

Committee Chairs

The current constitution provides for the council to appoint all committee chairs at its Annual General Meeting. It has full discretion as to these appointments and there is no underlying legal obligation.

It has been suggested that the appointment of chairs in the new constitution takes into account the relative membership of each of the council's party groups (in a similar way to the political balance rules under the Local Government and Housing Act 1989 and their application to committee membership).

The new constitution could in principle embody this principle. It could, for example, stipulate in the section dealing with the appointment of committee chairs that:-

“In exercising its power to appoint chairs to each of the council's committees the council will make those appointments as far as is practicable so as to reflect membership of the council's party groups with the aim of appointing a number of chairs from each group commensurate with the membership of that group on the council.

As vacancies occur in the position of committee chairs the council at its next meeting shall appoint to the vacant position using the principles referred to above. [OR, the Head of Paid Service shall make the appointment after consultation with all the party group leaders].

If any change occurs in the relative proportions of the party groups on the council then at its next meeting the council shall resolve to remove all committee chairs and reappoint to each committee using the principles referred to above.”

This proposal will not be based upon any underlying legal framework so it will be possible at any time for members at a meeting of the council to resolve to change or suspend it as a standing order and appoint committee chairs in some other way.

The appointments will exclude any independent members (those not in party groups) from becoming chairs unless members vote to suspend the operation of the rule. If at any time a substantial number of members become independent then the rule may become unworkable and have to be reconsidered.

Escalation procedure

Each function and decision of the authority will in the new constitution be allocated to the full council or to one of the committees.

Members may consider it desirable that a decision of particular significance is in exceptional cases escalated to either a Policy and Resources Committee or to Full Council.

The trigger for such escalation could be a formal notification by one or a minimum number of members or such threshold as members choose. Members could engage the Monitoring Officer and Section 151 Officer in certifying that the item meets the criteria for escalation (Norfolk County Council's committee system constitution uses the Monitoring officer for this purpose).

If the threshold is met then the item will then be taken off the committee agenda and placed on the agenda for next Policy and Resources Committee or Full Council.

Particular Committees

The Monitoring Officer might well have to consider and advise upon whether certain committee functions might be exempt from either any proposed escalation procedure. The decisions of committees making determinations affecting peoples' rights or exercising quasi - judicial functions (planning, licensing, etc.) might be opened up to legal challenge on administrative law grounds if the decision making was perceived to be influenced by political considerations.