



MODERN LOCAL GOVERNMENT GROUP

06 October 2011 at 5.30 pm
Conference Room - Council Office

AGENDA

Membership:

Cllr. Mrs E Bracken, Cllr. R Brookbank, Cllr Mrs A Cook, Cllr Mrs J Davison,
Cllr. M Fittock, Cllr. P Fleming, Cllr. Mrs A Hunter, Cllr. R Piper, Cllr. J Scholey and
Cllr. R Walshe

1. **To elect a Chairman of the Group for the ensuing Municipal year**
2. **To elect a Vice-Chairman of the Group for the ensuing municipal year.**
3. **Minutes of the meeting of the Group held on 8 July 2010.** (Pages 1 - 4)
4. **Declarations of interest.**
5. **Review of IT Allowances/Provision of Computers for Members** (Pages 5 - 14)
*Christine Nuttall,
Tricia Marshall*

EXEMPT ITEMS

At the time of preparing this agenda there were not exempt items. If any such items arise, the meeting is likely to be closed to the public whilst these are discussed

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

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MODERN LOCAL GOVERNMENT GROUP

Minutes of a meeting of the Modern Local Government Group held on
8 July 2010 commencing at 6.30 p.m.

Present: Cllr. Fleming (Chairman)

Cllr. Mrs. Davison (Vice-Chairman)

Cllrs. Mrs. Bracken, Bruce, Harrod Mrs. Hunter and Mrs. Morris.

Apologies for absence were received from Cllr. Piper, Scholey and Walshe.

1. TO ELECT A CHAIRMAN OF THE GROUP FOR THE ENSUING MUNICIPAL YEAR (Item No. 1)

Resolved: That Cllr. Fleming be appointed Chairman of the Group for the ensuing municipal year.

2. TO ELECT A VICE-CHAIRMAN OF THE GROUP FOR THE ENSUING MUNICIPAL YEAR (Item No.2)

Resolved: That Cllr. Mrs Davison be appointed Vice-Chairman of the Group for the ensuing municipal year.

3. MINUTES OF PREVIOUS MEETING (Item No.3)

Resolved: That the minutes of the previous meeting of the Group held on 22 October 2009 be approved and signed by the Chairman as a correct record.

4. DECLARATIONS OF INTEREST (Item No. 4)

None

5. MATTERS REFERRED FROM THE PERFORMANCE AND GOVERNANCE COMMITTEE (Report No.5)

(a) *The Duty to respond to Petitions (Performance and Governance Committee – 29 June 2010)*

This item was discussed under Minute Item 6 below.

(b) *Annual review of the Committee's Terms of Reference (Performance and Governance Committee – 20 April 2010)*

This item was discussed under Minute Item 7 below.

6. THE DUTY TO RESPOND TO PETITIONS (Report No.6)

The Democratic Services Manager explained that the Council had a duty to adopt a petition scheme under the Local Democracy, Economic Development and Construction Act 2009. The proposed petition scheme was based on the Department of Communities and Local Government's (DCLG) model scheme, although this had been adjusted to retain as much as possible of the Council's current approach to handling petitions.

In accordance with the Act and the Government guidance, the proposed petition scheme would require petitions with over 1,000 signatures to be debated at Full Council. It would also require the Chief Executive, a Director or a Head of Service to give evidence to the relevant select committee, if a petition calling for this was submitted to the Council and had attracted over 750 signatures. Furthermore, it would enable lead petitioners to request that the Council's response to a petition be reviewed by a select committee. The Council was under a duty to introduce an e-petitions system, similar to that found on the 10 Downing Street website, but this did not come into force until 15 December 2010.

Following a query, it was explained that the majority of petitions would be considered by officers in the same way as they were under the current scheme, although every lead petitioner would have the right to present their petition at a meeting of the Full Council as they did at present. However, there would not be a debate unless the petition achieved over 1,000 signatures.

Members were concerned that it would be difficult for residents in a small village to achieve 1,000 signatures but the issue could be one of significant local importance. The Democratic Services Manager stated that petitions attracting 1,000 signatures would automatically be debated at a meeting of the Full Council but there was discretion for other petitions with less support to be debated at Full Council as well. Members agreed to add additional wording to the petition scheme to ensure that petitions affecting a particular area of the District and which had a significant level of support from people who lived, worked or studied in that area were also likely to be debated at a Full Council meeting.

Members agreed to add additional wording to the scheme, which would clarify that where an officer was required to attend at a select committee under the petition scheme the relevant Portfolio Holder would also be required to attend. It was felt that a co-ordinated response was needed from both the officer with the technical knowledge and the Cabinet Member who was responsible for the portfolio.

