

Norfolk County Council

Minutes of the Extraordinary Meeting Held at 10am on Monday 3 February 2020

Present:

Cllr Tony Adams	Cllr John Timewell
Cllr David Bills	Cllr Karen Vincent
Cllr Bill Borrett	Cllr John Ward
Cllr Roy Brame	Cllr Brian Watkins
Cllr Penny Carpenter	Cllr Tony White
Cllr Ed Connolly	Cllr Fran Whymark
Cllr Margaret Dewsbury	Cllr Martin Wilby
Cllr Phillip Duigan	
Cllr John Fisher	
Cllr Tom FitzPatrick	
Cllr Colin Foulger	
Cllr Shelagh Gurney	
Cllr Ron Hanton	
Cllr David Harrison	
Cllr Chenery of Horsbrugh	
Cllr Brian Iles	
Cllr Andrew Jamieson	
Cllr Alexandra Kemp	
Cllr Keith Kiddie (Vice-Chairman)	
Cllr Mark Kiddle-Morris	
Cllr Ian Mackie	
Cllr Ed Maxfield	
Cllr Joe Mooney	
Cllr Steve Morphew	
Cllr George Nobbs	
Cllr Greg Peck	
Cllr Graham Plant	
Cllr Richard Price	
Cllr Andrew Proctor	
Cllr Dan Roper	
Cllr Eric Seward	
Cllr Bev Spratt	
Cllr Barry Stone	
Cllr Margaret Stone	
Cllr Haydn Thirtle	
Cllr Vic Thomson	

Cllr Keith Kiddie, Vice-Chairman, in the Chair.

Apologies for Absence:

Apologies for absence were received from Cllr Claire Bowes; Cllr Mick Castle; Cllr Stuart Clancy; Cllr Stuart Dark; Cllr Nigel Dixon; Cllr Harry Humphrey (Chairman); Cllr Brian Long; Cllr Judy Oliver; Cllr Will Richmond; Cllr Carl Smith; Cllr Thomas Smith; Cllr Mike Smith-Clare; Cllr Martin Storey and Cllr Sheila Young.

1 Chairman's Announcements

- 1.1 The Vice-Chairman advised that the Chairman, Cllr Harry Humphrey, had recently had an operation on his leg and was recovering well. Council wished Cllr Humphrey a speedy recovery.

2 Declarations of Interest

- 2.1 There were no declarations of interest.

3 To receive any items of business which the Chairman decides should be considered as a matter of urgency.

- 3.1 There were no items of urgent business.

4 Norfolk County Council submission for the Boundary Commission Division Arrangements Consultation.

- 4.1 The Vice-Chairman read out a statement, a copy of which is attached at Appendix A.
- 4.2 Cllr Steve Morpew, Leader of the Labour Group, raised a Point of Order under Council Procedure Rules, Appendix 7(4)(i) which stated that Council meetings would normally be held at 10am and that the Head of Paid Service may only vary the time after consultation with the Leaders of Political Groups. As no such consultation had taken place, the Vice-Chairman upheld the Point of Order.
- 4.3 The Leader, Cllr Andrew Proctor, moved the following motion, which was duly seconded by Cllr Graham Plant:
- “Given the communication received from the Boundary Commission on Friday afternoon, I cannot move the motion that I intended to move, for council to approve the proposal within today’s papers. Instead I move a motion without notice under Appendix 7 rule 10 (1) (g) to adjourn the business of agreeing a proposal to submit to the Boundary Commission until the council meeting that is due to take place at 10am on 23rd March 2020”
- 4.4 Upon the motion being put to a vote, with 6 votes against, the motion was **CARRIED**.

The meeting concluded at 2.25pm.

Chairman



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Appendix A

Norfolk County Council – 3 February 2020 at 2.00 p.m

Agenda Item 4 – NCC Submission for the Boundary Commission Division Arrangements Consultation -

Statement by Chairman

“Members, this extraordinary meeting was convened to consider a draft proposal to the Boundary Commission, as set out in the council papers.

I am aware that a number of concerns have been raised about this meeting, and I will try to deal with them here.

Firstly, questions have been asked as to whether it was appropriate to call an extraordinary meeting at all, or whether the planned meeting for 20th January 2020 should have been adjourned until today, and all that business dealt with at the same meeting as the Boundary Commission proposal. I appreciate there are differences of opinion on this, but the decision was made to hold an extraordinary meeting to allow the whole meeting to be devoted to the discussion of the proposal, which was likely to be a lengthy item, and there is no reason why it was not appropriate to make that decision, and call the meeting.

Secondly, concerns have been raised that the extraordinary meeting was not properly convened. This is because the Council’s procedure rules at Appendix 7(4) (i) sets out that Council meetings will normally be held at 10am, and that the Head of Paid Service may only vary the time after consultation with the Leaders of political groups. That consultation did not take place, and Councillor Morphew has complained about this. The Chief Legal Officer has accepted that the required consultation did not take place, and has apologised to Cllr Morphew for that, and has asked me to reiterate that apology to all councillors in this statement. If Cllr Morphew or anyone else was to raise that as a point of order, I would uphold that there had been a breach of the Council’s standing orders in the Constitution. That does not mean that this council meeting is invalid. All that is required for a meeting to be properly convened is that the appropriate period of notice is given to the public and those required to attend, and that was done. This meeting is therefore validly convened, and that is my ruling on the issue.

Everything else being equal, we would therefore proceed to discuss the proposals contained in the council papers. However, late on Friday afternoon, officers received a communication from the Boundary Commission, which has effectively meant that it is not possible to consider the proposals in the papers. Having accepted the methodology that officers have been working on for many months, and agreeing that it “took into consideration the Commission’s guidance on forecasts and was thoughtfully considered”, the Commission advised on Friday that it had been persuaded by a counter argument submitted by South Norfolk, and effectively required the Council to start the process again, relying on a different methodology.

Officers are rightly concerned at the lateness of the communication, and the lack of engagement from the Boundary Commission before reaching that conclusion. Officers will be taking this up further with the Boundary Commission.

The Boundary Commission has extended the deadline for submission of proposals to 24th March 2020.

It is not therefore possible to consider this proposal at this meeting. Members will no doubt be aware that it is a long-established principle of local government law that once a council meeting has been properly convened, it cannot be “cancelled”. We were therefore required by law to hold this meeting, to dispose of the business either at the meeting, or by adjourning it to a specified date and time.

Members were advised of the situation as soon as possible on Friday evening to allow them to make their own decision as to whether it was worth their while to attend this meeting, given that the proposal could not be dealt with.”