

SCRUTINY MANAGEMENT BOARD – 25TH OCTOBER 2017

Report of the Head of Strategic Support

Part A

ITEM 7 MINUTES OF THE COUNCIL AND ITS COMMITTEES – MINUTE FORMAT AND CONTENT

Purpose of Report

This report is presented following concerns raised by Members about the lack of detail recorded in minutes of the Council and its committees particularly scrutiny type meetings.

This report sets out the approach taken to writing minutes of the Council and its committees, in terms of format and content, and the reasons for that.

Action Requested

The Board is asked to consider the content of this report and take or recommend any further action that is necessary. In doing so the Board may wish to consider whether the minutes of the Council and its committees are fit for purpose and whether the Council's records are clear and easy for councillors, colleagues and citizens to read and understand.

Recording of all committee meetings will commence in November 2017 and this is an important factor when considering any possible action.

Reason

To ensure that the Board is content with the content and style of minutes which are being produced.

Policy Justification and Previous Decisions

See extract of minute 8.10 of the Board's meeting on 14th June 2017:

"That the Democratic Services Manager be asked to submit a report to the Board's meeting on 25th October 2017 setting out the approach taken to writing minutes of the Council and its committees, in terms of format and content, and the reasons for that."

Report Implications

None identified.

Background Papers: Knowles on Local Authority Meetings (7th edition) – A Manual of the Law and Practice - author Deborah Upton

ICSA guidance on minute taking
<https://uk.practicallaw.thomsonreuters.com/w-003->

[5110?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://www.gov.uk/government/publications/report-of-the-mid-staffordshire-nhs-foundation-trust-public-inquiry)

Francis Inquiry (on the failings at Mid Staffordshire NHS Foundation Trust)

<https://www.gov.uk/government/publications/report-of-the-mid-staffordshire-nhs-foundation-trust-public-inquiry>

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Part B

Introduction - The Purpose of Minutes

1. Minutes are the official written record of the meetings of an organisation or group. Minutes are taken to:
 - keep an accurate record of decisions taken;
 - record the action required to be undertaken;
 - comply with legal requirements;
 - provide adequate information about the authority's business for the press and public.
2. There is no right or wrong way of preparing minutes – it is a matter of individual choice or local custom for the authority. This includes Full Council minutes, although these traditionally reflect the formality of Council proceedings and are usually different in style from other committee minutes. It is also true of Executive minutes as long as they satisfy legal requirements (see below).
3. Minutes also promote transparency in Local Government decision making and for this reason, are frequently referred to by members of the press and public.

'Minutes should not be a verbatim record but should summarise key points and focus on the decision. The reason for the decision should be documented and include sufficient background information for future reference'

Best practice and good governance

4. The following are considered to be best practice principles when writing minutes:

Briefness – precision and conciseness²

- recording exactly what is done and no more (in summary);
- no verbatim records or individual contributions (i.e. Cllr X said) except in specific circumstances, e.g. where a scrutiny meeting is providing challenge it may be important to record what was said and who said it so that the person being questioned can be held accountable for their response;
- selecting the main threads of the discussion that are relevant to the discussion and / or led to the conclusion. A judgement of the minute taker needs to be taken depending on the type of meeting;
- attention to the construction of sentences;
- attention to the punctuation and grammar.

Self-containment – each minute should be complete in itself and intelligible without reference to other documents:

- minutes can refer to supporting material, e.g. a report, presentation, a plan, but should not rely on extraneous material for understanding or interpretation;

- the resolution should always be understandable on its own i.e. self-explanatory and possible to understand without reference to any other document or evidence;
- do not leave room for ambiguity or doubt – it is really important to be accurate³.

¹ Institute of Company Secretaries and Administrators (ICSA) guidance on minute taking.

² This doesn't mean leave out information which is relevant and could be significant. The February 2013 report of the Francis Inquiry (on the failings at Mid Staffordshire NHS Foundation Trust) found "the scrutiny minutes brief to the point of being uninformative: they register that a topic was discussed and summarise presentations made by external bodies, or formal questions put, but there is no summary of the debate, merely a series of very short reports of any decision taken.... This requires the recording not only of an outcome but also of the range of views expressed."

