

# Crawley Borough Council



## Report to the Overview and Scrutiny Commission 10 November 2014

## Report to the General Purposes Committee 24 November 2014

### Recording How Members Vote Scrutiny Panel Final Report

Report by the Chair of the Recording How Members Vote Scrutiny Panel:  
Councillor B A Smith  
OSC/222

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#### **1. Purpose**

- 1.1 The Recording How Members Vote Scrutiny Panel first met in March 2014 to investigate how the methods and recording of votes are made and counted in Full Council meetings. It followed a Scrutiny review request from a member of the public into how Members vote in Council meetings and how those votes are recorded. There was concern that having attended a Council meeting to present a petition it had been unclear how the Councillors present had voted and that no clear records were always taken. This report presents the findings and recommendations.
- 1.2 The Panel met 3 times between March 2014 and April 2014 and experienced a site visit to Brighton and Hove Council Chamber in May 2014. The Members of the Panel were:  
Cllrs BA Smith (Chair), BJ Burgess, RG Burgess, LS Marshall-Ascough and DJ Shreeves.

#### **2. Recommendations**

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the General Purposes Committee.

- 2.2 To the General Purposes Committee:

The General Purposes Committee is asked to:

(a) consider whether any changes should be made to how Members vote following the recommendations set out in Section 6 (a-i) in this report as endorsed or amended by the Overview and Scrutiny Commission.

b) Request the Full Council to instruct the Head of Legal and Democratic Services to amend the Council's Constitution to reflect any relevant changes in relation to how Members vote.

### **3. Reasons for the Recommendations**

- 3.1 Following the Panel's investigations, the findings obtained showed there is uncertainty from members of the public located in the Council Chamber public gallery regarding how Councillors' votes are cast or recorded. Evidence identified that members of the public are interested in the clarification of how and particularly which Councillors are voting at Full Council and how those votes are recorded in the decision making process.
- 3.2 Evidence identified that occasionally there was a lack of clarity when Members voted. This could lead to the risk of miscounts as voting intentions can be unclear and also lead to a perception that the decision being made is not accurate and therefore open to challenge.
- 3.3 It is vital to achieve clarity and accuracy on how votes are cast and recorded and minimise any possibility of miscounts. There is the need to allow public scrutiny and trust in the decision making process and to hold Councillors to account for their decision making.

### **4. The Panel's investigations and information gathering**

#### Methods of investigation

#### **4.1 Witnesses as listed below were invited to address the panel**

As the most appropriate representatives identified through the Scoping Framework, the following people attended witness sessions:

Mrs Nora Davis - (Corporate Community Engagement Lead) CBC

Mr Mike Pidgeon - (Facilities Manager) CBC

Councillor B K Blake - (previous Mayor) CBC

Councillor C A Eade - (previous Mayor) CBC

Mr Michael Deacon - member of public that suggested this subject for Scrutiny

Mr Roger Brownings - (Democratic Services Officer) CBC

Mrs Ann-Maria Brown - (Head of Legal & Democratic Services and Monitoring Officer) CBC

Mr Peter Nicolson - An appointed Independent Person

#### **4.2 Comparison of voting methods with other local authorities**

In comparison to other Local Authorities in Surrey and Sussex, the majority, when surveyed, confirmed their preferred method of voting was by show of hands as shown in **Appendix A**.

#### **4.3 Demonstration of an in-house voting system**

Nora Davis, Corporate Community Engagement Lead, demonstrated the in-house voting system currently used at staff and community forums. This consisted of small hand held devices which could be configured to individual Councillors and an information screen which could be operated via a laptop or PC. Once voting on a particular subject was complete the number of votes were displayed on a screen. The Panel were advised that the software could be pre loaded with the Agenda Items on which Councillors would be required to vote but could also be updated locally if amendments to Motions were required to be voted on, although this would need to take place live within the meeting. It should be noted that this could require additional time and/or staffing resource either to pre-load the agenda onto the software prior to the meeting or at the meeting itself.

