



ADUR DISTRICT
COUNCIL

15 December 2022

Director for Communities
Tina Favier
Adur & Worthing Councils
Town Hall, Chapel Road
Worthing, West Sussex BN11 1HA

**Adur Council Meeting
15 December 2022**

QE2 Room, Shoreham Centre, Shoreham-by-Sea

7.00 pm

Agenda

7 December 2022

ALL MEMBERS OF THE COUNCIL are hereby summoned to attend for the following business:

Part A

1. Apologies for Absence

2. Declarations of interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

3. Election of a Vice chairperson

To appoint a Vice Chairman of the Council until the Annual Meeting of the Council in 2023.

The Chairman will call for nominations for the appointment of the Vice Chairman of the Council, if there is more than one nomination, there will be a vote.

The Vice Chairman to declare their acceptance of office.

4. Questions from the public

To receive any questions from members of the public addressed to Members of the Executive in accordance with Council Procedure Rule 11. There is up to 5 minutes for each question, one supplementary question may be asked arising from the original question.

Questions must relate to any matter the Council has power or which affects the District except no questions may be asked on

- a) A specific planning or licensing application
- b) A specific staffing appointment or appeal or Standards determination

Public question time will last up to 30 minute; questions will be taken in order of

receipt. The deadline for submissions is Monday 12 December 2022 at 12 noon.

Questions to be submitted to democratic.services@adur-worthing.gov.uk

5. Confirmation of Minutes

To approve the minutes of the meeting of the Council on 20 October 2022, copies of which have been previously circulated.

6. Announcements by the Chairman, Leader of the Council, Executive Members and / or Head of Paid Service

7. Items raised under urgency provisions

To consider any items the Chairman has agreed are urgent

8. Recommendations from the Council and Executive and Committees to Council (Pages 7 - 16)

To consider recommendations to the Council, details of which are set out in the attached items as A-D. Items C and D were not available at the time of publication and will be circulated later.

	Executive / Committee	Date	Item
A	Joint Overview and Scrutiny Committee	24 November 2022	Joint Overview and Scrutiny Work Programme
B	Joint Audit and Governance Committee	29 November 2022	Members Allowances 2022/23
C	Adur Joint Strategic Sub-Committee	6 December 2022	2023/24 Budget Item
D	Adur Joint Strategic Sub-Committee	6 December 2022	The working-age Council Tax Support Scheme for 2023/24

9. Report of the Leader on decisions taken by the Executive (Pages 17 - 24)

To receive a report from the Leader. The report contains executive decisions since the last Council meeting.

There is up to 15 minutes for Executive Members to make any statements on the report.

There is up to 15 minutes for Executive Members to respond to questions on the report; these questions will not be the same as any asked under 'Members Questions under Council Procedure Rule 12'

10. Members question time under Council Procedure Rule 12

Members question time will last up to 30 minutes, questions will be taken in order

of receipt, in rotation from each political group on the Council. The deadline for submission of questions is Monday 12 December 2022 at 12 noon. Questions to be submitted to democratic.services@adur-worthing.gov.uk

Questions received can be asked of the following:

- a) The Chairman
- b) A Member of the Executive
- c) The Chairman of any Committee
- d) The Councils representative on any outside body

Questions cannot be asked on the following

- a) A specific planning or licensing application
- b) A specific staffing appointment, appeal or Standards determination

11. Main Opposition Priority Motion (Pages 25 - 30)

To consider a report by the Director for Communities, copy attached as item 11

12. Motion on Notice (Pages 31 - 36)

To consider a report by the Director for Communities, copy attached as item 12



Tina Favier
Director for Communities

Recording of this meeting

The Council will be live streaming this meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:

Chris Cadman-Dando
Democratic Services Officer
01903 221364
Email chris.cadman-dando@adur-worthing.gov.uk

For Legal Services enquiries relating to this meeting please contact:

Joanne Lee
Head of Legal Services and Monitoring Officer
01903 221134
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Recommendations from the Executive and Committees

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**Extract from the minutes of the Joint Overview & Scrutiny Committee - 24
November 2022**

**JOSC/015/22-23 JOSC Work Programme Review - Including items for
forthcoming meetings**

The Scrutiny Officer introduced the report to the Committee and set out changes and matters for determination.

