

Pooling of Non-Domestic Rates and Redistribution to Local Authorities in England Account 2009-2010

Presented to Parliament pursuant to Schedule 8, paragraph 1 of the Local Government Finance Act 1988

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Management Commentary

Under the Local Government Finance Act 1988, non-domestic rates are to be paid to the Secretary of State who is then required to redistribute them to local authorities in accordance with the methodology set out each year in the Local Government Finance Report (England) made under section 78A¹ of the Act. The non-domestic rates are thus, in effect, pooled and redistributed. The operation of the pool is governed by Schedule 8 to the 1988 Act and regulations made under section 141. This account, relating to 2009-2010, demonstrates that, taking one year with another, pooling is achieved and all rates received are redistributed to receiving authorities². All these transactions appear elsewhere in the Consolidated Fund account or Resource Account for the Department for Communities and Local Government, but this account serves to bring them together and demonstrate the working of the pool.

The collection of Business rates in 2009-2010 was affected by the Business Rates Deferral Scheme. The deferral scheme enabled businesses to defer payment of three per cent of their 2009-2010 rates bill, with the deferred amounts being collected in equal proportions in 2010-2011 and 2011-2012. In total £20.637 million was deferred from the Central Ratings List in 2009-2010.

Pooling and redistribution of non-domestic rates

Non-domestic rates are received

- from billing authorities in respect of businesses in their areas other than those on the central non-domestic rating list;
- directly from businesses on the central non-domestic rating list; and
- from the Ministry of Defence in respect of contributions in lieu of rates for exempt properties occupied for the purposes of visiting forces, or an international headquarters or defence organisation in pursuance of arrangements made with any Government department ('visiting forces exempt properties').

An amount equivalent to the estimated total of these sums is distributed to receiving authorities in the same way as the Revenue Support Grant.

Non-domestic rates paid to the Secretary of State are credited to the Consolidated Fund. Amounts paid to authorities by the Secretary of State are paid out of monies provided by Parliament. There is no separate fund through which these monies pass. In order to avoid unnecessary cash transfers between the Secretary of State and authorities, only net payments are made³. However, the account shows as items of account all the non-domestic rate entitlements and liabilities which have been discharged, rather than net cash sums received or paid out.

Receipts from billing authorities and others

A billing authority's non-domestic rating contribution into the pool represents the amount which would be payable by ratepayers in the authority's area if the authority acted diligently, after allowing for certain prescribed deductions (e.g. for costs of collection and recovery). A provisional calculation of the amount is made by the authorities before the start of the year on the basis of prescribed assumptions. The Secretary of State may make his own calculation if he believes that the authority's calculation is unlikely to have been made in accordance with regulations (made under paragraph 4(1) of Schedule 8). An authority may recalculate its provisional contribution up to once per quarter during the year if the difference between the recalculated amount and the previously calculated amount exceeds a prescribed threshold. The Secretary of State, if he believes that the recalculated amount is likely to have been calculated in accordance with the relevant regulations, must then adjust the authority's payments accordingly. The amounts paid to the Secretary of State on the basis of these calculations and recalculations are shown in the account as 'Contributions from authorities'. The Department for Communities and Local Government calculates amounts due to the Secretary of State from ratepayers on the central rating list. Contributions in aid in respect of visiting forces' exempt properties are calculated by the Valuation Office Agency and paid to the Secretary of State by the Ministry of Defence.

1 Except where otherwise specified, all references to sections relate to sections of the Local Government Finance Act 1988 (as amended by, inter alia, Schedule 5 to the Local Government and Housing Act 1989, the Local Government Finance Act 1992 and the Non-Domestic Rating Act 1994).

2 All references to billing authorities have, by virtue of section 144 (2), the same meaning as in Part I of the Local Government Finance Act 1992, and all references to receiving authorities relate to any billing authority or major precepting authority which also has, by virtue of section 144 (2), the same meaning as in that Part.

3 See the Local Government Finance (Payments) (English Authorities) Regulations 1992 (S.I. 1992/2996) made under s 141.

Prior year adjustments

After the end of the year, each authority must calculate its required contribution, arrange for it to be audited and send a copy of the unaudited claim form to the Secretary of State. On receipt of the unaudited claim, the Secretary of State must adjust the authority's payments to accord with this calculation, either by refunding any sums overpaid or requiring additional payments from the authority as appropriate. If the calculation is changed as a result of the audit, the Secretary of State must make further adjustments to agree with the audited calculation.

