

Report to the Council

Committee: Constitution Working Group (Councillor S. Jones)

Date: 30 July 2019

1. MEMBER GUIDANCE ON GIFTS AND HOSPITALITY

Recommending:

- (1) That the revised member guidance with regard to the receipt of gifts and hospitality, set out at Appendix 1 to this report, be agreed; and**
- (2) That pursuant to Recommendation (1) above, the Monitoring Officer be authorised to make any necessary revisions to the Council's Constitution to give effect to the adoption of the revised member guidance.**

- 1.1 A thorough review of the Council's constitution was undertaken during 2016/17. At that time however, the review of a number of elements of the Constitution, including member guidance with regard to the receipt gifts and hospitality were deferred for further consideration and consultation. The most recent version of the guidance was adopted by the Council in 2007.
- 1.2 During 2018/19, the Internal Audit Unit undertook an assessment of the Council's existing arrangements for the management of gifts and hospitality for staff and Members. The audit identified that processes relating to the declaration of gifts and hospitality by members were generally operating well, as full details of any such gifts and hospitality were required to be recorded on the individual Register of Interests form for each member and members were reminded through regular training of the requirement to notify the Monitoring Officer of any amendments to their Register of Interests, including the receipt of gifts and hospitality. However, the audit identified that the existing gifts and hospitality guidance for members should be reviewed as soon as possible, to ensure full compliance with the Member Code of Conduct.
- 1.3 The guidance has therefore been updated to make reference to the Bribery Act 2010 and to ensure that the value of gifts and hospitality reflects that specified by the Register of Interests declaration (currently £50.00). An analysis of guidance issued by a sample of other Councils undertaken as part of the audit, found that the value of gifts and hospitality declared typically ranged from £25.00 to £100.00, with the majority being set at £50.00. The Chief Internal Auditor considers that this suggests that the Council has, at £50.00, set an appropriate level for the declaration of gifts and hospitality.
- 1.4 The revised guidance document is attached as Appendix 1 to this report for consideration by the Council and also includes processes for the registration of gifts and hospitality declined by members and for the donation of gifts and hospitality to the Chairman's charity, alongside the consequences of non-compliance with the guidance in terms of the public perception of the acceptance of gifts and hospitality by members acting in the public interest.

1.5 The revised guidance document has been subject to consultation with the Council's Monitoring Officer and Chief Internal Auditor, who both support the content of the guidance document. The revised guidance was circulated to all members of the Standards Committee and no adverse comment has been raised as to its content. The guidance has also been agreed by the Corporate Governance Group.

1.6 We recommend as set out at the commencement of this report.

2. MEMBER CHAMPIONS PROTOCOL

Recommending:

That the proposed Member Champions Protocol set out at Appendix 2 to this report, be agreed.

2.1 The Council has on occasion, designated Member 'Champions' to act as an advocate or spokesperson for a specific area of its business and activities and to encourage communication and positive action in relation to specific areas of interest.

2.2 At its meeting on 9 May 2019, the Appointments Panel requested that arrangements for the ongoing appointment of Member Champions and the development of an appropriate protocol for the appointment and role of champions, be referred to the Working Group for consideration.

2.3 A draft Member Champions protocol is therefore attached as Appendix 2 to this report. The draft protocol sets out proposed arrangements for the role of Member Champions and is based to a significant extent on a template protocol in use by a number of other local authorities. We suggest that Member Champions should be appointed at the annual Council meeting each year and that consideration of relevant appointments should form part of the recommendations of the Appointments Panel.

2.4 We recommend as set out at the commencement of this report.

3. PAPERLESS WORKING & DIGITAL ROLL-OUT

Recommending:

(1) That the Council note current progress with regard to the move to paperless working in respect of the publication and distribution of the Council's committee agenda, decisions and minutes etc.;

(2) That, in order to complete the roll-out of mobile devices and appropriate training for all members of the Council, the general cessation of the publication and distribution of agenda, decisions and minutes etc. in hard copy, take effect from 30 August 2019;

(3) That, subject to the receipt of appropriate consent from each member of the Council to the publication and distribution of agenda, decisions and minutes etc. by electronic means, such arrangements commence with effect from 2 September 2019;

(4) That, until the commencement of arrangements for the publication

and distribution of agenda, decisions and minutes etc. by electronic means where appropriate consent has been received from individual members, such publication and distribution continue to be made concurrently in both hard-copy and electronic forms; and

(5) That pursuant to Recommendations (1) - (4) above, the Monitoring Officer be authorised to make any necessary revisions to the Council's Constitution to give effect to the publication and distribution of agenda, decisions and minutes etc. by electronic means, with effect from 2 September 2019.