Members noted the report and in particular discussed how missed Cabinet interviews should be considered. They also discussed how to manage the potential effect of changes to the constitution.

Resolved -

The Joint Overview & Scrutiny Committee

- 1) Noted the status of the work programme and agreed to refer the work programme to the council meetings in December**
- 2) Noted the changes that have been made to the Work Programme since it was agreed by both Councils in April.
- 3) Agreed to defer the interview with the Worthing Cabinet Member for Community Wellbeing to the JOSC meeting in February
- 4) Agreed to defer the interview with the Adur Cabinet Member for Finance and Resources to the meeting in March.
- 5) Considered if any amendments were required to the Work Programme
- 6) To monitor the effect on its work programme arising from the changes to the Constitution as set out at Paragraph 4.5

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**Extract from the minutes of the Joint Audit and Governance Committee - 29
November 2022**

JGC/042/22-23 Members Allowances 2022/23

The report provided details of the Officers' National Joint Council (NJC) pay bargaining agreement for 2022/23 and requests that the Joint Audit & Governance Committee consider the percentage rise to be applied to Members Allowances for 2022/23.

The Committee was asked to consider recommending to Adur and Worthing Councils an increase in the basic allowance of either:

- 5.82% in line with the median average of the NJC pay bargaining agreement for 2022/23; or
- 2% in line with the amount that was budgeted for in the 2022/23 budget.

Members sought clarification in regards to the two options proposed in the report; when the increase would be implemented; whether the Joint Independent Remuneration Panel (JIRP) had been consulted; whether different recommendations could be made to the respective councils and whether the recommendations were binding or subject to a vote at the full council meetings. Officers confirmed that the increases would be back paid from May 2022. The JIRP Chairman had been consulted and was supportive of the proposal to increase allowances by 5.82% in line with the weighted average of the NJC pay bargaining agreement for 2022/23. It was also noted that different recommendations could be made to the respective sovereign councils.

Members debated the proposals whilst acknowledging that the earlier recommendations from the Joint Independent Remuneration Panel and decisions by both Councils were for an increase in allowances in line with the NJC settlement.

The Committee noted that the financial situation had changed since April 2022 and that Members could choose to refuse or take a reduced allowance on an individual basis.

The committee agreed to vote on a separate recommendation to each council.

A proposal from Cllr Boram, that Adur Allowances be increased by 5.82%, was seconded by Cllr McGregor and supported by the Committee following a vote.

A proposal from Cllr James, that Worthing Allowances be increased by 5.82%. The motion was seconded by Cllr White and supported by the Committee following a vote.

Resolved

The Joint Audit & Governance Committee recommended to Adur and Worthing Councils that Members Allowances for 2022/23 be increased by 5.82% in line with the weighted average of the NJC pay bargaining agreement for 2022/23.



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**Extract from the minutes of the Adur Joint Strategic Sub-Committee - 6
December 2022**

AJSSC/00x/22-23 2023/24 Budget Update

*Details to follow the Adur Joint Strategic Sub-Committee meeting on the 6th
December*

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**Extract from the minutes of the Adur Joint Strategic Sub-Committee - 6
December 2022**

**AJSSC/00x/22-23 Outcome of the public consultation in respect of the working
age Council Tax Support Scheme for Adur District Council in
respect of 2023/24**

*Details to follow the Adur Joint Strategic Sub-Committee meeting on the 6th
December*

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Report of the Leader on Decisions taken by Cabinet Members and the Joint Strategic Committee since the last meeting of Council

A Decisions Taken by Individual Cabinet Members

Listed below is a summary of decisions taken by the individual Cabinet Members since the dispatch of the agenda for the last Ordinary Council Meeting. Full details can be found on the Cabinet Members Decisions webpage

Leader

-

Cabinet Member for Regeneration and Strategic Planning

A/REG/003/22-23 Conservation Areas in Adur

A/REG/006/22-23 Brief for Review of Western Harbour Arm, Shoreham Harbour

Cabinet Member for Finance and Resources

A/RES/004/22-23 Irrecoverable Debts - Council Tax and National Non-Domestic Rates

A/RES/005/22-23 Irrecoverable Debts – overpaid Housing Benefit

Cabinet Member for Adur Homes and Customer Services

-

Cabinet Member for Environment and Leisure

-

Cabinet Member for Communities and Wellbeing

-

B. Decisions taken by the Adur Joint Strategic Sub-Committee on 10 November 2022

JSS-C(A)/018/22-23 Corporate Debt Policy and Supporting the Most Vulnerable

Before the Committee was a report by the Director for Digital, Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 5.