Resolved: That Council be recommended to:

- (a) Adopt the Petition Scheme (attached as Appendix A) and include it as Appendix Y to the Council's Constitution, subject to the following amendments;

- (i) Section headed “Officer Evidence”, Paragraph 2 - the fourth sentence be deleted and replaced with “The Committee will also require the relevant Portfolio Holder to attend the meeting”
 - (ii) Section headed “Full council debates” – After the first sentence, add new sentence to read “Petitions which relate to an issue which affects a particular area of the District and have a significant level of support from people who live, work or study in that area are also likely to be debated at a Full Council meeting.
- (b) Implement the Petition Scheme with immediate effect, with the exception of those sections of the scheme which relate to e-petitions.
 - (c) Grant the Chief Executive delegated authority to bring the e-petitions elements of the Petition Scheme into effect, no later than 15 December 2010 (or such other timescale as approved by Government).
 - (d) Designate the Chief Executive as “petitions officer”, with responsibility for determining the admissibility of petitions under the scheme and delegated authority to make minor administrative amendments to the petition scheme if required.
 - (e) Agree the consequential amendments to Part 2 of the Constitution - Council Procedure Rules (Appendix B) and Part 5 of the Constitution - Overview and Scrutiny Procedure Rules (Appendix C).

7. ANNUAL REVIEW OF THE PERFORMANCE AND GOVERNANCE COMMITTEE’S TERMS OF REFERENCE (Report No.7)

The Democratic Services Manager informed Members that the proposed amendments to the Performance and Governance Committee’s Terms of Reference reflected how it had developed its role since its creation in 2007.

Members discussed whether the Performance and Governance Committee should be able to invite third parties to provide a report to the committee. A member felt that this provision should not be included as this could have cost implications for third parties and potentially the Council. The Chairman of the Performance and Governance Committee felt it was important to keep this wording in, as it allowed the Council to hold third parties that received funding from the Council to account. The majority of Members felt this provision was acceptable, because third parties were under no obligation to provide a report and could refuse if they wished.

Resolved: That the amendments to “Part 6 – Performance and Governance Committee” (Appendix A) be supported and that Council be recommended to amend the Constitution accordingly.

THE MEETING WAS CONCLUDED AT 7:13 P.M.

Chairman

REVIEW OF IT ALLOWANCES/PROVISION OF COMPUTERS FOR MEMBERS

MODERN LOCAL GOVERNMENT GROUP – 6 OCTOBER 2011

Report of the: Corporate Resources Director

Status: For consideration and decision

Also considered by: Council 18 October 2011

This report supports the Key Aim of effective management of Council resources

Portfolio Holder Cllr. Fleming and Cllr. Ramsay

Head of Service Head of Legal and Democratic Services – Christine Nuttall and
Head of Finance and Human Resources – Tricia Marshall

Recommendation: That Council in giving consideration to the Report and recommendations of the Joint Independent Remuneration Panel (JIRP) as included within Appendix A it be recommended to:

- (a) adopt the allowance as set out in paragraph 7 as recommended by the JIRP, with the exception of 7(c) and be met from within budget for 2011/12 and as a growth item for future years;
- (b) update Appendix G Clause 3.7 of the Constitution in its entirety as set out within the Appendix B incorporating the allowance as set out in (a) above; and
- (c) formally record thanks to Barry Cushway, Sue Holes, Simon Knott, Jean Selmes and Colin Wilby for their work in preparing the review of IT allowances and provision of computers for Members.

Background

- 1 The Joint Independent Remuneration Panel (JIRP) were requested by Officers of Sevenoaks District Council (SDC) in July 2011 to give consideration to the addition of an IT allowance to the Members' current allowance scheme.
- 2 Laptops had been provided to SDC Members in 2004 under a central government funded scheme whereby funding of £60,000 was secured which equipped all 54 Councillors with a basic laptop computer.
- 3 By the time of the May 2011 elections many of the original laptops had become obsolete or required disproportionate support from the IT Department and the central government funding had ceased.

Agenda Item 5

Modern Local Government Group – 6 October 2011

- 4 In preparation for the above changes the Council had been developing a simple approach to Members' access to Council information and communications via a new Members' Electronic Portal which is an extranet which enables web-based access to the e-mail system and all the necessary information systems and databases.
- 5 The advent of the Members' Portal means that Members are now able to access securely everything they need to perform their duties from any internet access point including a home computer. This, coupled with a background of an approximate 23% reduction in IT budgets in recent years, meant that there is little scope for the Council to supply computer equipment for all Members.

