proposals are confirmed.
26. Undertaking equality analysis helps the council to understand the potential effects that the budget proposals may have on different groups. The analysis also considers if there may be any unintended consequences and how any of these issues can be mitigated. Analysis is also undertaken to consider any cross-cutting and organisation-wide impacts.
27. For many services the budget proposals will include efficiencies which have staffing implications. As specific proposals are brought forward, and at each stage of implementation thereafter, the different impacts on different categories of staff will be assessed in accordance with the council's reorganisation, redeployment and redundancy procedures.
28. Equality analysis will continue through the cycle of planning and implementation of these budget proposals. In line with our Public Sector Equality Duty, any changes to services arising from these proposals will be implemented in such a way so as to not impact disproportionately on any specific section or group in our community. Where necessary, consultation will be undertaken alongside mitigating actions where necessary. In line with the process across the council, information on the equality analysis will be shared with the relevant cabinet members so it can be considered when decisions are taken. The equality analyses have been collated across the council to look for any cumulative impacts.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

29. The report asks council assembly to agree the recommendations of the 4 February 2020 cabinet for a general fund budget requirement (after use of reserves) for 2020-21 of £294.292m including the impact of a 3.99% council tax increase for 2020-21. In accordance with part 3a of the Constitution, council assembly is required to agree the budget.
30. In respect of all recommendations, council assembly is reminded of the requirement to consider the public sector equality duty as set out in Section 149 of the Equality Act 2010 before reaching a decision.
31. When undertaking their duties under section 149 the council must ensure:
  - The duty must be fulfilled before the decision in question is enacted;
  - The duty must be exercised in substance with 'rigour and an open mind'; it is not a matter of 'ticking boxes'; and

- The duty is continuing; it does not end with the completion of the EIA and due regard must be had as policy evolves and is implemented.

### **Legislative Framework**

32. Section 31A of the Local Government and Finance Act 1992 (“the 1992 Act”) provides that the Council has an obligation to calculate and agree an annual budget.

### **Restrictions on Voting Under Section 106 of the Local Government Finance Act 1992**

33. Section 106 of the 1992 Act applies at any time to a member of an authority, if at that time the member is due to pay council tax payments which have remained unpaid for at least two months.
34. The payments to which the section applies are any type of either sole or joint and several liability for council tax, and any failure to pay any agreed sum of council tax. Therefore members are advised that this section is likely to apply to them if they are currently two months in arrears of any amounts of council tax, even if they have made any special contractual arrangement with the council to pay off the arrears.
35. If this section applies to any member, he/she at the relevant meeting and as soon as practicable after its commencement, must disclose the fact that the section applies and not vote on any question with respect to this matter.
36. The relevant meetings are those at which any of the following are the subject of consideration, namely:

- (a) Any calculation required by chapter III, IV, V of Part 1 of the 1992 Act

The only calculations likely to be made by this authority are those under Chapter III of Part 1 of the 1992 Act, (Chapter IV relates to precepting and Chapter V limitations on council tax (i.e. capping))

The Chapter III calculations include the calculation of the budget requirement, basic amount of tax, the additional requirements because of the special trust funds, the calculation of the tax for the different valuation bands and the basic amount of council tax to be set under Section 30.

- (b) Any recommendation, resolution or other decision which might affect the making of any such calculation

This is an extremely wide wording and would extend well beyond merely setting the budget. It applies to virtually any matter where the financial implications directly or indirectly might affect the calculations concerning the council tax. It would therefore apply to decisions concerning the level or extent of services as well as the expenditure, receipt or forgoing of any money.

- (c) The exercise of any function under Schedules 2-4 of the Local Government Finance Act 1988 (“the 1988 Act”) and 1992 Act

The functions under either the 1988 or 1992 Acts concern the administration and the enforcement of community charge and council tax respectively.

37. Section 106 of the 1992 Act makes it a criminal offence for a member to vote when prohibited from doing so or to fail to make the necessary disclosure. There is a statutory defence, with the onus of proof on the member, to prove that he did not know that the section applied to him or her at the time of the meeting or that the matter in question was the subject of consideration at the meeting. Prosecutions shall not be instituted except by or on behalf of the Director of Public Prosecutions.

#### **Reasons for urgency**

38. The council is required to set a lawful budget by 11 March 2020.

#### **Reasons for lateness**

39. The final local government finance settlement was published on 6 February 2020 and is subject to Parliamentary approval of the Local Government Finance Report. The parliamentary motion relating to the Local Government Finance Report has been deferred until 24 February 2020. On 12 February 2020 the council was informed by the Education and Skills Funding Agency (ESFA) that the Council's request to switch funding between DSG funding blocks had been refused. This decision has potentially significant impact on the council's revenue reserves and DSG recovery plan, requiring consideration of the council's response.

#### **BACKGROUND INFORMATION**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
None		

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Cabinet Report 5 February 2019 Policy and Resources 2019-20 Revenue Budget with appendices A to G
Appendix 2	Cabinet response to Overview and Scrutiny Committee's recommendations of 29 January 2020.

## AUDIT TRAIL

<b>Lead Officer</b>	Duncan Whitfield, Strategic Director of Finance and Governance	
<b>Report Author</b>	Robert Woollatt, Interim Departmental Finance Manager	
<b>Version</b>	Final	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional team</b>	18 February 2020	