

# Public Document Pack

Subject to approval at the next Full Council meeting

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## **MINUTES OF A MEETING OF THE ARUN DISTRICT COUNCIL HELD IN THE ARUN CIVIC CENTRE ON 11 NOVEMBER 2020 AT 6.00 PM**

Present: Councillors Mrs Worne (Chairman), Brooks (Vice-Chairman), Mrs Baker, Batley, Bennett, Bicknell, Blanchard-Cooper, Bower, Buckland, Mrs Caffyn, Mrs Catterson, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Coster, Mrs Daniells, Dendle, Dixon, Edwards, Elkins, English, Mrs Erskine, Goodheart, Mrs Gregory, Gunner, Mrs Hamilton, Mrs Haywood, Hughes, Huntley, Jones, Kelly, Lury, Mrs Madeley, Miss Needs, Northeast, Oliver-Redgate, Oppler, Mrs Pendleton, Purchase, Miss Rhodes, Roberts, Miss Seex, Smith, Mrs Stainton, Stanley, Tilbrook, Ms Thurston, Dr Walsh, Mrs Worne and Mrs Yeates.

Honorary Aldermen Mr Norman Dingemans and Mrs Patricia Stinchcombe were also in attendance for all or part of the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated: - Councillor Oliver-Redgate – Minute 291 292; Councillor Purchase – Minute 291 to Minute 299 [Part].

### 291. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and officers to the Council Meeting. A special welcome was extended to Honorary Aldermen Mrs Stinchcombe and Mr Norman Dingemans.

### 292. ARMISTICE DAY - MINUTE'S SILENCE

The Chairman confirmed that to mark the fact that it was Armistice Day she felt it appropriate for the Council to reflect and remember those who had fallen in all conflicts. She therefore asked the Council to join her in a minute silence to those who had given the ultimate sacrifice to their country.

The Council then stood in silence to their memory.

### 293. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Staniforth and from Honorary Aldermen Mrs Goad, MBE and Mrs Morrish.

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**294. DECLARATIONS OF INTEREST**

Councillor Coster confirmed that he wished to declare a Personal Interest in Agenda Item 9 [Motions] in relation to Motion 1 and that he would make a statement at the commencement of that item.

Councillor Dixon also declared a Personal Interest in Item 9 and Motion 1. He confirmed that prior to his role as a District Councillor he had been very involved and engaged with the local community through the Bognor Regis Civic Society in terms of regeneration and that that engagement and understanding gained from the Civic Society had partly driven the decision to present this Motion. These had been his views held at the time and so he wished to make it clear that he had an open mind regarding these items and that he would listen and consider all the relevant issues and interests presented and would then reach his decision on merit.

Councillor Blanchard-Cooper declared a Personal Interest in Agenda Item 9 [Motions] in relation to Motion 6 in his capacity as a Member of the Littlehampton Musical and Comedy Society.

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.

<b>Name</b>	<b>Town or Parish Council or West Sussex County Council [WSCC]</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 WSCC
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington
Councillor Sandra Daniells	Bognor Regis
Councillor David Edwards	WSCC
Councillor Roger Elkins	Ferring and WSCC
Councillor Paul English	Felpham
Councillor Inna Erskine	Bognor Regis
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 Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

Councillor Mrs Erskine confirmed that she wished to declare a Personal Interest in Motion 3 as she had a family member who had made use of the Hidden Disabilities Sunflower scheme.

#### 295. PUBLIC QUESTION TIME

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution and the Virtual Meeting Procedure Rules amended by the Council on 15 July 2020.

The Chairman confirmed that two questions had been submitted, as detailed below. Both questions were for the Leader of the Council, Councillor Dr Walsh, to respond to and both questions related to the Arundel By-Pass and the recent route confirmation from Highways England.

The first questioner asked if the Council had considered the deleterious impact of building an elevated dual carriageway 50 m away from a 12<sup>th</sup> century church [the Grey route] would have and the destructive social effect on the community of Binsted who had nowhere else to gather or bury its dead.