- 4.4 The Panel were advised that there were enough hand held devices already purchased to allocate to every Councillor. Once voting on a particular subject is complete, the total of votes could be counted and displayed on a screen. A report is then produced from the system providing a detailed breakdown showing how each Member had voted, which could include Name, Ward and Result. This for Full Council purposes would then form, in effect, a recorded vote. It would be possible to conclude from the voting the number of those abstaining. However only the report would determine how individual Members had actually voted (yes, no, abstain). This report is not produced at the time of the vote being cast.

It is important to note that currently Freedom of Information (FOI) requests are met for current Recorded Votes as the information is captured within the minutes. However, if any (or all) votes are monitored via an electronic voting system FOI requests would need to be granted for the results of these votes, irrespective of the recommendation, motion or amendment being voted upon.

#### 4.5 **Site visit to Brighton and Hove Council Chamber**

4 members of the panel and the Democratic Services Officer visited Brighton and Hove Unitary Authority and saw recording of web casting from live meetings of the Authority.

The group received a demonstration of the sound and voting system used for Council and Planning meetings. Members were also able to try out the system using imaginary scenarios. The demonstration also confirmed that amendments and changes to motions/agenda items were possible using the reasonably simple system. The displays in the Chamber clearly showed how each Member had voted and also if Members had not recorded a vote, options were available for For, Against and Abstain. Also the ability to change the vote if the wrong button had been pressed in error.

#### 4.6 **Press Release and Public Responses**

##### **Crawley Borough Council Press Release and Survey**

A press release was made on behalf of the panel by the Council's Communications Department in March 2014. Members of the public that attended the Full Council meeting on 28 April 2014 were requested to take part in a short survey which had been compiled by the Panel.

### **5. Findings**

This section explains the views of the representatives affected.

#### 5.1 **The nature and extent of the problem and the areas most affected:**

Members of the public who attended the Council meeting and responded to the questionnaire highlighted difficulty in following the meeting. They found it difficult to distinguish between officers and Members, who were Cabinet Members, where their own Ward Councillors were sitting and in some instances who their Ward Members were. They did not understand when an amendment was made if the vote was on the amendment, or the motion.

#### 5.2 **Other Local Authority Voting Methods**

Of those that did have electronic voting systems, some had opted to return to the show of hands method.

### 5.3 **Staff/Councillor/Public Feedback**

#### **Key finding 1:**

*Both Councillors in the Chamber and members of the public in the Chamber Gallery had found it difficult to see how votes were being made. This had led to occasions where voting recounts had taken place and a belief by some members of the public that local decision making was not as open and transparent as it could be.*

*Cllr Keith Blake (past Mayor) confirmed that on many occasions it was very difficult for accurate counts to be taken when Members did not clearly raise their hands when a vote was taken. The views of the public were also reflected by Members who often did not appear to understand if they were voting on an amendment or the substantive motion. Cllr Blake also commented that it was particularly difficult to hear questions from the public gallery at question time. Speakers often turned away from the hand held microphone, or held papers between the microphone and themselves.*

#### 5.4 **Key finding 2:**

*The majority of Local Authorities preferred to use the 'show of hands' method when voting at council meetings. There was little evidence that any significant issues had been experienced with the 'show of hands' voting method.*

#### 5.5 **Key finding 3:**

*Both the view of the Monitoring Officer and Democratic Services Officer (Clerk to Full Council) were sought. It was the view of these officers that one of the main problems was the lack of clarity when Members raised their hands. They also felt it was important for the Mayor (as Chair of the meeting) to explain clearly the procedure being followed, particularly with regard to whether a vote was being taken on an amendment or on the motion.*

## **6. Information and Analysis Supporting Recommendation**

6.1 The Constitution currently supports Members to vote by 'show of hands', whilst any Member present can request a Recorded Vote at Full Council. Where there is perceived general agreement to a decision, the Mayor (or Chair) will state 'is that agreed' and the vote will be carried. These options allow for flexibility within proceedings.

6.2 A Recorded Vote is undertaken by use of an alphabetical list of members from which the Head of Legal and Democratic services reads from. As each name is read out in turn, the Member concerned announces whether he/she is voting For, Against or Abstaining. At the end of the process, the Head of Service then announces to the Full Council the total number of votes For, Against and Abstained. A full record of Recorded Votes is then entered into the minutes.

