



Council
20 October 2022

ADUR DISTRICT COUNCIL

Ward(s) Affected: N/A

Motions on Notice 2

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 Procedure Rules (under part 4 of the Council Constitution - Rules of Procedure).

2. Recommendations

- 2.1 That the motion, upon being moved and seconded, be noted by Council and referred without debate to the Joint Strategic Sub-Committee (Adur)

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 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 Sub-Committee (Adur) as defined in para 14.4.1 and 14.4.3 of the Council's Procedure Rules. The motion includes a proposal for the Council to take any substantive action (Para 14.4.4). Therefore, it shall be moved and seconded, immediately noted by the Council and referred without debate to the Joint Strategic Sub Committee (Adur) for consideration and determination.
- 3.5 If a motion on the agenda at Full Council is to be referred automatically to the Executive, a Regulatory Committee or another Council Committee, in accordance with Council Procedure Rule 14.4, the proposer of the motion will confirm to the Chairperson their proposal of the motion as set out in the report before Council **without** a speech.
- 3.6 Where a motion has been referred by Full Council to the Joint Strategic Sub Committee (Adur), the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting and explain the motion.

4. Issues for consideration

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

5. Financial Implications

- 5.1 The motion has subject matter that comes within the remit of the Joint Strategic Sub-Committee (Adur) and should the Joint Strategic Sub-Committee (Adur) determine that the motion be accepted there may be 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

Background Papers

None

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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 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