The report presented the results of the first stage of work by the ethical debt working group, a group established as part of the Councils' response to the Cost of Living crisis, outlined in the report to the sub-committee in September 2022.

A Corporate Debt Policy for the Council was proposed, providing the framework to build further on the Council's ethical approach to debt recovery - identifying the vulnerable early on, and helping those in financial hardship, particularly in recent times.

The proposal sought to drive alignment of debt recovery methods to *Proactive* ways of working, a model which had been piloted and was expected to be increasingly mainstreamed, through embedding multidisciplinary teamwork and joined up, more personalised support.

A Member asked how the Council would reach residents that were not digitally connected. Officers advised that as a general principle, the Council sought to ensure that those residents who were digitally connected could access decent tools and could self-serve. The TellJo service also provided actual people to deliver debt advice, so if residents needed help, they could speak to somebody. Through the Proactive Project, the Council's contact centre can identify residents requiring assistance and contact them either by telephone or through face to face meetings to provide advice.

In response to a question from a Member, Officers advised that a significant piece of work had been undertaken on the Proactive project, led by the Director for Communities, and the ethical debt approach was very much part of the bigger system change. The Council's systems and databases didn't help to join the dots between the circumstances of the most vulnerable residents. The LIFT tool had transformationally helped the Council to see the bigger picture with casework meetings enabling staff to discuss individual cases in a more rounded way and to think differently about the work that they do.

The recommendations in the report were unanimously supported.

Decision

The Adur Joint Strategic Sub Committee

1. approved the Corporate Debt Policy and supported the proposed ethical approach to debt recovery;
2. requested an update report in six months, outlining the changes that had been made to practices, processes and systems in support of a more proactive and holistic way of working.

JSS-C(A)/019/22-23 Carbon Emissions for 2021/22

Before the Committee was a report by the Director for Digital, Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 6.

The Sub-Committee noted that on 9 July 2019, the Joint Strategic Committee (JSC) declared a 'Climate Emergency'. As part of the declaration, Members committed to *work towards becoming carbon neutral by 2030*.

The report presented the third annual update on progress towards this target and it was noted that since the previous report, the council had continued to improve the accuracy of its monitoring (particularly of gas consumption) and the easing of Covid-19 restrictions also saw office use increase as more staff returned to offices. As a result, reported emissions for 21-22 increased by 2% when compared to the previous year.

An update on current carbon reduction projects was presented at Section 4 and a trajectory of future carbon emissions to 2030 was also presented in Section 8. This used indicative pipeline projects to map a potential route to meeting the 2030 target, subject to viable business cases being developed.

Members welcomed the report, acknowledging the importance of accurate reporting.

The recommendations in the report were unanimously supported.

Decision

The Adur Joint Strategic Sub-committee noted

- the councils' current carbon emissions and carbon reduction work programme;
- the trajectory of future emissions reductions which aimed to ensure the councils met their carbon neutral 2030 target; and
- that further funding bids may be made, in consultation with the relevant cabinet member, and that if required further reports would brief members on the outcome of the bidding process.

The Adur Joint Strategic Sub-committee approved the publication of the carbon emissions report on the council website and the submission of the figures to external bodies where required by membership (e.g. UK100).

JSS-C(A)/020/22-23 Delivering an alternative bike share network

Before the Committee was a report by the Director for Digital, Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 7.

The Sub-Committee was informed that due to the financial pressures being faced at the Councils, Officers had been tasked with developing an alternative to joining the BTN Bikeshare framework.

In partnership with Worthing Borough Council, an extended active travel network of 75 bikes and 18 hubs had been developed which would run East to West through town centres and along the seafront in Adur and Worthing, improving sustainable and active travel, reducing car use, and improving the health and wellbeing of scheme users.

Both the capital and operating costs for the Donkeybikes extension were significantly lower than those for BTN Bikeshare.

The report brought detail of the extended scheme, and funding strategy that had been produced and requested approval to progress to the procurement stage to seek an Operator for an Adur and Worthing extended Donkeybikes scheme.

