

MINUTING OF VOTING

Constitutional Review Committee	24 June 2024
Report Author	Committee Services Manager
Portfolio Holder	Cllr Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted
Ward:	All

Purpose of the Report

This report allows the Constitutional Review Committee (CRC) to consider whether to make any recommendations to Full Council regarding amending the Council's constitution to allow for the number of votes for and against a motion to be recorded in the minutes of a meeting without that counting as a recorded vote.

Recommendation(s):

1. That the Committee consider this report and take a view on whether or not the Council's Constitution should be amended so that a note should be taken of the number of votes for and against each motion. This will be distinct from a recorded vote.

1. Summary of Reasons

- 1.1 This report is presented to the CRC as it was added to the CRC's work programme for this meeting at the CRC meeting of 28 May 2024.

2. Background

- 2.1 Currently Democratic Services, when minuting a vote on a motion only state whether that motion was agreed or not. They do not note how many Councillors voted for or against the motion nor those who abstained, they only do this when a recorded vote is undertaken (as per the provisions of the Constitution and the Council Procedure Rule (CPR) 17.4) Under the current provisions of the Constitution to add in the minutes how many Councillors voted each way would mean falling under CPR 17.4 and the vote would be deemed recorded.

3. Relevant Issues

3.1 In order to record the numbers of votes for and against a motion in a meeting being a change in CPR 17.4 is required to make clear that recording the numbers of those for, against and abstentions does not count as a recorded vote.

3.2 This can be achieved by making the following changes to CPR 17.4

“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. *Recording the number of votes for and against a motion is not considered to be a recorded vote.*”

3.3 There are a small number of points that are worth drawing to the committee's attention.

3.3.1 Of the 12 Councils in Kent, only two (Canterbury and Folkestone) include any reference to the numbers for and against in their minutes.

3.3.2 There could be issues with what to include in the minutes when a committee is asked “to note a report” or whether a report is “agreed”? Currently Democratic Services accept a consensus of members calling out “noted” or “agreed” and no vote is taken, as a result there are no numbers to include. This could not be interpreted as unanimous in favour, as it is a reflection of a majority. Folkestone includes “agreed by the affirmation of the meeting” when this occurs, this could be used for these types of reports.

3.3.2 There is the potential for meetings to become more drawn out as each vote that is simply agreed or noted would now need to be a formal show of hands so that the Democratic Services Officer could count those present. Members will need to show patience whilst this occurs, there have been in the past signs of frustration with the time it takes to undertake formal recorded votes in the past, particularly at Budget Council meetings.

4. Alternative Options

4.1 The Committee can choose to follow the suggested solution outlined in paragraph 3.2, or it could choose to retain the status quo.

4.2 The Committee could also amend the suggestion in paragraph 3.2 taking into account the points raised at paragraph 3.3.1 - 3.3.3 and propose an alternative solution. In this event Democratic Services would need to take those proposals away to ensure they do not conflict with any other parts of the Council Procedure Rules and bring a report back to the next meeting of this Committee.

5. Consultation

5.1 There is no public law duty or statutory requirement to consult on this matter.

6. Corporate Implications

6.1 Finance and Resources

6.1.1 There are no financial implications arising directly from this report.

6.2 Legal and Constitutional

6.2.1 There are no particular legal issues arising from this report. The Committee has the power to make recommendations in respect of this matter but these will have to be considered and approved by Full Council.

6.3 Council Policies and Priorities

6.3.1 Reviewing the Council's constitution on a regular basis ensures that the rules that Council meetings follow are up to date and ensure that business is conducted effectively and efficiently. This report relates to the following corporate priorities: -

- To work efficiently for you

6.4 Risk

6.4.1 There are no risk implications arising directly from this report.

6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity implications to the report.

7. Equality, Equity and Diversity Implications

7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken.

The aims of the Duty are:

- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aims of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no particular equality implications arising from this report.

8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications to this report.

9.0 Subject History

9.1 Constitutional Review Working Party - 9 November 2023

Annexes

Background Papers

None

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Report Sign Off / Signed off by / Date sent / Date signed off / Initials

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