

## Constitution and Associated Documents – Proposed Changes

|  | Section and Reference   | Existing Text  | Proposed amendment including revised text if appropriate   |
|--|---|--|--|
|  | <p style="text-align: center;"><b>Part 4 , Section 13.5</b></p> | <p>If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down <b>in writing</b> and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. Notwithstanding the above, at Budget Council meetings, a recorded vote will be taken on any motion or amendment relating to the budget and level of Council Tax to be levied.</p> | <p>If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.</p> <p>Notwithstanding the above, at Budget Council meetings, a recorded vote will be taken on any motion or amendment relating to the budget and level of Council Tax to be levied.</p> <p><b>At the discretion of the Chair, any recorded vote can be taken using the electronic voting system in the Council Chamber, when available, or by verbal roll call if the electronic voting system is unavailable.</b></p> |
|  |   | <p><b>Reason for proposed change:</b></p> <p>To allow for correct and purposeful operation of the electronic voting system that is to be deployed in the council chamber</p>   |  |

### Implications of proposed change (to be completed by officers):

- **Finance and other resource implications:**

- **Legal implications:**

Paragraph 39 of Part VI of Schedule 12 of the Local Government Act 1972 states that subject to the provisions of any enactments, all questions coming or arising before a local authority shall be decided by a majority of the members of the authority **present and voting** thereon at a meeting of the authority. A record clearly needs to be taken of the number of members voting for, against or abstaining on any questions put.

There is no legal reason why that cannot be an electronic (digital) vote as long as the votes are accurately recorded by the digital system and the system can show the votes for, against or abstentions in the same way of a show of hands would achieve.

There is a requirement under the Local Authorities (Standing Orders) (England) Regulations 2001 that immediately after any vote is taken at a budget decision meeting of the Authority 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. As long as the digital system can record the names of those voting for, against or abstaining on a budget decision then the Regulations will have been complied with.

There is no need to have a named vote at the budget setting meeting as long as the names of those voting in a particular way can be recorded in the minutes immediately after the vote is taken.

- **Consultation/Engagement undertaken (internal and external):**

- **Human Rights implications:**

- **Equalities and Diversity implications:**

The usability of the electronic voting system is straight forward for all users including by members with a range of disabilities or conditions. Users of the voting system would be trained in its use. Alternative voting options would be used if the system is unavailable.

- **Risk Management implications:**
- **Crime and Disorder implications:**
- **Environment and Sustainability implications:**

**Proposed by: Councillor Anthony McMullen**