

**Report to Constitutional and Members  
Services Standing Scrutiny Panel  
Date of meeting: 25 September 2012**

**Subject: Electronic Delivery of Agenda and Other  
Information**

**Officer contact for further information: Simon Hill  
(Ext 4249)**

**Committee Secretary: Mark Jenkins (Ext 4607)**



---

**Recommendations/Decisions Required:**

- (1) To receive details of the Counsel's Opinion obtained on the current provisions of the Local Government Act 1972 in regard to paper copies of agenda and electronic dispatch arrangements, specifically:
  - (a) To note that the Council's current distribution procedures are lawful and compliant.
  - (b) To note that wholly electronic notification and service would not be lawful and that this applies to Council and committees and subcommittees;
  - (c) To note that a Council member may not lawfully opt out of hard copy deliveries.
  - (d) To note changes to the Committee summons implemented by officers;
- (2) To consider a proposal to initiate a joint approach with other Councils to the Secretary of State for Communities and Local Government seeking permissive statutory provisions to allow members to receive such electronic agenda and papers lawfully;
- (3) To discuss whether there is merit in implementing a summons-based system relying on a move to members receiving supporting papers electronically;
- (4) To consider whether the operation of the current IT allowances to members are appropriate or whether changes could be subject to review or consultation;
- (5) To receive a demonstration of the Councils Mod Gov App and consider whether to support a bid for funding to continue the Mod Gov App past the end of the one year trial period ending at the end of the current financial year;
- (6) To consider whether recommending to cabinet that work to install electrical outlet sockets in the Council chamber be included in their General Building Maintenance Programme for 2013-14

**Report:**

**Background to the requirements for change**

1. (Senior Democratic Services Officer) The Council introduced its Committee Management System (CoMS) in April 2005. Prior to that time agendas were manually

compiled and circulated and not made available on our website. Indeed the website itself wasn't functioning until early 2004.

2. The system is essentially a large database containing structured information presented via our website and internally. The CoMS system means that all our papers are automatically available on our website, together with officer meetings and sensitive information being available on an Intranet version to members and officers only. The CoMS system controls all member information, agendas, minutes and papers (back to 1991), contact details, training, interests, election results, ePetitions, forward plans and appointments to outside bodies.

3. The system is provided by a company called Modern Mindset based in Hampshire. It has been recently acquired by the Council's electoral software provider, Xpress Solutions.

4. By way of illustrating the size of the of the workflow handled by the system, 268 clerked meetings agendas and minutes, 50 Members Bulletins and 21 Policy Bulletins amounting to 20,000 pages of agenda were produced and published in the 2011-12 year. This was a reduction from 294 meetings and 24,000 published pages the previous year. More detail can be found in Appendix A to this report.

5. In November 2011 members asked:

“(1) That the issue of sending the Cabinet and the Overview and Scrutiny Committee agendas to all members be examined by the Panel;

(2) 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;

(3) That legal advice be obtained on the current provisions of the Local Government Act 1972 in regard to paper copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities in this regard; and

(4) Additionally OSC asked that the Management Board be asked to conduct a review of paper agenda distribution to Directorates with a view to reducing costs further.”

6. In 20 February 2012 the Panel received a further report regarding circulation of agenda as some concern had been expressed about whether distribution lists should be reviewed so as to reduce the amount of paper copies in circulation. It was advised that this should be seen in the context of legal requirements advice on which were being obtained from Counsel

## **Budget and costs**

### **Printing Costs**

7. All Council agenda printing is carried out by our in-house Print Unit. By April 2005 expenditure on agenda printing had reached £79,000 per annum.

8. Last year (2011-12) Month 12 printing expenditure was £33,700 on a budget of £49,900, some £16,000 under budget.

9. This reduction was due to a number of factors,

(a) new bulk printing machines acquired by our Print Section mean much less printing costs,

- (b) the general reductions in printed copy circulation and shorter (on the whole) agendas; and
- (c) lastly the move to electronic distribution methods offered by the technology.

10. This budget, however, is a mix of fixed and variable costs. The Print Unit overall ended the year with a cost centre deficit (or an element of under recovery) and therefore these were reallocated from the print unit back to the services based on usage of the service. This charging back meant that, overall, print spending for Democratic Services was approximately £2,000 overspent last year. More detail is available in Appendix A.