Any subsequent changes to the amount payable to the authority in respect of the relevant financial year (which might occur, for example, because of appeals which may retrospectively alter rateable values) are treated as 'prior year adjustments' to the pool contribution for a subsequent year.

Distribution of the pool

An amount equivalent to the Secretary of State's estimate of the yield of non-domestic rates is distributed to receiving authorities each year. The sum to be distributed (the 'distributable amount') is calculated by the Secretary of State before the financial year using estimates of the items to be credited and certain items to be debited to the account in the year (paragraph 9 of Schedule 8). However, it is unlikely that the aggregate of payments into the pool in any one year will exactly equal the distributable amount. Any surplus or deficit on the account is carried forward.

Statutory background

The account for 2009-2010 is prepared under paragraph 1 of Schedule 8 to the Local Government Finance Act 1988 and shows

- i sums received by the Secretary of State in 2009-2010
 - a under section 54 in respect of non-domestic rates paid by ratepayers on the central rating list;
 - b under section 59 in respect of contributions in aid of non-domestic rating in respect of visiting forces' exempt properties;
 - c under paragraph 5(5) of Schedule 8 in respect of the provisional amount of non-domestic rates estimated by billing authorities to be collectable in 2009-2010; and
 - d in respect of the additional rates collected by billing authorities in respect of 2008-2009 and previous years, following the calculation of the final amounts of non-domestic rates due for those years under paragraph 5, or regulations under paragraph 5(15), of Schedule 8, and in respect of visiting forces exempt properties and from ratepayers on the central rating list following recalculations of the amounts due.
- ii payments made by the Secretary of State in 2009-2010
 - a in respect of the repayments to billing authorities of excess contributions following the calculation of the final amounts of non-domestic rates due for 2008-2009 and previous years under paragraph 5(10), 5(14) or regulations under paragraph 5(15) of Schedule 8, and to ratepayers on the central rating list following recalculations of the amounts due; and
 - b under paragraph 12 in respect of non-domestic rates distributed to receiving authorities in the same way as Revenue Support Grant.

Review of 2009-2010

In 2009-2010 the Secretary of State received £21,527.306 million of non-domestic rates and paid to authorities £19,827.149 million. The amount received also included adjustments from the 2008-2009 period.

At the end of 2009-2010, amounts of non-domestic rates due for 2008-2009 and earlier years had not been determined in respect of nine authorities. Six of these were resolved before the end of June 2010. As and when the outstanding returns are finalised, the resulting payments to or by the Secretary of State will be reflected in the Non-Domestic Rating Account for 2010-2011.

After taking account of the accumulated deficit of £1,496.62 million carried forward from the previous financial year, the overall balance on the account at the end of 2009-2010 is a cumulative surplus of £203.54 million.

Properties occupied for the purposes of a visiting force, or a headquarters or defence organisation designated by an Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964 are exempt from non-domestic rating, under paragraph 19A of Schedule 5, inserted by the Local Government and Rating Act 1997. Contributions in aid of rates for these exempt properties are made by the Secretary of State for Defence under section 59 of the 1988 Act.

Irene Lucas
Accounting Officer
Department for Communities and Local Government

30 June 2010

Statement of Accounting Officer's responsibilities with respect to the Account

Under paragraph 1 of Schedule 8 to the Local Government Finance Act 1988 the Secretary of State is required to prepare an account (to be called a non-domestic rating account) for each financial year in the form directed by the Treasury. An Accounting Officer is appointed for the account. The account is prepared on a cash basis and must properly present the receipts and payments for the financial year and the balance held at year end.

The relevant responsibilities of Accounting Officers, including their responsibility for the propriety and regularity of the public finances for which they are answerable, and for the keeping of proper records, are set out in the Accounting Officers' Memorandum issued by the Treasury and published in *'Managing Public Money'*.

