

THE LOCAL GOVERNMENT (ELECTRONIC COMMUNICATIONS) (ENGLAND) ORDER 2015

Governance Committee – 26 February 2015

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Philippa Gibbs Ext. 7288

Recommendation to Governance Committee: That the new legislation and action already taken, be noted.

Introduction

- 1 On 30 January 2015 the Local Government (Electronic Communication) (England) Order 2015 came into force which allows a meeting summons to be deemed served to a nominated electronic address.

Background

- 2 ['This Government is determined to bust barriers to modernisation in local government therefore it is only right councils should be able to issue agendas electronically, whilst ensuring councillors continue to have access to hard copy papers if they wish.'](#)

['This is a great opportunity for town halls to use modern digital communications to conduct business in the most efficient way possible and it will help reduce costs and provide better value for money for local taxpayers.'](#) (Local government minister, Kris Hopkins)
- 3 In actual fact there has only ever been a requirement to physically serve the 'summons to attend the meeting, specifying the business proposed' (in our case the agenda front sheet) to a nominated address and it was already possible to send reports and appendices electronically.
- 4 Whilst waiting for the legislation to catch up, Members wanting to receive papers electronically have done so by signing a simple form naming their pigeon hole as the nominated address for delivery and agreeing to all reports etc being sent electronically with just the agenda front sheet (summons) delivered to their pigeon hole on the statutory day of despatch.

Action taken

- 5 In response to the legislation an email was sent to all Members drawing their attention to the new legislation on 30 January 2015, and asking those Members wishing to receive electronic agendas to nominate an electronic address for delivery (Appendix A). At the time of writing this report 2 Members have taken this up.

Options

- 6 If every individual Member of the Council nominated an electronic address for service then agendas could always meet statutory deadlines by being published electronically and the link emailed to the members of the meeting. This could then be used as a fall back for any print issues for example, if the summons was deemed served the meeting would not be invalid just because it had not been possible to get each member of the meeting a hard copy of the meeting summons. Other than having it as a fall back, those Members still wishing to receive hard copies could still do so as before – there just would not be the necessity to get it to them on the actual statutory despatch day. If this were achieved it would open up the possibility of further consolidation of courier runs and perhaps even eliminate a mail out by having a nominated courier run once a week for example but this would have to be further investigated. This is the reason why we are encouraging as many Members as possible to give their consent to providing an electronic address as set out in the Appendix
- 7 However consent given must be capable of being withdrawn as a Member may have to withdraw consent for all manner of reasons such as, they may have computer problems, may change their e-mail address, may move home and whilst doing so may not have an e-mail address and so Members will need to keep Democratic Services fully informed in relation to any changes in their circumstances which may mean that they cannot accept the summons by electronic means.

Key Implications

Financial

Democratic Services continually review the number of printed agendas. The consolidation of courier runs have already produced monetary and efficiency savings. There could be the possibility of more savings if for example courier runs were further reduced, and if more Members opted for no printed agendas.

Legal Implications and Risk Assessment Statement.

If there is a failure to comply with statutory requirements as to notice and summons then the meeting may not be properly convened and the business transacted of no effect. This change in legislation does not change the fact that the agenda must be made available to the public at the same time as publication and be open to inspection at the Council Offices (Local Government (Access to Information) Act 1985 100B(1)).

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

Technically all the change in legislation actually does is give a further alternate address for service of meeting summons, and is completely dependant on Members consenting to electronic delivery.

Appendix

Appendix A - Nomination form for electronic address for delivery

Background Papers:

[The Local Government Act 1972](#)

[Local Government \(Access to Information\) Act 1985](#)

[The Local Authorities \(Access to Meetings and Documents\) \(Period of Notice\) \(England\) Order 2002](#)

[The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)

[Epping Forest District Council Scrutiny Agenda 25 September 2012.](#)

[The Local Government \(Electronic Communications\) \(England\) Order 2015](#)

Christine Nuttall
Chief Officer for Legal and Governance

Appendix A

Nomination of electronic address for service of documents

I, Councillor.....

Confirm that with immediate effect I wish my nominated address for the delivery of all summons (including the accompanying agendas and reports) for Full Council and any formal Council meeting of which I am a member, to be the following electronic address:

Cllr.....@sevenoaks.gov.uk or

.....

.....
(Signed)

.....
(Date)