

BC/17/20 FUTURE OPTIONS FOR 'WORKING TOGETHER' BETWEEN BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Prior to inviting the Leader of the Council, Jennie Jenkins, to introduce Paper BC/17/20, the Chairman advised that initially, because of the anticipated level of interest in this item, he would let Members ask one question. If there was sufficient time, or if a completely separate point was being made, he would allow a further opportunity to speak.

Councillor Jenkins began by thanking the Overview and Scrutiny Committee for its careful consideration of the Cabinet decision on the original report, and referred Members to the financial case as set out in the revised Appendix C with tracked changes [circulated prior to the meeting] and details of the proposed engagement programme added as Appendix D.

Councillor Jenkins outlined the reasons behind the proposal to explore the merger option and emphasised the importance of the suggested public engagement process and the current debate. She also referred to what would happen, following the Council meeting, including the timetable for progressing public engagement and the business case, if Cabinet gave its approval to proceed. Members were advised by the Chairman that there was no recommendation for Council to vote on.

As a result of questions about whether Cabinet or Council should make decisions regarding merger, the Monitoring Officer advised that any decision around the option to dissolve a council and re-establish a new council were executive functions and were therefore reserved to Cabinet to make.

The Chief Executive added that the DCLG was very clear that the decision was for Council (ie not the electorate via a poll as was the case in 2011) but to be distinct in relation to that, not a full council decision but an executive cabinet decision and that was also the external legal advice that had been received.

A Motion without Notice was moved (a) to obtain external legal advice in writing from an independent firm as to whether Council or Cabinet should make the above decisions, and (b) to refer the legal advice for consideration by a Committee set up for that purpose. After discussion and further advice from the Monitoring Officer and the Chief Executive, the Motion was re-worded with the consent of the proposer and seconder, taking into account that Counsel's oral advice had been received, and that the matter could not be referred to another Committee as the appropriate body in this case was the Cabinet.

Further queries were put to the officers in relation to the 2011 poll, the effectiveness of the proposed process of engagement, whether a unitary authority might be a future option and the effect of the 'sunset clause' in the Devolution Cities Act. Members were reassured that the telephone poll which had commenced in Mid Suffolk had been halted, once the Babergh call-in was made.

The re-worded Motion was carried on being put to the vote.

RESOLVED

That the independent legal advice received by the Chief Executive as to whether Council or Cabinet should make decisions around merger be obtained in writing and made available to all Babergh Members.

Further discussion followed in which reference was made to concerns about the telephone polling process, questions and the demographic which would be used, the way in which the Cabinet meetings were operating and the opportunity for non-Cabinet Members to attend which had been taken up to a very limited extent to date. The current and future financial position of the Council and its housing delivery programme were also the subject of questions.

NB a full transcript of this item is available on request.