

Full Council

Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 20 February 2023 at 6.00 pm.

Present:

Councillor Adrian Ross (Chair).
Councillors Graham Amy (Vice-Chair), Robert Banks, Nancy Bikson, Matthew Bird, Liz Boorman, Roy Burman, Christine Brett, Ciarron Clarkson, Roy Clay, Chris Collier, Sharon Davy, Johnny Denis, Lynda Duhigg, Stephen Gauntlett, Isabelle Linington, Jim Lord, Sylvia Lord, James MacCleary, Sean MacLeod, Imogen Makepeace, Milly Manley, Ron Maskell, Zoe Nicholson, Emily O'Brien, Laurence O'Connor, Ruth O'Keeffe, Nicola Papanicolaou, Julian Peterson, Christine Robinson, Geoff Rutland, Richard Turner, Steve Saunders and Linda Wallraven.

Officers in attendance:

Robert Cottrill (Chief Executive), Kate Slattery (Solicitor), Sarah Lawrence (Committee Team Manager), Simon Russell (Head of Democratic Services), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning) and Homira Javadi (Director of Finance and Performance (Chief Finance Officer)).

48 Period of Silence

The Council paid tribute to former Councillor Jim Daly, who had died since the last meeting of the Council. Jim Daley had served as both a Lewes District Councillor for Lewes Bridge and as a Lewes Town Councillor.

The Council held a short period of silence in memory.

49 Minutes of the meeting held on 21 November 2022.

RESOLVED – To approve the minutes of the meeting held on 21 November 2022.

50 Apologies for absence.

Apologies for absence were received from Councillors Sam Adeniji, Julie Carr, Phil Davis, Tom Jones, Christophn von Kurthy, William Meyer, and Kiera Rigden.

51 Declarations of interest.

There were no declarations of interest.

52 Announcements.

The Chair advised that a list of his engagements as Chair of the Council held since the last meeting were set out in the agenda. There were no other announcements.

53 Urgent items.

There were no urgent items.

54 Questions from members of the public.

There were no questions from members of the public.

55 Petitions.

There were no petitions

56 Urgent decisions taken by the Cabinet or Cabinet members.

There had been no urgent decisions taken by the Leader of the Council under special urgency procedures since the last meeting.

57 Recommendations from Cabinet, Committees and Other Council Bodies.

57a Council Budget and Setting of the Council Tax 2023/24.

Councillor Nicholson moved and Councillor MacCleary seconded the recommendations set out in the agenda and agenda supplement, in relation to the Council Budget and setting of the Council Tax for 2023/24. This incorporated recommendations from Cabinet on 2 February 2023 regarding the General Fund Revenue Budget 2023/24 and Capital Programme, Treasury Management and Prudential Indicators 2023/24, Capital Strategy and Investment Strategy and Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2023/24 and HRA Capital Programme 2023-26. The addendum included a minor amendment to the Fire Authority precept figure, and proposed additional fees related to the Port Health Authority.

Councillor Peterson moved and Councillor Linington seconded the following amendment as set out in an addendum tabled at the meeting:

To amend Recommendation 1 to read: "To approve the General Fund budget for 2022/23 (Revised) and 2023/24 (Revised), subject to a **0% increase** in the Council Tax for Lewes District Council (per annum) resulting in a Band D charge for general expenses of £202.08 for 2023/24."

The cost of not increasing the Council Tax in 2023/24 (circa £85k), would be offset by not proceeding with the increase to the waste budget in 2023/24 (circa £174k) which would be to fund the use of HVO fuel rather than diesel in the waste vehicle fleet.

Councillor Nicholson then spoke to the budget proposals and advised that these proposals arose from four years' worth of focus from the alliance groups. Councillor Nicholson advised that it was based on the shared values of fairness and resilience, and the goals of making the Council more responsive to people's needs, taking action on the climate crisis, a commitment to building more Council homes, using the Council's resources wisely, and addressing those matters where there were areas for improvement. The budget included a proposal for a 1% Council tax rise.

Councillor Peterson presented his proposed amendment for a 0% Council Tax rise, which he advised was made in the context of the current cost of living crisis, and its impact on residents. He advised that the most straight forward way to pay for this was by postponing the investment in renewable fuel for the waste vehicles, but if this was not supported, there were other areas in the budget which could be reduced to fund this proposal.

The Council debated the budget and amendment together.