The Leader of the Council, Councillor Dr Walsh confirmed that the Council had supported the Magenta option and that Highways England (HE) had chosen the grey route as its preferred option. As Leader of the Council he would be invited to consider a Local Impact Report on the details of the road and its impacts that HE would be

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providing and at that time the Council would be able to consider what stance it wished to present at a formal examination of the road scheme. The Leader of the Council provided an assurance that effects this route would have to be considered as part of that process.

The questioner asked a supplementary question which was that West Sussex County Council has stated in its submission to the consultation in 2019 that the impacts associated with regard to the Grey route have been under estimated because the environmental assessment has not taken into account the impacts on the Avisford Grange area of Walberton or the impacts this would have on the historic environment the latter included Binsted St Mary's Church and also severance of the view along the Binsted rock valley. Did the Leader agree with WSCC that the environmental impacts of Grey had been underestimated by Highways England?

Councillor Dr Wash responded confirming that he had not seen a statement nor had formed an opinion as the local impact survey had not been received. On receipt, the Council would be able to discuss and consider and come to an opinion on that survey which would be important in making sure that great as possible mitigation measures would be put in to place if the grey route was proceeded with.

The second questioner raised concerns of the welfare of his two sons who attended the Walberton and Binsted CofE Primary School. The Council was asked how it would ensure that the children in attendance would not be subjected to the damaging health and attainment effects of increased noise and air pollution caused by the new bypass and the 3 years of construction that would take place.

Councillor Dr Walsh responded stating that as Leader of the Council, he welcomed the announcement that HE was supporting an offline option. He stated that he also acknowledged that whilst this route would be beneficial to some communities, others would be impacted and so he would continue to urge HE to mitigate the impact of the proposals on local residents which include all of the matters raised this evening. The proposal would be subject to an examination by the Planning Inspectorate who would consider these points and this Council would be required to prepare a local impact report clearly setting out the concerns raised regarding the preferred route.

*(A schedule of the full questions asked and the responses provided can be found on the Pubic Question Web page at: <https://www.arun.gov.uk/public-question-time> )*

The Chairman then drew Public Question Time to a close.

## 296. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no questions asked.

297. PETITIONS

The Chairman confirmed that no Petitions had been received.

298. MINUTES

The minutes from the Full Council Meeting held on 16 September 2020 were approved as a correct record by the Council, subject to a very slight amendment to the end time of the meeting being amended to 12.37 am from 11.37 pm.

The Chairman confirmed that these would be signed at the earliest opportunity available to her.

299. CHAIRMAN'S ANNOUNCEMENTS

The Chairman firstly confirmed that she was delighted to announce that the following residents in the Arun District had received the following recognition in the Queen's Birthday Honours:

- Caroline Alexander – who received a CBE as Chief Nurse at Barts Health NHS Trust and for her services to nursing
- Deborah Cropanese – who received an OBE as Delivery Director for National Business Centres, HM Courts and Tribunals Service for her public service
- Adam Smith – an MBE for his services to the community during Covid-19 as a food delivery driver for Iceland Foods and for services to the community; and
- Finally, to John Thompson a member of our Independent Remuneration Panel and Independent Person to the Standards Committee – who had received an MBE for his service to the community in Bognor Regis.

The Chairman passed on her congratulations for all of their outstanding service and she asked the Council to join with her in giving a virtual round of applause or a thumbs up to the screen in recognition of their services.

The Chairman referred to her activities undertaken since the last Full Council Meeting held on 16 September 2020, these had been emailed to all Councillors earlier.

Finally, the Chairman made a statement explaining her voting at Council meeting outlining that was in line with the Constitution.

Councillor Edwards raised a Point of Order and asked the Council if congratulations could also be passed onto Mrs Julie Budge, a resident of Bognor Regis who had recently won the Women of the Year Award in recognition of establishing "My Sister's House" charity that supported women in need.

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300. URGENT MATTERS

The Chairman confirmed that there were no urgent items requiring the consideration of the Council.

301. MOTIONS

The Chairman confirmed that six Motions had been received and accepted as valid in accordance with Council Procedure Rules 14.1 and 14.2.

Councillor Miss Seex moved a Motion without Notice in line with Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rule 15 C to change the order of business in the agenda to move Motion 2 [the Motion of No Confidence] to be considered as the first Motion as it was her view that this would shape other discussions in the agenda.

