



Report To: Civic Affairs Committee
Lead Officer: Fiona McMillan, Legal and Democratic
Services Manager and Monitoring Officer

20 March 2014

Proposed amendments to the Constitution – recorded votes at meetings of Full Council

Purpose

1. This report sets out the implications of Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and provides the Committee with an opportunity to consider a Notice of Motion referred from the meeting of Full Council on 27 February 2014 in relation to recorded votes.

Recommendations

2. That the Civic Affairs Committee:
 - (a) recommends to Full Council the introduction of a new paragraph 16.6 headed 'Record vote on budget decisions' to the Council's Standing Orders, to read:

"If the Council is considering an item on the Council's budget or the setting of the Council Tax, the names for and against the motion or amendment, abstaining from voting or not voting will be taken down in writing and entered into the minutes."
 - (b) Recommends to Full Council any necessary further amendments to Standing Orders as a result of considering the motion referred from the meeting held on 27 February 2014.

Reasons for Recommendations

3. The Council is required to amend its Standing Orders so as to include provisions for the recording of votes at budget meetings.
4. Depending on the outcome of the Committee's consideration of the motion referred from Full Council, it may be necessary to recommend to Full Council any necessary further amendments to the Council's Standing Orders under the section on recorded votes.

Background

5. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 came into force on 25 February 2014. There are a number of provisions within the Regulations, but the amendment relevant to the Council is the new requirement for the votes of individual Members to be recorded when cast on budget decision items.

6. This new regulatory requirement is seen by the Government as necessary to allow local people the opportunity of seeing how their Councillors voted on all substantive motions agreeing the budget or setting Council Tax. The Government's rationale for change is set out in Brandon Lewis MP's letter dated 4 February 2014 to the Leader, attached at **Appendix A**.
7. Councillor Aidan Van De Weyer presented a Notice of Motion to Full Council on 27 February 2014 and the following resolution was passed:

"This Council requests that the Civic Affairs Committee considers and proposes amendments to the Council's Standing Orders so that all votes, except for those taken by affirmation and for appointments, are recorded in the manner described in Standing Order 16.5 (Recorded Vote)."
8. Councillor Van de Weyer explained to Council that his reason for seeking the motion was that he was questioned after the last Council meeting as to which way people had voted on a motion and was unable to demonstrate this. He felt that the introduction of recorded votes for all matters requiring a vote would make the Council more answerable to its electorate and make it more obvious if a party whip had been imposed prior to a vote.

Considerations

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

9. The Regulations make it mandatory for the Council to amend its Standing Orders so that all votes on budget decision items at meetings of Full Council are recorded in the minutes for that meeting.
10. The proposed amendments to the Council's Standing Orders, as set out in paragraph 2(a) of this report, ensure that the requirements of the Regulations are met.

Motion deferred from the meeting of Full Council, 27 February 2014

11. The Committee is invited to consider the motion referred from the meeting of Full Council held on 27 February 2014, as set out in paragraph 7 of this report.
12. The Council's Standing Orders currently make the following provision for recorded votes:
 - (a) A recorded vote can be instigated when any six Members, or a quarter of those present at the meeting (whichever is the fewer) demand it. The names for and against the motion or amendment will be taken down in writing and entered into the minutes for the meeting, together with the names of any Members abstaining from voting or not voting.
 - (b) A demand for a recorded vote overrides a demand for a ballot, but the recorded vote procedure does not apply to voting on appointments.
 - (c) Members have the right to require that their individual vote on a motion or amendment be recorded in the minutes.

Options

13. The Council is required to amend its Standing Orders to include provision for a recorded vote on all budget decision items. The Committee could support recommendation (a) in paragraph 3, or propose an alternative form of words for inclusion in the Council's Standing Orders.
14. The Committee could support the principles of the motion referred to in paragraph 7 of the report and recommend this to Full Council. In doing so it would have to put forward specific changes to the wording of the Council's Standing Orders, or delegate this to officers in liaison with certain Members, such as the Chairman of the Committee and Councillor Van De Weyer as proposer of the original Notice of Motion.
15. The Committee could agree not to put forward any recommendations to Full Council on the subject of the motion referred to in paragraph 7 of the report and maintain the current practice of recorded votes, other than those relating to budget decision items.

Implications

16. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Legal

17. The Council is required by law to amend its Standing Orders to require a recorded vote for budget meetings as soon as is practicably possible.

Consultation responses (including from the Youth Council)

18. No consultation on the content of this report has been undertaken.

Effect on Strategic Aims

19. This report does not have any significant effect on the Council's strategic aims.

Background Papers

The following document was used in the preparation of this report:

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, which can be viewed online via the following link:

<http://www.legislation.gov.uk/uksi/2014/165/made>

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