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STATUTORY INSTRUMENTS

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**2016 No. 188**

**COUNCIL TAX, ENGLAND**

**The Council Tax (Demand Notices)  
(England) (Amendment) Regulations 2016**

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| <i>Made</i>                   | - - - - | <i>18th February 2016</i> |
| <i>Laid before Parliament</i> |         | <i>19th February 2016</i> |
| <i>Coming into force</i>      | - -     | <i>20th February 2016</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 113(1) and (2) of, and paragraphs 1(1), 2(4)(e) and (j) and 14(1) and (2) of Schedule 2 to, the Local Government Finance Act 1992(1).

The Secretary of State considers the information which is required to be supplied by virtue of the amendment made by regulation 2(3) is necessary in order that billing authorities are able to meet their obligations under the Council Tax (Demand Notices) (England) Regulations 2011(2).

**Citation and commencement**

1. These Regulations may be cited as the Council Tax (Demand Notices) (England) (Amendment) Regulations 2016 and come into force on 20th February 2016.

**Amendment of the Council Tax (Demand Notices) (England) Regulations 2011**

2.—(1) The Council Tax (Demand Notices) (England) Regulations 2011 are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) after the definition of “the Administration Regulations” insert—

““adult social care authority” means—

(a) a local authority within the meaning of section 1(4) of the Care Act 2014(3);  
and

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(1) 1992 c.14. See section 116(1) for the definition of “prescribed”. Section 113(1) and (2) was amended by paragraphs 2 and 9(a) of Schedule 1 to the Local Government Act 1999 (c.27); paragraphs 40 and 52 of Schedule 7 to the Local Government Act 2003 (c.26); section 80 of the Localism Act 2011 (c.20), S.I. 2013/2597 and 2015/1356.

(2) S.I. 2011/3038, amended by S.I. 2012/3087.

(3) 2014 c.23.

(b) the Council of the Isles of Scilly(4);

“adult social care functions” means the functions of an adult social care authority under Part 1 of the Care Act 2014 (care and support);”;

(b) after paragraph (2) insert—

“(3) Where, in relation to the year beginning in 2016—

(a) the basic amount of council tax calculated by an adult social care authority under section 31B or 42B(5) of the Act (as the case may be) is higher than its basic amount of council tax (as so calculated) in relation to the year beginning in 2015; and

(b) the authority intends to use the additional council tax, or any part of the additional council tax, for the purpose in paragraph (4),

a reference in these Regulations to “the adult social care precept” means, in relation to a category of dwellings in the authority’s area, the amount of the additional council tax for that category of dwelling which is attributable to the purpose in paragraph (4)(6).

(4) The purpose referred to in paragraph (3) is the purpose of funding adult social care functions exercised in the year beginning in 2016.”.

(3) In regulation 8 (supply of information by precepting authorities) after paragraph (3), insert—

“(3A) When a relevant precepting authority which is an adult social care authority issues a precept to a billing authority for the year beginning in 2016—

(a) it must supply the information specified in paragraph (3B) to the billing authority; and

(b) if an amount stated under section 40(2)(a) of the Act includes an amount attributable to the adult social care precept, it must also supply the information specified in paragraph (3C).

(3B) The information mentioned in paragraph (3A)(a) is a statement as to whether or not an amount stated under section 40(2)(a) of the Act includes an amount for the adult social care precept.

(3C) The information mentioned in paragraph (3A)(b) is, in relation to each category of dwellings in the billing authority’s area, the amount of the precept issued under section 40 of the Act which is attributable to the adult social care precept.”.

(4) In Schedule 1 (matters to be contained in demand notices)—

(a) at the beginning of paragraph 7 insert “Subject to paragraph 7A,”;

(b) after paragraph 7 insert—

“7A.—(1) This paragraph applies instead of paragraph 7—

(a) in relation to the year beginning in 2016;

(b) where the billing authority is an adult social care authority; and

(c) where the amount set by the authority under section 30 of the Act includes an amount attributable to the adult social care precept.

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(4) *S.I. 2015/642*, made under section 128(4) of the Care Act 2014, modifies Part 1 of that Act in its application to the Isles of Scilly.

(5) Sections 31B and 42B were inserted by sections 74 and 75 of the Localism Act 2011 respectively.

(6) The Referendums Relating to Council Tax Increases (Principles) (England) Report 2016/17 (HC 790; February 2016) contains the principles in accordance with which an authority must determine whether its relevant basic amount of council tax for the financial year beginning in 2016 is excessive (see section 52ZC of the Local Government Finance Act 1992, inserted by Schedule 5 to the Localism Act 2011). The referendum principle applying to adult social care authorities is 4.0% (comprising 2.0% for expenditure on adult social care and 2.0% for other expenditure), or more than 4.0%.

- (2) If the notice does not contain the matters specified in sub-paragraphs (3) and (4) it must contain the matter specified in sub-paragraph (5).
- (3) The amount set by the authority under section 30 of the Act less the amount which is attributable to the adult social care precept.
- (4) The amount attributable to the adult social care precept.
- (5) The amount set by the authority under section 30 of the Act.”;
- (c) at the beginning of paragraph 8 insert “Subject to paragraph 8A,”;
- (d) after paragraph 8 insert—
  - “**8A.**—(1) This paragraph applies instead of paragraph 8—
    - (a) in relation to the year beginning in 2016;
    - (b) where a major precepting authority which is an adult social care authority issues a precept to the billing authority under section 40 of the Act; and
    - (c) where an amount stated by the major precepting authority under section 40(2) (a) of the Act includes an amount attributable to the adult social care precept.
  - (2) If the notice does not contain the matters specified in sub-paragraphs (3) and (4) it must contain the matter specified in sub-paragraph (5).
  - (3) The amount of the precept issued by the major precepting authority under section 40(2)(a) of the Act less the amount attributable to the adult social care precept.
  - (4) The amount attributable to the adult social care precept.
  - (5) The amount of the precept issued by the major precepting authority under section 40(2)(a) of the Act.”;
- (e) after paragraph 12, insert—

