

# **Report to the Constitution and Member Services Standing Scrutiny Panel**



**Report reference:**

**Date of meeting:** 2011

**Subject:** Member Agenda Despatch Arrangements – Review Report

**Responsible Officer:** I Willett (01992 564243)  
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## **Recommendations:**

- (1) To consider current review proposals from the Corporate Support Services Directorate for revised despatch arrangements:
  - (a) one weekly postal despatch (Tuesday); and
  - (b) one messenger despatch (Friday);
- (2) To consider any other proposals relating to despatch arrangements;
- (3) To report to the Overview and Scrutiny Committee on the changes proposed and that any consequential budget savings will be included in next year's budget; and
- (4) To consider the potential for new technology for members and whether a further report is desirable.

## **1. Introduction**

- 1.1 The Panel has asked for a review to be undertaken of member despatch arrangements. This report gives background information on this service on which the Panel can base that review.
- 1.3 This request coincided with a review of the messenger service already being undertaken in the Corporate Support Services (CSS) Directorate.

## **2. Organisation of Despatch Arrangements**

- 2.1 Agendas, minutes and similar documents are co-ordinated by Democratic Services in the Office of the Chief Executive. In that role, all Directorates are involved, being responsible for many of the reports destined for member consideration.
- 2.2 Agendas etc. are produced via the Modern.Gov software (COMS) in Democratic Services. The required printed copies are produced in the Reprographics Section of Corporate Support Services Directorate and are despatched (externally and internally) by the Administration Section of the same Directorate.

### **3. Legal Requirements**

- 3.1 The legal requirements shape the despatch arrangements. Two statutory timetables apply to all formal meetings of the Council:
- (a) five clear days' notice of meetings must be given to the public; and
  - (b) despatch of agenda papers to Councillors and availability to the public must be at least five clear days before a meeting.
- 3.2 On (a) this is achieved by a notice at the Council offices which is the minimum requirement of the legislation. Some local authorities publish forward meeting dates via press notices or by other means (e.g. Council newspapers). EFDC relies on the statutory minimum requirement and has done so since 1974. A notice of meetings is published on the website and in the reception area of the Civic Offices.
- 3.3 On (b), despatch of "hard copy" agenda takes place on Tuesdays and Fridays and would provide 5 clear days notice for meetings held in the early part of week 2 after despatch (Tuesday) and the latter part of that week (Friday). This also reduces the number of ad hoc postings.

### **4. Five Clear Days - Definition**

- 4.1 This term, or more particularly "clear" is not defined in the legislation. Various Court cases have resulted in a definition that "clear days" must exclude:
- (a) the date of despatch;
  - (b) the date of the meeting;
  - (c) weekends; and
  - (d) bank or public holidays.
- 4.2 Despatch dates are therefore often earlier than 5 clear days might imply. However, this can be seen as an advantage to Councillors, the public and the press in that over a week is normally available for papers to be read.

### **5. Hard Copy Agenda**

- 5.1 The legislation (LGA 72) was drafted before the advent of the electronic age and Councils are still required to deposit copies for the public and press. The press have said to the Council that they are happy to rely on the website to view the agendas.
- 5.2 For Councillors, the Act says that copies can either be posted to them or left at the address they specify (usually their home address). For the purposes of the Act either is sufficient service. Members are able to specify another address for delivery by means of a written notice. There is thus a risk of challenge if Councils rely solely on electronic delivery.

### **6. Lack of Notice**

- 6.1 No business may be transacted at a meeting if the 5 clear days' notice has not been given. Any decisions in these circumstances could be at risk of challenge, probably in the Courts.

## **7. Late Items**

- 7.1 Other business can be dealt with, however. So long as a covering item is set out in the published agenda, late circulation of the related report is deemed to fulfil the requirements for notice, albeit that this is not ideal. Urgent business (i.e. that which is not included in the published agenda) can also be admitted but only with the approval of the Chairman of the meeting to the grounds for urgency, which must be recorded.

## **8. Current Practice**

- 8.1 The legislation is drafted on the basis of full Council meetings and then applied to Committees, Sub-Committees, the Cabinet, etc. With this in mind, the current practice is to supply hard copy agenda to every member of the body concerned. Non members are expected to rely on e-mail notifications to read/print their agenda. A small stock of hard copy agenda are kept in Democratic Services for:

- (a) Councillors who are not members; and
- (b) the public attending the meeting.

- 8.2 Paper copies are also available in reception at the Civic Offices.

## **9. Messenger Delivery**

- 9.1 For many years despatch of all agenda was by post. In the late 1990's, the cost of postage was such that the use of messenger delivery came under consideration. The Council transferred to this arrangement when the LGA 2000 extended the notice period for "3 days" to "5 clear days". Use of messengers significantly improved the reliability and security of delivery within the timescale and was cheaper. This system has continued to the present day.

- 9.2 The Policy and Co-ordinating Committee on 1 December 1998 approved the transfer to messenger delivery from April 1999, initially for one day a week. This increased to two deliveries in 2005 because "members were concerned about previous problems of non delivery and lost items in certain parts of the district with the postal service and costs would also increase by reverting back to postal arrangements".

- 9.3 Since the current messenger delivery arrangements were introduced, postal charges have changed. Traditionally the Tuesday despatch is lighter and is now cheaper to post than using a messenger. The Friday despatch is usually the heavier and is more economical if messenger delivery is retained. It should be noted that during the August recess, the despatches are limited and are therefore usually posted.