The JIRP's Recommendations

- 6 The JIRP carried out research and were briefed by Officers at SDC where it became clear that the use of computer based information and communications is now essential for Councillors to be able to fulfil their responsibilities. Their Report is set out as Appendix A to this report.
- 7 The JIRP's recommendations were as follows:
 - (a) An allowance of £120 per annum to be available to councillors paid monthly and separately from the Basic and other allowances. This allowance would be available to Members who use their own IT resources to undertake their council duties.
 - (b) Where a Member has been provided with a Council funded computer, no allowance should be paid.
 - (c) In exceptional circumstances where a Member is unable to afford the purchase cost of a suitable computer, the Council should consider assisting the Member, possibly by advancing a lump sum which would then be recovered via repayments from this allowance.
 - (d) This new allowance would replace the entirety of Clause 3.7 of the SDC Members' Allowance scheme which currently provides for fax machines and Council supplied laptops to Members.
 - (e) The allowance should be reviewed three years after adoption to evaluate relevance at that time and, in any event, the allowance should lapse once the Council is paying the appropriate level of Basic Allowance recommended by JIRP in their full review published in late 2008, this being £5754.
- 8 With regard to recommendation (c) above, this would be very difficult to put into practice and evaluate as Officers have no power to means-test Members.
- 9 It must be stressed that any allowance will be subject to tax, dependent on the individual Member's circumstances.

Key Implications

Financial Implications

- 10 The JIRP states in their report that “the increasing use of computer based communications and transmission of documents should enable the Council to make significant progress towards paperless meetings and in due course there will be cost savings in staff time, printing, photocopying and postage which will help to offset the cost of this allowance.
- 11 In the light of these comments Members may wish to give consideration to reducing the level of paper Agendas and Reports that are produced.
- 12 In reality the adoption of the proposal will have an immediate financial impact of some £7,000 including oncosts. This could be met from within budget in 2011/12 and be considered as a growth item for future years.

Legal, Human Rights etc

- 13 Section 20 of The Local Authorities (Members’ Allowances) (England) Regulations 2003 requires each authority to establish an Independent Remuneration Panel.
- 14 Section 19 of the 2003 Regulations state that before an authority make or amends a scheme, the authority shall have regard to the recommendations made in relation to it by the Independent Remuneration Panel.
- 15 Section 16 of the 2003 Regulations places a duty on the Council to publish as soon as reasonably practicable after making any amendments to the current Members’ Allowance Scheme a notice in one or more newspapers circulating in its area. The Council must also ensure that copies of the scheme are available for inspection by members of the public at the principal office of the authority, at all reasonable hours.

Equalities

- 16 Equality Impact issues have been considered as part of the proposals. The scheme applies equally to all Members and, for this reason, it is not considered appropriate to complete a full Equality Impact Assessment.

Impact on and outcomes for the Community

- 17 The changes envisaged will enable Members to use computer based information and communications in order to fulfil their responsibilities as Councillors.

Risk Assessment

- 18 Remuneration for Members is intended to ensure that there are not available obstacles preventing Members from taking part in the work of the Council.

Conclusions

- 19 The funding that initially allowed the Council to provide a laptop to each Member in 2004 was a one off Government funding initiative where £60,000 was secured which equipped all 54 Councillors with a basic laptop computer. By the time of the May 2011 elections many of the original laptops had become obsolete or required disproportionate support from the IT Department and central government funding had ceased. This was against a background of an approximate 23% reduction in IT budgets in recent years.
- 59 The recommendations of an allowance would compensate Members who use their own IT resources to undertake their council duties. Where a Member has been provided with a Council funded computer, no allowance should be paid and no provision will be made to purchase any additional computers for Members. The few remaining computers have been allocated to Members that either do not have personal IT equipment, access to other IT equipment or the ability to obtain such equipment.

Background Papers:

The Local Authorities (Members' Allowances)
(England) Regulations 2003

JIRP's Report for Sevenoaks District Council Re:
IT Allowances/Provision of computers for
Members

Members' Allowance Scheme (2011/12) set out in
the Council's Constitution

Contact Officer(s):

Christine Nuttall – ext. 7245

Tricia Marshall – ext. 7205

Dr. Pav Ramewal

Deputy Chief Executive and Corporate Resources Director

Joint Independent Remuneration Panel

Report for Sevenoaks District Council

Re: IT Allowances/Provision of computers for Members

Summary

We understand that access to computer-based communications and information systems is now an essential requirement for the role of an elected councillor at Sevenoaks District Council.

The current system of Council-provided laptops is no longer tenable due to the withdrawal of central government funding and reduced capacity in the Council's IT Department to support them. The new web-based Members' Portal enables councillors to access all the necessary internal systems via standard domestic computer equipment.

The Panel recommends that Sevenoaks District Council adopt a supplementary allowance of £120 per annum payable to elected Councillors as a contribution towards the costs of purchasing and maintaining suitable computer hardware to enable them to access the Council's systems via the Members' Portal.

Background

The Panel was requested by Officers of Sevenoaks District Council in July 2011 to give consideration to the addition of an IT allowance to the Members' current allowances scheme.

