

Dear Councillor,

Following receipt of your Call-In notice, in accordance with the constitution I have met with the Chairman of the Overview & Scrutiny Committee to consider the Call-in Notice.

We have noted that your Call-In is on the basis that

- a) The Decision was not reasonable within the common meaning of the word, i.e. rational, based on sound judgement; and / or
- b) The decision was not taken on the basis of due consultation.

Your more detailed reasons for a) and b) above are:

“This decision has been made by a small number of councillors on narrow financial grounds, without due regard to or reasonable accommodation of the significant level of public contention it has provoked: well-founded objections regarding the impact on local economies and on vulnerable individuals have merely been brushed aside. The council's own 'engagement exercise' form of consultation revealed a majority of respondents opposed to the proposals, but Cabinet has gone ahead and approved the original proposals nevertheless.

There is serious political disagreement on the issue: some Green, Independent and Lib Dem councillors support it, but a majority of Greens, some Independents and Lib Dems, and all Labour and Conservative councillors oppose it. If the matter were to be voted on by Full Council, it would probably be defeated. For these reasons, the decision is not reasonable (not based on sound judgement) and it ignores crucial relevant evidence (not taken on the basis of the consultation carried out).

This decision ignores the substantial weight of evidence gathered by the council's own 'engagement exercise' and by the petition organised by Cllr Clover (validated and noted by Full Council on 20 February 2024). Several letters of objection have been submitted by town and parish councils and individual councillors, and BDC councillors in Hadleigh and Sudbury carried out opinion surveys on the matter which revealed a substantial majority of car park users and businesses opposed to the proposals. The O&S committee recommended that Cabinet consider its decision in the light of concerns raised at its meeting of 18 March 2024. But the proposals submitted to Cabinet on 08 April 2024 were almost entirely as originally conceived, showing no substantive change in response to representations by councillors (both district and town/parish) or by the O&S committee

itself. We therefore believe that the O&S committee should meet to consider whether principles of good decision-making have been breached in this instance.”

I can confirm that the Chairman of the Overview & Scrutiny Committee has decided that part of your Call-In request is valid and so that aspect will now be considered at an Overview & Scrutiny Committee meeting. However the Chairman has determined that some elements of your Call-In request do not form valid grounds for a Call-In and so these aspects will not be considered at the Overview & Scrutiny Committee meeting. Similarly, no new aspects, not mentioned in your Call-In request can be considered by the Committee.

The Chairman’s determination, in consultation with me as Monitoring Officer, as to what elements are valid and which are invalid is as follows:

Your reasons for call-in relating to which Councillors have made this decision, and the views of other Councillors, has been deemed **invalid** as this relates to the Leader / Cabinet Governance model which the council has formally adopted. This report and the decisions contained in it, are an “Executive function” which by law must be taken in accordance with Executive regulations, so by the Cabinet. It is not within the gift of either the Overview & Scrutiny Committee, nor Cabinet, to change this.

Your reason relating to the decision having been made solely on narrow financial grounds has been deemed **invalid**. This could be a legitimate basis for a call-in if it resulted in an unreasonable or irrational decision; but it is evident from the Cabinet report and the lengthy questioning and debate at the Cabinet meeting that there were wider considerations both taken into account, and which formed the basis for the decision.

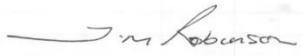
Your reason relating to the failure of Cabinet to sufficiently consider the breadth and depth of the various public engagement / consultations, to reflect this in their decision making, and to amend their proposals as a result of the engagement has been deemed a **valid** reason for Call-In. It is clear that aspects of the engagement have been reflected in the final decision, but the Chairman is of the view that the Overview & Scrutiny Committee should explore this in more detail as a result of your Call-In.

The Overview & Scrutiny Committee will therefore base their review on this element of the report only. The Call-In notice will be amended to reflect this. It is planned that this will be considered immediately after the Joint Overview & Scrutiny Committee meeting on 22nd April 2024. The papers will be dispatched for this today and we will contact you regarding the format and protocol for this meeting; in particular how long you will have to speak in relation to the valid element of your call-in.

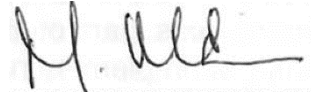
Please do not hesitate to call if I can be of any further assistance.

Kind regards,

Janice Robinson
Interim Monitoring Officer

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Cllr. Mary McLaren
Chair of Babergh Overview + Scrutiny

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