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Minutes of the meeting of the **Council** held in Committee Rooms, East Pallant House on Tuesday 7 December 2021 at 2.00 pm

Members Present: Mrs E Hamilton (Chairman), Mr H Potter (Vice-Chairman), Mrs C Apel, Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr B Brisbane, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mrs N Graves, Mr F Hobbs, Mrs D Johnson, Mr T Johnson, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present: Mr R Briscoe, Mr G Evans, Mrs J Fowler, Mrs E Lintill and Mrs S Lishman

Officers present all items: Mr N Bennett (Divisional Manager for Democratic Services), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs V McKay (Divisional Manager for Growth), Mrs D Shepherd (Chief Executive) and Mr J Ward (Director of Corporate Services)

72 **Urgent Items**

Cllr Hamilton welcomed everyone to the meeting and read the emergency evacuation procedure.

73 **Declarations of Interests**

The following declarations of interest were made:

- Cllr Duncton – a personal interest in relation to agenda item 5 as a member of West Sussex County Council.
- Cllr Donna Johnson – a personal interest in relation to agenda item 5 as a member of West Sussex County Council.
- Cllr O'Kelly – a personal interest in relation to agenda item 5 as a member of West Sussex County Council.
- Cllr Oakley – a personal interest in relation to agenda item 5 as a member of West Sussex County Council.
- Cllr Sharp – a personal interest in relation to agenda item 5 as a member of West Sussex County Council.

Mr Bennett, the Monitoring Officer also explained that Cllr Lishman had a pecuniary interest in relation to agenda item 5 as an employee of Stagecoach. Therefore Cllr Lishman would not be present at the meeting.

74 **Chair's Announcements**

Apologies for absence were received from Cllr Briscoe, Cllr Evans, Cllr Fowler, Cllr Lintill and Cllr Lishman (in relation to her declaration of interest).

75 **Exclusion of the press and public**

Cllr Taylor proposed that the meeting went into part II. This was seconded by Cllr Dignum.

Cllr Brown asked if the debate on the recommendations could be considered in public. Mr Bennett raised a point of order and explained to members that if it is likely that the nature of the proceedings will disclose exempt information then lawfully the meeting should not take place in public. He added that it was very likely that the meeting would discuss such matters as there would be contractual discussions which would name those parties involved.

Cllr Moss explained that he had raised the matter with Mr Bennett prior to the meeting and respected his decision. He explained that he had sought alternative legal advice within the parameters of the information he was able to share due to the Part II nature of the report. Mr Bennett reminded Cllr Moss that if he were unhappy with his advice as Monitoring Officer he should inform him as such. Mr Bennett reiterated the strict rules of information sharing to which members must abide and the restrictions upon members seeking external legal advice without involving the monitoring officer where the subject relates to their role as a Councillor.

Cllr O'Kelly proposed a recorded vote which was seconded by Cllr Brown. This was supported by Cllr Bowden, Cllr Moss and Cllr O'Kelly.

The number of members required to request a recorded vote was reached.

Cllr Purnell asked what would happen if members voted against going into Part II. Mr Bennett confirmed that as Proper Officer he would have to request the meeting be deferred due to the legal consequences of it continuing so that he could obtain and offer external legal advice on the point to review the legal advice he had given on the application of the relevant test.

The recorded vote to go into part II was as follows:

Cllr Apel – Abstain
Cllr Bangert – Abstain
Cllr Barrett – For
Cllr Barrie – Abstain
Cllr Bell – For
Cllr Bowden – Against
Cllr Brisbane – Against
Cllr Briscoe – Absent
Cllr Brown – Against
Cllr Dignum – For
Cllr Duncton – For
Cllr Elliott – For
Cllr Evans – Absent
Cllr Fowler – Absent

Cllr Graves – For
Cllr Hamilton – For
Cllr Hobbs - For
Cllr D Johnson – Abstain
Cllr T Johnson – Abstain
Cllr Lintill – Absent
Cllr Lishman – Absent
Cllr McAra – For
Cllr Moss – Abstain
Cllr Oakley – For
Cllr O’Kelly – Against
Cllr Page – For
Cllr Palmer – For
Cllr Plant – For
Cllr Plowman – Against
Cllr Potter – For
Cllr Purnell – For
Cllr Rodgers – Against
Cllr Sharp – Abstain
Cllr Sutton – For
Cllr Taylor – For
Cllr Wilding – For

The result was as follows:

18 For
6 Against
7 Abstain
5 Absent

The recommendation to go into Part II was therefore carried:

RESOLVED

The in respect of agenda item 5 the public, including the press, should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

76 Southern Gateway Project

Members took a short break.

Before the item began Cllr Apel requested clarification of when the information would be made public. Mrs Shepherd confirmed that a press release which had been agreed with those partners involved in the project would be circulated following the meeting.

Cllr Palmer asked whether the resolution from the meeting could be included in the press release either in full or with confidential sections redacted. Mrs Shepherd explained that she could not agree to that due to the exempt nature of some of its contents.

Cllr Dignum moved the recommendations made by the Cabinet earlier that day which had been circulated to members by email and then by copy at the meeting. The recommendations were seconded by Cllr Taylor.

Cllr Dignum then introduced the report. He outlined the proposed amendments which had been agreed at Cabinet that morning. He acknowledged the amendments he had received from Cllr Moss which had been incorporated into the final version of the recommendations. He also gave thanks to Mrs Hotchkiss and her team for their work on the project.

Mrs Hotchkiss then provided a summary of where the project had reached.

Cllr McAra requested that Mrs Hotchkiss circulate the full version of her summary to members. Mrs Shepherd explained that it would not be necessary as the information was all in the report.

Mrs Hotchkiss then responded to questions from Cllr Oakley, Cllr Bell, Cllr Bowden and Cllr Apel.

Cllr Plowman then provided comment.

Cllr Tim Johnson proposed a minor amendment to section 3.7 of the recommendation to add a single additional word.

Cllr Dignum and Mrs Hotchkiss then responded to questions from Cllr Brisbane.

Cllr Potter and Cllr Sharp then provided comment.

Cllr Dignum then responded to questions from Cllr Oakley.

Cllr Palmer then provided comment.

Cllr Dignum then responded to a question from Cllr Bangert.

Cllr O'Kelly and Cllr Bell then provided comment.

Cllr Bowden provided comment.

Mr Bennett reminded members that the reason for the discussion taking place in part II was due to the confidential nature of the information in the report. He requested that members refrain from further comment on the matter.

Cllr Purnell and Cllr Hobbs then provided comment.

Cllr Dignum confirmed that he accepted Cllr Tim Johnson's minor amendment as part of his recommendations.

Cllr Moss provided comment.

Cllr Dignum was invited to sum up.

Mrs Shepherd confirmed which recommendations had been agreed by Cabinet that morning and which were to be voted on by Full Council.

In a vote members agreed the following resolution:

RESOLVED

That the recommendations as set out in sections 3.3-3.9 of the Cabinet resolution made on 7 December 2021 as circulated to members be agreed subject to the one word minor amendment proposed by Cllr Tim Johnson.

The meeting ended at 4.05 pm

CHAIRMAN

Date:

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