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Overview & Scrutiny Committee
Babergh District Council
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Sent via email to Henriette Holloway

31st January 2021

Dear Members of the Committee,

RE: O&S review of Babergh’s refusal to accept Thomas Morelli’s petition | Meeting: 4:00 PM, 15th February 2021

I am writing to submit as written evidence to the Committee the reasons why I believe Babergh District Council’s decision to refuse to accept my petition was flawed and incorrect.¹ My arguments for such, which refer to exhibits provided in the document pack accompanying this letter², are set out below.

1. By refusing to accept this petition, Babergh is going against the principles of democracy itself. At its heart, democracy is about listening to and respecting the views and wishes of the people. However, by refusing to accept this petition, Babergh is doing anything but. Indeed, as Lyn Gray of Cross Street puts it so brilliantly (in a letter published by the *Suffolk Free Press*), “[h]ow can we [the people] feel they [Babergh] are listening?” (Exhibit A). This is further corroborated by comments made by the Mayor of Sudbury, Cllr Jack Owen, in the *Suffolk Free Press* – that “the whole thing smells of a lack of democracy” (Ex. B, p. B-2).

The denial of democracy is a deeply damaging standard to set, and – as stated in my letter of the 13th January 2021 – I (and the co-signatories to that letter) “do not believe that history will look favourably on a Council that refuses to accept such a strong showing of the will of the people of its District” (13th January letter, p. 2).

2. By refusing to accept this petition, Babergh is severely damaging intra-Council relations. This damage is shown by both the number of Babergh District Councillors who have expressed unease about issues arising from my petition’s rejection, and the words with which they have conveyed this.

In addition to the two Babergh Councillors who co-signed my letter of the 13th January 2021 (Cllr Sue Ayres & Cllr Trevor Cresswell), and one³ (Cllr Alison Owen – “I

¹ This letter is *not intended to replace* my letter of the 13th January 2021 – rather, it is intended to supplement and act as an addition to it

² I have also included 10 example ‘petition sheets’, for the Committee’s information, as Exhibit AA in the document pack

³ Two, if Cllr John Hinton’s remarks that he “agree[s] with all that has been said” (Ex. C, p. C-2) are considered to be support for the letter (sent in an earlier email)

didn't see the email in time, Thomas has my full support" – Ex. D, p. D-6) who added their name after it had been sent, several District Councillors have conveyed further concern over both the rejection of my petition, and the effect that it will have (and is having) in blocking Full Council from debating the issues raised within it. These include:

- a. Cllr Sue Carpendale, who, stating that "we all know the petition represents a considerable weight of feeling from the signatories", commented that "[Babergh] should note the spirit of the petition, whatever its shortcomings" (Ex. E, p. E-4);
- b. Cllr John Hinton, who – as well as stating that he "agrees with all that has been said" (in opposition to Babergh's decision to refuse to accept the petition), commented that Babergh Councillors 'hold office by authority of the "Representation of the People" act', and so put the question that "if [Babergh and/or Babergh Councillors] are not going to listen to the electorate why are we here?" (Ex. C, p. C-2);
- c. Cllr Robert Lindsay, who stated that he "feel[s] [that] Belle Vue's future and [the] access point closure needs debating by the full council as well as car park charges" "[r]egardless of the exact rules around petitions" (Ex. F, p. F-4/F-5) – which Babergh Cllr Margaret Maybury and Sudbury Town Cllr Ellen Murphy "concur[red]" and "[a]gree[d] entirely" with respectively (Ex. G, p. G-2; Ex. H, p. H-2);
- d. Cllr Alison Owen, who commented (in response to Cllr Jamieson's email – see below) that "we need to start having these debates in full council instead of the cabinet making all the decisions" (Ex. D, p. D-2); and
- e. Cllr Trevor Cresswell, who stated (also in response to Cllr Jamieson's email) that "the whole thing is crazy", and that "[t]he residents of Sudbury and the surrounding villages should be given an opportunity to have their say and a[n] acceptable time frame to do it in" (Ex. D, p. D-2) – strongly signalling that this is a privilege not currently afforded to residents of these areas.

Of particular note (if only due to the fact that a number of councillors agreed with his comments), Cllr Leigh Jamieson correctly observed that the issues raised in the petition "are big topics that are obviously causing strong emotions amongst Sudbury residents", and that "[m]aking decisions on Belle Vue and the CAP without a debate by full council, as expressed by both residents and members...does not seem appropriate" (Ex. D, p. D-2). These comments were in response to an email from Cllr John Ward, in which Cllr Ward responded to Cllr Lindsay's remarks (above) by stating that "the access point is not closing: it is being relocated" (Ex. D, p. D-4). Cllr Jamieson's statements were endorsed by District Cllrs Owen & Cresswell (both Ex. D, p. D-2), in addition to Sudbury Town Cllr Ellen Murphy (Ex. I, p. I-2).