11. Were the Council to continue to actively seek to reduce its level of agenda paper printing then the Print Unit fixed costs would be recovered from other departments, not reducing the overall costs to the Council save those associated with the variable costs element, ie. Paper etc. From this the Panel will gather that the arguments for moving to electronic delivery cannot be based on paper/print usage.

### **Members IT related costs**

12. It was agreed in 2005, an IT allowance is paid to members as part of their remuneration scheme (£500 pa for new members in their first year and £250 pa in subsequent years) was intended, along with Basic Allowance, to assist with IT running costs. The total budget sum is £17,000 per annum. This allowance is payable on the following basis:

- (i) Members attending IT Connectivity training; and
- (ii) Signing a connectivity agreement which says they opt out of receiving paper agenda for those Committees they are not a member of, relying on electronic notification and delivery (A copy of the scheme is attached to this report – Appendix B).

13. This would seem to be inconsistent with the decisions of the Overview and Scrutiny Committee in March 2012 at which it was agreed:

- (i) That with effect from the Annual Council meeting 2012, non-members of any Council body be invited to 'opt in' to receive paper agenda; and
- (ii) That paper copies of Council, Cabinet, Standards Committee and the Overview and Scrutiny Committee continue to be sent to all councillors.

14. Members may wish to discuss whether this amount is still appropriate as most people have cheaper/faster internet connections anyway and/or pc's. It may be that this budget provision could be made on a one off year one basis with advice to purchase a particular type of device rather than seeking to continue to support other general running costs or give a choice of paper or allowance? (dependent on adhering to the law as it currently stands.)

### **Progress since 2005**

15. The electronic system has been continually developed over time. It now contains details of nearly 21 years of agenda, reports and minutes. Latterly it has been used to provide live reporting of election results on the website and contains election results for the last ten years, linked to user profiles. This year has seen two major developments (i) its migration to the Council's new website; and (ii) the development of 'App' based end user software for apple and android devices. This App will be demonstrated to members at the meeting. Members may wish to bid for a small amount of funding to extend the current trial period.

16. All Council meeting rooms are covered by a member WIFI network enabling access to the internet and Council papers. There remains an issue about access to power sockets in the chamber which is addressed later in this report.

17. During the same period, members have received training on the use of the Council's Virtual Private Network (VPN) system giving them access to all meeting papers supporting the democratic process. From a position where not many members had email and computers at home, virtually no members remain digitally disconnected. The emphasis is now on connectivity on the move and receiving documents electronically.

### **Legislative position**

18. The Local Government Act 1972 (LGA), Schedule 12 Paragraph 4 provides that "a summons to attend the meeting, specifying the business proposed to be transacted thereat shall ... be left at or sent by post to the usual place of residence of every member of the Council." In the case of Committees, this would apply to members of that body. This must be carried out five clear days before the relevant meeting (Section 100B, LGA). This means a physical distribution. A paper copy is also required to be made available for the public at the offices, including material background papers (Section 100F, LGA)

### **Counsel's opinion**

19. At the request of members a legal opinion has been sought on:

- (a) whether the Council's current arrangements comply with the requirements of the Local Government Act 1972 ("LGA") and other relevant legislation;
- (b) whether moving to either of the following methods of delivery would comply with the requirements of the LGA (and other relevant legislation):
  - (i) wholly electronic notification and delivery methods; or
  - (ii) part electronic notification and delivery (by way of a summary front sheet agenda and not full reports);
- (c) whether a Council member opting out of the physical delivery of agendas is able to do so legally;
- (d) whether a Council member can insist upon physical delivery.

20. The full opinion is attached to this report as Appendix C. Discussed below are the issues that have arisen from the opinion.

### **Restrictions on paperless operation**

21. The opinion has confirmed:

- (a) The Council's current procedures are lawful and compliant. In fact, in some ways, exceeds that required.
- (b) Wholly electronic notification and service would not be lawful – this applies to Council and committees and subcommittees.
- (c) A Council member may not lawfully opt out of hard copy deliveries.
- (d) A Council members may not rely on legislation to insist upon physical delivery

of any document other than the summons to a meeting.