A Member asked questions in relation to funding / sponsorship options for increasing the size of the scheme. Officers advised that the originally proposed scheme did still require significant capital investment from the Council, in the region of £850k. The sponsorship applied to the revenue operating costs of the scheme. In that scheme, the sponsorship was established at the Greater Brighton level. The newly proposed scheme would have its own local sponsor. In both cases, the revenue implications are where the sponsorship money comes in. It was also noted that the Council sought to mitigate the impact on its own budgets and capital borrowing by seeking funds from elsewhere and would continue to do that as part of developing options moving forwards. The newly proposed scheme did rely on a small amount of externally funded money that was available and therefore allowed the Council to buy the bikes without additional capital borrowing.

A Member questioned what would happen with bikes that are used to travel into Brighton & Hove. Officers advised that the proposed joint scheme with Worthing would allow for bikes to be left in Worthing with the operator rebalancing the stock. However, bikes used to travel to Brighton would need to be returned to the donkey bike hubs in Adur and Worthing. Officers agreed to provide a written answer regarding the issues and / or penalties that would be imposed in regards to bikes that were left in Brighton.

Councillor Angus Dunn proposed the following amendment to the recommendations:- that the Council enter into a 2 year contract initially rather than a 5 year contract. The proposed amendment was seconded by Councillor Kevin Boram and unanimously supported.

The recommendations, as amended, were unanimously approved.

Decision

The Adur Joint Strategic Sub-Committee:-

1. Agreed to work in partnership with Worthing Borough Council and proceed with the Donkey Bikes extension over the BTN Bikeshare Scheme.
2. Delegated authority to the Director of Digital, Sustainability and Resources to run an appropriate procurement exercise to secure an operator.
3. Delegated authority to the Director of Digital, Sustainability and Resources to enter into all relevant contracts and purchase associated with the alternative scheme.
4. Noted that the monitoring of this scheme would be carried out under the active and sustainable travel mission in *Our Plan*.
5. Agreed to an initial contract for a 2 year period.

JSS-C(A)/021/22-23 Southwick Square Funding Release

Before the Committee was a report by the Director for the Economy, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 8.

The purpose of this report is to outline to Members the opportunity to formally work in partnership with West Sussex County Council (WSSCC) through a recognised Growth Deal with Adur District Council (ADC), focusing on mutually agreed regeneration and infrastructure projects.

To ensure Members are aware of the previous arrangements and how this Growth Deal differs to ensure Adur has dedicated pooled resources, including supportive WSSCC capital funding, to prioritise and invest into places across the District. It should also be noted that the Growth Deal can be adapted to ensure the 'deal' is reacting and responding to the ongoing requirements across the District.

To outline how the Growth Deal can have an immediate impact with the prioritisation of the refurbishment of Southwick Square. This project has previously been identified as an area for improvement through local traders and stakeholders.

To present the rationale for ADC delivering the project and the parallel approach being undertaken by WSSCC in order for allocated WSSCC capital monies to be used by ADC for the purposes of Southwick Square.

Members welcomed the proposals and thanked West Sussex County Council for working quickly with Adur District Council on this matter.

The recommendations were unanimously approved.

Decision

The Adur Joint Strategic Sub-Committee

- 1) agreed to ADC taking on the project management and delivery responsibility of Southwick Square Public Realm work, supported by WSCC (both financially and by its officer time) and to enter into a Delivery Agreement with WSCC.
- 2) noted that ADC had already contributed £87k towards the scheme, which included the appointment of a design team through an Officer Decision Notice ([DforE/010/22-23](#)) to enable the scheme to be appropriately designed in readiness to tender for the construction works.
- 3) delegated authority to the Director for the Economy, in consultation with the Cabinet Member for Regeneration and WSCC, the authority to approve and award a contract for the construction work required to deliver the public realm project subject to the development of a procurement strategy, the outcome of a compliant procurement process and the award being within the available budget.
- 4) approved the creation of an additional budget of £600k within the capital programme, primarily funded by WSCC as part of the Growth Deal. This was subject to WSCC releasing funds from their capital programme as part of their governance process.

JSS-C(A)/022/22-23 Referral of Motion on Notice from Adur District Council

Before the Committee was a motion presented by Councillor Catherine Arnold, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 9.

Following consideration of the motion, the Sub-Committee unanimously agreed that the motion be rejected as the Council was already doing as much of the work that it could.