6.3 Following consultation with members of the public, stakeholders and officers, suggested options for voting methods and issues were compiled and the Panel has proposed the following as the most likely and effective solutions-

#### a) **Public Gallery Observations at Council Meetings**

Boards could be produced that show the layout of the Council chamber which give the names of the Councillors and their Wards. Officers should be identified by their position in the Council. ie Director, Chief Executive, Monitoring Officer etc., together with the Appointed Independent Persons. These boards could be erected on the walls to each side of the Council chamber public gallery. This information would need to be updated whenever a change took place. The layout Proforma is already held by the Clerk to the Council and installation could be managed by the Facilities Management Team.

It is necessary to ensure that when members of the public attended Full Council meetings, they were able to follow the business of the meeting, identify their Ward Councillors, and have a method that would record how the decisions were made and how their Ward Councillors had voted.

b) **Public Questions at Full Council Meetings**

A lectern/platform is installed permanently on the rail at the front of the public gallery, with a microphone attached, to enable questioners to place papers etc there, which should enable them to speak more clearly into the microphone when addressing the Council.

c) **Mayor/Chair of Full Council Meetings**

The Mayor or Chair of a meeting should give clear instructions to Members on the reason for a vote being taken and should request all Members to indicate their intentions clearly. The Mayor/Chair of a meeting should also give clear guidance to members of the public when addressing questions to the Full Council and also to the Council Chamber itself. Instructions and guidance should also be clearly given when a vote is to be taken.

d) **Electronic Voting System Demonstrations**

The testing of the current electronic voting system (used at staff and community forums) was undertaken separately with both Party Groups. There were varying views regarding electronic voting in general. It was felt by some that both Members and the public would require an immediate response as to how individual Members had voted on particular issues, which currently is achievable through a 'show of hands' method (providing Members vote clearly) and recorded votes. The main concern for many was that the public should instantly be able to see and hear how votes have been cast. For some Members, it was thought the solution should reside in clear instruction from the Chair, that being a clear 'show of hands' and explanation to the public.

It was felt that should there be support for electronic voting then alternative systems would require investigation and may be able to provide an instant response as to how individual Members had voted. Additional resources in the Council Chamber and/or another officer to potentially operate amendments to motions would possibly also be required. Concerns were raised regarding the possible error of keying the incorrect button whilst voting and how this would/could be rectified. There were also concerns expressed regarding the risk of ICT failure and the loss of any vote records.

However, in contrast voting devices would be able to be assigned to specific Members and provide a permanent record of results. It was felt that the advancement of technology together with any training may eliminate errors in voting and possibly aid the efficiency of meetings.

It is acknowledged that the system could be updated locally if amendments to Motions were required to be voted on. This would need to take place live within the meeting and therefore may require officer training and could cause a delay to the meeting whilst adaptations to a PC or laptop take place.

e) **Show of Hands Method at Full Council**

Request the existing 'show of hands' method of voting in Full Council be replaced by a new electronic voting system and that reference to the new system be written in to the Council's Constitution. It should be highlighted that there may be a loss of flexibility from the current system of voting. However, it would allow transparency for the public to see how individual Members had voted.

The current electronic voting system is not able to produce 'live' results for individual Members means that it is not possible to immediately inform the public and the Chamber how individual Members voted, however the total number of votes and results are able to be displayed. A report is then later produced that identifies how each individual Member voted, which could then form, in effect, a recorded vote.

It would be possible to conclude from the voting the number of those abstaining, however only the report would determine how individual Members had actually voted (yes, no, abstain).

Alternative options include –

- ◆ Replace the system within the Council Chamber itself to include sound and voting software, which would provide instant results for individual votes. Although it is acknowledged that there would be an additional cost to this implementation, together with ongoing maintenance and support costs and each time there was a change in the seating plan
- ◆ Inputting of recorded votes into a laptop and projecting the results onto a screen. This would inform the public gallery and the Chamber how individual Members had voted. However, there may be little additional benefit over the current process of the recording votes by hand and may include additional staff resources and potentially cause a delay to the meeting.

f) **Electronic Voting System for Full Council**

Request that the existing method of voting by show of hands be withdrawn and replaced by a new electronic voting system as mentioned above in 6.3(e).

g) **Recorded Votes on all Petitions at Full Council**

Request that all petitions brought to Full Council should be subject to a recorded vote.

h) **Recorded Votes on all Major Decisions at Full Council**

Request that all major decisions made by Full Council should be subject to a recorded vote.