- 3.1 In light of ongoing financial pressures, the Council has continued to investigate opportunities for smarter ways of working, including a move to 'paperless' meetings to deliver savings and to enable members to embrace more efficient working practices.
- 3.2 Each year the Council publishes around 20,000 pages of agenda, minutes and reports. The cost of providing each paper agenda to all members, based on an average number of meetings and report pages, has previously been estimated at over £5.00. The frequency of meetings and the length of agenda can vary significantly and, with the addition of ad-hoc and extraordinary meetings, sub-committees and working groups etc., it is difficult to project a definitive cost saving that a paperless approach would offer. However, the paperless initiative will deliver savings through the removal of the need to print and process hard-copy agenda papers for messenger or postal distribution and will result in service efficiencies that can be reallocated to other areas.
- 3.3 The concept of 'paperless' committee meetings was encouraged in 2015, by the then Secretary of State for Communities and Local Government. through the introduction of legislation that enabled local authorities to hold entirely paperless meetings and to issue agenda (or summons) for meetings, to an email address specified by each member. The Local Government (Electronic Communications) Order 2015 modified provisions in Schedule 12 to the Local Government Act 1972 for the purpose of enabling and facilitating the use of electronic communications in the sending of meeting summonses to members of the Council. However, we have been advised that the Order provided that members may only receive summonses electronically where they consent to agenda being transmitted by email and that they may at any time withdraw their consent for solely electronic publication.
- 3.4 In addition to the likely significant cost savings, the benefits of holding paperless meetings include a reduction in the Council's carbon footprint, improved member access to data and increased data security. Since the introduction of the 2015 Order, all members have therefore been encouraged to consent to the receipt of agenda for meetings by electronic means wherever possible, as part of the incremental adoption of a paperless approach to meetings. As part of this transition, members have been able to choose to receive agenda etc. electronically, or to remain with paper copies (or a combination of both).
- 3.5 The Council has published its committee agenda, minutes and decisions online for many years using the Modern.Gov committee management system. The Modern.Gov app allows documents to be downloaded to mobile devices and enables members to access other relevant information during meetings, to make more effective use of committee time. The app also has a range of tools

that members can use to annotate reports etc. as required. The app allows anyone to download publicly available meeting papers, which saves the Council time and money when coordinating meetings and reduces the need to print and distribute significant volumes of hard-copy documentation.

- 3.6 Through the Modern.Gov app, members are able to access agenda etc. from any location. The app can retain up to five years' worth of agenda, minutes and decisions which can be accessed and referred to at any time (including during meetings), to improve access to information and can be configured to provide access to any agenda etc. that members wish to receive, not just for those committees etc. that they are a member of. The Modern.Gov app also allows private or restricted (Exempt Information) papers to be pushed securely to members. This also saves the Council time and money, but has the added benefit of ensuring that only those who have a business need to access restricted content, can view such documents. This 'restricted' version of the app allows members to access exempt or non-public agenda and reports on their device through the Council's internal network. The security settings within the Modern.Gov app allow for all common types of information to be published securely, safeguarding sensitive documents and applying the exemption criteria relevant to Access to Information legislation where necessary.
- 3.7 Regular training in the use of the Modern.Gov app has been provided for members as part of the Member Development Programme since 2016. Following the introduction of the power to hold paperless meetings, a 'dual running' arrangement has been in place for most members, whereby they have received paper copies of agenda packs for meetings alongside an electronic copy. We believe that this arrangement has helped to build member confidence in paperless arrangements and the use of the Modern.Gov app.
- 3.8 We recognise that the introduction of paperless working will increase the effectiveness of members by enabling information to be accessed more quickly, alongside the generation of ongoing cost savings. The Customer Services Portfolio Holders for 2018/19 and 2019/20 have therefore been keen to accelerate the roll-out of paperless working arrangements, through the issue of suitable mobile devices to all members of the Council during the early part of the current municipal year. Such aspiration has been supported by the recent launch of an enhanced version of the Modern.Gov app, which has brought additional functionality to the concept of paperless working.
- 3.9 A project was therefore initiated early in 2019, to provide members with appropriate mobile devices (Apple iPad Pro), pre-configured with the new version of the Modern.Gov app, to assist them in undertaking their official duties. Alongside this roll-out of mobile devices, the Council also adopted a standardised approach to the issue of '@eppingforestdc.gov.uk' domain email accounts for all members, to address concerns around the security of personal data which had been identified as part of an Internal Audit assessment undertaken during 2018. The mobile devices issued to members have also been pre-configured with the new email addresses.
- 3.10 We consider that a move to paperless meetings will result in the upskilling of members' IT skills. Going paperless provides an incentive to embrace new technologies and, at a time when most councils are adopting a 'digital first' approach for their communities, it will be beneficial for members to have an understanding of how technology can transform service delivery.

