

BCFE (09) 3rd Meeting

Minutes of meeting held on 10 February at The Abbey
Centre, 34 Great Smith Street, London, SW1 3BU at 13:00

Present:

Max Caller CBE (Chair)
Joan Jones CBE
Professor Ron Johnston
Jane Earl
Professor Colin Mellors

Also present:

Archie Gall	Director
Andrew Scallan	Director of Electoral Administration and Boundaries
Bob Posner	Legal Counsel
Elizabeth Morrow	Senior Lawyer
Gareth Nicholson	Media Relations Officer
Alison Wildig	Review Manager
Megan Bayford	Review Assistant

Apologies:

Dr Peter Knight CBE DL

1.0 New deadline for providing advice

- 1.1 The Chair said that he, the Director of the Committee and the Director of Electoral Administration and Boundaries had met the Secretary of State and the Minister for Local Government, at their request, on 5 February. The discussion had focussed on the Chair's letter of 23 January to the Minister indicating that, in light of Mr Justice Cranston's judgment in the East Devon case, the Committee would be unable to provide any advice to the Secretary of State by 13 February.

At the meeting, the Secretary of State had indicated that the date for advice would be put back until 15 July. A letter from the Minister for Local Government had since been received confirming that date.

- 1.2 The Committee discussed the potential outcome of the Court of Appeal hearing, scheduled for 18-21 February. The Committee agreed that the best outcome would be that it had the discretion to put forward multiple proposals (if appropriate) for consultation and possibly in the final advice, but not be required to do so.
- 1.3 Legal Counsel stated that there was nothing in Cranston J's judgment that prevented the Committee from having multiple proposals and stating one clear preference if that was felt to be appropriate.
- 1.4 The Committee agreed to continue with the review process and accept the new deadline of 15 July 2009, subject to the outcome of the Court of Appeal hearing.

2.0 New Norwich workbooks

- 2.1 The Director confirmed that, in responding to the Committee's invitation for observations on the Independent Financial Consultants' analysis, Norwich City Council had submitted revised assumptions that might impact on the extent to which the "doughnut" met the affordability criteria. He stated that to not consider the revised assumptions could leave the Committee vulnerable to challenge. However, it would be important the Norwich's revised assumptions were tested on the same basis as all other unitary patterns, i.e. through financial workbooks, analysed by the Committee's consultants. The Director tabled a timetable for the completion and analysis of new workbooks.
- 2.2 The Committee confirmed that new workbooks should be issued and analysed. The Committee would then take a view on the extent to which the 'doughnut' pattern met the five criteria.

3.0 AOB

- 3.1 The Director confirmed that the Chair's 23 January letter to the Minister for Local Government would be released to local authorities. It had already been requested by East Devon District Council.
- 3.2 There was a brief discussion about the form the further consultation process should take.
- 3.3 It was agreed to tentatively schedule another Committee meeting for 12 March for the Committee to consider the financial consultants' report on the new Norwich financial data.
- 3.4 There was a brief discussion of the progress of the Local Democracy, Economic Development and Construction Bill.

February 2009