

# **BABERGH DISTRICT COUNCIL**

**Full Council Meeting**

**19<sup>th</sup> December 2017**

## **MOTION ON NOTICE**

### **Council Procedure Rule 13**

**WHEREAS** in view of the legal advice given by David Forsdick QC dated 27<sup>th</sup> November 2017 in which he emphasises (at paragraphs 17, 23 and 24) the full Council's "buy in" is required "well before" consent is given under S.15 (4) Cities and Local Government Act 2016 to any regulations implemented by the Secretary of State to dissolve or endorse the dissolution of Babergh District Council ("BDC") and to create a new larger council with Mid Suffolk District Council ("MSDC") or any other entity ("Proposed Merger")

**IT IS MOVED** (as a single motion such that one vote is taken, for or against, all of the 3 paragraphs below):

1. No BDC money be allocated in the next budget (2018-2019) and no staff time be used from April 2018 for the purposes of the Proposed Merger without the formal approval of the full Council ("Full Council Approval"); and
2. As a condition precedent to the obtaining of Full Council Approval, the Leader be requested to guarantee that a new local referendum shall be held in which the votes of the electors of BDC are counted separately on the model of the 2011 referendum and only a vote in favour by the electors of BDC shall constitute a mandate from BDC to proceed (respectively "Condition Precedent" and "Referendum Approval"); and

3. As Jennie Jenkins has declined to guarantee Referendum Approval as a Condition Precedent despite its being the will of both the public and the Council as well as for other reasons relating to the management of BDC, she be removed from the office of Leader of the Council with immediate effect as provided for in Article 6 of the Constitution and a new Leader be elected to fill the position of Leader of Babergh District Council.

**Proposer: Councillor Tony Bavington, Great Cornard (North)**

**Seconder: Councillor Stephen Williams, Dodnash**