### **Summons to Council meetings**

22. Counsel has suggested that the wording of Committee and Subcommittee agenda should be more in line with that used for Council. This suggestion has already been implemented by officers as good practice. See paragraph 31 of the opinion for more information. As an example this meetings agenda now reflects the changes made.

### **Potential for change**

23. The LGA in 1972 could not have foreseen the radical advancements in electronic documents and their transmission. Forty years later the law has not yet been revisited to reflect effective electronic methods of service. Counsel has indicated that this matter has not been tested in case law.

24. Reported in the Municipal Journal on 17 July 2012, the Housing Minister, Grant Shapps, responding to questions at a Local Government Association meeting, has admitted that the move to online planning notices was 'inevitable' and that 'by the end of this parliament ...the penetration of internet access would make it possible'. By extension the requirement for agenda should be subject to the same scrutiny. Officers are of the view that the position of an individual member opting for physical delivery of papers should remain, but there does seem to be scope to introduce provisions to allow members to opt into electronic delivery if they so wish (a permissive provision). This would need new statutory provision.

25. From officer contacts with other local authorities it is apparent that this is an issue facing a number wishing to roll out effective replacements to paper distribution. Officers from Epping Forest have suggested nationally that, if members were to consider it a good idea, an approach could be made to the Government Minister to seek such a change to the law in their next Local Government Bill. Initial indications are that this approach would be supported by at least a further seven large authorities. Members are asked to consider this proposal.

26. It has also been suggested by Counsel that the Authority could move to a position of only sending a summons (having sufficient detail of the business to be transacted) to members. However, bearing in mind the limited nature of the print savings that could be achieved, against the likely democratic deficit, members may consider this step too far at this stage. It may also lead to duplication in the agenda papers with the summons having summary report information as well as in the appended reports themselves. It is suggested that this step be held for future review once the legislative position is clarified. Members' views are sought on this point.

### **Council Chamber Infrastructure**

27. The lack of sufficient electrical outlets in the Council has been highlighted as a barrier to greater use of IT during meetings. At present there are no electrical outlets on any of the members' benches. Investigations carried out by Facilities Management have shown that work is possible to provide outlets. If members considered that this work should be undertaken, the most appropriate method would be recommending to Cabinet that this work be included in their General Building Maintenance Programme for 2013-14 which would be considered later in the year.

### **Printed Distribution Review**

28. Officers have continued reducing the printed output this year with further work being undertaken to:

- (i) Discontinue the printing of large documents, relying on electronic publishing

via the CoMS system;

- (ii) Reviewing the internal printed distribution to officers and reducing these further where it has been possible;
- (iii) Work with Parish Council's to seek a greater degree of electronic publication of agenda rather than sending them via the weekly dispatch; and
- (iv) Revision to the print distribution lists to attempt 'smarter' printing run totals across the committees to avoid wastage.

## **Conclusion**

29. The Counsel's Opinion has given the current distribution methods a clean bill of health. Scope for change is limited at present by the law. The Council could seek to extend its use of IT to members, but given the internal budgeting of the Council, only limited variable cost savings could be effectively achieved. However, the driver for change could be better services, not only for members, but to the public as well. Consideration could be given to making use of available budgets in a different way. The current options for opting into paper distributions seem at odds with the policy established when the Councilors VPN system/Connectivity scheme was introduced. Proposed infrastructure improvements will require some financial investment.

## **Resource implications:**

### **Budget provision:**

Budget provision exists for the continuation of the Committee Management System. This is an IT Service budget.

There is a CSB budget of £17,000 for Members Electronic Services (i.e. allowances paid to members)

At present no budget provision has been made for continuation of the App based system or for installation of chamber electrical outlets.

Personnel: All developments have been made from existing staff provision  
Land: Nil

Community Plan/BVPP reference: Nil  
Relevant statutory powers: LGA 1972 as detailed above

Background papers: Counsel opinion dated 29 March 2012

Environmental/Human Rights Act/Crime and Disorder Act Implications: The greater use of paper would represent an environmental impact

Key Decision reference: (if required) – Not a key decision