## **10. Costs and Other Supporting Data**

- 10.1 Cost comparisons for despatches are set out below. These include an option of using a private courier company.

### **10.2 Total despatches January – August 2011 (Tuesday and Friday).**

- 10.3 The total number of despatches (Fridays and Tuesdays) from January 2011 to August 2011 was 63:

(a)	cost of posting for total review period	£3,655.97
(b)	cost of two days per week messenger for same period	£4,184.46
(c)	cost of external courier company for comparison for same period	£13,495.00

10.4 Number of despatches from January 2011 to August 2011 (Tuesday only) was 31:

(a)	cost of posting for review period – Tuesdays only	£1,173.05
(b)	cost of messenger for Tuesdays only for same period	£2,059.02
(c)	cost of external courier company for comparison for same period	£4,265.00

10.5 Number of despatches from January 2011 to August 2011 for Fridays only was 32:

(a)	cost of posting for review period – Fridays only	£2,482.92
(b)	cost of messenger for Fridays only for same period	£2,125.44
(c)	cost of external courier company for comparison for same period	£9,230.00

10.6 Appendix 1 which shows the effect of one posting and one delivery per week by Council messenger or courier.)

## 11. Delivery Route

11.1 The members delivery route is set out in the most cost efficient way to ensure that the minimum of time is spent delivering member packs.

## 12. Review by Corporate Support Services Directorate

12.1 The CSS Admin Office has been monitoring members' despatches since January this year as a messenger was due to retire in mid September 2011. This post is now vacant. With this in mind, they had already decided to evaluate the despatch arrangements in view of the recruitment restrictions. These alternatives being a combination of posting and hand delivery by messengers which could be possible by either:

- (a) recruiting a member of staff for one day a week for a Friday messenger despatch;
- (b) by using the other two part time messengers (who deliver to the satellite offices and frank the post on a part time basis and who do not currently work on alternative Fridays) to work on Fridays and hand deliver the weekly despatch with a posted despatch on Tuesdays. However, in the case of annual leave and/or sickness the despatches would have to be posted on the Friday as there would be no cover.
- (c) by posting out despatches on both despatch days using Royal Mail.

12.2 Despatches are sent by messenger on the instruction of Democratic Services, but when there are only part agendas and/or the Members' Bulletin, the CSS Admin staff ask whether a despatch can be posted instead as it is cheaper to post in these circumstances if the 5 day rule dictates that this should be done.

12.3 The average cost for the internal Council messenger per "member drop" is £1.14 for a

full 58 member run (£66.42 - 58 members) compared with a local external courier company which would charge £5 per "member drop" making the total a much more expensive £290.00.

- 12.3 Using an internal messenger means that the importance of the member envopaks is understood and the need for the contents to arrive on time dealt with especially where sensitive and/or confidential reports and agendas are involved. (the council's experience of using a courier for agenda involving confidential business last year was not a happy one because some agendas were not delivered a fact which did not come to light until some members informed the Council.)

### **13. Salary Costs – Messenger**

- 13.1 Salary costs at two days (Tuesday and Friday) per week, R2, (SCP 6), (14.5 hrs per week) is a cost of £5,351.71 per annum.

Reduced to one day per week ( Friday) despatch  
R2, SCP 6, 7.25 hrs Fridays per week, £2,675.85 per annum  
Posted Tuesday so also incurring postage costs.

The preference for the Corporate Support Services would be for a posted despatch to members on Tuesdays and messenger delivery on Fridays if messenger service costs have to be reduced, the current vacancy giving some flexibility as to how to proceed in future. If agreed, this would contribute a cost saving to next year's budget if councillors are content that the new arrangements meet their needs.

### **14. New Technology**

- 14.1 Officers continue to try to reduce the paper used as part of the weekly despatch. Over the last five years a number of reductions have been possible. To some extent this has been offset by the trend in the rising number of meetings being held. This year however, with the decrease in some meeting rotas, particularly planning subcommittees, this trend has been reversed.

- 14.2 As stated earlier in this report, the LGA 72 dictates how members receive information. However, some members have informed us of their wish not to receive paper agenda. These arrangements are likely to become more common as Councillors adopt new technology.

- 14.3 Through contact with other authorities, officers are aware of the growing number of Council's that are looking to these new technologies to save resources. Of particular interest to Members will be the new App being developed by the Council's Committee Management System providers, Modern.gov. This will enable all agenda, supplementary papers and minutes to be 'pushed' to an Apple device ready for members to bring with them to meetings. It includes the ability to annotate documents with notes taken by members at the meetings.

- 14.4 It has the potential to replace the traditional committee despatch arrangements. It does have implications in terms of implementation namely:

(i) How the technology is funded, a business case or whether current resources could be used in different ways eg: IT allowances;

(ii) A legal assessment of the prescription of the LGA 72; and

(iii) Practical issues relating to technology in the Council's public rooms, for example electrical supply points and Wireless technology in the Civic Offices complex

14.5 It is Officers intention to assess the potential of this application and therefore Members are asked whether they wish to look at this further and if so place a item on their work plan for the next municipal year when it is envisaged that the technology will be commercially available..

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DESPATCH ARRANGEMENTS