

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services

TO: Civic Affairs Committee

19/3/14

WARDS: None directly affected

CONSTITUTION – LEGISLATIVE UPDATE

1 INTRODUCTION

- 1.1 The purpose of the report is to recommend changes to the Council's Constitution to bring it into line with recent regulations governing recording votes relating to setting the budget and council tax.

2. RECOMMENDATIONS

- 2.1 To recommend that Council agrees to the changes to Part 4A of the Constitution as set out in the Appendix.

3. BACKGROUND

Part 4A-Council Procedure Rules (32. Mode of voting)

- 3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 requires the Council to amend its standing orders (constitution) to provide that:

“Immediately after any vote is taken at a budget decision meeting of an 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.”

Recommended changes to incorporate this provision are set out in the Appendix.

3.2 This practice was followed at the budget Council meeting on 27 February in anticipation of the need to change the Council's standing orders.

6. **IMPLICATIONS**

- (a) **Financial Implications**
- (b) **Staffing Implications**
- (c) **Equal Opportunities Implications**
- (d) **Environmental Implications**
- (e) **Procurement**
- (f) **Consultation and communication**
- (g) **Community Safety**

No implications in the areas listed above

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

The Regulations referred to in the report.

The author and contact officer for queries on the report is Gary Clift, Democratic Services Manager, (01223) 457011 or gary.clift@cambridge.gov.uk

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Part 4A-Council Procedure Rules

32. Mode of voting

- 32.1 Every question shall be decided by a show of hands, the members standing up if so required by the Mayor; subject to Rule 32.2.
- 32.2 If any member demands a division and is supported by two other members rising in their places, the question shall be determined by a vote by roll-call and the Chief Executive shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.
- 32.2 Any Member may, immediately after any vote is taken at a Council meeting, require a record to be made in the minutes of whether s/he voted for or against or abstained.
- 32.4 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote.
- 32.5 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 fewest 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.
- 32.6 The procedure in Rule 32.5 shall also be followed where more than one position of a similar nature falls to be filled and more people are nominated than there are positions.
- 32.7 *Immediately after any vote is taken at a budget decision meeting of the Council 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.***

A “budget decision meeting” means a meeting of the Council at which it:

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992;

or

(ii) 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;

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.