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Subject to approval at the next Full Council meeting

535

**MINUTES  
OF A  
SPECIAL MEETING OF THE ARUN DISTRICT COUNCIL  
HELD IN THE ARUN CIVIC CENTRE  
ON 9 MARCH 2023 AT 6.00 PM [ADJOURNED FROM 1 MARCH 2023]**

Present: Councillors Mrs Cooper (Vice-Chair, in the Chair), Bennett, Bicknell, Blanchard-Cooper, Bower, Brooks, Buckland, Caffyn, Chapman, Chace, Clayden, Cooper, Coster, Daniells, Dendle, Dixon, Elkins, Mrs English, English, Goodheart, Gunner, Hamilton, Haywood, Hughes, Huntley, Jones, Kelly, Lury, Madeley, Needs, McAuliffe, Northeast, Oliver-Redgate, Oppler, Pendleton, Purchase, Rhodes, Roberts, Seex, Smith, Mrs Stainton, Stanley, Thurston, Wallsgrove, Dr Walsh, Warr, Worne and Yeates.

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-  
Councillor Smith - Minute 775 to 778; and Councillor Seex - Minute 779 (Part).

## 775. WELCOME

The Chair welcomed Councillors, representatives of the public, press and officers to the meeting.

The Chair confirmed that the Special Meeting of the Council held on 1 March 2023 had been adjourned part-way through at Item 8 [Arun District Council Budget 2023/24]. That meeting had been adjourned to today, 9 March 2023 to allow the Council to seek professional advice regarding the process from this point forward.

The Chair explained that for tonight's meeting, once the standing items of Apologies and Declarations of Interest had been covered, the meeting would resume at the point that last week's meeting had been adjourned during Item 8. At that time, she would invite the Monitoring Officer to set out his advice to the meeting.

## 776. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Batley, Edwards, Gregory, Staniforth, Tilbrook and from Honorary Aldermen, Mrs Stinchcombe and Mr Dingemans.

## 777. DECLARATIONS OF INTEREST

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting.

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The Chair reminded Councillors of the restrictions on voting outlined in Section 106 of the Local Government Finance Act 1992 as this confirmed that where a Member had at least two months arrears of Council Tax they must not vote on any other matter relating directly to the setting of the next year's Council Tax, though they could remain in the meeting and could speak.

Councillors Walsh and Pendleton both declared Personal Interests in Agenda Item 8 [Arun District Council Budget – 2023/24] as Members of the Sussex Police and Crime Panel as there could be reference made to that precept as part of the debate.

<b>Name</b>	<b>Town or Parish Council or West Sussex County Council [WSSC]</b>
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSSC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington and WSSC
Councillor Sandra Daniells	Bognor Regis
Councillor Roger Elkins	Ferring and WSSC
Councillor Paul English	Felpham
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Stephen McAuliffe	Walberton
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSSC
Councillor Jacky Pendleton	Middleton-on-Sea and WSSC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Will Tilbrook	Littlehampton

Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Sue Wallsgrove	Barnham
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

778. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

No questions were asked.

779. ARUN DISTRICT COUNCIL BUDGET 2023-2024

The Chair invited the Group Head of Law & Governance and Monitoring Officer to provide advice to the meeting and to confirm the procedure that would be followed.

The Monitoring Officer reconfirmed that the Special Meeting of the Council held on 1 March 2023 had been adjourned to allow Officers to seek professional external advice. It was confirmed that all Councillors had been sent that advice during the course of the week.

There had been several questions that had been left with Officers at the point of adjourning the last meeting. The Monitoring Officer provided a response to these and summarised the advice that had been received:

- The amendment that had been carried to freeze Council Tax was a valid amendment.
- Once a Motion had been amended, the motion as amended could not be withdrawn by the original proposer. This meant that Full Council would now move into debating the substantive recommendations, as amended.
- The mover of the original Motion, Councillor Gunner, might feel that he was no longer able to support the motion, as amended, and so could vote against it.
- The motion, as amended, was now in the hands of the mover of the amendment [Councillor Bennett].
- In debating the substantive recommendations, further amendments could be moved
- An amendment seeking to alter the now amended [Recommendations d) and e) could not be moved.
- Upon voting on the recommendations as amended, if passed the Budget would be set and confirmed.