Such strong words from Babergh Councillors, which have so far been effectively ignored by the BDC leadership, are evidence of the damage Babergh is doing to relations within the Council by refusing to accept this petition. Furthermore, these concerns from Babergh Councillors have come from across the political spectrum: including those that co-signed my letter of the 13th January 2021, issues arising from

the refusal to accept my petition have been raised by 1 Conservative member, 1 Liberal Democrat member, 2 Labour members, 2 Green members, and 2 Independent members.

This situation, where a number of Babergh Councillors have concerns that are effectively being left without response, is not a healthy situation for any Council to be in. By continuing to refuse to accept this petition, in spite of the District Councillors that are urging that the decision be reversed, Babergh is further damaging these intra-Council relations. Indeed, the recent news that District Cllrs Cresswell & Owen have tabled what is effectively a motion of no confidence in the Council's leadership, with Cllr Owen stating that "[e]veryone knows John Ward's name...by what he has done wrong" (Ex. J), is additional proof of the damage that is being done (at least in part due to the Council's refusal to accept my petition).

3. By refusing to accept this petition, Babergh is worsening relations with Sudbury Town Council, which have already suffered severe damage. In a similar way to how harm is being done to relations within the Council (as outlined in point 2 above), severe damage is also being done to relations between Babergh District and Sudbury Town Councils. As above, this damage is shown both by the number of Town Councillors that have expressed concern, but also in particular the damning words used by them to convey this.

In total, **eleven** out of the fifteen current Sudbury Town Councillors have either co-signed my letter of the 13th January 2021, or expressed an objection to Babergh's decision to reject my petition in another way. In addition to the five Town Councillors who co-signed that letter—

- a. Cllr Jenny Antill, Cllr Alison Owen & Cllr Robert Spivey expressed support for the letter after it had been sent (Ex. C, p. C-2; Ex. D, p. D-6; Ex. K, p. K-2);
- b. Cllr John Sayers said in an email that he "hope[d] BDC will re-consider their decision", as the petition and/or the letter "has [his] backing" (both Ex. L);
- c. Cllr Nigel Bennett, in response to my email notifying councillors (and others) of my petition's delivery, commented "[l]et us hope Babergh take notice on the 3 issues" (Ex. M, p. M-1) – which, by refusing to accept the petition, BDC has undoubtedly not done – and stated that he was "[m]ore than happy to sign" my letter of the 13th January⁴ (Ex. N); and
- d. Cllr Jack Owen stated in the *Suffolk Free Press* that he "think[s] Babergh was disgraceful in its behaviour in rejecting this petition", that (to repeat a quotation made in point 1 above) "the whole thing smells of a lack of democracy" (both Ex. B, p. B-2), and has said in an email that, had Sudbury (and the country) not been in lockdown, he is "sure that many more of the community would have signed the petition" (Ex. O, p. O-2).

Moreover, Cllr Ellen Murphy (one of 5 councillors who co-signed my letter of the 13th January) has repeatedly supported points made in emails sent by others – including by myself, Cllr Lindsay and Cllr Jamieson – against Babergh's decision (see Ex. F, p. F-

⁴ The only reason for Cllr Bennet not having done so is that, in an attempt to send the letter as soon as possible, I had already sent it before I received Cllr Bennett's offer to co-sign

2; Ex. H, p. H-2; Ex. I, p. I-2). Additionally, in response to my email replying to Janice Robinson (Ex. W) – which she was copied in on as a Sudbury Town Councillor – Cllr Murphy called on all to whom the email was sent to “support Thomas in his endeavours to protect our town” (Ex. P, p. P-2).

Further evidence of the growing lack of trust between the two Councils (of which the rejection of this petition is only a part, but the rectification of which could be a welcome first step towards bettering relations) can be seen from the meeting of the STC Leisure & Environment Committee on the 26th January 2021. In addition to “express[ing]...disappointment that a petition produced by a Sudbury resident...had not been accepted by Babergh” (Ex. Q, p. Q-4), Sudbury Town Councillors “expressed their concerns over the way the Sudbury Steering Group [on which Babergh and the Town Council sit] was run” (Ex. Q, p. Q-3). While those lines from the Minutes may not seem like much to worry about, listening to the video recording of this meeting shows just how strained this inter-Council relationship is becoming:

