

BCFE (09) 19th Meeting

Minutes of meeting held at 9.30 am on 7 December 2009, at
Trevelyan House, Great Peter Street, London, SW1P 2HW

Present:

Max Caller CBE (Chair)
Joan Jones CBE
Professor Colin Mellors
Dr Peter Knight CBE DL
Jane Earl

In attendance:

Archie Gall	Director
Louise Footner	Senior Lawyer
Gareth Nicholson	Media and Public Affairs Officer
Sam Hartley	Review Manager
Alison Wildig	Review Manager
William Morrison	Review Officer
Tim Bowden	Review Officer
Kalim Anwer	Review Officer
Christopher Eames	Minutes

1. Declarations of interest

Noted: that Max Caller (Chair) owns a holiday cottage in Suffolk but had taken advice that this did not disqualify him from taking part in the Suffolk structural review.

2. Norfolk, Suffolk and Devon structural reviews – analysis of submissions received after 3 June 2009 – BCFE (09)77

Noted:

1. that the Committee had discussed the implications of the Court of Appeal judgment at its meeting on 3 December and, as agreed at that meeting and in accordance with comments made by the Court of Appeal, would at this meeting consider the material put before the Court in the Suffolk litigation as well as the pre-action protocol correspondence from Breckland and East Devon and the submissions received in all three counties since the meetings in June 2009.
2. that a letter dated 4 December 2009 from Forest Heath District Council, written on behalf of Forest Heath District Council, St Edmundsbury Borough Council and Suffolk Coastal District Council, dated 4 December, had been received and was tabled. The Committee would need to consider the additional information submitted in relation to Suffolk in the light of that letter.
3. that the Suffolk ORB Research was tabled, in addition to being referred to in the paper that was provided to the Committee in advance of the meeting. The Committee noted that no data tables had been included in the research material made available to it.
4. that the witness statements of Alex Wilson of St Edmundsbury Borough Council were included within the submissions bundle that had been provided to the Committee in advance of the meeting (as well as the statements of David Burnip and Stephen Baker expressly mentioned in the paper).
5. that the results of the Norfolk Ipsos MORI poll were on the website showing that 54% of respondents were aware that a review was taking place. This compared well with similar research conducted by MORI on behalf of the Committee in Northumberland, Co Durham, North Yorkshire, Cheshire, Lancashire and Cumbria during the Local Government Reviews of those counties in 2003/4,

particularly given that the Norfolk research had been conducted some time after the end of the Committee's consultation stage.

6. that Devon had received a total of 25 further representations since June, 17 of which were from members of the public, the majority of whom supported the current form of local government in Devon.
7. that Norfolk received a total of 10 further representations and that all were in favour of maintaining the status quo.
8. that Suffolk had received 6 further representations and the letter from Forest Heath District Council.
9. that the Committee considered it extremely important to emphasise that, notwithstanding the consultation and review deadlines, every submission received throughout the review had been carefully considered. No-one had been prevented from making a representation at any time or had their representation discounted, irrespective of whether it been received outside of a formal period of consultation.

Resolved:

1. that, after considering all further representations and information, including the pre action protocol correspondence from East Devon, the Committee was satisfied with the process it had followed and was not minded to change its previous conclusions in respect of Devon.
2. that, after considering all further representations and information, including the pre action protocol correspondence from the consortium of Norfolk local authorities, including Breckland, the Committee was satisfied with the process it had followed and was not minded to change its previous conclusions in respect of Norfolk.
3. that, the further representations and information the Committee had considered in relation to Suffolk did not cause the Committee to change its previous conclusions. However, such representations and information also needed to be considered in the light of the letter of 4 December 2009 from Forest Heath District Council.

3. Letter from Forest Heath District Council dated 4 December 2009

Noted:

1. that a letter from Forest Heath District Council, written on behalf of Forest Heath District Council, St Edmundsbury Borough Council and Suffolk Coastal District Council, dated 4 December, had been received asking the Committee to consider, before reaching any conclusions in relation to Suffolk, all of the information that had been made available to the Committee during the court proceedings, referring in particular to information provided at page 2 sub-paragraph (iv)(a)-(d). In addition, the letter referred to additional relevant information that was in the councils' possession and asked whether the Committee intended to request such information .
2. that the additional information referred to in the three witness statements had not been provided, notwithstanding the time that had elapsed since first being referred to in the witness statements.
3. that the Committee had carefully reviewed all the information referred to at paragraphs (a) to (d) of subparagraph (iv) ;

Resolved

1. that the Committee had made it clear from the outset it would consider all representations and information submitted to it. It was not clear why the further information referred to by the Councils had not been provided earlier in the process. The Committee noted its obligations with respect to collecting information as stated by the Court of Appeal and was satisfied that it had all the relevant information that it required to enable it to provide advice in relation to Suffolk.
2. that given the period of time which had elapsed since the start of the review during which the councils could have made this information available, the Committee concluded that it did not propose to ask for it to be provided. The Committee also noted that the Secretary of State had now requested the Committee's advice be provided by 8 December 2009;
3. that, on the basis that it had considered all of the information provided by the councils both during the review process and during the court proceedings, and that it did not intend to request the additional information referred to, the Committee had no reason to

alter its conclusions in relation to the proposals advanced by the claimant councils;

4. that, accordingly, it confirmed its previous conclusions in relation to Suffolk;
5. that it was therefore the Committee's intention to provide the advice in Suffolk by the Secretary of State's deadline.
6. that the Committee was satisfied that its process and procedures in all three counties were consistent with the Court of Appeal decision in Suffolk.
7. that the meeting be adjourned whilst the Committee considered in detail its advice as set out in the draft reports to the Secretary of State.

Meeting adjourned 10.25

Meeting reconvened 12.05

Resolved:

8. that the Committee endorsed the advice and alternative proposal(s) for each county in detail and agreed them as the advice it wished to provide to the Secretary of State.
9. that the Committee's advice should be provided to the Secretary of State as soon as reasonably practicable and should not necessarily await the 8 December deadline.

AOB

1. that the deadline for any further representation to the Secretary of State was now 19 January 2010.
2. that the Chair thanked the Committee members and staff, both past and present, for all their hard work over the past year.

December 2009