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**REPORT TO: SPECIAL MORAY COUNCIL ON 30 NOVEMBER 2021**

**SUBJECT: REMIT OF THE AUDIT AND SCRUTINY COMMITTEE**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 The report informs the Council that following the outcome of the vote taken at the Meeting of the Council on 10 November 2021 in relation to the approval the scrutiny remit of the Audit and Scrutiny Committee and of a Scrutiny Guide, it was noted that the outcome of the vote was declared before all councillors votes had registered on the system.
- 1.2 This report is submitted to Committee in terms of Section II (10) of the Scheme of the Council's Scheme of Administration, changes in committee responsibilities.

**2. RECOMMENDATION**

- 2.1 It proposed that the Council reconsider the report submitted to the meeting on 10 November 2021 (Appendix 1) in light of the issues relating to the vote.**

**3. BACKGROUND**

- 3.1 Members will recall that at the meeting of the Moray Council dated 10 November 2021 following the debate on the report seeking clarification of the remit of the Audit and Scrutiny Committee there was a division which resulted in the taking of a vote.
- 3.2 When the vote was initially called by the Clerk some members experienced technical difficulties and it was unanimously agreed to abandon the vote and re-take it.
- 3.3 A second vote was called which resulted in an equality of votes and therefore (under Standing Order 63(e)) the clerk advised that the Chair had the casting vote. The motion was carried with eleven votes (ten plus the Chair's casting vote) to 10 and 3 abstentions.
- 3.4 Following the close of the meeting the Clerk noted that one vote had not been counted and that the outcome of the vote had been called prematurely. This

was not picked up at the time as the total number appeared correct (although an additional member had joined the meeting). .

- 3.5 Given the narrow margin of the result of the vote and the irregularity in the process it is considered prudent for the vote to be re-taken to remove any uncertainties over the decision.
- 3.6 Whilst the Council has become more accustomed to holding meetings online this incident highlights the ongoing challenges of online meeting administration and the importance of ensuring that the vote is closed before any result is declared. Members are also reminded to ensure that they have pressed the 'submit' button when they have made their choice.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Having strong governance arrangements in place contributes to the Corporate Plan aim of having a Sustainable Council.

**(b) Policy and Legal**

The advice of the Monitoring Officer is that there is sufficient uncertainty over the voting process to merit the vote being taken again and that it would not be appropriate to apply the six month rule (Standing Order 82).

**(c) Financial implications**

There are no direct financial implications from the recommendations in this report. Having strong scrutiny arrangements in place will assist with good financial governance.

**(d) Risk Implications**

None

**(e) Staffing Implications**

None

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

No direct implications.

**(h) Consultations**

CMT have been consulted.

#### **5. CONCLUSION**

- 5.1 The Council is asked to reconsider the report submitted to the meeting on 10 November 2021 on the remit of the Audit and Scrutiny committee (Appendix 1) due to an irregularity in the voting procedure.**

Author of Report:  
Background Papers:  
Ref:

Head of Governance, Strategy and Performance.  
[Moray Council Webcast - 10 November 2021](#)  
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