

# **COUNCIL BUSINESS COMMITTEE**

## **Constitution – Minutes of Committees on Ordinary Meetings of Council**

**16 June 2022**

### **Report of the Monitoring Officer**

#### **PURPOSE OF REPORT**

To consider a request to include minutes of Committees on agendas of ordinary meetings of Council.

**This report is public**

#### **RECOMMENDATION**

- (1) That Council Business Committee considers the request to include minutes of Committee on agendas of ordinary meetings of Council.**
- (2) Should the Committee be minded to include minutes of Committees on future Council agendas, that a decision be made on whether exempt information be included, as discussed in paragraph 3.0 below.**
- (3) Should the Committee be minded to include minutes of Committees on future Council agendas, that the Monitoring Officer be authorised to amend Part 3, Section 1 of the Council’s Constitution, procedure Rule 2, as set out in paragraph (4.2) of the report.**

#### **1.0 Introduction**

- 1.1 Councillor Lewis has suggested that Minutes of Committees be included in agendas of Council meetings and this report has been drafted as a result of that request.

#### **2.0 Proposal Details**

- 2.1 The proposal is to include minutes of all Committee meetings on the agendas of Council meetings to keep all Councillors informed of the work of committees. Each Chair could speak to their minutes and take questions, without notice, from Councillors.
- 2.2 This would be in addition to the current rights (Procedure Rule 12) to submit questions on notice to Committee Chairs and Cabinet Members.

### **3.0 Exempt Minutes**

- 3.1 It should be noted that, some Committee minutes include information which has been deemed exempt under the rules set out in Part 3, Section 4, Rule 10.06 of the Constitution. Whilst many of those minutes could be included on the Council agenda, it is likely that Council would have to exclude press and public for the Chair to speak to the minutes and take questions. This would mean that two versions of the Council agenda would have to be published; a private copy for Councillors with the exempt material and a redacted version for publication.
- 3.2 Any set of minutes which includes information which relates to an individual officer (other than the Chief Executive or a Director), or an individual Member of the Council, or an individual third party, or where the Member has a disclosable pecuniary interest or another interest in the information, within paragraph 12(1) of Section 2 of Part B of the Code of Conduct could not be included on the Council agenda. All Councillors do not have an automatic right to access such information. (Constitution Part 3 Section 4 Rule 19.05 refers.) Whilst it is easy for Democratic Services to determine whether personal information appears in the minutes, it is not possible to know whether a Councillor has an interest in a particular minute and should not see the information.
- 3.3 If the Committee is minded to include Committee minutes on Council agendas, it is asked to determine whether exempt minutes should be included or not, bearing in mind the likely need to go into private session, discussed above.

### **4.0 Constitution**

- 4.1 Currently, the items on the agenda for an ordinary meeting of Council are set out in the Constitution (Council Procedure Rule 2.2). The items include "(o) receive Cabinet minutes" but do not include Committee minutes.
- 4.2 If the Committee decides to include Committee minutes on Council agendas then it would require the addition of the words "and, where appropriate, Committee" in between the words "Cabinet" and "minutes" at Council Procedure Rule 2.1(o) so that it reads "(o) receive Cabinet and, where appropriate, Committee minutes." This would allow for the fact that certain minutes would not be appropriate for all Councillors to have access to, as explained in paragraph 3.2 above.

### **5.0 Conclusion**

- 5.1 Council is asked to consider the recommendations and information in this report to come to a decision regarding including minutes of Committees on Council agendas. In particular to consider whether exempt minutes should be included or not.

**CONCLUSION OF IMPACT ASSESSMENT**

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

**LEGAL IMPLICATIONS**

None directly arising from this report.

**FINANCIAL IMPLICATIONS**

None identified.

**OTHER RESOURCE IMPLICATIONS**

It will take more time to put agendas together, particularly if two versions of the Council agenda are required because exempt minutes are included, however this will be managed by Democratic Services within current resources.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments.

**BACKGROUND PAPERS**

None

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