Prior to the Council was moving the vote, Councillor Nicholson was given the opportunity to sum up.

The Chair highlighted that it was required by legislation that all votes on the budget were recorded votes.

The amendment was put to a vote first and was lost, with the following votes recorded:

For: Councillors Bikson, Boorman, Burman, Davy, Duhigg, Linington, J Lord, S Lord, Maskell, Papanicolaou, Peterson, Rutland, Saunders, Turner and Wallraven (15)

Against: Councillors Amy, Banks, Bird, Brett, Clarkson, Clay, Collier, Denis, Gauntlett, MacCleary, Macleod, Makepeace, Manley, Nicholson, O'Brien, O'Connor, O'Keeffe, Robinson and Ross (19).

Abstentions: None

The original proposals on the budget were then put to a vote and were carried, with the following votes recorded:

For: Councillors Amy, Banks, Bird, Brett, Clarkson, Clay, Collier, Denis, Gauntlett, MacCleary, Macleod, Makepeace, Manley, Nicholson, O'Brien, O'Connor, O'Keeffe, Robinson and Ross (19).

Against: Councillors Bikson, Boorman, Burman, Davy, Duhigg, Linington, J Lord, S Lord, Maskell, Papanicolaou, Peterson, Rutland, Turner and Wallraven (14)

Abstentions: Councillor Saunders (1).

RESOLVED –

1. To approve the recommendations as detailed in the reports from the Chief Finance Officer to Cabinet on 2 February 2023 as summarised below:

- (i) To approve the General Fund budget for 2022/23 (Revised) and 2023/24 (Original). An increase in the Council Tax for Lewes District Council of 1% (per annum) resulting in a Band D charge for general expenses of £204.10 for 2023/24.
- (ii) To approve the revised General Fund capital programme 2023/24.
- (iii) To note the Section 151 Officer's sign off as outlined in the Cabinet Report and at Report Appendix 1.
- (iv) To approve the Treasury Management Strategy and Annual Investment Strategy for 2023/24.
- (v) To approve the Minimum Revenue Provision Policy Statement for 2023/24.
- (vi) To approve the Prudential and Treasury Indicators for 2023/24 to 2025/26.
- (vii) To approve the Capital Strategy.
- (viii) To endorse the continuation of the Flexible use of Capital Receipts.
- (ix) The Council introduce from 1 April 2024 a new discretionary council tax premium on second homes of up to 100% and apply a premium of up to 100% on homes which have been empty for longer than 1 year following the Levelling Up and Regeneration Bill becoming law.
- (x) To approve the Housing Revenue Account (HRA) income and expenditure proposals, including revised HRA budget for 2022/23 and the budget for 2023/24, rents and service charges and the HRA Capital Programme, including:
 - That social and affordable rents (including Shared Ownership) be increased by 7% in line with Government policy;
 - That private sector leased property rents are increased by 7% (mirroring the approach to social and affordable rents);
 - That garage rents are increased by 7%.
- (xi) To approve the proposed fees and charges for the Port Health Authorities as set out below:

Number of certificates	High Risk 3 rd (RoW) country	Low Risk EEA/EFTA countries / Bilateral Agreements
1-5	£45.70	£22.80
6-10	£68.50	£40.00
11-20	£80.00	£51.30
21+	£91.30	£62.80

2. That delegated authority is given to the Chief Finance Officer to amend the budget for any presentational changes ensuring the Council Tax Requirement remains unchanged.
3. That it be noted, that since the Cabinet meeting on 2 February the Business Rates return to the Government (NNDR1) has been finalised with no changes to the previous net budget assumptions.
4. That the expenses incurred by the Council set out below be approved as Special Expenses chargeable to the residents of each of the Town/Parish areas indicated and that any other expenses (excluding local precepts) incurred by the Council be approved as general expenditure for the purposes of Section 35 of the Local Government Finance Act 1992.

