

Report for: Council

Date of Meeting:	23 February 2023
Subject:	Constitution Update
Responsible Officer:	Hugh Peart, Director of Legal & Governance Services
Exempt:	No
Wards affected:	All Wards
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out a proposal to amend the constitution to formally adopt electronic voting as a formal voting method.

Recommendations:

That:

- (1) Council amend the Council, Committee, Health and Well-being and Executive Procedure Rules as set out in paragraph 2.4 of this report; and
- (2) The amendments take effect immediately and apply to all remaining agenda items at this meeting.

Section 2 – Report

- 2.1 Since November 2022, the Council have been trialling the use of electronic voting system at formal Member level meetings via a software system provided by *Public-I*.

- 2.2 It is now being proposed that the use of electronic voting be formalised within the Council's Constitution, to allow its use for formal decisions in addition to the usual show of hands.
- 2.3 This issue was considered by the Constitution Review Working Group at a meeting held on 6 February 2023.
- 2.4 Following consideration by the Constitution Review Working Group, it is therefore proposed that the Council (Rule 19.1), Committee (Rule 19.1) and Health and Wellbeing (Rule 16.1) be amended as set out below:

Unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting will normally be via the use of an electronic voting system but can also be done via a show of hands ~~Voting shall be by a show of hands.~~

Where electronic voting is conducted, any Member may request that a vote by show of hands is conducted to confirm the decision.

- 2.5 It is not proposed to change the rules on voting for the Executive Procedure Rules, as the current wording allows flexibility for the use of electronic voting is required.

Legal Implications

- 3.1 Section 39 of Schedule 12 of the Local Government Act 1972 provides that all decisions made at formal Member level meetings shall be decided by a majority of the members of the authority voting.
- 3.2 It also provides that in the case of an equality of votes, the person chairing the meeting shall have a second or casting vote.

Financial Implications

- 4.1 The adoption of the electronic voting method is being contained within existing budgets.

Risk Management Implications

5.1 The proposed amendments to the Constitution allow for flexibility in the way that votes are conducted at formal Member level meetings and retain the use. This mitigates

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **n/a**

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? **No**

If no, state why an EqIA was not carried out below:

There are no equalities implications with the suggested proposal.

Council Priorities

The suggested proposal contributes towards all of the Council's corporate priorities by allowing for an alternative voting method at formal Member level meetings where important decisions are made relating to the borough.

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 10/02/2023

Statutory Officer: Jessica Farmer

Signed on behalf of the Monitoring Officer

Date: 10/02/2023

Mandatory Checks

Ward Councillors notified: NO*, as it impacts on all Wards

Section 4 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Democratic, Electoral & Registration Services Manager, 020 8424 1158

Background Papers: None.

If appropriate, does the report include the following considerations?

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|-----------------|-----|
| 1. Consultation | NO |
| 2. Priorities | YES |