**“Adult social care funding**

- 12A.**—(1) This paragraph applies in relation to the year beginning in 2016.
- (2) In a case to which paragraph 7A applies the following statement, with the inclusion, where indicated, of the name of the billing authority serving the notice—

“The council tax attributable to [name of billing authority] includes a precept to fund adult social care.”
- (3) In a case to which paragraph 8A applies the following statement, with the inclusion, where indicated, of the name of the major precepting authority in question—

“The council tax attributable to [name of major precepting authority] includes a precept to fund adult social care.”;
- (f) in paragraph 13, for “paragraph 14” substitute “paragraphs 14, 17A and 17B”;
- (g) after paragraph 17, insert—
  - “**17A.**—(1) This paragraph applies instead of paragraph 13—
    - (a) in relation to the year beginning in 2016;
    - (b) where the billing authority is an adult social care authority; and
    - (c) to the extent that paragraph 13 applies to the amount(7) in paragraph 7.

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(7) For the definition of “relevant amounts” see paragraph 1 of Schedule 1 to [S.I. 2011/3038](#).

(2) Where the notice specifies an amount under paragraph 7A(3), the percentage change between—

- (a) the amount set by the authority under section 30 of the Act for the year beginning in 2015, and
- (b) the amount set by the authority under section 30 of the Act for the year beginning in 2016 less the amount attributable to the adult social care precept,

expressed to one decimal place.

(3) Where the notice specifies an amount under paragraph 7A(5), both—

- (a) the percentage change calculated in accordance with sub-paragraph (2); and
- (b) the percentage change between—
  - (i) the amount set by the authority under section 30 of the Act for the year beginning in 2015, and
  - (ii) the amount in sub-paragraph (i) plus the amount which is attributable to the adult social care precept<sup>(8)</sup>,

expressed to one decimal place.

**17B.**—(1) This paragraph applies instead of paragraph 13—

- (a) in relation to the year beginning in 2016;
- (b) where the billing authority is not an adult social care authority; and
- (c) to the extent that paragraph 13 applies to the precept in paragraph 8.

(2) Where the notice specifies an amount under paragraph 8A(3), the percentage change between—

- (a) the precept issued under section 40(2)(a) of the Act for the year beginning in 2015, and
- (b) the precept for the year beginning in 2016 less the amount attributable to the adult social care precept of the major precepting authority,

expressed to one decimal place.

(3) Where the notice specifies an amount under paragraph 8A(5), both—

- (a) the percentage calculated in accordance with sub-paragraph (2); and
- (b) the percentage change between—
  - (i) the precept issued under section 40(2)(a) of the Act for the year beginning in 2015, and
  - (ii) the precept for the year beginning in 2015 plus the amount attributable to the adult social care precept of the major precepting authority,

expressed to one decimal place.”.

(5) After paragraph 6 of Schedule 2 (information to be supplied with demand notices), insert—

**“Statement concerning adult social care funding**

7. In relation to the year beginning in 2016, the following statement—

The Secretary of State for Communities and Local Government has made an offer to adult social care authorities. (“Adult social care authorities” are local authorities which

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<sup>(8)</sup> The referendum principle applying to adult social care authorities is 4.0% (comprising 2.0% for expenditure on adult social care and 2.0% for other expenditure), or more than 4.0%.

have functions under Part 1 of the Care Act 2014, namely county councils in England, district councils for an area in England for which there is no county council, London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.)

The offer is the option of an adult social care authority being able to charge a “precept” of up to 2% on its council tax for the financial year beginning in 2016 without holding a referendum, to assist the authority in meeting expenditure on adult social care. Subject to the annual approval of the House of Commons, the Secretary of State intends to offer the option of charging this “precept” in relation to each financial year up to and including the financial year 2019-20.

In relation to the financial year beginning in 2016 the Secretary of State has determined (and the House of Commons has approved) a referendum principle of 4% (comprising 2% for expenditure on adult social care and 2% for other expenditure), for adult social care authorities. These authorities may therefore set council tax up to this percentage in 2016 without holding a referendum.”.

Signed by authority of the Secretary of State for Communities and Local Government

*James Wharton*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

18th February 2016

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Council Tax (Demand Notices) (England) Regulations 2011 ([S.I. 2011/3038](#)) (“the 2011 Regulations”). The 2011 Regulations make provision about matters to be contained in, and information to be supplied with, council tax demand notices. The purpose of the amendments is to provide for additional information about expenditure on adult social care functions to be presented in or with notices for the financial year beginning in 2016.

Regulation 2(2) inserts definitions into the 2011 Regulations. The “adult social care precept” relates to the amount by which an authority raises its council tax for the financial year beginning in 2016 in order to fund adult social care functions. Regulation 2(3) amends regulation 8 of the 2011 Regulations to require a county council in an area for which there are district councils to provide billing authorities with information about the amount of its precept attributable to proposed expenditure on adult social care in the financial year beginning in 2016.

Regulation 2(4) amends Schedule 1 to the 2011 Regulations to make amendments to the information which billing authorities must include on the notice that goes to a council tax payer stating how much council tax he or she is required to pay (“a demand notice”).

Regulation 2(5) amends Schedule 2 to the 2011 Regulations to require a billing authority to include an explanatory statement in the information to be supplied with a demand notice. The statement explains the background to the adult social care precept.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact on the public sector is minimal.