

<b>Committee:</b> Policy and Resources	<b>Date:</b> 6 July 2017
<b>Subject:</b> Minute Writing	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report Author:</b> Simon Murrells, Assistant Town Clerk	

### Summary

1. At your meeting in June, Members discussed the current style of minutes of committee and related meetings. Members questioned whether:
  - minutes were sufficiently robust should they be called upon in the event of a legal challenge;
  - the time of arrival and departure at meetings of individual Members should be recorded
  - individual Members' names should be recorded when a matter is voted upon; and
  - audio recording of meetings should be introduced.
  
2. This report sets out the basis for the current minuting style as well as legal advice on whether the minutes contain sufficient information in the event of a legal challenge. The advice confirms that where an officer's recommendation is followed, the minute is not relied on to explain the decision making process – case law has established that in the absence of contrary evidence it is a reasonable inference that a committee followed the reasoning of an officer's report particularly where the recommendation was accepted. This is the practise invariably adopted when dealing with appeals and judicial reviews. The report is taken as evidence of what a committee took into account. When a committee as a whole takes issue with something in the report or does not follow the recommendation, care is taken to ensure the minute reflects the reasoning.
  
3. If Members are minded to introduce recording the time of arrival and departure of Members at committee or working party meetings, a 'signing in and out' system should be introduced to avoid any discrepancies. A move to a recorded vote would be a significant change to the long-standing customary show of hands and the Committee may wish to consider consulting the wider membership on such a move.
  
4. Finally, audio recording of meetings could be introduced although there would be a cost in purchasing equipment. Members should also question whether there is a need for this based on the fact that a verbatim record of what is said at a meeting is very rarely called for.

**Recommendations:** That the current style of the minutes of meetings be noted and that the views of Members is sought on:

- a) whether the time of arrival and departure at all committee, sub-committee and working party meetings of individual Members should be recorded on the basis of an attendance register completed by individual Members at each meeting;
- b) whether individual Members' names should be recorded when a matter is voted upon and, if so, whether such a proposal should be consulted on with the wider membership; and
- c) whether audio recording of meetings should be introduced as a matter of policy.

## **Main Report**

### **Background**

5. At your meeting in June, Members discussed the current style of minutes of committee and related meetings. Members questioned whether:
  - minutes were sufficiently robust should they be called upon in the event of a legal challenge;
  - the time of arrival and departure at meetings of individual Members should be recorded
  - individual Members' names should be recorded when a matter is voted upon; and
  - audio recording of meetings should be introduced.

### **Minutes**

6. As part of the review of the City Corporation's governance in 2011, consideration was given to the style that should be used for the minutes of committee, sub-committee and working party meetings and the Court agreed that this should be "concise and to the point". It was, however, accepted that where appropriate particularly for legal necessity, fuller minutes should be produced.
7. A verbatim record is not made of debate at formal meetings, nor are individual comments attributed unless a Member expressly asks for this to happen, such as their dissent to a decision (see paragraph 14 below). Minutes should strike a balance where differing views have been expressed and a fuller minute is usually only recorded where a decision is taken that is contrary to an officer's recommendation or where some other conclusion is reached, to demonstrate the reasoning behind it.

8. The Comptroller & City Solicitor advises that where a recommendation is followed the minute is not relied on to explain the decision making process – case law has established that in the absence of contrary evidence it is a reasonable inference that, for example, a planning committee followed the reasoning of an officer's report particularly where the recommendation was accepted. This is the practise invariably adopted when dealing with appeals and judicial reviews. The report is taken as evidence of what a committee took into account.
9. When a committee as a whole takes issue with something in the report or does not follow the recommendation, care is taken to ensure the minute reflects the reasoning.

### **Recording the time of arrival and departure**

10. The Committee has asked that recording in the minutes of the time of arrival and departure at meetings of individual Members should be considered as part of this brief review. This is not current practice and a decision to change the arrangement is entirely a matter for Members. The record of attendance is currently maintained by the Committee and Member Services officer who simply places a tick besides the name of Members present and records that in the minutes. Bearing in mind that a number of the City Corporation's committees have a membership in excess of 30 and that the Town Clerk's staff are taking notes throughout the meeting and concentrating on the proceedings, it may not always be possible for them to notice the time of arrival or departure of individual Members. Members can also leave the meeting temporarily.
11. If the Committee is minded to introduce the recording of the time of arrival and departure of Members at committee or working party meetings, it is strongly recommended that a 'signing in and out' system for Members is introduced to avoid any discrepancies. This would take the form of a simple register whereby Members sign in and out as they arrive and depart the meeting. The Committee and Member Services officer would continue to maintain a record of overall attendance but would rely on the attendance register for the more detailed record.
12. It should be noted that the Court has agreed that the publication of attendance details on the City Corporation's website is unnecessary on the basis that details of Members attendance are already set out in the minutes of meetings which are already available on the website.

### **Recording Members' names when voting**

13. The Committee has asked for consideration to be given to the recording of the names of Members when voting. With the exception of elections of Members (such as to the offices of Chairman or Deputy Chairman) which are conducted by ballot, it is usual practice for voting in committees to be by a show of hands.
14. Standing Order No. 38 provides for the Town Clerk, if requested, to record in the minutes of a meeting the name(s) of any Member(s) dissenting from a majority

decision. A move to a position whereby all voting is recorded would represent a significant change to the long-standing customary show of hands and, if this is to be pursued, the Committee may wish to consider consulting the wider membership on such a move.

### **Audio recording of meetings**

15. Audio recording of meetings could be introduced although there would be a cost in purchasing equipment. Members should also question whether there is a need for this based on the fact that a verbatim record of what is said at a meeting is very rarely called for. It is, of course, open to anyone to attend the public part of our meetings and record them and many authorities broadcast their proceedings.

### **Conclusion**

16. The current style of committee and working party minutes has been operating for a number of years and there are no plans for current practice to change. Members asked for consideration to be given to whether the time of arrival and departure at meetings of individual Members should be recorded, whether individual Members' names should be recorded when a matter is voted upon and whether audio recording of all committee and working party meetings should be introduced. This report addresses each of these matters and seeks the views of Members. It should be noted that there would be a cost implication if audio recording were to be introduced. This would be based on the number and type of recording units that would be needed to serve the various meetings.

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