

Report for Resolution

Report to Council
20 July 2010

Report of Head of Legal and Democratic Services

Subject Issues consequential to the High Court decision quashing
The Norfolk Structural Changes Order

8

Purpose

To consider implications of the High Court decision quashing The Norfolk Structural Changes Order, on constitutional issues until the thirteen vacancies on the Council are filled.

Recommendations

To:

- (1) amend the constitution as follows, until by-elections are held and groups have notified the Head of Legal and Democratic Services of their nominees based on the political balance following those elections:-
 - (a) Paragraph 8.1 of Appendix 1 be amended to read:-

“The quorum of a meeting of the Council, Committee or Sub-Committee will be one quarter of the whole number of members of that body.”
 - (b) Paragraph 1.8 of Appendix 5 and paragraph 9.2 of Article 9 be amended accordingly
- (2) elect a Chair of the Scrutiny Committee;
- (3) elect a Vice-Chair of the Norwich Highways Agency Committee;
- (4) consider appointments to outside bodies to the earliest possible Council meeting after the by-elections.

Financial Consequences

There are no direct financial consequences of this report.

Strategic Priority and Outcome

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”.

Executive Member: Councillor Morphew - Leader of the Council

Contact Officers

Andy Emms, Democratic Services	01603 212459
Philip Hyde, Head of Legal and Democratic Services	01603 212440

Background Documents

None

Report

Introduction

1. Members will be aware of the High Court decision on 5 July 2010 quashing The Norfolk Structural Changes Order removing, with immediate effect, the thirteen councillors whose terms of office had been extended by the order to May, 2011.
2. This causes immediate problems for the four political groups on the Council, all of which have lost members, with vacancies being created on all of the main committees of the Council.
3. Until a decision is made on the date of the by-elections to fill the thirteen vacancies, it is important that provision is made to ensure that the executive, scrutiny and regulatory functions of the Council can continue.

Quorum

4. It is suggested that quorums should be reduced to reflect the fact that the current total no of councillors in place is twenty six. Paragraph 8.1 of Appendix 1 of the Constitution currently is as follows:-

“The quorum of a meeting of the Council, Committee or Sub-Committee will be one quarter of the whole number of members of that body, with the exceptions of: the Audit Committee where the quorum is 4 members; and as set out elsewhere in the Constitution, where the quorum for the Executive is 4 members (see Appendix 5); Scrutiny Committee is 4 members (see Appendix 6); and Standards Committee is 3 members (see Article 9).”

5. Until by-elections are held and groups have notified the Head of Legal and Democratic Services of their nominees based on the political balance following those elections, Paragraph 8.1 should be amended to :-

“The quorum of a meeting of the Council, Committee or Sub-Committee will be one quarter of the whole number of members of that body.”

6. Other sections of the constitution, where the quorums of individual committees are cross referenced, will also need to be amended accordingly, namely:-

Executive – Appendix 5, para 1.8

Standards Committee – Article 9, para 9.2 (5th bullet point)

(There is no need to amend Appendix 6, para 6.1 re Scrutiny Committee as 4 is ¼ of the membership)

Appointments of Chairs etc

7. Appointments will need to be made to the positions of :-
 - Chair of Scrutiny Committee;
 - Vice Chair of Norwich Highways Agency Committee.

Appointments to Outside Bodies

8. Consideration of the appointments to outside bodies was deferred from the Council meeting on 29 June 2010 pending further discussions between the political groups. The removal of thirteen councillors has obviously affected those deliberations and further time is required. It is suggested that consideration of these appointments be further deferred to the earliest possible Council meeting after the by-elections.
9. It is understood that this position could cause some difficulty for outside bodies. However, it is hoped that there will be understanding for the difficult and unprecedented position the Council is in.
10. It may be considered appropriate, if they are willing to do so, for some of the thirteen to carry on representing the Council in certain circumstances. This can be agreed by the Head of Legal and Democratic Services under delegated powers, following discussion between the group leaders, if deemed appropriate.