

GUIDANCE ON VOTING AT MEETINGS

GENERAL

The general principles are that decisions taken in Council, Cabinet or Committee are validly made by a majority of Councillors present and entitled to vote. There is no requirement to record, in the minutes of the meeting or otherwise, the number or names of members voting for or against a proposal or the number or names of any abstentions. Neither is there any requirement to record any unanimity of votes cast. This is because the democratic principle is that decisions are made by a majority of those present and entitled to vote and the question of who voted 'for or against or abstained from voting' is a secondary consideration.

Practices do, of course, vary between Local Authorities and some Authorities routinely record, within their minutes, the number of votes for and against any proposal together with any abstentions. This is a matter of local preference and culture and this detail is not recorded routinely at Cheltenham Borough Council.

If there is an equality of votes cast, then the Chairman of the meeting has the right to exercise a second, or "casting" vote. This vote is traditionally used to break the deadlock which is caused as a result of an even number of members voting for and against a proposal.

The voting method most commonly used is a "show of hands" although, as is the practice at Cheltenham Borough Council, in cases where there is no dissent, decisions are made by affirmation of the meeting.

There are exceptions to the above generalities arising from the law or the Council's Constitution. These exceptions are dealt with in detail below.

VOTING METHODS

The Rules of Procedure for meetings of the Council, Cabinet and Committees provide that unless a recorded vote or ballot is demanded, matters will be decided by a simple majority of those members voting and present in the room at the time that the matter is put to the vote. The vote is by show of hands, or, if no dissent, by affirmation of the meeting.

Recorded vote (Constitution)

If seven members of the Council (or the number equivalent to a quorum in the case of Cabinet or a Committee) present at the meeting demand a recorded vote, then each member will be asked to indicate whether their vote is in favour of or against the motion or whether they abstain. The way in which each member present voted is then recorded in the minutes of the meeting.

It is relatively unusual for a recorded vote to be called for and is appropriately used where sensitive decisions are being taken or where members have a particular concern about the outcome of the vote. Provided that the number of members required to call for a "recorded vote" are satisfied, the vote must be taken in that way. A call for a "recorded vote" overrides a demand for a ballot.

Ballot (Constitution)

At the demand of seven members of the Council (or the number equivalent to a quorum in the case of Cabinet or a Committee) present at the meeting a secret ballot will be held. The Chairman of the meeting will then announce the numerical result of the ballot once counted. This does not prejudice the right of any member to have their vote recorded in the minutes as set out below.

A secret ballot is extremely unusual as it is not conducive to the principles of openness and transparency which are extremely important within local authority decision-making. Consequently, it is rarely appropriate for such a process to be used. It is sometimes utilised by local authorities when voting upon appointment of members to various offices or bodies, but its use, whether in open or exempt business is to be discouraged. It is particularly important for any public attending the meeting to be able to observe the proceedings, including the vote and the secret ballot militates against such an opportunity.

Recording of individual vote (Legal requirement)

Any member may request, immediately after the vote has been taken, that their vote will be recorded in the minutes of the meeting to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

The Constitution prescribes the method by which voting on appointments will take place. If there is not a clear majority in favour of an appointment where more than two people are nominated, then the one with the least votes is taken off the list and another vote taken. The Chairman can exercise a casting vote in the event of an equality of votes between two nominees to be taken off the list. If there are two or more nominees having an equality of votes and together having the highest number of votes, then a further vote is taken between those two only and, in the event of a further equality of votes, the Chairman may exercise a casting vote.

Where there are multiple nominees for multiple appointments the vacancies will be filled by the number of nominees with the greatest number of votes. Any equality of votes resulting in the number of nominees with the greatest number of votes exceeding the number of vacancies, requires that a further vote be taken between those nominees with the equality of votes.

Recording of numbers of votes

There is currently no requirement for the number of votes for, against or abstentions from decisions to be recorded in the minutes of the meeting, although this is sometimes done, particularly in minutes of Council.

There are two options to deal with the recommendation of KPMG as follows

A

To make an amendment to the Constitution or to produce informal guidance to the effect that, except where decisions are taken by affirmation at the meeting, the number of members voting for, against and abstaining from voting on the matter shall be recorded in the minutes of the meeting.

B

To recognise within the guidance that there are some matters which are regarded as being sensitive or upon which members may be concerned as to the outcome to the extent that they consider it to be in the public interest for the number of votes for, against and abstentions to a vote to be recorded in the minutes of the meeting. It would be appropriate for it to be within the Chairman's discretion for the outcome of the vote to be recorded in the minutes.