Non-Domestic Rating Account 2009-2010

Account, prepared under the Local Government Finance Act 1988 (c.41 Schedule 8) of receipts and payments of the Secretary of State

	Current Year 2009-2010 £000	Previous Year 2008-2009 £000
Receipts		
Balance as at 1 April 2009	(1,496,621)	(449,892)
Contributions from authorities	20,096,127	18,808,732
Contributions from ratepayers on the central non-domestic rating list	1,212,119	1,144,994
Contributions in aid in respect of visiting forces exempt properties	11,205	11,193
Gross additional receipts as a result of the final recalculations for 2008-2009 and previous years	205,855	46,513
Balance as at 31 March 2010	(203,536)	1,496,621
	19,827,149	21,058,161
Payments		
Sums paid to receiving authorities as the distributable amount for 2009-2010	19,500,000	20,500,000
Sums paid to billing authorities as a result of the final recalculations for 2008-2009 and previous years	285,793	558,161
Sums paid to Central List ratepayers as a result of in year and previous years adjustments and business rate deferrals	41,356	
	19,827,149	21,058,161

Notes

- 1 Excess of receipts over payments in 2009-2010 is £1,700,157,342
- 2 Excess of payments over receipts for 2008-2009 is £1,046,728,617

Statement of Balances as at 31 March 2010

	2009-2010	2008-2009
	£000	£000
Balance as at 1 April	(1,496,621)	(449,892)
Plus excess of contributions over amounts distributed for the year	1,700,157	(1,046,729)
Balance as at 31 March 2010	<u>203,536</u>	<u>(1,496,621)</u>

Irene Lucas
Accounting Officer
Department for Communities and Local Government

30 June 2010

Non-Domestic Rating Account for the year ended 31 March 2010

Notes

- 1 The Account has been prepared in accordance with Schedule 8 to the Local Government Finance Act 1988. It has been prepared on a cash basis with no provision for accruals and in a form directed by the Treasury. The prior period figures are included for comparison and are taken from the 2008-2009 Account.
- 2 Authorities are required to calculate their non-domestic rate contribution for the year before it begins (the provisional amount; paragraph 5 (2) of Schedule 8 – although under certain circumstances they may recalculate the provisional amount during the year), and again after it ends (paragraph 5 (6)). The provisional amount is paid during the year in such instalments as the Secretary of State directs (paragraph 5 (5)). Whilst the account shows the full amounts of contributions from authorities and the distributable amount, in practice these items are netted off against each other and only net payments are made. This avoids unnecessary cash transfers between the Secretary of State and local authorities.
- 3 The Secretary of State received contributions in aid of non-domestic rating (section 59) totalling £11,205,343 from the Ministry of Defence in respect of exempt hereditaments occupied by visiting forces in 2009-2010.
- 4 The outturn adjustments made for 2008-2009 and earlier years comprised payments of £285,792,563 and receipts of £207,855,438.
- 5 Any surplus or deficit on the account is carried forward to the following year.
- 6 The account is audited by the Comptroller and Auditor General. The National Audit Office bears the cost of all external audit work performed on the NNDR white paper account.

The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the Pooling of Non-Domestic Rates and Redistribution to Local Authorities in England Account for the year ended 31 March 2010 under the Local Government Finance Act 1988. These comprise the Non-Domestic Rating Account, the Statement of Balances and related notes. These financial statements have been prepared under the accounting policies set out within them.

Respective responsibilities of the Accounting Officer and Auditor

As explained more fully in the Accounting Officer's Responsibilities, the Accounting Officer is responsible for the preparation of the financial statements in accordance with the Local Government Finance Act 1988 and HM Treasury directions made thereunder. My responsibility is to audit the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made and the overall presentation of the financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the receipts and payments reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Opinion on regularity

In my opinion, in all material respects the receipts and payments have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Opinion on financial statements

In my opinion

- the financial statements properly present the receipts and payments the Non Domestic Rating Account for the year 31 March 2010 and the balances at that date;
- the financial statements have been properly prepared in accordance with the Local Government Finance Act 1988 and HM Treasury directions issued thereunder; and
- the information given in the Management Commentary is consistent with the financial statements.

Matters for which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion

- adequate accounting records have not been kept; or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements are not in agreement with the accounting records or returns; or

I have not received all of the information and explanations I require for my audit; or

Report

I have no observations to make on these financial statements.

Amyas C E Morse
Comptroller and Auditor General

2 July 2010

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