

**Committee:** Governance, Audit and Performance Committee

**Date:**

Thursday, 27  
September 2018

**Title:** Voting by Ballot at Council Meetings

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## Summary

1. The Council's constitution allows an option for votes to be taken by way of ballot rather than by way of a show of hands. With a ballot, members write their vote on a piece of paper the way in which they voted is not disclosed. A vote by ballot may be requested by five members, but is overridden by a request from one member for a recorded vote.
2. At its meeting on 17 May 2018 the Committee resolved:  
*"for the Assistant Director – Governance and Legal Services to submit a further report to the Committee proposing changes to the Constitution to provide for contested appointments made by the Council to be decided by way of ballot."*
3. The report discusses the issues and proposes the changes to the Constitution set out in the Appendix.

## Recommendations

4. That the Committee recommends to Council the proposed changes to the Constitution set out in the Appendix to the report which provide for contested appointments made by the Council to be decided by way of ballot.

## Financial Implications

5. None.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:

Report to GAP Committee meeting on 17 May 2018  
The Council's Constitution

## Impact

- 7.

Communication/Consultation	The issue has been considered at the GAP Committee meeting held on 17 May 2018
Community Safety	None.
Equalities	None direct. Appointment by ballot might be seen as a less confrontational process, which might encourage candidates who would otherwise be put off by a public vote.
Health and Safety	None.
Human Rights/Legal Implications	There is no legal obstacle to the implementation of the report's recommendation.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

8. As explained above, on 17 May 2018 the Committee asked for a report proposing changes to the Constitution to provide for contested appointments by full Council to be made by way of ballot rather than show of hands. The changes highlighted in the Appendix by way of tracked changes would accomplish this.
9. The Constitution currently provides for appointments to be made by a show of hands unless a vote by ballot is requested by five members. However, a request for a ballot by five members may be overridden by one member asking for a recorded vote.
10. The changes proposed in the Appendix apply only to appointments and not to other matters for Council decision.
11. It needs to be kept in mind that a member can require how they voted to be recorded in the minutes. If there is a secret ballot, one will have to trust the statement of a member as to how they voted. If all the members voting for or against on an appointment demanded that the minute shows how they voted, then this would undermine the secrecy of a ballot.
12. The report to the meeting on 17 May sets out the issues in more detail. The attention of members is drawn particularly to the issues raised in paragraph 9 and to comments from Cllr Hargreaves set out in paragraph 10.

## Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
There is no obvious risk in adopting this proposal.			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## **Appendix**

### **RULE 14 VOTING**

#### **14.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

#### **14.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

#### **14.3 Show of hands**

Save for voting on budget votes as defined in Rule 14.7 unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **14.4 Ballots**

The vote will take place by ballot if five members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

#### **14.5 Recorded vote**

If any member present at the 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. A demand for a recorded vote will override a demand for a ballot.

#### **14.6 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.

#### **14.7 Voting at budget decision meeting**

14.7.1 For the purposes of this rule a "budget decision meeting" is a meeting of the Council which makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A (calculation of council tax requirement), 31B

(calculation of basic amount of council tax),<sup>34</sup> to 35 (additional calculations where special items relate to part only of the district), 36 (calculation of tax for different valuation bands),<sup>36A</sup> (substitute calculations) and 52ZF (duty to make substitute calculations where a proposal to increase council tax will require a referendum) of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting and a “budget vote” is a vote upon any such calculation.

14.7.2 Immediately after any budget vote is taken at a budget decision meeting there must be recorded 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.

## **14.8 Voting on appointments**

14.8.1 If more than one person is nominated for any position to be filled, the vote on the appointment shall be conducted by way of a ballot and Rules 14.3, 14.4 and 14.5 shall not apply.

14.8.2 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.