Councillor Mrs Daniells seconded this Motion without Notice.

A point of Order was then raised by Councillor Coster as it was his view that this Motion without Notice was contrary to Part 5 [Rules of Procedure (Meetings) Section 1, Rule 14.2 [Motions Set out in the Agenda] and Part 2 [Articles of the Constitution] – Article 13.2 [Principles of Decision Making]. Councillor Coster then quoted Article 13.2 from the Constitution stating that to accept this Motion without Notice, would be breaching the Constitution.

The Interim Monitoring Officer provided advice and Councillor Miss Seex was invited to provide an expanded explanation as to why she wished to change the order of the agenda. She explained that this was because the outcome of the Motion with No Confidence could result in the Council having a change in administration and a new Leader of the Council which could shape debate and so such an important item should be considered as the first priority.

Following comments made by Councillors, the Interim Monitoring Officer provided further advice and asked Councillors to not speak adversely in relation to the character of another Councillor. They were reminded that if they had grounds to consider a complaint, this should be dealt with using the process in place through the Member Code of Conduct mechanisms, not at this meeting.

The Chairman invited debate on the Motion without Notice. Councillors spoke against it stating that the public would consider the regeneration of the Districts Towns as a more pressing matter and so they could not accept the rationale to agree to the Motion without Notice. Others confirmed that they would be voting for it as the No Confidence Motion was of such significant importance that it should be moved forward as this did represent the whole of the District and the future of the Council.

Councillor Ms Thurston then moved “to proceed to the next business” and this was seconded by Councillor English.

Having heard briefly from Councillor Mrs Daniells, as seconder to the Motion without Notice and then from Councillor Miss Seex as the proposer, the Chairman confirmed that she wished to proceed with the vote.

A request had been made that the voting on this Motion without Notice be recorded.

Those voting for the Motion without Notice were Councillors Mrs Baker, Bicknell, Bower, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Goodheart, Gunner, Hughes, Kelly, Mrs Madeley, Northeast, Oliver-Redgate, Mr Pendleton, Miss Rhodes, Roberts, Miss Seex and Mrs Stainton [26]. Those voting against were Councillors Batley, Bennett, Blanchard-Cooper, Brooks, Buckland, Mrs Catterson, Coster, Dixon, Mrs Erskine, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Huntley, Jones, Lury, Miss Needs, Oppler, Purchase, Smith, Stanley, Tilbrook, Ms Thurston, Dr Walsh, Mrs Warr, Mrs Worne and Mrs Yeates [26]. There were no abstentions.

As there were an equal number of votes, for and against, the Chairman used her casting vote and voted against.

The Motion was therefore declared LOST.

The Chairman then returned to the first Motion which was a cross-party Motion from the Independent Group and the Liberal Democrat Group and she invited the proposer, Councillor Dixon to present his Motion. It was confirmed that Councillor Stanley would be seconding this Motion.

Before presenting his Motion, Councillor Dixon reconfirmed his Personal and Open-Minded Interest made at the start of the meeting.

Councillor Dixon then started to present his Motion. The wording of the Motion is as set out below:

**BOGNOR REGIS REGENERATION**

**This Council NOTES that:**

**Phase 1**

**a) Place St Maur refurbishment has been agreed and is awaiting only confirmation of external funding.**

**b)Sunken Gardens proposals are being brought to Cabinet on November 16th**

**It further RESOLVES THAT**

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**Phase 2 will aim to**

2(a) Deliver a hotel

2(b) Deliver a permanent multi-purpose entertainment centre.

**Site for 2(a):** South east corner of the Regis Centre site (includes the old Fire Station)

**Opportunity:** Hotel (preferably with bar and restaurant)

**Objective:** Use the land in order to drive economic regeneration in the centre of Bognor Regis. Both the execution of the project and upon completion, will create employment in the area, create a destination for tourists and residents alike, and drive footfall both into the town centre and the seafront.

**Potential Funding:** Capital borrowing and/or joint project

**Indicative Timescale:** Proposals and operational models to be worked up and delivered to cabinet for approval by February 2021.