The number of 'Recorded Votes' for Full Council in 2013/14 is attached as **Appendix B**. All Members should indicate their intentions clearly throughout a Recorded Vote.

i) **Web-casting of Full Council Meetings**

Request that further investigations be made into the value of using web casting as a means of making the Council's decision making processes more accessible to the general public. This could be linked into the Democratic Services Redesign.

6.4 The Panel recommends that following the demonstrations and recommendations set out in section 6, a decision should be made to either remain with a show of hands or move to an electronic voting system.

6.5 The Constitution will need to be amended if any of these methods are agreed.

## **7. Implications**

7.1 Before any further work is undertaken to determine the extent and nature of any proposed solutions, the Overview and Scrutiny Commission is requested to confirm whether or not there is support in principle for work to continue on this matter and, if so, to agree any recommendation as appropriate.

## **8. Background Papers**

[Minutes How Members Vote Scrutiny Panel 4.3.14](#)  
[Minutes How Members Vote Scrutiny Panel 1.4.14](#)  
[Minutes How Members Vote Scrutiny Panel 28.4.14](#)

## **Panel Membership and thanks**

The Panel was made up of the following five Members: Councillors BA Smith (Chair), BJ Burgess, RG Burgess, LS Marshall-Ascough and DJ Shreeves

The Panel would like to thank all the witnesses and officers who gave up their time to attend the various Panel meetings, and for their valued comments, views and advice. Although this has been a relatively short scrutiny panel, it had attempted to address a practical problem in an inclusive way.

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'Recording How Members Vote' Scrutiny Panel 2014  
Local Authority Comparator Voting Systems

Authority	Contact Details	Voting Type
Adur & Worthing	'Voting Card' –piece of Yellow card A5 size approx / Show of Hands	
Arun	Show of hands	
Brighton & Hove	Electronic System	
Chester	Show of Hands	
Chichester	Show of Hands	
Eastbourne	Show of Hands	
Horsham	Show of hands-do have a system that supports electronic voting but Members chose not to use this many years ago	
Lewes	Show of hands	
Mid Sussex	Show of hands-do have a system that supports electronic voting but Members chose not to use this many years ago	
Milton Keynes	Show of Hands	
Mole Valley	Electronic System	
Oxford City Council	Show of Hands	
Plymouth City Council	Show of Hands-10 councillors need to agree to a request for a recorded vote	
Reigate & Banstead	Show of Hands	
Wealden	Show of Hands-Also have a 'secret' vote system which was recently used at an 'appointment to post' meeting	
West Sussex County Council	Show of hands / Nod of head.	

## Recording How Members Vote-Scrutiny Panel – (Details handed out at meeting on 28.4.14)

## Research-Full Council 'Recorded Votes' in 2013/14

<b>Date of Meeting</b>	<b>Topic</b>	<b>How Many Recorded Votes</b>
27 February 2013	Public Question Time-Motion to Extend Question time	1
	Appointment to Vice Chair of Licensing Committee	1
	Crawley Homes Tenancy Policy	1
	K2 Crawley Indoor Bowls	2 of 2
	Review of Special responsibility Allowance	1
3 April 13	Notice of Motion on 'Bedroom Tax'	1 of 3
24 May 2013	None	
24 July 2013	None	
26 September 2013	Future Growth of Gatwick Airport	3 of 3
23 October 2013	Review of Housing Allocations Scheme	1
18 December 2013	New Conservation Areas	1
	Local Plan Amendments	6 of 6
	Review of Poling Districts	1
26 February 2014	Budget & Council Tax-Procedural Motion Recommendation 4	4 of 4
	Budget & Council Tax Recommendation 5	1