



COMMITTEE: **BABERGH OVERVIEW AND SCRUTINY COMMITTEE**

VENUE: **King Edmund Chamber,  
Endeavour House, 8 Russell  
Road, Ipswich**

DATE: **Tuesday, 31 October 2017  
10.30 am**

#### **Members**

Clive Arthey  
Melanie Barrett  
Peter Burgoyne  
Barry Gasper

Bryn Hurren  
Alastair McCraw  
Fenella Swan

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## **AGENDA**

### **PART 1**

| <b>ITEM</b> | <b>BUSINESS</b>  | <u>Page(s)</u> |
|-------------|--|----------------|
| 1           | <u>APOLOGIES AND SUBSTITUTES</u>   |                |
| 2           | <u>DECLARATION OF INTERESTS</u>  |                |
| 3           | <u>CALL IN OF THE DECISION FROM THE MEETING OF THE BABERGH CABINET HELD ON 13 OCTOBER 2017. REPORT BCA/17/22.</u>  | 1 - 16         |
|             | Call In of the Babergh Cabinet Decision from the meeting held on 13 October 2017.  |                |
|             | Decisions made by the Cabinet on 13 October 2017 in respect of the following report was called in for consideration by the Overview and Scrutiny Committee in accordance with Scrutiny Procedure Rules as detailed on pages 141 and 142 of the Constitution. |                |
|             | <b>BCa/17/22 - FUTURE OPTIONS FOR 'WORKING TOGETHER' BETWEEN BABERGH AND MID SUFFOLK DISTRICT COUNCILS</b>   |                |
|             | The reasons for Call In are:   |                |

1. The decision notice states that no alternative options have been considered and rejected. Clearly, however, there are many other options which should be considered before any decision to proceed with merger is made, even provisionally. For example, Suffolk County Council have not been consulted over a unitary option, even though we now share their building.
2. The decision does not appear to be listed as a Key Decision yet there could not be anything more key than an existential threat to Babergh planned by its own cabinet, not only with no mandate to do so but with a mandate from the 2011 local referendum **not** to do so.
3. This appears to be a decision to consult on merging with inadequate preparation and information release.
4. We are concerned about the likely bias of any consultation. Without a **published business case**, it is difficult to see what can and will be consulted on, other than an argument constructed to meet the wishes of the Administration.
5. We believe there should be an opportunity to scrutinise the even-handedness of the consultation/surveys. Should feedback be positive from such a consultation, the Administration may seek to remove the need to challenge the business case developed thereafter, or to hold a poll. A business case published **in advance of consultation** would certainly ensure it builds the argument to proceed.
6. The financial appendix to the report is far from a full and unbiased picture of the current and projected situation. It reads more like a sketch of what the Administration wants us to hear.
7. Paragraphs 4.2 through 4.6 of the Chief Executive's report appear to be written about an entirely hypothetical divorce in which the weakness of Babergh's General Fund is emphasised. Yet it is quite clear that decisions already taken, for example over the Boundary Review, would make it probable that a merged council would increase Babergh's Council Tax more than halfway towards Mid Suffolk's and spend some of Babergh's much healthier Housing Revenue Account on housing in Mid Suffolk.
8. Paragraph 4.3 suggests such a divorce would be 'reputationally damaging', implying that Babergh District Council would get the blame for it in the public mind, yet there could not be anything more reputationally damaging for Babergh District Council than to go ahead with merger in defiance of the will of its own electorate clearly expressed in the 2011 referendum.
9. Paragraphs 10.1 through 10.7 of the Chief Executive's report and his Appendix 1 make the truly bizarre claim that the Mid Suffolk result in favour of merger in the 2011 local referendum provides a 'mandate' to proceed. This misrepresents the 2011 requirement that each district with its voters counted separately had to vote in favour of merger for merger to proceed. Paragraph 10.7 says that this was all a long time ago but then again cites the Mid Suffolk referendum which was held on the same day as the Babergh referendum!

Suggested action for the Call In to take:

- (1) To confirm or accept the decision of the Cabinet which may then be implemented forthwith, or
- (2) refer the matter back to the Cabinet for further consideration, or
- (3) refer the matter to Council for a final determination, or for referral back to the Cabinet
- (4) defer consideration until a specified time when further reports shall be considered.

The Call In Notice, Cabinet report and related minute is attached. The Lead Member and Lead Officer are invited to attend to respond to any questions.