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- If the recommendations, as amended, were voted down, provided the meeting had not closed - under the urgency provisions outlined in Council Procedure Rule 4.2 (vii), the original budget report could be reconsidered at this meeting provided the Chair, in consultation with the Chief Executive, considered that the business was of such urgency that it required Council's immediate attention. The Monitoring Officer advised that in needing to set the Council's Budget for 2023/24 that requirement would, in his view, be fulfilled.
- There was no statutory provision or reported case law that would enable the Council to extend the budget setting deadline of 11 March 2023.
- If a budget were to be set after that date, then there would be serious financial implications for the Council in terms of the ability of the Council to issue bills or arrange direct debits for collection.
- There was also a risk of Judicial Review challenge should the Council not set a budget by 11 March 2023.

The Chair returned to the substantive recommendations as amended as displayed to the meeting and invited debate. The amendments carried from 1 March 2023 in relation to all of the recommendations are set out below:

1.1. It is recommended that the Council:

- (a) Notes that the Interim Group Head of Finance, in consultation with the Leader of the Council has approved a tax base of 64,159 for 2023/2024;
- (b) Notes the submission of the Council's NNDR1 return (the estimate of the Council's Business Rate income for 2023/24) to the Department for Levelling Up, Housing and Communities (DLUHC).
- (c) That the General Fund Budget as set out in Appendix 1 is approved;
- (d) Arun's Band D Council Tax for 2023/24 is set at £196.47 a freeze over 2022/23;
- (e) Arun's Council Tax Requirement for 2023/24, based on a Band D Council tax of £196.47 is set at £12.605.32m, plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;
- (f) The Council's General Fund Balance minimum balance continues to be set at £5m;
- (g) The HRA budget as set out in Appendix 2 is approved;
- (h) HRA rents be increased by 7% in accordance with the provisions of the rent standard;

- (i) HRA garage rents be increased by 7% to give an average rent of £14.50 per week (excluding VAT) and heating and water/sewerage charges be increased on a scheme by scheme basis, with the aim of balancing costs with income;
- (j) The HRA Balance to remain below the minimum level of £2m for the period 2023/24 to 2026/27 to enable the realisation of savings in Repairs and Supervision & Management expenditure to deliver a sustainable HRA; and
- (k) The capital programme as set out appendix C is approved.

- 1.2. Resolve that for 2023/24 any expenses incurred by the Authority in performing in part of its area a function performed elsewhere in its area by a Parish/Town Council or the Chairman of a Parish Meeting shall not be treated as special expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

The first Councillor to speak confirmed that they could not support the budget as amended. Although he agreed with the amendment to freeze Council Tax, this only party addressed the need for the Council to assist its vulnerable residents more. The primary concern was the proposed 7% increase in Housing Revenue Account (HRA) rents which would impose a further financial burden for residents already struggling with fuel and food poverty. This increase would add substantial weekly costs for families and the elderly.

Councillor Roberts then raised a Point of Order and proposed a Motion without Notice in accordance with the Council's Constitution at Council Procedure Rule 17 that the question be now put. Councillor English seconded this motion.

The Chair responded confirming that she did not believe that the substantive recommendations, as amended, had been sufficiently debated and so confirmed that she would not accept this motion.

Debate on the recommendations continued and support for the amended budget was outlined. A budget needed to be passed and it was acknowledged that any new administration could modify what was seen as a weak and risky budget using £5m of reserves to balance it. The amendment was welcomed as it would assist hard pressed residents but would allow for the budget to be corrected later by administering much needed cuts in services. It was outlined that the budget contained limited information in terms of the proposed £2m set aside for transformation work which would produce cost savings and cuts later affecting the services provided to residents.

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It was felt that the amendment would make the most significant difference for all residents across the entire district. Despite this, further concern was expressed over the 7% rise in council tenant rents. In response, it was stated that the amendment, in freezing council tax across the board, provided for greater tax breaks for those in higher council tax bands than it did for those in lower bands. How was this fair?

Councillor Cooper then raised a Point of Order and proposed a Motion without Notice in accordance with the Council's Constitution at Council Procedure Rule 17 that the question be now put. This was seconded by Councillor Dendle.

The Chair agreed that this motion should be put to the vote. On the procedural motion being put to the vote it was declared CARRIED.

The Chair then invited Councillor Pendleton, as seconder of the recommendations, as amended, to speak. She confirmed that she could not support the budget, as amended, as it did not benefit those most in need, being vulnerable residents, in the same way that it benefited wealthier residents. Support for those most in need could be given in other ways such as the hardship fund which protected those in hardship. The amended freeze in Council Tax did not achieve this.

