

Lancashire Combined Fire Authority

Audit, Risk and Governance Committee

Meeting to be held on Thursday 1 October 2026

Amendments to constitution

Contact for further information – Dominic Howell, Monitoring Officer
Tel: 07810 772851

Executive Summary

Minor amendments are required to the constitution in order to clarify some procedural matters relating to voting.

Recommendation(s)

1. The committee is asked to approve the amendments to standing orders 5 and 7 as set out in paragraph 5 below.
2. The committee is asked to approve the amendment to standing order 7 as set out in paragraph 10 below.

Information

Voting for Chair and Vice-Chair

1. At the extraordinary meeting of the Audit Committee on 18 August 2026, the committee considered the proposed new constitution for the Fire Authority. One of the matters discussed was in relation to voting procedures and in particular anonymous votes versus named (recorded) votes. The Monitoring Officer was tasked with ascertaining what the correct course of action should be if both an anonymous and a named vote were requested for the same matter.

2. Research showed that accepted practice would be for the named vote to take precedence in these circumstances (as set out in the standard textbook - Knowles on Local Authority Meetings and is also what happens at Lancashire County Council). This is now reflected in paragraph 41 of Standing Order 7:-

“41. If both a recorded (named) vote and an anonymous vote are proposed and voted in favour for the same item, then it is the recorded (named) vote that will take precedence.”

Paragraphs 44 and 45 set out the procedure for having a named vote.

3. Separately to this, there was some discussion about the voting mechanism for the Chair and Vice-Chair of the Authority at the AGM. It was decided that this should be done anonymously by default (instead of the usual default of a show of hands). This instruction is currently reflected in Standing Order 5 at paragraph 4:-

“4. The Monitoring Officer will invite nominations for the Chair of the Authority, and if required for the Vice-Chair. Once moved and seconded a vote is taken, which will be an anonymous vote, and the new Chair (or Vice-Chair) will take up their role.”

And also in Standing Order 7 at paragraphs 40:-

“40. The details of the exact procedural steps relating to any manner of voting shall be explained by the Monitoring Officer. The Authority shall normally vote upon matters by a show of hands except where the vote is for the appointment of the Chair or Vice-Chair of the Authority (which will be an anonymous vote) or in accordance with paragraphs 44 to 47 below.”

And paragraph 46:-

“46. An anonymous ballot may be held if it is proposed and five of the members vote in favour. Standing Order 5 also provides that an anonymous ballot must be held for the election of the Chair and Vice-Chair of the Authority.”

4. Whilst reviewing the new constitution in order to write internal guidance on the voting procedure, it became apparent that it was not entirely clear that the rule set out in paragraph 41 of Standing Order 7 – the named vote taking precedence over the anonymous vote would also apply to the vote for the Chair and Vice-Chair of the Authority. In other words, whilst the starting point for the Chair and Vice-Chair is an anonymous vote, if a recorded vote is proposed and voted for by 5 members, in accordance with paragraphs 44 and 45 of Standing Order 7, this will override the rule about it being anonymous. It was understood that this was the intention of the Audit Committee but the standing orders as drafted could be mis-interpreted.

5. It is therefore proposed that the standing orders are amended to make this rule clearer as follows:-

Standing order 5 paragraph 4:

“The Monitoring Officer will invite nominations for the Chair of the Authority, and if required for the Vice-Chair. Once moved and seconded a vote is taken, and the new Chair (or Vice-Chair) will take up their role. This vote will by default be anonymous unless a recorded vote is instead proposed and five of the members vote in favour of a recorded vote.”

And also standing order 7 paragraph 46:

“An anonymous ballot may be held if it is proposed and five of the members vote in favour.”

Abstentions

6. Paragraph 42 of standing order 7 currently reads:

“The Chair and Monitoring Officer shall ascertain the number voting for or against any question and their declaration as to the result shall be conclusive.”

7. Again whilst writing internal guidance, it was highlighted that the constitution does not make it clear how abstentions from voting will be treated. Guidance makes it clear that even if a member abstains from voting, they are still “present” at the meeting for quoracy purposes. However, if they are included when counting the total number of

voters for and against an issue, then in practical terms this would amount to a “no” vote which is unlikely to be the intention of the person abstaining. Alternatively, if any abstentions are excluded from the count, then that is likely to reflect a more accurate representation of the intentions of the members.

8. As examples to demonstrate this, if out of 25 members present at a meeting, 5 abstain, 11 vote for and 9 vote against, there would be a difference in outcome depending on what rule is adopted. If the rules are that all 25 members are present and entitled votes (including those that abstained) are counted, then as only 11 have voted for the issue, this is not a majority of 25 and the resolution would not be passed. If the rules were that any abstaining members are discounted however, then we remove the 5 abstaining from the equation and look at the majority of those actually voting which is 20. As 11 voted in favour, which is a majority of 20, then the resolution would be passed.

9. A review of how other local authorities and Fire Authorities deal with this shows that there is no consensus. Some appear to count abstaining members in the overall count of votes cast, whereas others do not. It is recommended that the constitution is amended to make it clear that if a member abstains, then they are entirely discounted from the votes cast.

10. It is recommended that the constitution is amended to clarify that abstaining members are not included in the count of votes, as this would appear to reflect what the intention is behind abstaining. The suggested amendment to paragraph 42 is shown below

“42. The Chair and Monitoring Officer shall ascertain the number voting for or against any question and their declaration as to the result shall be conclusive. All matters shall be decided by a simple majority of members present and actually voting for or against the matter. For clarity, members who abstain from a vote will still count as present for quoracy of the meeting, but will not form part of the count in determining the simple majority.”

Business risk

Failure to have explicit rules on voting could lead to confusion on process during public meetings.

Sustainability or Environmental Impact

NA

Equality and Diversity Implications

NA

Data Protection (GDPR)

Will the proposal(s) involve the processing of personal data? NA

HR implications

NA

Financial implications

NA

Legal implications

NA

Local Government (Access to Information) Act 1985**List of background papers**

Paper: Minutes of extraordinary meeting of the Audit committee

Date: 18.8.2026