Decision

The Adur Joint Strategic Sub-Committee rejected the motion.

JSS-C(A)/023/22-23 Referral of Motion on Notice from Adur District Council

Council

Before the Committee was a motion presented by Councillor Debs Stainforth, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 10.

Members thanked Officers for the additional work already being done to support residents through the processing of the £150 energy rebates through Council Tax, setting up a cost of living hub on the Council's website and the money mentor work.

Whilst presenting the motion, Cllr Stainforth withdrew one of the requests set out in the motion which had asked the Council to write to West Sussex County Council to urgently clarify the new criteria for the Household Support Fund, and to broaden its reach.

Following consideration of the motion, the Sub-Committee unanimously agreed that the motion be rejected, as the Council was already doing as much of the work that it could, whilst noting the importance of the issues raised.

Decision

The Adur Joint Strategic Sub-Committee rejected the motion.

C. Decisions taken by the Adur Joint Strategic Sub-Committee on 6 December 2022

This report will be updated following publication of the record of decisions of the meeting on the 6th December 2022.

D. Decisions taken by the Joint Strategic Committee on 6 December 2022

Items related to Adur District Council are not reproduced on this agenda.

This report will be updated following publication of the record of decisions of the meeting on the 6th December 2022.

E. Urgent Decisions taken by the Executive

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended).

None.

Local Government Act 1972
Background papers

(Reports and decisions are available on the Council's website or as indicated in each of the paragraphs above)

Councillor Neil Parkin
Leader of the Council



Council
15 December 2022

ADUR DISTRICT COUNCIL

Ward(s) Affected: N/A

Main Opposition Priority Motion

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 The report before Council sets out a Main Opposition Priority Motion received from Councillor Lee Cowen and seconded by Councillor Debs Stainforth.

2. Recommendations

- 2.1 The Council is asked to receive the priority motion as set out in Annex A to this report.
- 2.2 The Council is asked to note the procedure for this Main Opposition Priority motion which may be found in the legal paragraphs to this report.

3. Context

- 3.1 A Main Opposition Priority Motion on notice has been received from Councillor Lee Cowen, seconded by Councillor Debs Stainforth (attached as Annex A).
- 3.2 The content of the motion is relevant to a matter in relation to which the Council has powers or duties and which specifically affects the District.

3.3 There is nothing substantive within the motion that would cause its rejection under the terms of the Constitution.

3.5 The Main Opposition Priority Motion shall be put and responded to in accordance with the part 14 of the Council's procedure rules

4. Issues for consideration

4.1 Motions considered by Full Council are done so under part 14 of the Council's Procedure Rules

4.2 The Proposer of the Motion may have five minutes to speak and the Secunder three minutes.

4.3 The Member speaking on behalf of the Administration may speak for five minutes

4.4 No other questions or debate shall be allowed and the total time allowed for this item shall not exceed 15 minutes

5. Financial Implications

5.1 There are no financial implications

6. Legal Implications

6.1 Rules concerning Main Opposition Priority Motions are set out in the Council & Committee Procedure Rules prior to paragraphs 14 Motions on Notice.

6.2 A Member nominated by the Main Opposition Leader may move a single Priority Motion on notice (in accordance with Procedure Rule 14).

The proposer may speak for up to five minutes, the seconder may speak for up to three minutes, and the Member responding on behalf of the Administration may speak for five minutes.

No other questions or debate shall be allowed. The total time allowed for the item will be 15 minutes.

- 6.3 As the process for dealing with this motion does not enable questions or debate from Members, there will also be no vote on the Main Opposition Priority Motion.

Background Papers

None

Officer Contact Details:-

Chris Cadman-Dando

Democratic Services Officer

01903 221364

chris.cadman-dando@adur.gov.uk

This main opposition group notes:

- Government policy is to extend the right-to-buy scheme to make it applicable to tenants of housing associations.
- Right-to-buy has depleted Council housing stock, as the homes being sold were not replaced, resulting in a lower levels of social housing.
- There is already a shortage of social housing in Adur.
- 40% of council homes have been transferred to the private rented sector through right-to-buy.
- The UK Housing Review 2022 branding right-to-buy as a ‘strategic failure.’
- The Local Government Association has slammed plans to expand it. Those using the existing right-to-buy get an average discount of 42% on the property. This has resulted in the taxpayer spending £6bn on “unsustainable” right-to-buy discounts in the last 10 years.
- Unlike the existing right-to-buy scheme, the Government has promised to replace every social home sold off. However, no plan yet exists for how it will do this.
- The Government has not yet announced how it will fund the discounts for extending right-to- buy to housing associations.

