

Chichester District Council

CABINET

8 September 2015

Land at Church Road, Portfield, Chichester

**Extract from minutes of Overview and Scrutiny Committee meeting
of 2 July 2015**

7 Land at Church Road, Chichester

Mrs Apel read a statement of support for the call in from Mr Connor who was unable to attend the meeting.

Mrs Apel set out the procedure to be followed for the call-in.

Mr Ransley requested the item be discussed in part II with Mr Cullen seconding the motion.

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act), the public and the press be excluded from the meeting during the consideration of the following items on the agenda for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in Paragraphs 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (legal professional privilege)) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Mr Ransley set out his intention to discuss the call-in only, stating his objection to the inclusion of his additional paper which made recommendations to Cabinet in the committee's private document pack. Mr Ransley outlined his reasons for the call in suggesting that Cabinet's decision 3 in relation to agenda item 6 made at its meeting of 2 June 2015 was without the benefit of a clear analysis of additional bid information being provided.

Mr Hansford explained that all papers relevant to the bids were provided to Cabinet in advance of the meeting on 2 June 2015. Members of the committee were provided with copies of the original appendix to the Cabinet paper at the start of the meeting to enable them to compare with the amended appendix circulated to Cabinet on the day of 2 June 2015 (included in the private pack of the agenda for this meeting).

Mr Shaxson commented on the short length of time Cabinet had to assess the new appendix.

Mrs Keegan, the portfolio holder for Commercial Services, explained that the site in question had been part of a long disposal programme. In reference to Mr Ransley's comment on the changes to the appendix provided to Cabinet on 2 June 2015, Mrs Keegan explained that Cabinet had considered the additional information which had provided clarification on some of the bids rather than a material change to the bids themselves. The additional information had been received after circulation of the papers and was in response to a request for clarification from the bidders.

Mrs Keegan explained that the concerns raised regarding securing the best outcome for the Council and its residents if the preferred bid fell through was unnecessary as delegated officers would carry out a thorough process of discussions with the original bidders. Mrs Keegan emphasised that the minimum sale price was only a 'minimum' and negotiations would seek to achieve a higher price than that.

Mrs Keegan emphasised the importance of reaching agreement on a decision as a referral back to Cabinet would continue to delay the process.

Mr Ransley asked what the procedure was if the preferred bid was not realised. Mrs McKay confirmed that all bidders would be invited to clarify their position prior to a decision being reached by officers and agreed by Mrs Keegan.

Mr Ransley advised that his position was that Cabinet had not facilitated full discussion with members prior to the decision being taken.

Mr Legood explained that at the Cabinet held on 11 February 2015 the proposal had been considered at some length. The amended appendix had been necessary as the desire to proceed quickly had meant that the closing date for bids was close to the 2 June 2015 meeting. The 2 June 2015 Cabinet reviewed the bids before a preferred bid was selected and a contingency plan decided. Cabinet accepted officer advice and chose to delegate contingency plan negotiations to officers if required.

Mr Potter asked Mr Legood to clarify whether the roundabout contribution would be sufficient to pay for the construction of the roundabout. Mr Legood advised Mr Potter that the sum specified was the amount to be paid to the Council if the purchaser did not construct the roundabout and that it was for the developer to determine the actual cost of these works.

Mrs Hamilton asked if keeping the site had been considered. Mrs Keegan assured Mrs Hamilton all options had been investigated.

Mr Shaxson emphasised the importance of having a part II debate at Cabinet in order to avoid the issue of today's call-in.

Mrs Keegan concluded that any decision made as a consequence of the first bid falling through would be subject to her approval as Cabinet Member for Commercial Services.

Mr Ransley concluded that Cabinet needed to give confidence in the transparency of the disposal process.

RESOLVED

That the meeting return to part 1 and the press and public be invited back into the room.

Mr Budge and Mr Hicks left the meeting.

The remaining OSC members voted on the recommendation below, with seven members for and one member against.

RECOMMEND TO CABINET

1. That decision (3) in respect of minute 6 of the Cabinet meeting of 2 June relating to Land at Church Road Chichester be reconsidered
2. That Cabinet gives further consideration to alternative ways of securing best financial value and community benefits from the site