A background paper highlighted that laptops were provided to SDC Members in 2004 under a central government-funded scheme called *Implementing Electronic Government*. At that time funding of £60000 was secured which equipped all 54 Councillors with a basic laptop computer with the expectation that Members would increasingly utilise electronic information and communications to carry out their council responsibilities. These laptops had to be specially configured to enable secure access to a number of separate council systems in compliance with corporate IT security policies and the *Government Connects* code.

By the time of the May 2011 elections many of the original laptops had become obsolete or required disproportionate support from the IT Department and central government funding had ceased. In preparation for this the Council had been developing a simpler approach to Members' access to Council information and communications via a new Members' Portal. This is an extranet which enables web-based access via one log-in to the e-mail system and all the necessary information systems and databases.

Against a background of c.23% reduction in IT budgets in recent years there is little scope for the Council to supply computer equipment for all Members. Besides, the advent of the Members' Portal means that specifically-configured equipment is

unnecessary and Members will be able to securely access everything they need to perform their duties from any internet access point including a home computer.

Evidence & Research

The Panel were briefed by Officers and given a demonstration of the Portal. We met with Councillors Bracken, Parkin and Gaywood and a subsequent telephone meeting was held with Cllr Fleming in his capacity as Cabinet lead for IT. The Panel met separately to consider their findings and to agree this recommendation.

For background and guidance we consulted the Councillor Commission Report on *Members Remuneration* (2007). However, it is clear that there is no consensus on the provision of information technology to Councillors: *“Panels are increasingly being asked to provide advice upon such matters. The current guidance gives little help”*

A review of other Council allowances schemes in the South East again gave few pointers. Very few councils currently pay an allowance specifically targeted at information technology and those that do have adopted different approaches specific to their circumstances.

We are advised by SDC Officers that the indicative purchase cost of a basic laptop with the necessary software (basic anti-virus, Microsoft Office Home Use Program) would be in the region of £550 at current prices. From our own knowledge it is clear that the cost of computer consumables such as printer ink differ widely, as does the cost of domestic broadband (which is often tied in with other supply i.e. satellite TV).

Panel Recommendation

On the basis of our briefings from Members and Officers at SDC it is clear that the use of computer-based information and communications is now essential for Councillors to be able to fulfil their responsibilities. There are facilities available for Members at the Council offices in Sevenoaks, but these are only accessible on working days and are not convenient for Members who live some distance from the town. Therefore, personal access to a computer is a pre-requisite of the role.

We recommend an allowance of £120 per annum to be available to councillors, paid monthly and separately from the Basic and other allowances.

The above allowance would be available to Members who use their own IT resources to undertake their council duties. Where a Member has been provided with a Council-funded computer, no allowance should be paid. As with all allowances, Members can choose to opt out of receiving the allowance if they so wish. It is important to stress that this is intended as a contribution towards the cost of computer equipment and clearly does not cover the full cost, given that it would be available for private use.

In exceptional circumstances where a Member is unable to afford the purchase cost of a suitable computer, the Council should consider assisting the Member, possibly by advancing a lump sum which would then be recovered via repayments from this allowance.

We consider that the increasing use of computer-based communication and transmission of documents should enable the Council to make significant progress

towards 'paperless' meetings and in due course there will be cost savings in staff time, printing, photocopying and postage which will help to offset the cost of this allowance.

This new allowance would replace the entirety of Clause 3.7 of the SDC Members' Allowances scheme which currently provides for fax machines and Council-supplied laptops to Members.

The Panel recommends that this allowance should be reviewed three years after adoption to evaluate relevance at that time and, in any event, the allowance should lapse once the Council is paying the appropriate level of Basic Allowance recommended by the Panel in our full review published in late 2008.

Joint Independent Remuneration Panel

The Joint Independent Remuneration Panel (JIRP) for Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council was originally established in 2001 and now operates under the Local Authorities (Members' Allowances) (England) Regulations 2003. The function of the panel is to make recommendations to Council in accordance with Statutory Instruments (primarily 2003 No.1021 and No.1692).

The JIRP is appointed jointly by the three Councils but considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation.

Panel Members are:

Barry Cushway
Sue Holmes
Simon Knott
Jean Selmes
Colin Wilby

1 September 2011

APPENDIX G: Members' Allowances Scheme (2011/12)

3.7 ICT and other equipment

Members are able to securely access all Council information and communications from any internet access point, including a home computer, through the Members' Electronic Portal. In order to recognise that part of the cost of provision of such equipment is for the performance of Members' duties, Members may make claim for the following financial support:

- (a) an allowance of £120 per annum is available to councillors paid on a monthly basis and separately from the Basic and other allowances. This allowance is available to Members who use their own IT resources to undertake their council duties;
- (b) where a Member has been provided with a Council funded computer, no allowance will be paid; and
- (c) all such allowances are subject to tax along with Basic and Special Responsibility Allowances in the normal way

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