

General Purposes Committee

2 March 2016

Working paper in respect of clarification of voting procedures within 4.1 Council Procedure Notes.

1. Under Part 4.1- Council Procedure Rules para 33 states that, with the exception of certain matters that can only be dealt with by Council, all of the Rules apply to Committee/Panel meetings. This includes the section on Voting which is reproduced as follows:

19. Voting

(1) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those present and voting at the meeting, by show of hands or if no dissent, by affirmation of the meeting.

(2) If five Members present at the meeting demand it by standing up before the vote is taken, a recorded vote will be taken and included in the Minutes of who voted for or against a proposal, and who abstained.

*(3) Where immediately after a vote is taken at a meeting and any member so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he abstained from voting. **(This rule cannot be suspended).***

(4) Voting on Appointments: Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and continue until there is a majority of votes for one person. (Please see Procedure Rule 2 regarding voting on nominations for Mayor and Deputy Mayor).

*(5) Voting on decisions relating to the budget or Council Tax: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 SI No. 165 the minutes will record how each member present voted on any decision relating to the budget or Council Tax. **(This rule cannot be suspended).***

(6) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote, regardless of whether he has used his first vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

2. The requirements set out in (3) and (5) are prescribed in Regulation and cannot be suspended. The intention of (3) is to enable an individual to have their individual vote recorded.

3. There has been some confusion over whether a recorded vote can occur in meetings other than Council. It is suggested that General Purposes Committee consider whether the position should be clarified. In terms of public administration and openness and transparency, it is recommended that this clarification be issued and the Constitution be amended accordingly.
4. Under the current wording at 19 (2) it would mean that five members of a Committee/Panel/Sub-Committee would need to call for a recorded vote. Clearly depending on the size of the Committee/Panel/Sub-Committee this would require a variable percentage of those present exercising this right.
5. To clarify the position it is suggested that the current wording at 19. (2) is replaced with the following. This would bring the Council's Constitution in line with others and be a proportionate approach:

(2) If five councillors present at a Council meeting, three councillors present at a Committee/Panel or two Councillors present at a Sub- Committee meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
6. The Committee is asked to consider amending the voting arrangements as set out in Para 5 above.

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