- 3.11 At the time of our recent meeting, nearly all members had been supplied with a mobile device for the use of the Modern.Gov app and the management of official email. Alongside the completion of the roll-out, the Customer Services Portfolio Holder, in liaison with the Leader of the Council and the Service Director (Customer Services), has advised the Working Group that the phasing-out of the hard-copy publication and distribution of agenda, should commence as soon as possible.
- 3.12 The roll-out of the mobile devices commenced in May 2019 to all members that formally gave consent to the receipt of published agenda, minutes and decisions by email, in accordance with the provisions of the 2015 Order. However, a small number of members have declined the offer of a mobile device and at least one member that originally accepted a device, has since indicated a wish to withdraw consent for the electronic receipt of agenda etc. Although some members initially experienced issues with the functionality of the mobile devices and the Modern.Gov app, these have been addressed by the Service Director (ICT and Business Support) and the Democratic Services Manager.
- 3.13 The Customer Services Portfolio Holder has advised us that he has recognised that the introduction of paperless working will mean a fundamental change to the way in which members access information and acknowledges that training and support will need to be provided to all members to assist with the transition to the new way of working. As some Members will adapt more quickly than others to a transition to paperless meetings, the level of support provided will be critical. Technical support for the mobile devices issued to members is currently being provided at committee meetings by the Service Director (ICT and Business Support). In addition, support for members in the use of the Modern.Gov app will continue to be provided by the Democratic Services Manager. We understand that infrastructure facilities in the Council Chamber have already been enhanced to provide power supplies to each seating position.
- 3.14 The Customer Services Portfolio Holder has considered a number of representations that have been made by members with regard to the paperless working initiative. In order that such matters can be fully addressed, the Portfolio Holder has agreed that the cessation of the publication and distribution of agenda etc. in hard copy, be delayed until September 2019. We have been advised that some hard-copy publication of agenda etc. will continue after this time, to address requirements for agenda to be available for public inspection at the Civic Offices and to enable copies of reports to be available to public attendees at meetings.
- 3.15 In the meantime, the full publication of all committee agenda and minutes etc. in hard-copy will continue concurrently with the existing arrangements for electronic publication, alongside the completion of the roll-out of mobile devices and the provision of appropriate member training. The Portfolio Holder intends that, subject to the receipt of appropriate consent from members of the Council, the publication and distribution of committee agenda and minutes etc. by electronic means and the Council-wide transition to paperless working, will now commence with effect from 2 September 2019.
- 3.16 The proposed delay in the move to full paperless working arrangements will not affect the issue of Epping Forest District Council domain email accounts for all members, which will continue over the coming months. We understand that,

although the new email accounts are not generally yet in full operational use, these email addresses are being used for the issue of relevant alerts and hyperlinks for the publication of committee agenda, minutes and decisions. The Customer Services Portfolio Holder has also advised us that he is currently investigating opportunities for the Council's domain email accounts to be accessed on other mobile devices, to increase the flexibility of the paperless arrangements.

3.17 We recommend as set out at the commencement of this report.