

REPORT TO:	General Purposes and Audit Committee 16 September 2021
SUBJECT:	Production of Formal Minutes for Council and Committee Meetings
LEAD OFFICER:	Asmat Hussain Executive Director of Resources and Monitoring Officer (Interim)
WARDS:	All
FINANCIAL IMPACT: Any additional financial burdens arising from the content of this report can be met from existing budgets.	

1. RECOMMENDATIONS
The Committee is recommended to:
1.1 Note the updated guidance from the Council's external auditor, Grant Thornton, in relation to the production of formal minutes of Council and Committee meetings as detailed in paragraph 4 of the report; and
1.2 Note the guide to minute writing standards in Croydon detailed in Appendix 1 of the report.

2. EXECUTIVE SUMMARY

- 2.1 This report updates the Committee on the latest advice received from the Council's external auditor, Grant Thornton, on their expectations in relation to the production of minutes for formal Council and Committee meetings.
- 2.2 The report also includes a guide to minute writing standards for Council and Committee meetings in Croydon.

3. BACKGROUND

- 3.1 On 19 November 2020 an Extraordinary Council Meeting (ECM) was held to consider the Report in the Public Interest (RIPI) issued by the Council's external auditors.
- 3.2 At that meeting, representatives of the Council's external auditor introduced the RIPI to Council. In their introductory comments, the external auditors informed Members that they needed to ensure that their challenges at Council and Committee meetings were recorded, and specifically that a written record be kept of the questions that they ask and the responses that they receive.

- 3.3 Following that ECM, a number of sets of minutes presented for approval at Council and Committee meetings were challenged by Councillors and requested to be redrafted in order to comply with the direction given by the external auditor. Since December 2020, most formal council and committee minutes have been written to a near verbatim standard to ensure that all question and responses are fully recorded.
- 3.4 This caused two notable issues for the Council. Firstly, the production of near verbatim minutes goes significantly beyond the statutory requirements for formally recording decisions and is out of keeping with normal practice in principal local authorities.
- 3.5 Secondly, this has added a significant resource burden on the Democratic Services team and contributed to the Council's difficulties in meeting the statutory timescales for the production of minutes. Producing near verbatim minutes, proof reading and quality assuring them requires approximately three times the level as resource as ordinary minutes. To give a flavour of the impact of this direction, the minutes of the RIPI ECM ran to over 16,000 words across 35 pages.
- 3.6 In order to remedy this situation, officers have been in dialogue with Grant Thornton since January 2021 to seek clarity on their expectations regarding the recording of Council and Committee meetings.

4. UPDATED RESPONSE FROM THE EXTERNAL AUDITOR

- 4.1 In July 2021, Grant Thornton clarified their position regarding minutes of Council and Committee meetings. The updated position from Grant Thornton is summarised as follows:
- i) That it is a matter for the Council to determine how it meets the statutory requirements for minute taking;
 - ii) That minutes should give an indication of the matters discussed that is balanced and shows how members voted;
 - iii) That verbatim minutes are not expected;
 - iv) That for complex or lengthy debates, a link and reference to the webcast to be included with the minutes is a manageable way forward; and
 - v) That such webcasts to be both retained and publicly available for the same statutory time periods as written minutes.
- 4.2 The updated advice from Grant Thornton now allows the production of Council and Committee minutes to return to the good standard held prior to December 2020. This standard already extended beyond the minimum statutory requirements for most committees.
- 4.3 Officers will continue dialogue with Grant Thornton to confirm the detail of their expectations regarding the retention and public availability of webcasts.

5. MINUTE STANDARDS FOR COUNCIL AND COMMITTEE MEETINGS IN CROYDON

- 5.1 The minimum standards for local authority minutes are detailed across a number of pieces of legislation and, at a Croydon level, are reinforced in a number of parts of the Constitution.
- 5.2 A summary of the statutory minimum requirements for minute taking, and how that is reflected in practice in Croydon, is attached at Appendix A for Members' information.

6. CONSULTATION

- 6.1 The recommendations detailed in this report flow from consultation with the Council's external auditors, Grant Thornton.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 7.1 There may be a small amount of growth required to comply with this request in relation to publishing and retaining webcasts. Such costs could include:
- i) extending the webcasting budget to cover more Committee meetings (currently only Council, Cabinet, Planning, Scrutiny and Pension Committee meetings are budgeted to be webcast);
 - ii) additional hosting costs to keep webcasts publicly available for a longer period of time; and
 - iii) the associated additional staffing costs to administer the above.
- 7.2 In the event that additional expenditure is required on the items listed above, this can be met from existing budgets.

Approved by: Michael Jarrett, Head of Finance – Place & Resource

8. LEGAL CONSIDERATIONS

- 8.1 There are no further legal considerations beyond those described in the body of the report and its appendix.

Approved by Doutimi Aseh, interim Director of Law and Governance & interim Deputy Monitoring Officer

9. HUMAN RESOURCES IMPACT

- 9.1 There are no human resources impacts arising from the recommendations in this report.

