

Unsigned minutes - authority to sign

Report by the Director for Communities

1.0 Summary

- 1.1 The Local Government Act 1972 requires that minutes of a meeting are signed at a subsequent meeting of the committee (or sub-committee) to provide a complete written record of the decisions made at the meeting.
- 1.2 The Councils Constitutions have provisions for dealing with unsigned minutes where the committee or sub-committee has ceased or the functions subsumed in another committee's terms of reference. Council Procedure Rule 26.1.(e)
- 1.3 This report addresses six sets of unsigned minutes following the review of the Constitutions last year, with the revisions to the committee structure, and ongoing work in compiling minute books for binding.

2.0 Background

- 2.1 There are a number of joint unsigned minutes from committees and some sub-committees that no longer exist:

Joint Planning Committee 25.09.2014 - no longer exists

<http://www.adur-worthing.gov.uk/media/media,127629,en.pdf>

Joint Standards Sub-Committee (2) - various dates in 2014

<http://www.adur-worthing.gov.uk/media/media,126876,en.pdf>

<http://www.adur-worthing.gov.uk/media/media,126230,en.pdf>

Joint Members Appointments Committee (3) - various dates 2011 - 2014

<http://www.adur-worthing.gov.uk/media/media,89752,en.pdf>

<http://www.adur-worthing.gov.uk/media/media,104264,en.pdf>

<http://www.adur-worthing.gov.uk/media/media,126305,en.pdf>

- 2.2 The minutes relating to Joint Standards Sub-Committee and the Joint Members Appointment Committees raises a point that will be addressed in the next review of the Constitutions and placed before this committee. The membership of these committees will vary meeting to meeting depending on the selection and availability of the councillors with the subject matter - either a specific appointment or code of conduct complaint - being a 'one off' situation.
- 2.3 Until the Councils reviewed the Constitutions last year there was no process for the signing of minutes where there had not been a subsequent meeting within the municipal year, or where the committee no longer existed. Council Procedure Rule 26.1 addresses this issue with this report dealing with unsigned minutes.

3.0 Proposals

- 3.1 As the Joint Governance Committee has new terms of reference which encompass Standards matters and the Appointments made by Members (making the Joint Governance Committee the parent committee) , this is the appropriate committee to sign off the Joint Standards and the Joint Members Appointment minutes. Usually it is the chairman of the joint meeting, regardless of the Council chairing signing the minutes; officers suggest that for these minutes, the joint chairs from both the Councils sign the minutes.
- 3.2 Standards matters relate to hearings for Code of Conduct complaints and independent persons to support the Monitoring Officer. Appointments by members are meetings that interview and appoint independent people to sit on the standards committee or the independent remuneration panel which advises on the Members Allowances.
- 3.3 Regarding the set of minutes for the Joint Planning Committee, there is no parent committee for this regulatory committee. As the Joint Governance Committee has responsibility for governance and audit matters, and is not an executive committee, it could sign the minutes; alternatively this could be a recommendation to the Council meetings.

4.0 Legal

- 4.1 The Local Government Act 1972 Schedule 12, Part VI, Section 41 deals with the signing of the minutes at the next, subsequent or another suitable meeting.
- 4.2 The Councils Constitutions, (Part 3, Responsibility for Functions) was amended in the review of the Constitutions by the deletion of the Joint Planning Committee. The Joint Standards Sub-committee and the Joint Members Appointments Committee were subsumed into the terms of reference of the Joint Governance Committee.
- 4.3 The Councils Procedure Rule 26 Minutes, particularly 26.1.(e) deals with signing minutes.

5.0 Financial implications

- 5.1 There are no financial implications arising from this report. The signed minutes are added to the bundle of minutes and reports for each committee in the municipal year (annual council to annual council) which are then sent off for binding on an annual basis. When returned the bound books are then kept as the legal record of decision of the Councils in the Council's archives. Eventually these minute books are deposited with West Sussex County Council archives and maintained as part of the county records.

6.0 Recommendation

- 6.1 That the Joint Chairmen of the Governance Committee both sign the following sets of unsigned minutes:

Joint Standards Sub-committee 14 August 2014

Joint Standards Sub-committee 24 July 2014

Joint Members Appointments Committee 30 September 2011

Joint members Appointments Committee 20 September 2012

Joint members Appointments Committee 05 August 2014

Joint Planning Committee 25 September 2015

- 6.2 That the above sets of minutes, once signed, be added to the minutes of this committee and bound as part of this committee's record.

Local Government Act 1972

Background Papers:

None.

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Schedule of Other Matters

1.0 Council Priority

- 1.1 It is a statutory requirement to have signed minutes, signed minutes may have to be produced or copied for legal reasons.

2.0 Specific Action Plans

- 2.1 Matter considered

3.0 Sustainability Issues

- 3.1 Matter considered

4.0 Equality Issues

- 4.1 Matter considered

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered

6.0 Human Rights Issues

- 6.1 Matter considered

7.0 Reputation

- 7.1 Matter considered

8.0 Consultations

- 8.1 Matter considered

9.0 Risk Assessment

- 9.1 Statutory requirements are covered in paragraph 4 of the report.

10.0 Health & Safety Issues

- 10.1 Matter considered

11.0 Procurement Strategy

- 11.1 Matter considered

12.0 Partnership Working

- 12.1 Matter considered