

Taunton Deane Borough Council

Full Council - 25 February 2014

Changes to Standing Order 18 – Voting

Report of the Assistant Chief Executive and Monitoring Officer and Councillor David Reed (Chairman of the Corporate Governance Committee)

(This matter is the responsibility of the Leader of the Council)

1. Executive Summary

<p>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require local authorities to amend their Standing Orders to provide that votes at key budget decision making meetings are recorded.</p>

2. Background

- 2.1 The regulations come into force on the 25 February 2014 and require local authorities to amend their Standing Orders to provide that votes taken at budget decision meetings are recorded.
- 2.2 The regulations were issued on the 7 February 2014 and there has not been time to bring the changes through the Council's normal decision making processes.
- 2.3 The required changes to the Council's Standing Orders are set out in Appendix 1 to this report and amend Standing Order 18.

3. Finance Comments

- 3.1 There are no financial implications other than those set out in this report.

4. Legal Comments

- 4.1 The regulations come into force on the same day at the Council's budget decision making meeting and therefore the changes to the Standing Orders need to be approved to comply with this legislation. A failure to comply will make the decisions to be made at the budget decision meeting unlawful.

5. Links to Corporate Aims

- 5.1 There are no specific links to the corporate aims.

6. Environmental and community safety implications

- 6.1 There are no implications for the environment or community safety.

7. Equalities impact

7.1 An impact assessment is not required in respect of this report.

8. Risk management

8.1 There are reputational and financial risks should these changes not be approved.

9. Recommendations

9.1 To approve the changes to Part 4 of the Constitution, Standing Order 18 as detailed in Appendix 1 to this report.

Contact

Contact officer: Bruce Lang,
Telephone: 01823 358691
E-mail: BDLang@westsomerset.gov.uk

Appendix 1

Voting *

18. (1) All motions and amendments, unless the law otherwise requires, shall be decided by affirmation or by a show of hands, as the Mayor shall choose.
- (2) If before the Mayor calls for the vote, either,
- (a) the mover and seconder of the motion - or of the amendment, or,
 - (b) any councillor supported by the votes of at least a quarter of the councillors present,
- request that a Recorded Vote be taken, then votes shall be publicly declared, and recorded in the minutes.
- (3) In addition to the option under SO 18 (2), any member may require - immediately after a vote is taken - that the manner in which that member's vote was cast (for, against or abstaining) shall be recorded in the minutes.
- (4) Where a vote is taken upon the choice of more than two candidates for an appointment and there is not an absolute majority in favour of one candidate, the candidates receiving the least number of votes shall be excluded and a further vote taken, the procedure being continued until there is an absolute majority in favour of one candidate.
- (5) (a) in the case of an equality of votes, the Mayor shall have a second or casting vote.
- (b) The Mayor shall have unfettered discretion as to its use for against the proposition.
- (6) (a) Immediately after any vote is taken at a budget decision meeting there must be a recorded vote in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (b) "budget decision meeting" means the meeting at which the Council makes a calculation (whether originally or by substitute) in accordance with any sections 31A, 31B 34 to 36A, 42A 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 or

(c) issues a precept under Chapter 4 of Part 1 of that Act and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

(d) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.