



REPORT of DIRECTOR OF RESOURCES

**to
ANNUAL COUNCIL
12 MAY 2016**

ADOPTION AND CONFIRMATION OF MINUTES OF COMMITTEES

1. PURPOSE OF THE REPORT

- 1.1 To seek the Council's approval to a change of procedure in terms of the submission to the Council of Minutes of Committees for reception and adoption.

2. RECOMMENDATIONS

- (i) that the Council agrees to discontinue the practice of requiring the Minutes of Committees to be submitted for reception and adoption and that this be implemented with effect from the next meeting of the Council;
- (ii) that subject to (i) above, future recommendations from Committees will be dealt with at Council as outlined in paragraph 3.5 below;
- (iii) that Officers are authorised to make any necessary consequential amendments to the Council's constitutional documentation arising from this change;
- (iv) that Members note that they will retain the ability to oversee the work of its Committees and that they can question Chairman of Committees on decisions under existing Procedure Rule 6(2) as outlined in paragraph 3.7 below.

3. SUMMARY OF KEY ISSUES

- 3.1 This Council has historically followed the practice of receiving the Minutes of meetings of Committees that have met between cycles of Council meetings. The Minutes are compiled into a book and formally presented to the Council for reception and adoption. This process enables Committees to report to the Council on what they have been doing over the past cycle, and included within the Minutes as part of that 'report' will be recommendations to the Council where Committees do not have the power to resolve, in other words to act on behalf of the Council.
- 3.2 The Local Government Act, 1972 Schedule 12 provides that it is for each Committee and Sub-Committee to confirm as accurate its own Minutes at its next available meeting. The practice of receiving and adopting has no legal effect in relation to Minutes, particularly those which have already been confirmed, other than by way of

dealing with recommendations to the Council. The Council cannot change or correct Minutes other than its own.

- 3.3 It is arguable that there is no sound basis for reporting Minutes to the Council for reception and adoption until they have been confirmed. In that event, by the time they are received by the Council they would largely have become matters of history and record. A method would then need to be found to refer recommendations from Committees to the Council in order to avoid delay.
- 3.4 Given the above background, Officers continue to believe that the practice of submitting Minutes to the Council in full, and for them to be formally presented for reception and adoption, serves no statutory or other necessary purpose. Given also that Minutes can be drafted and finalised at a certain point and can be accessed both internally (I Drive and through the Intranet) and externally (Website Committee Library) before they would otherwise be published with a Council or Committee agenda there would seem to be scope for moving away from the current practice as an improvement.
- 3.5 The alternative and preferred method of bringing forward for consideration by the Council only those matters the subject of a Committee recommendation would take the form of being scheduled on the agenda with the Minute extract set out in an accompanying report together with any update and other supporting papers. This is more the common practice of a number of Councils, and would bring with it a measure of efficiency in terms of the conduct of business at Council meetings. The reduction in paper through not producing a minute book was considered as part of the business case for introducing the new Modern.Gov (Committee management) system (Mod.Gov).
- 3.6 Should the Council agree a change in procedure, Standing Order No 6 – Order of Business in relation to the conduct of business at Council meetings will be needed. It is suggested that item (1)(h) could be reworded “To receive and consider any recommendations of the Overview and Scrutiny Committee and the Standing Committees” .
- 3.7 Officers wish to reassure the Council that in changing procedure as proposed it is losing nothing in terms of the ability to oversee the work of its Committees so long as their Minutes are available promptly and Members are able to question Chairman of Committees on decisions which they can do under existing Procedure Rule 6(2), as shown below:

“Procedure Rule 6(2):

A Member of the Council may:-

- (i) If notice in writing has been given to the Chief Executive, which has been received not later than Noon on the Monday preceding the day on which the meeting is to be held, ask the Chairman or the Chairman of any Committee, any question on any matter in relation to which the Council has powers or duties or which affect the District.
- (ii) With the permission of the Chairman, put to him or the Chairman of any Committee, any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered

to the Chief Executive Officer not later than ten o'clock in the morning of the day of the meeting.”

3.8 A streamlining of the approach to the production of Minutes allied to the accessibility afforded by the developing Mod.Gov, it is the intention that a finalised set of Minutes becomes available within 7 - 10 working days of the date of the meeting through being published on the website and included on the corporate I Drive. All Members will be notified of the availability of Minutes (via email notification). Although this revised approach will impact on the resources of Committee Services at times, with the co-operation of lead Officers at meetings and also Committee Chairmen in providing prompt comments it is on balance felt to be a reasonable aim.

3.9 To put all these matters in some context, it is interesting to note the outcome of some brief benchmarking carried out amongst neighbouring authorities, as follows:

Authority	Minutes to Council	Standards for Minutes	Meetings per year	Full Time Equivalent (FTE) resource	Comment
Maldon District	Yes	No – but aim is within 7-10 working days	99 to date*	2.2**	*Current Municipal Year **Devoted to Committee Servicing
Colchester Borough	No	No	96	4	
Harlow District	Yes – as draft. Minimal discussion.	Informal only	62	2	
Chelmsford City	No	Protocol – 7 working days	56*	3.8	* plus 20 / 25 working groups and panels
Southend Unitary	Yes*	Team Standards only	54	4	* Members have to give advance notice to speak
Epping Forest District	No	15 working days	10 per month	6	
Uttlesford District	No	10 working days (informal)	100 approx.	4.4 but realistic 3.1*	* shared resource with elections – 3.1 devoted to democratic services
Tendring District	Some – for report only*	5 working days	90-100	3	* Otherwise for questions to Chairman or approval of recommendations.

4. CONCLUSION

4.1 The current practice of receiving and adopting Minutes at Council serves very little purpose, other than by way of dealing with recommendations. It should be noted that the Council cannot change or correct Minutes other than its own. With the gradual roll out of Mod.Gov, this provides an opportune moment to modernise the Council’s process for the adoption and confirmation of Minutes of Committees.

5. IMPACT ON CORPORATE GOALS

- 5.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

6. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council’s procedures are seen as open and transparent. The proposed change is seen as a more efficient and sound method of presenting business to the Council.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The proposed change will result in savings in printing and postage cost through no longer producing the Minute Book.
- (v) **Impact on Resources (human)** – None identified, although the proposed change will relieve some pressure on the Committee Services Team at certain points during a committee cycles.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None

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