Councillor Gunner, as the proposer of the recommendations, responded to some of the points raised in the debate and made a statement. He confirmed that he could not support the recommendations as amended.

In line with Council Procedure Rule Vote 20.6, a recorded vote was required on the voting of the amended recommendations.

Those voting for the recommendations were Councillors Bennett, Blanchard-Cooper, Brooks, Buckland, Coster, Dixon, Goodheart, Haywood, Huntley, Jones, Lury, McAuliffe, Needs, Oppler, Purchase, Seex, Smith, Stanley, Wallsgrove, Walsh, Warr, Worne and Yeates (23). Those against were Councillors Bicknell, Bower, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Daniells, Dendle, Elkins, Mrs English, English, Gunner, Hughes, Kelly, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts and Stainton (22). Councillors Northeast and Thurston abstained from voting (2).

The voting on the amended recommendations a) to k) were therefore declared CARRIED.

The Chair then stated that Councillor Goodheart had indicated that he wished to speak during the proceedings of the recorded vote. It was confirmed that he had voted incorrectly. The Chair invited Councillor Goodheart to speak. Councillor Goodheart confirmed that he had voted incorrectly and wished to correct his error.

The Chair confirmed that Councillor Goodheart had raised his hand to speak as soon as he had realised that he had voted incorrectly. This had been made clear to her as Chair before the results of the vote had been declared. The Chair's view was that the result of the vote should now be changed, and she asked for advice from the Monitoring Officer. He confirmed that Councillor Goodheart had read out his vote and that as this had been recorded it should remain as recorded.

A councillor confirmed that this situation had occurred before at Council, and it was suggested that the recording of that previous meeting be played to the meeting and advice sought on how to proceed.

The Chair confirmed that she wished to take further advice and proposed a 15 minute adjournment.

The voting on the proposal to adjourn the meeting was undertaken. This was not carried. The Chair confirmed that she still wished to receive advice from the Monitoring Officer. This would be taken now in the meeting instead of adjourning.

The Monitoring Officer left the Chamber to research the position and on returning was invited to provide his advice. He confirmed that the Chair was not comfortable with Councillor Goodheart not being able to correct his vote given the circumstances. When the vote was being recorded, Councillor Goodheart had indicated very quickly after announcing his vote that he had an issue with the way he had voted and that he had made a mistake. He had indicated this swiftly. The Monitoring Officer confirmed that he had taken advice from Counsel, and he confirmed that his view was that given these circumstances, a Member should be allowed to correct their vote. Counsel had provided the detail of a recent High Court case where a Planning Committee had needed to vote four times on the same item as it had become very confused as to what they were voting for and in those circumstances, Councillors had altered their votes. It was therefore reasonable for Councillor Goodheart to be allowed to correct his vote as he had indicated promptly that he had made an error. In recognition of the fact that the budget was one of the most important items of business for an authority to consider in its council year, it was important for the vote on that item to be correct. Councillor Goodheart would be permitted to correct his vote. It would be for the Chair to confirm how she wished to proceed.

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The Chair asked the Committee Manager to amend the recorded vote sheet for the voting on the substantive recommendations and asked if the results could be declared to the meeting.

Following a Point of Order, which was in protest of the advice received, and a question raised asking if the vote on the substantive recommendations would be taken again in its entirety, the Chair confirmed that as this was one error relating to one Councillor which had swiftly been alerted to the meeting, she confirmed that she was comfortable in proceeding with the recorded vote being corrected for Councillor Goodheart and not for all Members to vote again.

The Committee Manager confirmed that the result of the recorded vote on the substantive recommendations having corrected Councillor Goodheart's error, was 22 Councillors voting for, 23 voting against with two Councillors abstaining. The vote on the substantive recommendations was therefore LOST.

The Monitoring Officer confirmed that as the recommendations had been voted down, under the urgency provisions of Council Procedure Rule 4.2 (vii), the original budget report could be reconsidered at this meeting provided that the Chair, in consultation with the Chief Executive, believed that the business was so urgent to require immediate attention. The Chair and the Chief Executive confirmed this to be the case. The Chair therefore proposed to adjourn for a period of ten minutes to allow the original budget papers to be made available to Members. On the proposal to adjourn being put to the vote, this was declared CARRIED.

