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## RECORDED VOTES AT BUDGET MEETINGS OF THE COUNCIL – TO AMEND COUNCIL PROCEDURE RULE NO. 21

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

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**Summary:** To amend Council Procedure Rule 21 in order to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 which require a recorded vote on decisions of the Council, approving the budget or setting the council tax

### **For Decision**

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#### **1.0 The Current Situation**

1.1 By virtue of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, which came into force on 25 February 2014, the Council is required to take recorded vote on decisions which approve the budget or set the council tax.

1.2 Currently, a recorded vote is required in the following situations:

##### **1.2.1 Council Procedure Rule No. 21.4**

###### ***“Recorded vote***

*If a majority of members present at the meeting demand it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.”*

##### **1.2.2 Council Procedure Rule 21.5**

###### ***“Right to require individual vote to be recorded***

*Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.”*

1.3 In order to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it is suggested that:

1.3.1 A new Council Procedure Rule 21.6 be inserted as follows:

###### ***“21.6 Recorded votes at Council budget decision meetings***

***A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the***

***budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/ amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 29.1”***; and

1.3.2 Council Procedure Rule 21.3 be amended as follows:

**“21.3 Show of hands**

*Unless a recorded vote is demanded under Rule 21.4 **or required under Rule 21.6**, the Chairman will take the vote by show of hands (and a count if requested), or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.”*

**2.0 Corporate Implications**

**2.1 Financial and VAT**

2.1.1 None arising

**2.2 Legal**

2.2.1 The constitution requires to be amended to reflect any new legal requirements in relation to council procedures.

**2.3 Corporate**

2.3.1 The recording of votes, as required by the new regulations, will provide members of the public an opportunity of seeing how councillors voted on all decisions of Council relating to the setting the budget or council tax.

**2.4 Equity and Equalities**

2.4.1 None arising

**3.0 Recommendation**

3.1 THAT the Working Party approves for recommendation to the Standards Committee amendments to Council Procedure Rule 21 as follows:

**3.1.1 New Council Procedure Rule 21.6**

**“21.6 Recorded votes at Council budget decision meetings**

***“A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/ amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure 29.1.”***

### 3.1.2 Amended Council Procedure Rule 21.3

#### **“21.3 Show of hands**

*Unless a recorded vote is demanded under Rule 21.4 **or required under Rule 21.6**, the Chairman will take the vote by show of hands (and a count if requested), or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.”*

### 4.0 Decision Making Process

- 4.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make final recommendations to Council.

Future Meetings	Date:
Standards Committee	1 April 2014
Council	24 April 2014

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, ext 7187
Reporting to:	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer, ext 7005</i>

#### **Annex List**

None	
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#### **Background Papers**

Title	Details of where to access copy
<i>None</i>	

#### **Corporate Consultation Undertaken**

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer, ext 7005</i>