

Appendix J Questions from Cllr Drayson

<p>Cllr Drayson: Under our Terms of Reference - Scheme of Delegation, approved on 11th Feb 2022, The Finance and General Purposes Committee is required to carry out a review of our Financial Regulations and Standing Orders for recommendation to Full Council at its AGM in May. What progress has been made in relation to this?</p>	<p>This item is on the agenda of the Finance and General Purposes Committee meeting on 27th April 2022.</p>
<p>Cllr Drayson: Under Standing Order 3 (s) 'voting on a question shall be by a 'show of hands', it goes on to say that at the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. It does not seem to allow for recording those Members who abstain but more importantly this Standing Order is identified as applying to Full Council only. I can find no reference to how voting at Committees and Sub-Committees should be carried out nor any reference to what is meant by "show of hands".</p> <p>a) How should votes at Committees and Sub Committees be conducted and recorded?</p> <p>And</p> <p>b) Should a 'show of hands 'vote include those voting against a motion and those abstaining?</p>	<p>Local Government Act 1972 sch12 para 13 states that unless provided by standing orders the manner of voting at meetings shall be by show of hands. As the town council has not identified that committees vote in a different way, the statutory provision of a show of hands applies. A recorded vote is a role call of all members present and which way they vote. If they abstain this is recorded as their vote. Where there is statutory provision there does not need to be a standing order reference.</p>
<p>Cllr Drayson: If a Member of the Council believes that the conduct of a particular meeting has breached the Council's Standing Orders, what recourse does that Member have?</p>	<p>During a meeting a councillor may raise a point of order. A point of order is an objection addressed to the chairman of the meeting about a procedural irregularity in the debate that is going on or the conduct of the meeting itself due to non-compliance</p>

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	<p>with a statutory provision or standing orders. A point of order shall be decided by the chairman of the meeting and his decision shall be final.</p> <p>If a member is not satisfied there is a legal procedure by which a court can review an administrative action by a public body, called Judicial Review. In a Judicial Review generally the court is not concerned with the merits of the decision but rather with the lawfulness of the decision-making process, that is, how the decision was made and the fairness of it.</p>
<p>Cllr Drayson: I can find no reference in our Standing Orders or our other published Policies as to whether the Chairman of Council has voting rights on every Committee Meeting. Can this position please be clarified?</p>	<p>All present members have equal voting rights. (Local Government Act 1972 sch 12 para 39 (1) Subject to provisions of any enactment all questions coming before the authority shall be decided by a majority of all the members of the authority present and voting thereon at a meeting of the authority.)</p> <p>The member presiding over the meeting has a second or casting vote in the case of an inequality of votes. (LGA1972 sch 12 para 36 (2))</p> <p>Where there is statutory provision there does not need to be a standing order reference.</p> <p>The Town Council has appointed the Mayor and Deputy Mayor to have ex-officio membership of committees with voting rights therefore when they are present they have voting rights.</p>
<p>Cllr Drayson: Would there be support for a Standing Agenda Item at Full Council under which Members can submit written questions before a meeting and receive a reply together with the right to ask a supplementary question?</p>	<p>The right to submit written questions exists in the agenda item 'Questions from Councillors' or within the Public Participation Session.</p> <p>A supplementary question can be asked in the 'Questions from Councillors' section. Answer to questions raised at the meeting</p>

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	will be responded to prior to the next meeting.