

Briefing Note – Minuting of Questions and Answer Sessions

1. The Constitution sets out how Questions and Answers are to be minuted at:

Part 3.1 Rule 14.10 – Response to Questions

Where the question is discussed and answered during the meeting, the responses to the questions will not be minuted, as the Council webcasts its meetings so there is already a full record of the response. The minutes will state whether the Councillor responded to the question or not and will refer the public to the webcast for the full response. If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.

Part 3.1. Rule 24.3 – Form of Minutes*

Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with rule 14.10.

*Last amended by Council in September 2020

2. The purpose of the minutes of a meeting are not to provide a verbatim record of the meeting their purpose is to record the decisions of the Council and its Committees. As such minutes are a key part of the decision making process that can be challenged, whether through established appeal processes or judicial review as they are the record of the particular body's decision making.
3. As a result the purpose of the Minute as a formal record of proceedings is different for decisions of committees versus responses to questions. Questions and answers are not decisions of the Council or Committees, nor are they formal responses of those bodies. The answers are given by individual Members in their capacity as Chairman of a Committee. They are not binding on a Committee, nor do they necessarily represent the views of the Committee.
4. Answers are the view of the Chairman and are weighted as such, even if information in the answer is supplied by officers to support them, as is usually the case for initial questions, and this information is amended by the Chairman as they see fit. Providing a summarised record would leave the Minutes open to challenge as not reflecting what the Chairman really meant or said and reference would need to be made to the recording for the full response in any event.
5. The constitution provides a back stop in the event of the web casting of a meeting failing and in such an event requires the answers to be summarised in the Minutes. It is appropriate that this is done, but it still raises the risks outlined above and these can be avoided if the YouTube video is available.
6. On the archiving of answers – YouTube's current policy is that videos are retained forever and would only be removed if an account is removed for violating their terms and conditions. Even without YouTube being available the official Minute would still stand stating that a Chairman responded to the question.
7. One available option to help facilitate finding the relevant question and answer would be to use the linking facilities in YouTube whereby a link can be provided to the correct point in a video for a particular question and answer. The time reference could also be included in the Minute. No changes to the Constitution would be required to implement this as it is an operational change.