

Report to the Overview and Scrutiny Committee



Date of meeting: 30 November 2011

SCRUTINY

Report of: Constitution and Member Services SSP  Epping Forest District Council

Subject: Member Agenda Despatch Arrangements

Chairman: Councillor D Stallan

Responsible Officer: I Willett (01992 564243)

Democratic Services Officer: Adrian Hendry (01992 564246)

Recommendations:

- (1) That the changes being made by the Director of Corporate Support Services in respect of member postal despatches be supported, namely:**
 - (a) postal despatch – Tuesday each week;**
 - (b) messenger delivery – Friday each week;**
- (2) That the Portfolio Holder for Corporate Support Services be advised of these changes which should achieve a DDF saving of £3,000 per annum in 2012/13 so that this figure can be incorporated in the draft budget;**
- (3) That the Portfolio Holder be encouraged to undertake a wider review of messenger/administrative and related services with a view to making further economies in future years;**
- (4) That the question of making use of new technology for members' agenda and meeting arrangements be included in the Work Programme for this Panel in 2012/13; and**
- (5) That, pursuant to (4) above, legal advice be obtained on the current provisions of the Local Government Act 1972 in regard to paper copies of agenda and whether electronic despatch arrangements compromise the Council's responsibilities in this regard.**

1. Introduction

- 1.1 We have undertaken a review of member despatch arrangements. We received background information on this service on which the Panel based that review and were also advised that a review of the messenger service was already being undertaken in the Corporate Support Services (CSS) Directorate.

2. Organisation of Despatch Arrangements

- 2.1 We noted that 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. 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 We noted that 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 five 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 We were advised that this term, or more particularly "clear" is not defined in the legislation. Various legal cases have however 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 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. Paper Agenda

- 5.1 The legislation (LGA 72) was drafted before the advent of the electronic age and Councils are still required to deposit paper 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. However, the Act implies delivery of a paper agenda and there is thus a risk of challenge if Councils rely solely on electronic delivery.

6. Lack of Notice

- 6.1 Business may not be transacted at a meeting unless the 5 clear days' notice has 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 deliveries 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 Since the current messenger delivery arrangements were introduced, postal charges have changed. This has triggered a review of messenger arrangements in the Corporate Support Services Directorate. This review established that 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.

- 9.3 This review coincided with the retirement of one messenger employed part time on members' despatch. We were asked whether the change to a postal despatch on Tuesday met with member approval. If so, this would enable a DDF saving to be achieved in next year's budget in a sum of £3,000. We are happy to support this change as we have been reassured that the members' despatch will not be adversely affected and will reduce costs.

- 9.4 We expressed the view, however, that the Corporate Support Services review should go further. We discussed the role of other messengers and felt that all budgets should be examined with a view to identifying whether further savings could be achieved. In other words, we felt the review should extend beyond the members' despatch.
- 9.5 We understand that such a review is outside our terms of reference and we are therefore recommending that the current proposals and the savings planned plus the wider review we have discussed should be referred to the relevant Portfolio Holder. We hope that the DDF savings mentioned are regarded as an interim position only.

10. New Technology

- 10.1 We have noted the efforts of officers 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 rising number of meetings being held. This year however, with the decrease in some meeting rotas, particularly Area Plans Sub-Committees, this trend has been reversed.
- 10.2 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.
- 10.3 Through contact with other authorities, officers are aware of the growing number of Councils 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.
- 10.4 This has the potential to replace the traditional committee despatch arrangements. It does have implications in terms of implementation namely:
- (a) how the technology is funded, a business case or whether current resources could be used in different ways eg: Members' IT allowances;
 - (b) a legal advice on the prescription of the LGA 72; and
 - (c) practical issues relating to technology in the Council's public rooms, for example electrical supply points and Wireless technology in the Civic Offices complex.
- 10.5 We have asked officers to continue their assessment of the potential of this application and we are recommending an item be included in our work plan for the next municipal year when it is envisaged that this technology will be commercially available. In the meantime, we are recommending that legal advice be sought on the Local Government Act 1972 provisions regarding paper agenda.