Approved by: Gillian Bevan, Head of HR - Resources

10. DATA PROTECTION IMPLICATIONS

- 10.1 There are no data protection implications arising from the recommendations in this report.

CONTACT OFFICER: Stephen Rowan, Head of Democratic Services and Scrutiny

APPENDICES TO THIS REPORT

Appendix 1 – Guide to Minute standards for Council and Committee meetings in Croydon

BACKGROUND DOCUMENTS: There are no previously unpublished reports on which this report is based.

Guide to Minute standards for Council and Committee meetings in Croydon

Introduction

Local authority minutes in England are steeped in over 200 years of history. They are the formal records of decisions taken at council and committee meetings and a record of the proceedings at those meetings.

Minutes are produced in accordance with a wide range of legislative requirements and case law. There are seven main pieces of legislation that affect how council and committee meetings are recorded, namely:

- Local Government Act 1972
- Access to Information Act 1985
- Standing Order Regulations 1993
- Local Government Act 2000
- Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012
- Freedom of Information Act 2000
- Standing Order (Amendment) Regulations 2014

Given the breadth of the legislative requirements, there is some variety between what is recorded, particularly between executive and non-executive decisions.

This variety is replicated in how requirements for records of decision-making meetings are set out in the Council's own constitution for different types of meetings.

Requirements common to all minutes

All minutes of council and committee meetings will normally include the following:

- The name of the body, date, start and end times and venue
- A record of attendance and apologies
- Declarations of interest
- The order of business
- The decisions taken, the reasons for those decisions and relevant points considered in reaching those decisions
- Where proposals are moved and seconded, this will normally be recorded
- Recorded votes

Minutes are not designed to be a verbatim record of discussions and will not include every point raised during a discussion. Capturing the relevant points considered during a debate is often a matter of judgement and members do have the opportunity to suggest amendments to minutes before they are approved at the next meeting of a particular body.

Requirements relating to executive decisions

For executive decisions, normally taken at meetings of Cabinet or delegated to individual cabinet members or officers, there are additional statutory obligations in terms of recording decisions that have been made.

These obligations are contained within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which require a written statement to be produced for all decisions made. These are known as Key Decision or Executive Decision notices and are published after decisions are taken and also following the expiry of call-in period. The notices include the following required information:

- Record of the decision and date it was made;
- Reasons for the decision;
- Alternative options considered and rejected;
- For Key decisions, the time and date on which the call-in period will expire
- Record of any conflicts of interest; and
- For any conflicts of interest, any dispensation which had been granted.

These notices are published to all councillors and on the council website. They are in addition to Cabinet minutes which will include the details listed in the preceding section.

Requirements relating to regulatory committees

Regulatory committees, including the planning committee and licensing committee also have slightly different requirements. Minutes of these meetings will include:

- Summaries of public and ward member representations
- A note of late written submissions that the Committee took into consideration
- A summary of additional advice provided by officers
- Detailed reasons for decisions where they vary from officer's recommendations or introduce additional conditions

Minutes of scrutiny committees and sub-committees

While there are no specific statutory requirements for Scrutiny Committee minutes, these do vary to reflect the different role played by such committees in the decision-making process. Scrutiny minutes will normally include:

- Names of officers, members and other witnesses and a summary of their contributions
- A more detailed record of the considerations and deliberations of the committee to reflect the degree to which an issue has been scrutinised
- Details of future actions and evidence that the Committee wishes to consider in relation to a specific matter
- Recommendations to Cabinet or other decision makers in relation to pre-decision reports, call-ins reports and overview reports

Minutes of meetings of the Council

While there is statutory reason for minutes of Council meetings to be more fulsome and formal than minutes of other committees, this is the general practice at most local authorities. In Croydon, Council minutes will:

- Reflect the formality of the proceedings
- Provide a fuller, but not verbatim, record of debates and question sessions as these account for the main focus of the meetings
- Contain details of how each member voted in a poll vote where such a vote has been conducted

Other considerations in relation to minutes

In addition to the points detailed above, there are a number of other points that members should note in relation to council and committee meeting minutes as follows:

- Exempt minutes: Where matters are considered in part B, every effort will be made to draft the minute in such a way that it can be included in the public minutes of that meeting. On occasions where this is not possible, a set of part B minutes will be produced that are subject to the same conditions of confidentiality as a part B report.
- Recording votes in the minutes: Minutes will normally reflect in the first instance that a simple majority was in favour of a decision. Where requested by a Councillor, the minutes will reflect how they voted on a particular item of business. Where poll votes are conducted at Council meetings, the minutes will record how each member voted, including abstentions. This will include statutory poll votes on any issue relating to the council tax precept conducted at Council meetings.
- Publication and retention of minutes: Following approval of a set of minutes, they will be signed, and each page initialled, by the chair. Democratic services officers will destroy their notes of the meeting at this point. The minutes will be available for inspection on the council website for a period of at least six years and the signed copy retained in perpetuity.