**Site for 2(b):** Sunken Gardens children's play area – town centre site adjacent to Hothampton car park and Sunken Gardens

**Opportunity:** Permanent multi-purpose entertainment centre

**Objective:** Create a permanent multi-purpose indoor entertainment centre – complementary to, and not competing with, the Alexandra Theatre.

**Potential Funding:** Capital borrowing, capital receipts, revenue receipts, possible additional match funding from government or grants, potential for sponsorship.

**Indicative Timescale:**

- Commission design work and financial modelling immediately.
- Public Consultation – by close of 2021
- Commence build – target March 2023

**This Council also NOTES that:**

**Phase 3**

**Other sites:** Longer term opportunity, to be informed by the recently agreed process for gathering ideas.

**Opportunity:** Regeneration

Councillor Coster then confirmed that he needed to reconfirm his Interest made at the start of the meeting and that as part of that interest he needed to make a statement. Councillor Coster confirmed that prior to his role as a District Councillor he had been very involved and engaged with the local community through the Bognor Regis Civic Society in terms of regeneration and that that engagement and understanding gained from the Civic Society had partly driven the decision to present this Motion. These were Councillor Coster's views that he held at the time and so he wished to make it clear that he had an open mind regarding these items and that he would listen and consider all the relevant issues and interests presented and would



then reach his decision on merit. Councillor Coster asked that this Personal Interest and Declaration be recorded in the minutes of this meeting.

Councillor Gunner made a Point of Order in terms of Part 6 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rule 14.5 [How Motions are Dealt With] Part B [Motions to be Referred to Cabinet or a Committee] as it was felt that the detail of this Motion did fall under the province of another Committee and so should stand deferred without discussion to be considered by the Bognor Regis Regeneration Sub-Committee.

The Interim Monitoring Officer provided advice. He confirmed that the Councillor who had submitted this Motion had the right to set out the content of that Motion first. Looking at the section of the Constitution referred to, at Rule 14.5 - Part A, it did confirm that if the subject of the Motion was a matter that was in the province of the Council, was an urgent matter, or it related to a District wide issue or multi-ward matter, then it should be dealt with by Council at that Council meeting. However, if it was felt that if the Motion did not include any one of those points, then it should stand deferred without discussion or in the case of doubt, Cabinet should consider it. However, it was confirmed that there was an analysis that needed to be conducted first which was whether the Council considered the matter to be urgent; whether it related to a District wide issue; or whether it was a multi-ward matter. If any of these questions could be responded to with a yes, then the Motion needed to be considered at this meeting. The Interim Monitoring Officer recommended that Councillor Dixon be invited to speak to these points allowing a decision to be made in terms of whether the Motion be considered now or deferred to another relevant meeting of the Council.

Councillor Dixon confirmed that the matters covered by the Motion had now become urgent and needed to be debated tonight. He also confirmed that the Motion covered more than one ward and was a multi-District wide matter that needed to be discussed and moved forward.

The Interim Monitoring Officer recommended that Councillors be asked to debate this issue first so that the queries raised by Councillor Gunner's Point of Order could be addressed.

Debate on this point commenced. There were Councillors who felt strongly that this Motion negated the decision that the Council had made at its last meeting in terms of a Motion submitted on Bognor Regis Regeneration. Points were made that the Bognor Regis Sub-Committee had also debated regeneration widely at its meeting before last and that debate had resulted in the matter of regeneration being deferred to a future meeting as Councillors now wished to consider different proposals. Those proposals had not been progressed; there was the outcome of the Motion from the last Council meeting to still progress; and it was felt that the Bognor Regis Sub-Committee was the correct forum to take such discussions to. It was strongly felt that this new Motion overturned what had been agreed at the last Full Council meeting.

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Having heard from a Councillor who spoke on the merits of the actual Motion, the Interim Monitoring Officer reminded Councillors that at this point, debate should only focus upon establishing whether the Motion could proceed based on it meeting the specific criteria as set out in Council Procedure Rule 14.5 (a), these being was this an urgent matter; was it a District wide issue or multi-ward matter. Any debate on the merits of the Motion would come later once the decision had been made whether the Motion be considered now or deferred to another meeting. The Interim Monitoring Officer confirmed that he did not know the details of the history surrounding this matter but now had concern over the fact that mention had been made of the six month rule and so consideration would also need to be given as to whether this issue was a rerun of a previous debate or a fresh matter, he believed the latter at this time.