³ If the Council was ever challenged on a decision as an authority, the minutes will be used as evidence and there have been plenty of cases where a local authority has been found to be at fault because it can't provide accurate evidence of the decision and the authority's intention. In addition, decisions could, at a later date, be found to be flawed if the Committee made the decision on the basis of not having enough information or refusing to take into account the right information – what is recorded in the minutes is again a key source of evidence

Consistent minute title for all meetings on a particular topic – assists with searching for a report/minute online.

Minutes should follow the order of business and include at least a brief reference to every item of business dealt with.

Minutes should be written in the past tense – the passive construction (e.g. a letter was written by him).

Numbering should be distinctive and consecutive. This authority starts with 1 at the beginning of the municipal year and continues consecutively to the end of the year.

Uniform style across the authority – in terms of layout and commonly occurring phrases and terms.

Confirmation of minutes – it is good practice that once minutes are confirmed at the next meeting notes be destroyed as there should be no other record in existence that might cast doubt on the official record. (If retained they may be required under the Freedom of Information Act.). The practice at this authority is to keep notes for one year but this practice will be reviewed once the sound recording of all committee meetings is up and running.

Requirements at different meetings

5. This authority like many others has adopted different minute formats depending on the type of meeting. Set out below are the established practices at this authority:

Council

These minutes traditionally reflect the formality of Council proceedings and are in a different style from other committee minutes.

Executive Meetings (Cabinet)

The authority must keep a written record of decisions made at Executive meetings (S22 Local Government Act 2000). Minutes for each item (if it is a decision) must contain:

- a record of the decision (resolution), together with reasons for the decision. At this authority key reasons behind the decision are recorded and should be a concise summary of the discussion and information in the report;
- details of any alternative options considered and rejected by the Executive at the meeting at which the decision was made. When there is agreement on the option put forward there is no need to record the other options set out in the report.
- a record of any conflict of interest in relation to the matter decided that is declared by any member of the Executive and a note of any dispensations granted. (Reg. 12 2012/2089).

In addition, if an issue has been discussed on a previous occasion it is pertinent to refer to the previous report for clarification.

Overview and Scrutiny Meetings

By their very nature Overview and Scrutiny minutes at this authority are quite detailed and the practices adopted include:

- recording key points raised in discussion (not necessarily in the order in which points were made). The discussion itself is not recorded - only the key points. A typical phrase will be along the lines "The Head of Planning and Regeneration attended to assist the Panel with the consideration of this item, and in response to issues raised by the Panel stated that:....."
- individual contributions (i.e. Cllr X said) are not recorded except when a Councillor requests or in specific circumstances, e.g., where a scrutiny meeting is providing challenge to a body/partner it is important to record what was said and who said it so that the person being questioned can be held accountable for their response;
- if there has been no discussion (i.e. where the course of action is clear-cut) then the record simply sets out the recommendation or action.
- if the committee is given advice, the statement is supported with a source, e.g., 'the Head of Strategic Support advised', and not 'the committee was advised.....'.

Other Committees (e.g. Audit, Licensing and Planning)

Minutes of this authority are clear and succinct and where appropriate discussion points are recorded.

The reasons for the decision are clearly set out in the minutes which is particularly important in the case of rejected planning applications.

Quasi-judicial meetings, for example Licensing Sub Committee dealing with alcohol and gambling are not covered by the Local Government Act 1972 and so decision notices are produced instead of minutes. Hackney Carriage Driver's

Licence hearings are covered by the Local Government Act 1972 and minutes are produced in accordance with a standard template.

Minutes and exempt items

The Knowles manual on the conduct of local authority meetings implies that minutes are recorded and agreed at the next meeting, but are excluded in terms of access to information for both public attendance at the meeting and public inspection.

In practice a number of authorities keep a separate minute for an exempt item, to ensure that there is a record retained of the discussion and conclusion, including the resolution / decision.

The minutes are then agreed at the next meeting and the public excluded for that agenda item.