

## **APPENDIX 5 - TERMS OF REFERENCE**

### **Call-in the Cabinet decision: E2328 Improving Access to Superfast Broadband in Bath and North East Somerset: the Broadband Delivery UK Opportunity**

#### **Introduction**

At the Cabinet meeting on the 9<sup>th</sup> November 2011 a decision (E2328) was taken by the full Cabinet based on whether to participate in a Broadband Delivery UK, joint project in the West of England to improve access to superfast broadband in Bath and North East Somerset. The joint project would also include Bristol City Council and South Gloucestershire Council.

On 16<sup>th</sup> November 2011 a call-in notice was received and validated on the 21<sup>st</sup> November, signed by 14 Councillors, objecting to this decision. The reasons given for the call-in were as follows:

- 1) We believe that the decision taken by the Cabinet will miss an important opportunity for the residents of Bath and North East Somerset and is sacrificing a potentially significant sum of Government funding which the Council could access. We believe that this decision will not deliver the improvements so desperately needed to broadband infrastructure for households and businesses in our more rural areas and villages.
- 2) Improving the speed and reliability of broadband internet in our rural and village communities is vital to the economic competitiveness of Bath and North East Somerset, and that in the years to come access to good internet connections should be considered a basic right of all residents. This will become increasingly the case if Bath and North East Somerset is left behind whilst our neighbouring authorities deliver improved broadband through both their own and Government investment. In particular, it is a concern that small businesses, people who work from home, and the drive to develop creative industries will be significantly disadvantaged by a lack of fast and reliable broadband.
- 3) By decided not to draw up on a Local Broadband Band alongside Bristol and South Gloucestershire Councils, the inequality of internet services between our urban and rural areas will continue to worsen.

#### **Relevant O&S Panel**

The 'call-in' request has been referred to Bath & North East Somerset Council's Economic and Community Development Policy Development and Scrutiny panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e. by 9<sup>th</sup> December).

## Call-in Meeting

At the Panel meeting on 5<sup>th</sup> December 2011 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

## Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet not to participate in West of England Broadband Delivery UK project should:

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel *[the ultimate decision would still remain with the Cabinet]*.

## Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Martin Veal
- Representative Councillors from the Cabinet

## Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

## Constraints

- **Timescales.** The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
  - **Initial Public Meeting must be held by 9<sup>th</sup> December 2011 [14 working days from receipt of validated call-in request]**
  - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 20<sup>th</sup> December.**
  - **If referred back to the Cabinet, without an adjournment, a response must be received by 19<sup>th</sup> December [10 working days from date of 1<sup>st</sup> meeting].**
  - **If the meeting is adjourned and then referred back to the Cabinet Member a response must be received within 10 working days of the reconvened meeting.**

- **If referred to Council, a Council meeting will be arranged at the earliest opportunity**
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.

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## Key Dates for the Call-in