This main opposition group believes:

- The planned extension of the right-to-buy scheme will further deplete Adur’s social housing stock and exacerbate the housing crisis.
- That we should support housing associations in opposing the extension of right-to-buy.

- Measures to support homeownership should not come at the cost of depleting social housing stock.
- There should be no further extension to the right-to-buy scheme. If they insist on pushing ahead with the scheme, all funding for it should be covered centrally and increased funding should be given to Councils and registered providers to build more social housing.
- Amendment of the existing right-to-buy is where the focus should be, as opposed to looking at any extension of it.

This main opposition group resolves to:

- Write to the secretary of state for the Department for Levelling Up, Housing and Communities, outlining the views in this motion and to ask them to stop any immediate extension of the right-to-buy scheme.
- Also to recommend new powers to set right-to-buy discounts locally and to be able to keep all the sales receipts with the subsequent ability to combine them with other grant funding to fund replacements.

Proposer: Lee Cowen

Seconder: Debs Stainforth

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Council
15 December 2022

ADUR DISTRICT COUNCIL

Ward(s) Affected: N/A

Motion on Notice

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 The report before Council sets out a motion received from Councillor Lee Cowen and seconded by Councillor Carol O'Neal
- 1.2 Council is asked to deal with the motion under provisions set out in paragraph 14 of the Council & Committee Procedure Rules found at Part 4 of the Council's Constitution.

2. Recommendations

- 2.1 Subject to the rules on decision making set out in the Council's Constitution (and to paragraph 2.2 below) the Council is asked to determine the motion as set out in Annex A to this report.
- 2.2 If the motion is accepted then the Council is asked to authorise the referral of Paragraphs 5 & 6 of the Motion to the Joint Strategic Committee Sub Committee (Adur) for consideration and determination.

3. Context

- 3.1 A motion on notice has been received from Councillor Lee Cowen, (attached as Annex A).
- 3.2 The content of the motion is relevant to a matter in relation to which the Council has powers or duties and which specifically affects the District.
- 3.3 There is nothing substantive within the motion that would cause its rejection under the terms of the Constitution.
- 3.4 The motion before Council contains part of the subject matter that is within the remit of the Joint Strategic Committee and its Sub-Committees. The motion includes a proposal for the Council to take substantive actions within the remit of the Joint Strategic Committee and its Sub-Committees. Therefore, if the motion is approved by the Council any action within the remit of the Joint Strategic Committee will need to be referred to that Committee for consideration and determination.
- 3.5 The Motion shall be debated in accordance with the part 14 of the Council's procedure rules

4. Issues for consideration

- 4.1 Motions considered by Full Council are done so under part 14 of the Council's Procedure Rules
- 4.2 Should the Motion be successful any matter that falls within the remit of the executive will be referred to that body for determination

5. Financial Implications

- 5.1 Part of the motion requires the Council to undertake significant additional due diligence work around the tax affairs of others (resolution points 5 and 6). Therefore the motion contains substantive actions and if accepted there may be resultant financial implications in the future.

6. Legal Implications

- 6.1 Rules concerning motions are set out in the Council's Constitution under paragraph 14 of the Council's Procedure Rules

- 6.2 When debating the Motion on Notice, the Council must be mindful to ensure that any decision arising out of the Motion is made by the appropriate decision making committee in accordance with the Terms of Reference found in the Council's Constitution and as set out in the recommendations to this Report.

Background Papers

None

Officer Contact Details:-

Chris Cadman-Dando

Democratic Services Officer

01903 221364

chris.cadman-dando@adur.gov.uk

Annex A

Fair Tax Motion

Full Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.

3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.

5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.

6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to:

1. Approve the Councils for Fair Tax Declaration.

2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.

3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.

4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of

clarity could be strong indicators of poor financial probity and weak financial standing.

7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.

8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who are proud to promote responsible tax conduct and pay their fair share of corporation tax.

9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

Proposer: Cllr Lee Cowen

Seconder: Cllr Carol O'Neal