



2014 CHAPTER 8

PART 7

MEETINGS AND PROCEEDINGS

Decision-making

Simple majority

39.—(1) Subject to this Act and any other statutory provision, every decision of a council must be taken by a simple majority.

(2) In the case of an equality of votes in relation to a decision which must be taken by a simple majority the person presiding has a second or casting vote.

(3) In this section “simple majority” in relation to a decision of a council means more than half the votes of the members present and voting on the decision.

(4) This section applies to a committee or sub-committee of a council and to a joint committee or a sub-committee of a joint committee as it applies to a council.

Qualified majority

40.—(1) Standing orders must specify decisions which are to be taken by a qualified majority.

(2) In this Act “qualified majority” in relation to a decision of a council means 80 per cent. of the votes of the members present and voting on the decision.

(3) If the figure arrived at under subsection (2) is not a whole number, the figure must be rounded up to the next whole number.

(4) Regulations may amend the percentage mentioned in subsection (2).

(5) This section applies to a committee or sub-committee of a council and to a joint committee or a sub-committee of a joint committee as it applies to a council.

Power to require decisions to be reconsidered

41.—(1) Standing orders must make provision requiring reconsideration of a decision if 15 per cent. of the members of the council (rounded up to the next highest whole number if necessary) present to the clerk of the council a requisition on either or both of the following grounds—

- (a) that the decision was not arrived at after a proper consideration of the relevant facts and issues;
- (b) that the decision would disproportionately affect adversely any section of the inhabitants of the district.

(2) Standing orders must require the clerk of the council to obtain an opinion from a practising barrister or solicitor before reconsideration of a decision on a requisition made wholly or partly on the ground mentioned in subsection (1)(b).

(3) Regulations may amend the percentage mentioned in subsection (1) and the process by which a legal opinion is obtained in subsection (2).

(4) In this section—

“decision” means a decision of the council or a committee of the council and includes a decision to make a recommendation;

“reconsideration” means—

- (a) in the case of a decision of the council, reconsideration by the council;
- (b) in any other case, consideration by the council or any specified committee of the council (whether or not the decision is a decision of that committee);

“section”, in relation to the inhabitants of a district, means a section of a specified description;

“specified” means specified in standing orders.