

AGREEMENT AND SIGNING OF MINUTES OF PAST COMMITTEES

Council - 1 October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Fleming (Strategy and Performance)

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Recommendation to Council: That the attached minutes of past committees be agreed and that the Chairman be authorised to sign the minutes attached at Appendices A to G, as correct records.

Reason for recommendation: Due to the recent governance restructuring these committees no longer exist in their current format. However to meet legal requirements an appropriate meeting is required to agree them as correct records and for them to be signed as such.

Introduction

- 1 At Annual Council, on 14 May 2013, the Council formally adopted a new governance structure and the following committees ceased to exist and the minutes of the last meetings held remain draft until agreed as a correct record and signed:
 - Modern Local Government Group - 9 May 2013
 - Performance & Governance Committee - 17 April 2013
 - Services Select Committee - 4 April 2013
 - Social Affairs Select Committee - 26 March 2013
 - Environment Select Committee - 19 March 2013
 - Electoral Arrangements Committee - 12 September 2012

- 2 Minutes of meetings of Council are public records and can only be used as evidence if kept correctly. Minutes may be lawfully recorded on loose leaf sheets as long as they are consecutively numbered and each page initialled by the person signing the minutes, there is also a requirement to be signed at the next meeting or another meeting regarded as suitable. However as the meetings listed in para. 1 above no longer meet, it is necessary to agree an appropriate course of action to ensure legal requirements are met. It is not a legal requirement that the person presiding over the meeting the minutes are a record of to sign those minutes, only the person presiding over the meeting where they are agreed as a correct record.

- 3 This report proposes that Council agree the outstanding minutes as correct records and the Chairman of the Council sign and initial them.

Other Options Considered and/or Rejected

The Minutes could be left unsigned and not formally agreed as a true and correct record, but would remain draft and open to challenge and would not meet the legal requirement of being kept correctly. The former Chairmen of those committees could be asked to sign the minutes, but this would not give other members the opportunity to formally challenge their accuracy and would not meet legal requirements (see para. 3 above). The minutes could be separated up under the committees that now have similar terms of reference, but this is untidy and unduly complicated.

Approval by Council seems the most transparent and expedient course of action.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

It is a common law rule that where minutes have been properly kept they shall be admissible as evidence. Under the provisions of the Local Government Act (LGA) 1972, Sch. 12, para.41 (1)(2) minutes are inadmissible unless signed. Properly signed minutes may be received into evidence without the need for further proof. Minutes may be lawfully recorded on loose leaf sheets as long as they are consecutively numbered and each page initialled by the person signing the minutes at the next appropriate meeting. The person required to sign the minutes must be the person presiding over the meeting that agrees the minutes as a correct record.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusion

The most transparent and expedient course of action within legal requirements is for the meeting of the Council to agree the outstanding minutes as correct records and agree that the Chairman of the Council sign them.

Appendices

Appendix A - Modern Local Government Group - 9 May 2013
Appendix B - Performance & Governance Committee - 17 April 2013
Appendix C - Services Select Committee - 4 April 2013
Appendix D - Social Affairs Select Committee - 26 March 2013
Appendix E - Environment Select Committee - 19 March 2013
Appendix F - Electoral Arrangements Committee - 12 September 2012

Background Papers:

'Knowles on Local Authority Meetings (A manual of Law and Practice Fifth Edition)'
'Local Government Constitutional and Administrative Law' by Arden, Manning and Collins
Local Government Act 1972
Local Government and Housing Act 1989

Mrs Christine Nuttall
Chief Officer for Legal and Governance