Based on the advice given, statements were made on the fact that at the last Full Council meeting, the regeneration motion had been passed unanimously so as to allow an open process to bring forward new ideas and developments that could be presented to Councillors in an objective manner. This process was moving forward, and the confirmation of Seminar dates were awaited. Based on this, it was strongly felt that the six-month rule did apply because this latest Motion completely undercut that process and it prejudiced the last motion agreed. The Interim Monitoring Officer was therefore asked to make a judgement on the six- month rule. It was felt that this matter should be referred to the Bognor Regis Regeneration Sub-Committee which was the best place for it to be discussed and then recommendations could be brought back to Full Council and once seminars had taken place allowing all Councillors to make a valuable judgement in terms of what should happen next.

The Interim Monitoring Officer agreed that this was an important point and he confirmed that before he could provide any authoritative response, he would need one of the Officers to confirm if this Motion was bringing in new matters or whether it was a rerun of matters settled in the last six months.

Having received many Points of Clarification, the Chief Executive and the Director of Place confirmed that they did not believe that this Motion conflicted with the last Motion agreed by the Council. It was accepted that this was a difficult issue as the key part in this Motion potentially conflicted as part of it talked about having a hotel in a specific location on the Regis Centre site. Because ultimately Members were inviting presentations across a range of sites including the Regis Centre, it could potentially be argued that this Motion was seeking to put in a level of detail that could cause an issue.

Further debate from Councillors saw statements being made that the six-month rule was being breached and that this was a matter that should be referred to the Bognor Regis Sub-Committee.

The Interim Monitoring Officer again asked Councillors to keep to the point of discussion at this time which was to determine if the Motion was urgent; whether it was a District wide issue; a multi-ward matter; or whether they had views on the six month rule. It could then be decided if the matter would be debated at this meeting or at another Committee.

Further comments made were that the Motion had been agreed by the Chief Executive, prior to it being published, and that part of that process was to check that the Motion was not illegal, irregular or improper. The Motion did cover multiple wards, these being the Marine, Orchard and Hotham wards. The land being discussed did belong to the Council and so it was within the province of the Council to determine this matter now.

Concerns were expressed over the six-month rule as regeneration had been discussed at the Bognor Regis Sub-Committee and the last meeting of Full Council. The Interim Monitoring Officer was asked if he could make the decision as it clearly violated the last Motion approved by Full Council. If this Motion was discussed there was potential for legal challenge and so it was felt necessary to ask the Monitoring Officer to make a ruling in terms of process.

The Interim Monitoring Officer outlined that he firstly needed to understand the views of Councillors in terms of if they felt that this Motion presented new business or a repeat of old business. This would provide an essential steer as to whether he felt that the six-month rule had been breached or not, only then could he provide a determination.

Following further debate, numerous Points of Order, Points of Explanation and Points of Clarification, many Councillors confirmed that they very strongly believed that this Motion did breach the six-month rule.

The Chairman then called a short adjournment.

The Interim Monitoring Officer provided further advice. He confirmed that he had looked at the decision made to this point in that the Motion in its first instance at that time did not appear to be contradictory to the six-month rule. Having referred to various case laws the Council needed to be cautious when making such decisions and should not breach the six-month rule. If there was any doubt at all that this could be the case, it was recommended that the second Motion should not be taken forward as certainty should be paramount at this time. The ruling of the Monitoring Officer having heard the views of Councillors, studied again the last Motion approved by Full Council and this Motion was that it was in breach of the six month rule and so now became a matter for the Chairman to decide if she accepted his guidance which was to put aside the Motion due to a breach of the six month rule.

The Chairman confirmed that having had the legal guidelines confirmed she would defer this Motion to the Bognor Regis Regeneration Sub-Committee to consider.