- a. Cllr Ellen Murphy described Babergh and/or the Steering Group as “very dictatorial” and stated that “[t]hey don’t seem to be including the Town Council at all” (both Ex. R, p. R-1), “they totally ignore us”, and that “we [STC] [a]re not listened to” (both Ex. R, p. R-2);
- b. Cllr Oliver Forder commented that the Steering Group “seems to make decisions when it’s convenient for Babergh to say that it’s garnered support” (Ex. R, p. R-2/R-3), that Babergh “has turned to using the Steering Group as a way of driving through things that it’s already decided it wants to do” and that “there is a pattern of behaviour that has developed there” – so much so that Cllr Forder additionally warns that the Town Council “need[s] to be very, very careful [as] to what we commit to at these meetings” (all three Ex. R, p. R-3) – in addition to stating that “it’s quite clear that Babergh see Sudbury as a cash cow rather than anything else” (Ex. R, p. R-8);
- c. Cllr Steve Hall stated that the Steering Group is “not working...to put views across [from] the elected representation [of] the town” (Ex. R, p. R-3), and likened the current Steering Group decision-making process as a “knee-jerk... post-it-note...decision-making campaign” (Ex. R, p. R-5); and
- d. Cllr Jack Owen commented that he thought Babergh had been “unfair” to me in rejecting my petition, further commenting that Babergh “are picking and choosing what they will accept and what they won’t accept”, and stated that, in his opinion, Babergh District Council “is not that democratic” (all three Ex. R, p. R-7).

Just as the state of relations within Babergh District Council is not a healthy situation, so does Babergh’s relationship with the Town Council (and Town Councillors) not appear to be healthy also. Although – as commented above – I am aware that Babergh’s refusal to accept this petition is only one cause of the damage that has been inflicted to this inter-Council connection, if Babergh were to reverse course and accept this petition, it would be a welcome first step towards improvement in the relationship between Babergh DC and Sudbury TC.

4. By refusing to accept this petition, Babergh is severely damaging the trust placed in it by the citizens of the District. Trust in democratic institutions can only exist when those bodies are seen to listen to the voices of the people. However, as described in point 1 (above), by refusing to accept this petition, Babergh is wilfully going against the principles of democracy. Therefore, it should come as no surprise that the trust that citizens of Babergh place in their District Council is coming under immense pressure. This is especially true for those who signed the petition, whose voice Babergh is now choosing to ignore.

This damage in trust can be demonstrated by various comments made by residents – one in the form of a letter to the *Suffolk Free Press*, and others in the form of emails from signatories of the petition to myself (in response to an update email where I inform them of the petition’s rejection). Comments that have been made by citizens include:

- a. Lyn Gray of Cross Street’s statements that she “ha[s] witnessed a further episode in the destruction of Sudbury” (in relation to Babergh’s plans), that Babergh’s refusal to accept the petition “[is] ridiculous” and that “[t]he people were speaking”, and questions “[h]ow can we feel [Babergh] are listening?” and “[h]ow many petitions have you signed with only a postcode identity?” (all Ex. A);
- b. Nick [REDACTED]’s comment that Babergh’s decision to refuse to accept my petition “sounds like circumnavigation on the basis of semantics to [him]” (Ex. S);
- c. Pat [REDACTED]’s statements (pre-petition-rejection) that “[t]he list [of issues on the petition] reads like a fast track plan on how to destroy a community”, that [REDACTED] “are still shaking [their] heads in disbelief” and that Babergh’s proposals (of which [REDACTED] had “no idea of any of them”) were “truly awful” (all four Ex. T), and comment (post-petition-rejection) that Babergh’s decision to refuse to accept the petition was a “disgraceful response” (Ex. U); and
- d. Robert [REDACTED]’s comment that Babergh “are just continuing to try to ride roughshod over the people in Sudbury from their ivory tower in Ipswich”, that Babergh “have no regard for Sudbury businesses or residents because they are so far away [that] they don't have to deal with the consequences of their decisions face to face”, and suggestion that I even “suppl[y] all the people who signed the petition with the e-mail address of the most appropriate person/s in Ipswich”⁵ and that “they might change their mind when inundated with 1,000s of emails” (Ex. V, p. V-1).

When 1,600+ people have seen Babergh choosing to snub their voicing of legitimate concerns, it is certain that there will be many, many more people with feelings similar to those who are quoted above. These are not the minority – it is likely that these are the majority, who now see how Babergh ignores everything they say, and so choose instead to save their voice.

⁵ For the record, I did not do this – I am including this quote (like the others) to show the strength of feeling that is felt by residents & citizens of Sudbury and Babergh

It is obvious that the petition's signatories do not feel listened to – and why would they, when this is the way in which Babergh is treating their voices? The public's trust in Babergh District Council is already deeply damaged, and the acceptance of this petition – if only after an intervention by this Committee – would at least be proof that some in Babergh are listening.