Town/Parish Area	Special Expenses 2023/24 £
Lewes	353,377
Newhaven	139,035
Telscombe	59,480
Seaford	60,396
Peacehaven	42,360
Chailey	1,149
Ringmer	4,548
Total Special Expenses	660,346

5. That consequent upon a General Fund budget of £8,383,397 and other matters, the basic amount (Band D) of Council Tax for the District Council's functions will be £221.55 calculated as follows:

Gross Expenditure	£	£
District Gross Expenditure		53,941,503
Special Expenses		660,346
Parish Precepts		4,863,707
Total		59,465,555
Less Income:		
Service Income	(38,998,754)	
Business Rate Income	(4,899,754)	
Other Government Grants	(1,642,734)	
Collection Fund Surplus (Council Tax)	(448,000)	
Contributions To/ (From) Reserves	(229,209)	
Total		(46,218,451)
Total Council Tax Requirement (Including Parish Precepts)		13,247,104
Total Council Tax Requirement		8,383,397
Band D Council Tax (Including Parish Precept)		£350.09
Band D Council Tax (including Special Expenses)		£221.55
Band D Council Tax (no special items)		£204.10

The statutory resolutions relating to this matter are given at paragraphs 6 and 7 below.

6. That it be noted that at its meeting on 2 February 2023 Cabinet approved the following calculations for the year 2023/24, being made in accordance with regulations made under Sections 31(B)(4) and 34(4) of the Local Government Act 1992, as amended:
 - a) 37,839.4 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of the Council Tax Base) Regulations 1992, as amended, as its Council Tax Base for the year) Item T in the formula in Section 31B of the Local Government Finance Act 1992).
 - b) The amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as amended, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate can be found in Report Appendix 2– Table A.
7. That the following amounts be now calculated by the Council for the year 2023/24 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:

A	£59,465,555	being the aggregate of the amounts which the Council estimates for the items set out in Section 31 A (2) of the Act.
B	£46,218,451	being the aggregate of the amounts which the Council estimates for the items set out in Section 31 A (3) of the Act.
C	£13,247,104	being the amount by which the aggregate at 5 (A) above exceeds the aggregate at 5 (B) above, calculated by the Council, in accordance with Section 31 A (4) of the Act as its Council Tax requirement for the year.
D	£350.09	being the amount at 5 (C) above, all divided by the taxbase of 35,294.8, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of Council Tax for the year (including local precepts).
E	£5,524,053	being the aggregate amount of all special items referred to in Section 43 (1) of the Act.
F	£204.10	being the amount at 6(d) above less the result given by dividing the amount at 6 (e) above by the amount at 4 (a) above (item T), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the dwellings of those parts of its area to which no special items relate.
G	Table C in Report Appendix 2 being the amounts given by adding the amount at 7(c) above, the amounts of the special items or items relating to dwelling in those parts of the Council's area mentioned above divided in each case by the amount at Table A (Appendix 2) for each area, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.	
H	Table D in Report Appendix 2 being the amounts given by multiplying the amounts at 7(g) (Appendix 2 – Table C) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.	

8. To note that East Sussex County Council, East Sussex Fire Authority and Sussex Police and Crime Commissioner have issued precepts to the

Council in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each category of dwellings in the Council's area as indicated in Table E in Report Appendix 2.

9. That having calculated the aggregate in each case of the amounts at 6 and 7 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts as set out in Table F in Report Appendix 2 the amounts of Council Tax for the year 2023/24 for each of the categories of dwellings as shown in Table F (Report Appendix 2).
10. To determine that the Council's basic amount of Council Tax for 2023/24 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.
11. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount (and increase) of Council Tax for 2023/24 is excessive (as set out in Table G – Appendix to the Minutes) and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

57b Local Council Tax Reduction Scheme 2023/24.

Councillor Nicholson moved and Councillor O'Keeffe seconded the recommendation referred from the meeting of Cabinet held on 8 December 2022, in support of the adoption of the Local Council Tax Reduction Scheme for 2023/24.

The proposals were discussed and received support from across the Council for the coming year.

RESOLVED (unanimously) –

- (1) To adopt the 2022/23 Local Council Tax Reduction Scheme as the 2023/24 scheme.
- (2) Subject to Full Council adoption of the Scheme, Cabinet has granted the Director of Service Delivery delegated authority:
 - (a) to implement the Scheme, such delegated authority to include any measures necessary for or incidental to its management and administration; and
 - (b) if necessary, and in accordance with paragraph 2.3, to amend the Scheme in consultation with the Cabinet Member for Assets and Finance.
- (3) To continue the Exceptional Hardship Scheme in 2023/24, subject to funds being available.

(Councillor Peterson left the meeting at the end of the discussion on this item).

57c Approval of Licensing Fees 2023/24.