Councillors then requested a further explanation as to reasons behind this decision which were provided by the Interim Monitoring Officer.

The Chairman then moved to Motion 2 and invited Councillor Gunner to present his Motion.

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Councillor Coster raised several Points of Order as set out below:

- Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules, Rule 23.2 [A Member shall comply with the adopted Members' Code of Conduct]
- Part 8 – Section 2 – Members Code of Conduct, Paragraph 4 [Disclosable Pecuniary Interests]
- Part 8 – Appendix A to Part 8
- Part 8 – Section 2 – Exempt categories
- Part 8 – Section 2 - 9
- Article 2 - 3.0 – Rules and Functions of all Councillors

Councillor Coster stated that these sections of the Constitution all related to Councillor Gunner's potential pecuniary interest in terms of this Motion as, if passed, he stood to gain a Special Responsibility Allowance and so should declare the appropriate interest and should leave the meeting and not take part in the vote. Councillor Coster sought the views of the Interim Monitoring Officer.

The Interim Monitoring Officer provided advice and confirmed that he was not able to see that he agreed with Councillor Coster, though understood the point made. He outlined that the easiest way to address this matter would be for Councillor Gunner to be asked amend the Motion at Part C which would then mean that there would not be a direct pecuniary advantage, to leave this in would also mean that Councillors Dr Walsh, Oppler, Gunner and Dendle should all not be entitled to speak on the same grounds.

Councillor Coster responded by raising further Points of Order:

- Part 5, Section 1, Paragraph 15 (m)
- Part 5, Section 1 Paragraph 18 [Voting]
- Voting Under Virtual Rules
- Part 2, Article 1 – Paragraph 3.0 [Purpose of the Constitution] [vii]
- Part 2, Article 16 – Paragraph 1.0 (a) Suspension of the Constitution
- Part 2, Article 15 - 2.0 – Changes to the Constitution

Councillor Coster confirmed that he sought the views of the Interim Monitoring Officer in terms of voting procedures and the request of this Motion to conduct a secret ballot, which was contrary to the Articles of the Constitution which could not be suspended. The secret ballot was in breach of the Council's Constitution.

The Interim Monitoring Officer explained the ethos of the Constitution but acknowledging that use of amendment mechanisms needed to be minimised, even though amendments could be made with the agreement of Members. In view of the concerns raised, he outlined that this Motion was capable of being achieved, but with caution and Councillors should be cautious about undertaking a vote in the way suggested. Councillors needed to consider the limitations put in place and needed to

consider whether they thought that they needed to know how every Councillor had voted.

Based on this advice, it was recommended that the Motion, Parts A, B and C be considered in sections for simplicity and transparency reasons.

Councillor Coster then raised a further Point of Order in relation to the voting on Part B of the Motion and how this could be applied to the Constitution at Part 2 – Article 7, Paragraphs 3.0, 4.0, 5.0 and 7.0.

Councillor Gunner then presented his Motion which is set out below:

**Motion of no confidence**

- A. That under Part 5, Section 1, Paragraph 15 (m) of the Constitution the procedure for voting in respect of the vote of no confidence set out in Part B of this motion shall be by Secret Ballot, and not subject to the right to seek a recorded vote, that is, each Member present shall record their vote confidentially for, against or abstaining.
- B. That this Council has no confidence in the current administration and calls for their immediate resignation.
- C. That this Council henceforth appoints Cllr Shaun Gunner as Leader of the Council to form a new unity administration.

He confirmed its relevance to today being Armistice Day. This was about the value of democracy and the right for everyone to decide, debate and disagree on matters of importance. There had been a change in the balance of power within the Council and also a change in mood both locally and nationally. The Motion reflected this and was split into three parts on purpose to assess the current feeling about the current administration and a future administration and future Leader of the Council.

Following more Points of Orders raised, and having sought advice from the Interim Monitoring Officer, the Chairman confirmed that she was now proceeding with Part A of Motion 2.