Following the adjournment, Councillor Goodheart was invited to verbalise that he had wished for his vote to be corrected, which he then did.

The Chair then referred Members back to the original budget papers as presented in the agenda pack for 1 March 2023 under Item 8 and she invited Councillor Gunner, as the Leader of the Council, to introduce and propose the recommendations.

Councillor Gunner then proposed the recommendations a) to k) as set out in the agenda. These recommendations were seconded by Councillor Pendleton.

The Chair invited debate. The first Councillor to speak was Councillor Thurston who confirmed that she wished to propose the following amendment and that this would form a new recommendation l). The wording of this amendment has been set out below:

l) £200k to be taken from reserves; £100k additional funding for the council tax hardship fund and £100k extra money for the climate change budget, the detail of which will be decided in forthcoming Committees;

Councillor Thurston saw this as a socially just and environmentally friendly addition to the budget. This amendment was seconded by Councillor Wallsgrove.

The Chair invited debate on the amendment. This saw solid support from most Members as it would support residents who were most in need.

The additional money for climate change was also welcomed and it was hoped that the Council's action plan would highlight proposals in terms of how this additional money would be spent quickly.

Following further support from Members, and questions, Councillors Gunner and Pendleton as the proposer and seconder of the recommendations confirmed that they would be happy to support the amendment from Councillor Thurston.

Councillor Cooper then proposed a Motion without Notice in accordance with the Council's Constitution at Council Procedure Rule 17 that the question be now put. This was seconded by Councillor Bower. The Chair in response confirmed that she would allow further debate on the amendment as there had been Councillors who had already indicated that they wished to speak.

Following further support and statements made, the Chair confirmed that she would now return to the substantive recommendations a) to l). In line with Council Procedure Rule 20.6, a recorded vote was undertaken.

Those voting for the recommendations were Councillors Bennett, Bicknell, Blanchard-Cooper, Bower, Brooks, Buckland, Caffyn, Chace, Chapman, Clayden, Mrs Cooper, Cooper, Dendle, Elkins, Mrs English, English, Goodheart, Gunner, Hughes, Jones, Kelly, Lury, Madeley, McAuliffe, Needs, Oliver-Redgate, Pendleton, Purchase, Rhodes, Roberts, Smith, Stainton, Thurston, Wallsgrove, Walsh, Worne and Yeates (37). Those voting against were Councillors Coster, Daniells, Dixon, Haywood (4). Councillors Huntley, Northeast, Oppler, Stanley and Warr abstained from voting (5). The recommendations were therefore declared CARRIED.

The Council

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RESOLVED – that it

- (a) Notes that the Interim Group Head of Finance, in consultation with the Leader of the Council has approved a tax base of 64,159 for 2023/2024;
- (b) Notes the submission of the Council's NNDR1 return (the estimate of the Council's Business Rate income for 2023/24) to the Department for Levelling Up, Housing and Communities (DLUHC).
- (c) That the General Fund Budget as set out in Appendix 1 is approved;
- (d) Arun's Band D Council Tax for 2023/24 is set at £202.34, an increase of 2.99% over 2022/23;
- (e) Arun's Council Tax Requirement for 2023/24, based on a Band D Council tax of £202.34, is set at £12.982m, plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;
- (f) The Council's General Fund Balance minimum balance continues to be set at £5m;
- (g) The HRA budget as set out in Appendix 2 is approved;
- (h) HRA rents be increased by 7% in accordance with the provisions of the rent standard;
- (i) HRA garage rents be increased by 7% to give an average rent of £14.50 per week (excluding VAT) and heating and water/sewerage charges be increased on a scheme by scheme basis, with the aim of balancing costs with income;
- (j) The HRA Balance to remain below the minimum level of £2m for the period 2023/24 to 2026/27 to enable the realisation of savings in Repairs and Supervision & Management expenditure to deliver a sustainable HRA; and
- (k) The capital programme as set out appendix C is approved.
- (l) £200k to be taken from reserves. £100k additional funding for the Council Tax Hardship Fund and £100k extra money for the climate change budget, the detail of which will be decided in forthcoming Committees.

Subject to approval at the next Full Council meeting

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- (2) Resolve that for 2023/24 any expenses incurred by the Authority in performing in part of its area a function performed elsewhere in its area by a Parish/Town Council or the Chairman of a Parish Meeting shall not be treated as special expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

(The meeting was concluded at 8.12 pm)

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