5. Babergh has not explained or provided any reasons why a petition with postcodes instead of full addresses cannot be verified. On multiple occasions, Babergh has stated that my petition simply *cannot* be verified, due to the absence of full addresses for signatories, and the presence of postcodes instead. However, despite it having been made clear to Babergh on more than one occasion that the reasons for this were not known, Babergh has not provided or explained any such reasons to myself.

In Robert Carmichael's email of the 12th January 2021, in which I am informed that my petition "cannot [be] accept[ed]", it is stated that:

The need for [a] full address is to ensure that due diligence checks on a petition can be carried out

(Appendix 1 to letter of 13th January 2021). Further, in Janice Robinson's email of the 13th January 2021, it is stated that:

[the Council] do[es] need names and full addresses in order to carry out due diligence and avoid fraud

(Ex. W, p. W-3). However, despite the comment in my letter of the 13th January 2021 that:

...it is unclear what "due diligence checks" are being referred to here (none are specified within the email)

(13th January letter, p. 2), my comment in an email sent to Cllr Ward (among others) on the 13th January 2021:

I was told on the phone that the reason that full addresses were required for petitions was because signatures could not be verified otherwise. I do not believe that it was explained to me why they could not be verified otherwise.

(Ex. E, p. E-2), and my comment in an email sent to Cllr Ward on the 14th January 2021:

It has not been explained to me why persons with only postcodes present for signatures cannot be verified, or why it prevents "due diligence" checks from taking place

(Ex. X, p. X-5), I have still not been provided with any reasons behind Babergh's repeated assertions of such.

Based on the fact that Babergh has not provided any reasons why a petition with postcodes instead of full addresses cannot be verified, despite having been (effectively) asked to do so on multiple occasions, a reasonable person would be entitled to draw the conclusion that such reasons do not – in fact – exist.

6. By refusing to accept this petition, Babergh is denying Full Council the opportunity to debate the issues raised within it. Notwithstanding the status of technical validity of the petition, given the immense and undisputable showing of feeling that it carries, a Babergh Full Council debate should be held on the issues raised within it. This would allow these issues to be raised in the appropriate manner for petitions that have

collected over 1,000 signatures. Indeed, this point (and points similar) have been raised by several councillors and agreed with by several more, including Cllr Robert Lindsay (Ex. F, p. F-4/F-5), Cllr Leigh Jamieson, Cllr Alison Owen, Cllr Trevor Cresswell (all three Ex. D, p. D-2), Cllr Margaret Maybury (Ex. G, p. G-2) and Cllr Ellen Murphy (Ex. H, p. H-2; Ex. I, p. I-2).

However, Babergh is refusing to accept this petition, and is refusing to even hold a debate on the issues raised within it. Despite my compromise proposal (sent on the 14th January 2021 to Cllr John Ward) that “I [would] attend the Full Council meeting on the 19th January 2021” if:

... in addition to the debate on free car parking (which [would] cover more than just Hadleigh), there [are] also...debates on...[t]he future of Belle Vue, including the land sale and the manner in which it is being conducted; and [t]he future of the Customer Access Point (a.k.a. Advice Centre) in Sudbury, including [of] the planned closure of its current location on Gaol Lane

(both Ex. X, p. X-6)⁶, Cllr Ward refused, saying it was “[not] possible for the matters of Belle Vue and the Customer Access Point to be brought to council as they are executive decisions...” (Ex. X, p. X-4). In my response, I stated that:

...I do not see why — despite the petition or its validity — the issues of Belle Vue or the CAP cannot be brought to Full Council for a debate. Even though they may be ‘executive decisions’, as you have said, this does not justify withholding the ability of Full Council to debate these issues. While this would probably not be suitable for all issues that Cabinet deals with, for issues such as these where there is strong community objection, surely it is suitable for Full Council to be given this opportunity for debate — petition or no petition.

(Ex. X, p. X-3). I did not receive a further response from Cllr Ward on this point.

As Babergh leadership seem to be unwilling, even without accepting the petition itself, to bring the issues raised within the petition to Full Council for a debate, if the petition remains in this state of refusal, I believe it is highly likely that no Full Council debate will be held on these issues at all.⁷ Therefore, I believe that the only way that such a debate *could* take place is if the decision to refuse this petition were reversed, and this petition were accepted.