Councillor Gunner confirmed that he had received lots of comments about the secret ballot and that these were common. Worthing and Adur and Chichester Councils had all conducted secret ballots as had Bournemouth, Christchurch and Poole. The secret ballot only applied to Part B of this Motion but the debate on it would be public. Councillor Gunner then explained why he felt a secret ballot was a good move which was because this allowed Councillors to vote without a conscience, alleviating them from being put under pressure to vote against their current Group. The secret ballot protected Members from finger pointing and retribution.

The Interim Monitoring Officer then provided advice in terms of how the Motion could be debated considering that it had been sectioned out into three parts. Following much discussion, the format for debate was agreed.

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Councillor Dendle then seconded the Motion.

The Chairman then invited debate on Part A. Many Councillors expressed their concern over the secret ballot and were inordinately cautious over suspending Constitutional rules to allow a secret vote to proceed. They saw it as an attempt to force an unwanted secret vote which was seen as cynical and undemocratic. It was stated that all Council votes should be totally open and above board. The suggestion that Members needed a secret vote due to bullying or intimidation from other Members was seen as ludicrous and beneath contempt. It was felt that to apply a secret ballot went against various sections of the Code of Conduct.

Many Councillors confirmed that they did not support the secret ballot as it was their wish for the electorate to be able to see how they voted. In view of this, some asked for their vote to be recorded in respect of Parts A and B of the Motion.

Other Councillors spoke in support of the secret ballot citing that it would prevent intimidation and fear and so was not morally wrong

Councillor Roberts then proposed that “the question be now put” and this was seconded by Councillor Cooper. The Chairman confirmed that she wished to hear from one last speaker and would then move to the vote.

Councillor Dendle, as seconder, spoke in support of the Motion outlining that many other Councils used the secret vote mechanism and had this procedure enshrined in their Constitutions. He outlined that a change in administration was needed and that if the current administration had confidence, then it should not be afraid of the secret ballot and he urged Members to show their true intent.

Councillor Gunner, as proposer to the Motion, confirmed that he had nothing further to add.

A request had been made that the voting on Part A of the Motion be recorded.

Those voting for Part A of the Motion were Councillors Mrs Baker, Bicknell, Bower, Buckland, Mrs Caffyn, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Mrs Daniells, Dendle, Edwards, Elkins, English, Goodheart, Gunner, Hughes, Kelly, Mrs Madeley, Oliver-Redgate, Mr Pendleton, Miss Rhodes, Roberts, Miss Seex and Mrs Stainton [26] and those voting against were Councillors Batley, Bennett, Blanchard-Cooper, Brooks, Mrs Catterson, Coster, Dixon, Mrs Erskine, Mrs Gregory, Mrs Hamilton, Mrs Haywood, Huntley, Jones, Lury, Miss Needs, Oppler, Purchase, Smith, Stanley, Tilbrook, Ms Thurston, Dr Walsh, Mrs Warr, Mrs Worne and Mrs Yeates [25]. Councillor Northeast abstained from voting.

The voting on Part A of Motion 2 was therefore declared CARRIED.

The Council therefore

**RESOLVED**

That under Part 5, Section 1, Paragraph 15 (m) of the Constitution the procedure for voting in respect of the vote of no confidence set out in Part B of this Motion shall be by secret ballot, and not subject to the right to seek a recorded vote, that is, each Member present shall record their vote confidentially for, against or abstain.

The Chairman then invited Councillor Gunner to introduce Part B of his Motion.

Councillor Coster raised a further Point of Order in relation to Part 5, Section 1, Rule 18.7 of the Constitution stating that in line with the Constitution he had the right to request that his vote on Part B, his individual vote be recorded.

The Interim Monitoring Officer provided advice confirming that as the Council had resolved that a secret vote be undertaken on Part B, Councillors could not then insist on their vote being recorded.

The right for a Councillor to request a recorded vote under the Procedure Rule was insisted. It was outlined that if this was insisted by a Councillor(s), then they could confirm their intention to vote as part of their debate on Part B.

Following numerous Points of Order and having received further advice from the Interim Monitoring Officer and Locum Lawyer, the Chairman confirmed that it was her wish to apply Council Procedure Rule 8, to adjourn the meeting to 18 November 2020 at 6.00 pm. Having consulted with the Chief Executive, this adjournment was confirmed.

(The meeting concluded at 10.22 pm)

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