Councillor Macleod (Chair of the Licensing Committee) moved and Councillor Robinson (Deputy Chair) seconded the recommendation referred from the meeting of Licensing Committee held on 12 January 2023, to approve the licensing fees from 1 April 2023. Councillor Macleod highlighted the changes being proposed in the fees and why they were necessary.

In response to a question raised, it was confirmed that there were no sex establishments licenced in the area.

RESOLVED (unanimously) - To approve the Licensing fees proposed within Report Appendix 1 to apply from 1 April 2023.

58 Appointment of the Monitoring Officer.

Councillor MacCleary moved and Councillor Linington seconded the recommendations set out in the report of the Chief Executive, recommending the appointment of Simon Russell as the new monitoring officer. In speaking in support of the recommendations, Councillor MacCleary also thanked the outgoing Monitoring Officer, Oliver Dixon, for his excellent work in this role and for his invaluable support and advice to Councillors, and wished him well.

The recommendations were put to a vote and carried.

RESOLVED (unanimously) –

1. That Council approve the appointment of Simon Russell as Monitoring Officer with effect from 1 April 2023; and
2. That the Council record its thanks to the outgoing Monitoring Officer, Oliver Dixon, for his hard work and dedication.

(Note: Simon Russell, Head of Democratic Services, left the room during the discussion of this item).

59 Notices of motion.**59a Motion - Rights of the River.**

Councillor Bird moved and Councillor Macleod seconded the motion as set out in the agenda papers proposing the rights of the River Ouse. Councillor Bird set out the reasons for the motion and advised that the approach was supported by the Sussex Wildlife Trust and Ouse and Adur Rivers Trust and Ouse Valley Climate Action.

The motion was debated by the Council. There was support from many Councillors for this approach, as a way to protect and restore the River Ouse. However, some Councillors considered that immediate practical action was required, and others were concerned as to how such rights would be enforced.

It was suggested that the Council could commit to endorsing the declaration when produced, but Officers clarified that the Council could not agree to do so at this point, as that would be binding a future Council's decision.

In summing up, Councillor Bird advised that the way in which the rights would be implemented would be developed through the work with stakeholders.

The motion was put to a vote and carried.

RESOLVED that (By 27 votes for, 2 against, 4 abstentions):

1. This Council acknowledges the growing global movement of 'rights of nature' as a framework for rethinking its relationship with the environment.
2. This Council believes that there is a case to be made for considering our interactions with our local waterways in the context of 'Rights of Rivers' and through which the health and wellbeing of the River Ouse can be addressed.
3. This Council will explore with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Ouse. This will involve working towards the production of a 'Declaration on the Rights of the River Ouse' by relevant stakeholders for possible endorsement by the Council within 2 years.

60 Calendar of Meetings 2023-24.

Councillor MacCleary moved and Councillor Nicholson seconded that the proposed calendar of meetings for 2023-24. It was noted that the dates would be subject to formal ratification at annual council in line with legislation.

RESOLVED – That the Calendar of Meetings 2023-24 be approved.

61 Written questions from Councillors.

There were no written questions from Councillors.

62 Questions to the Leader of the Council.

There were no questions asked to the Leader.

63 Ward issues.

No ward issues were raised.

64 Reporting back on meetings of outside bodies.

The following reports had been received on outside bodies set out in the agenda and were noted:

- Health Overview Scrutiny Committee – Councillor Brett

- Armed Forces Champion – Councillor Davy
- Police and Crime Panel and Wave Active Ltd Board - Councillor Denis
- Wave Active Ltd (Board and Health and Safety Cttee) – Councillor O’Connor
- East Sussex Wellbeing Board, LGA People and Places Board, SE Councils Executive, SE Councils Winter All Members Meeting – Councillor O’Brien.
- Greater Brighton Economic Board – Councillor Nicholson
- Team East Sussex, Aspiration Homes, Newhaven Town Deal Board – Councillors MacCleary and Nicholson.
- Lewes CAB – Councillor Makepeace

Resolved – To note the outside body updates.

65 Date of Next Meeting.

It was noted that the next meeting was scheduled to take place at 6 pm on Monday 22 May 2023, which would be the Annual Council meeting.

As this was the last Council meeting prior to the District Elections, the Chair thanked Councillors for their support during the year, for their diligent work for the Council and their communities, and he wished all Councillors well.

The meeting ended at 8.28 pm

Councillor Adrian Ross (Chair)