7. Precedent exists for Council discretion being applied on petitions which do not meet requirements. In July 2020, Braintree District Council took the decision to allow a petition, which Braintree DC deemed to contain 571 valid signatures, to be presented and debated at Full Council. This is despite the Braintree DC Petitions Scheme stating that 1,000 signatures are required for petitions to be debated in this manner. See Ex. Y. This decision by Braintree DC is proof that Babergh (and, by extension, the Committee) would be well within their authority to exercise discretion in accepting this petition. This is in direct opposition to Cllr Ward’s statement that “[Babergh] would be open to challenge should [it] make exceptions [to the Petitions Scheme] for any reasons” (Ex. X, p. X-3).

⁶ Please see the exhibit for full details of the compromise proposal sent by myself to Cllr Ward

⁷ The other petition debate on the 19th January 2021 *only concerned Hadleigh*, and this was mentioned several times before and/or within that debate. Therefore, I do not believe that parking in Sudbury (which this petition concerns) has been debated by the Babergh Full Council.

In response to an email from myself, as reasoning for Babergh's decision to refuse to accept my petition, Cllr Ward stated (quoting my previous email) that:

'where there's a will, there's a way' cannot be used by local authorities that must be seen to operate within the law

(Ex. X, p. X-3). However, in the same way that Braintree DC was able to exercise discretion in breaking from their Petitions Scheme to allow a petition with under 1,000 deemed valid signatures to receive a Full Council debate, so would Babergh be able to accept my petition, despite only postcodes (instead of full addresses, as the Babergh Petitions Scheme demands) being present for signatories.

In addition, I could not find any evidence or reports of persons who submitted petitions, deemed to have fewer than 1,000 valid signatures, to Braintree DC, who then requested for their petition to also be granted a Full Council debate, after this decision was made.⁸ This is contrary to Cllr Ward's assertions that – if my petition were accepted – “everyone [else whose petition was deemed to be deficient] would request the same leeway” (Ex. X, p. X-7).

8. Babergh invited me to speak at Full Council, despite having rejected my petition, but implicitly insists that accepting the petition itself would be unacceptable inconsistency. In an email to myself, Cllr Ward stated that “[the Petitions Scheme] must be seen to be applied fairly and **consistently** to all...” (Ex. X, p. X-3 – emphasis added). However, as I said in response to this email:

...I can not see any additional problems in the realm of consistency with accepting my petition, as I have already been invited to Full Council as a result of my petition (which, I understand, other organisers of rejected petitions have not been)

(Ex. X, p. X-2).

I have not been provided with any explanation as to why accepting my petition – given all of the arguments supporting this – is unacceptably inconsistent, but inviting me to Full Council (despite my petition having been rejected) is not. Furthermore, given the clear and overwhelming public interest in this petition's acceptance (which I have demonstrated throughout this letter), it is surely “fair” for it to be accepted, notwithstanding its technical invalidity in the eyes of the Petitions Scheme.

Therefore, a reasonable person would be entitled to draw the conclusion that Babergh simply does not wish to accept my petition – not based on inconsistency, but rather because Babergh (for whatever reason) does not want to accept the voices of the people.

9. If this petition is accepted, it will be the fourth most signed petition ever received by Babergh District Council since at least 2004.⁹ In response to a Freedom of Information request, it was disclosed that the petitions received by Babergh with the

⁸ I submitted a Freedom of Information request to Braintree District Council asking if any persons have made such a request to Braintree DC after this decision was made, however I have not received a response with the information at the time of writing. If I receive a response to it before the meeting on the 15th February, I will notify the Committee of the response and its contents.

⁹ According to the FOI response, documents prior to 2004 were unable to be accessed (due to Covid-19 restrictions on accessing the office) – therefore, I understand that details on petitions received prior to 2004 were not able to be provided

third and fourth largest signature counts had approximately 1,830 and 1,365 signatures respectively (Ex. Z, p. Z-1). This would mean that my petition, with 1,662 signatures, would be the fourth most-signed petition ever received by Babergh since at least 2004 – if it were accepted. As mentioned in the first point in this letter, denying democracy by refusing to accept this petition is and would be a deeply damaging standard to set, and this is especially true if the petition would be the fourth-largest ever received by Babergh DC.

In conclusion, it is evident that – notwithstanding the technicality that puts it at odds with a part of the Council’s Petitions Scheme – there is a clear, obvious and overwhelming public interest in the acceptance of this petition. Furthermore, the *Braintree* precedent is proof that the Committee would be acting squarely within its authority to take steps towards the acceptance of this petition, despite its technical deficiency. I therefore urge the Committee to **recommend to Full Council that this petition be accepted**, to ensure that the democratic voices of the people, as spoken through this petition, can be properly heard as soon as possible – especially considering the imminent nature of many of the issues raised.

Yours faithfully,

Thomas Morelli