



Report subject	Voting on Appointments
Meeting date	9 June 2020
Status	Public Report
Executive summary	<p>The Council's Audit and Governance Committee established a working group to review the Constitution in accordance with its terms of reference to have oversight of the Constitution. One of the issues considered by the working group was the requirement in the Constitution to hold secret ballots for appointments of councillors to offices or positions where there is more than one nomination. The members of the working group consulted with councillors about this issue and the response was mixed and no one view could be ascertained.</p> <p>The recommendation from Audit and Governance Committee in respect of this matter was that Council receive a separate report on the matter from officers and have an opportunity to vote on the issue at a Council meeting. This recommendation was approved by Council at its meeting in February 2020, and this Report provides councillors with the background and issues so that a vote can be taken as to whether to continue with the current position or amend the Constitution.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Council considers whether it wishes to amend the Constitution to remove the requirement to hold a secret ballot for appointments, and if it does wish to do so authorises the Interim Monitoring Officer to amend the Constitution to remove the requirement.</p>
Reason for recommendations	To enable Council to consider the matter referred to it by the Audit and Governance Committee and make a decision as to whether to retain the procedure for secret ballots for appointments, or whether to change this procedure.

Portfolio Holder(s):	Councillor Vikki Slade, Leader of the Council
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Tanya Coulter, Senior Solicitor
Wards	Council-wide
Classification	For Decision

Background

1. The Constitution requires a secret ballot be held in respect of the appointment of councillors to an office or position when more than one nomination is received. This is set out in the Council Procedure Rules in paragraph 17 as follows:

A secret ballot will be held to elect the Chairman and Vice- Chairman of the Council, or Councillors to any office or position where more than one person is nominated.

This is then referenced in other parts of the procedure rules to apply it to the appointment to positions by other Committees and Cabinet.

This means for example that when electing the Chairman and Vice-Chairman of Council/Committees and more than one nomination is received the election is held by way of secret ballot of members of Council/the Committee present at the meeting.

Review by Audit & Governance Working Group

2. When undertaking its review of the Constitution in late 2019 the Working Group, established by Audit and Governance Committee, considered this issue as various representations by councillors had been made in respect of the process for election by secret ballot.
3. The Working Group canvassed the views of councillors in respect of this procedure. The result of the consultation was that many different views were held, and no one view was consistent.
4. The Working Group was of the view that it was not appropriate for it or for Audit and Governance Committee to make a recommendation on this aspect of the Constitution and that it was more appropriate for Council to consider and debate the matter and form a view as to whether it wished to amend the Constitution to remove the reference to secret ballots, or to retain the existing procedure.

Options Appraisal

5. The procedure for secret ballot for appointments will be familiar to members of the Council as they used the process in May and June 2019 when electing the Chairman and Vice-Chairman of Council and each Committee when more than one nomination was received. It was also used to elect the Leader of the Council at the Annual Meeting in May 2019.

6. Council may wish to continue with the current arrangements or may wish to remove the requirement and vote on appointments in the same way as it votes on other matters.
7. This is a matter that members of the Council will need to consider; officers have no professional opinion on which option is preferable. They are both relatively easy to administer.

Summary of financial implications

8. There are no financial implications arising from the issues contained within this Report.

Summary of legal implications

9. There is no legal requirement for voting to take place on appointments by way of a secret ballot, or otherwise. The procedure adopted is a matter for the Council and it should set out the procedure within the Constitution. There are no legal issues or risks in changing the procedure or in retaining the current arrangements.

Summary of human resources implications

10. There are no HR implications arising from the issues contained within the Report.

Summary of sustainability impact

11. There are no sustainability implications arising from the issues contained within the Report.

Summary of public health implications

12. There are no public health implications arising from the issues contained within the Report.

Summary of equality implications

13. There are no equality implications arising from the issues contained within the Report.

Summary of risk assessment

14. There are no specific risks which need to be addressed in the consideration of the issues and options within this Report.

Background papers

None

Appendices

There are no appendices to this report.