



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Full Council

Thursday, 21 November 2024

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Proposed amendments to the Council's Constitution

Report Author

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Purpose of Report

To consider a recommendation from the Governance and Audit Committee to make amendments to the Council's Constitution.

Recommendations

That Full Council:

- 1. Approves the amendment to Council Procedure Rules in Part 4 (Rules of Procedure) of the Constitution be amended, as set out in paragraph 3.3 of the report, to allow use of the electronic voting system in the Council Chamber.**
- 2. Approves the amendment to Article 9 in Part 2 (Articles of the Constitution) to reflect that externally appointed Co-opted Members do not have voting rights on the Governance and Audit Committee.**

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	(All Wards)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications associated with this report.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer

Legal and Governance

1.2 There are no significant legal and governance implications arising from this report.

Completed by: Graham Watts, Monitoring Officer

2. Background to the Report

Method of voting at meetings

2.1 Paragraph 15.3 of the Council Procedure Rules at Part 4 (Rules of Procedure) of the Council's Constitution currently prescribes that votes at the Council's meetings shall be taken by means of a show of hands for, against and abstention.

2.2 The Council Chamber is equipped with an electronic voting system whereby Members can press a button next to their respective microphone to indicate whether they are for, against or abstaining from a proposal. The results of this vote can then be displayed on the screen in the Council Chamber.

Governance and Audit Committee – Co-opted Member voting rights

2.3 Paragraph 9.2 of Article 9 (Governance and Audit Committee) provides the Governance and Audit Committee with the ability to appoint a Co-opted Member as an external appointee. This paragraph outlines that the Co-opted Member would have voting rights, however, based upon the functions exercised by the Governance and Audit Committee, this is contrary to provisions of the Housing and Local Government Act 1989.

3. Key Considerations

- 3.1 The Governance and Audit Committee considered the proposed amendments to the Constitution set out in this report at its meeting held on 24 September 2024.

Method of voting at meetings

- 3.2 The Council has previously used the electronic system in the Council Chamber to facilitate voting at its meetings, however, a decision was taken in 2020 to cease its use. The current administration is keen to re-introduce its use and therefore seeks to amend the Constitution in order that it can be used at the Council's meetings in the future.
- 3.3 It is considered that use of this system will be more open and transparent in terms of clearly displaying the outcome of votes taken in the Council Chamber, both to those in the Chamber itself as well as to those watching the meeting live or via a recording of the meeting. Additionally, it would speed up the process of recorded votes which can be time consuming given that each Members' name currently needs to be read out in order that they can indicate whether they are for, against or abstaining from a proposal. Use of the system would enable all Members to indicate their vote at the same time with the results immediately available for viewing on the screen.
- 3.4 Full Council is therefore invited to consider a recommendation of the Governance and Audit Committee which proposes the amendment of paragraph 15.3 of the Council Procedure Rules to read:

“Unless otherwise provided by legislation or in these Council Procedure Rules, the vote on any motion or amendment proposed at any meeting of the Council shall be taken by means of a show of hands for, against and abstention **or by using the electronic voting system in the Council Chamber. The person presiding the meeting will determine the most appropriate means of facilitating votes**”.

- 3.5 The bold text above denotes additions made to the existing procedure rule.

Governance and Audit Committee – Co-opted Member voting rights

- 3.6 The Governance and Audit Committee recommended to Full Council that paragraph 9.2 of Article 2 (Articles of the Constitution) be amended to reflect that externally appointed Co-opted Members do not have voting rights on the Governance and Audit Committee.

4. Other Options Considered

- 4.1 To retain the existing arrangements both in relation to the method of voting at meetings of the Council and the voting rights of Co-opted Members at meetings of the Governance and Audit Committee.
- 4.2 To make any further amendments to the Constitution in relation to those areas included within this report.

5. Reasons for the Recommendations

Method of voting at meetings

- 5.1. To make use of the technology already available in the Council Chamber, provide more flexibility as to how voting can be facilitated at meetings of the Council and ensure more openness and transparency in respect of the result of votes in presenting votes cast for, against and abstentions on the screen.

Governance and Audit Committee – Co-opted Member voting rights

- 5.2. To ensure consistency with the provisions of the Housing and Local Government Act 1989.