

## **Appendix 9**

Deletions to each page of the Constitution which refers to a secret ballot.

(additions are in red type and deletions are struck through)

(Constitution page 193)

### **14 Rescission of Earlier Resolution**

- 14.1 Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.
- 14.2 Such a motion may be moved if:
1. it is recommended by the Cabinet or a Committee; or
  2. notice of such motion has been given under Procedure Rule 12 and signed by at least 8 elected Members of the Council.

### **15 Voting**

- 15.1 Voting will be by a show of hands.
- 15.2 When a Member asks for a recorded vote to be taken, and 8 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained.
- 15.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 15.4 Members must be in their designated seats for their vote to be counted. The Mayor may agree to waive this requirement before the vote is taken.
- 15.5 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 15.6 A Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 15.7 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding will have a second or casting vote.

### **16 Offices and Appointments**

- 16.1 A ~~secret ballot~~ **vote** will be held to elect or appoint the Mayor and Deputy Mayor of the Council, the Leader of the Council or Members to any office or position where more than one person is nominated.

- 16.2 ~~If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.~~  
If more than one person is 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.

(additions are in red type and deletions are struck through)  
(Constitution pages 198/199)

- 28.5 Members may ask a question or comment on any Minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 28.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.

## **29 Motions moved without Notice at Committees and Sub-Committees**

- 29.1 Appendix 1 lists those motions and amendments which can be moved without notice.

## **30 Rules of Debate at Committees and Sub-Committees**

- 30.1 Appendix 3 sets out the rules of debate.

## **31 Voting**

- 31.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 31.2 When a Member asks for a recorded vote to be taken, and one other Member supports the request, the vote will be recorded to show whether each Member present voted for or against the motion or abstained.
- 31.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 31.4 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or that he/she abstained.
- 31.5 A Member may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 31.6 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will be entitled to, and may exercise, a second or

casting vote. However, where there is an equality of votes in respect of a motion, the motion will be lost.

## **32 Offices and Appointments**

32.1 An ~~secret ballot~~ will be held to elect or appoint Members to any office or position where more than one person is nominated.

32.2 ~~If a secret ballot is held where more than two nominations are made and no person receives more than half the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.~~

If more than one person is 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.

32.3 Procedure Rule 31.6 will apply in cases where the votes are equal.

## **33 Mover of a Motion at Council under Procedure Rule 12: Attendance at Committee and Sub-Committee**

33.1 Where a motion has been referred under Procedure Rule 12 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.

33.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

## **34 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee**

Appendix 6 to these Procedure Rules sets out details of the process by which a Member of the Council can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

## **35 Questions Submitted by Members of the Public**

35.1 The Council has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 7. The procedure does not apply to meetings of the Council's Planning, Licensing and Scrutiny committees and sub-committees which have separate arrangements in place for public involvement.

### **36 Reference of a Decision to the Parent Committee or Council**

- 36.1 Where a decision is made by a Committee or Sub-Committee, the resolution may be referred, by notice, to the Council or parent Committee, as appropriate, for reconsideration.
- 36.2 The notice must be in writing and be signed by 8 Members of the Council. The notice must be given to the Monitoring Officer, in writing, not later than 5.00 pm on the fifth full working day after the meeting.
- 36.3 No action must be taken on the decision prior to its determination by the Council or Committee. Where action is necessary before the relevant meeting, the Chief Executive will consider whether a special meeting of the Committee or the Council, as appropriate, should be convened.

(additions are in red type and deletions are struck through)

(Constitution pages 209)

- 46.15 A written record of all Cabinet decisions will be kept by the Monitoring Officer and these will be made available publicly as soon as practicable after the decision has been taken (excluding the disclosure of confidential and exempt information and in accordance with the Overview and Scrutiny Procedure Rules). In recording decisions of the Cabinet, the Monitoring Officer will set out the decision, the reasons for the decision and alternative options considered as required under the Access to Information Procedure Rules in the Constitution.

### **47 Voting at Cabinet Meetings**

- 47.1 Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or that he/she abstained. Where there are equal votes cast and the Leader or person presiding has voted, the Leader or person presiding will have a second or casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by ~~secret ballot~~ a vote conducted in accordance with Council Procedure Rules.

### **48 Cabinet Committees/Sub-Committees and Task Groups**

- 48.1 The Leader or the Cabinet may appoint such Committees or Sub-Committees as are considered necessary and appropriate to assist in the discharge of executive functions. In making such appointments, the name of the Committee/Sub-Committee must be specified, along with its membership (including its Chairman and, if appropriate, Vice-Chairman) and its powers.
- 48.2 The Cabinet may also appoint whatever task or advisory groups it deems necessary, comprising some or all of its own membership, any other member or non-member of the Council.

## **49 Decision Making By Individual Portfolio Holders**

- 49.1 Where the Leader has delegated decision making powers to individual Portfolio Holder they will exercise their powers and duties in accordance with these rules and Part 3 of this Constitution.

## **50 Motion Under Standing Order 12**

- 50.1 A mover of a motion under Standing Order 12 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers. This does not affect the right of the mover or seconder of the motion to attend a Scrutiny body when his/her motion is being considered.