



Despatched: 10.04.12

**MODERN LOCAL GOVERNMENT GROUP**

18 April 2012 at 5.00 pm

**CONFERENCE ROOM, ARGYLE ROAD, SEVENOAKS**

**AGENDA**

**Membership:**

Chairman: Cllr. Fleming

Vice Chairman: Cllr Mrs Hunter

Cllrs: Mrs. Bracken, Brookbank, Mrs. Cook, Mrs. Davison, Fittock, Piper, Scholey and Walshe

1. Minutes of the meeting of the Group held on 6 October 2011 (Pages 1 - 6)
2. Declarations of Interest
3. Partnership Working between Dartford Borough Council (DBC) and Sevenoaks District Council (SDC) in relation to Environmental Health Services (Pages 7 - 12)

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**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  
6 October 2011 at 5.30 p.m.

Present: Cllr. Fleming (Chairman)  
Cllr. Mrs. Hunter (Vice-Chairman)  
Cllrs. Brookbank, Mrs Bracken, Mrs Cook, Mrs Davison, Fittock, Piper  
and Scholey.

Also Present: Cllr. Gaywood, Mrs Parkin and Miss Stack

An apology for absence was received from Cllr Walshe.

1. TO ELECT A CHAIRMAN OF THE GROUP FOR THE ENSUING MUNICIPAL YEAR

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

Resolved: That Cllr. Mrs Hunter be appointed Vice-Chairman of the Group for the ensuing Municipal Year.

3. MINUTES OF PREVIOUS MEETING

Resolved: That the minutes of the previous meeting of the Group held on 8 July 2010 be approved and signed by the Chairman as a correct record.

4. DECLARATIONS OF INTEREST

Members were advised that there was no need for them to declare personal or prejudicial interests in the review of IT Allowances as consideration of the Scheme of Members Allowances was specifically exempt from this requirement.

Members who currently possessed computers provided by the Council felt however that they should still declare an interest in this item. Accordingly Councillors Mrs Cook, Mrs Davison, Mrs Hunter and Piper declared a personal interest in agenda item 5, Review of IT Allowances/Provision of Computers for Members, as they currently held computers which had been provided to them by the council.

5. REVIEW OF IT ALLOWANCES/PROVISION OF COMPUTERS FOR MEMBERS

Members considered a report which reviewed whether an IT allowance should be added to the current Members' Allowance Scheme. This issue had been considered by the Joint Independent Remuneration Panel (JIRP) following a request by Officers of Sevenoaks District Council (SDC) in July 2011 and the report included the JIRP's recommendations. The report explained that 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. However 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 was no longer available.

The accessibility of information by Members had also changed in the intervening years and the Council had developed a simple approach to Members' access to Council information and communications via a new Members' Electronic Portal, an extranet which made it possible to have web-based access to the e-mail system and all the necessary information systems and databases. As a consequence Members could access all of the information that they required to perform their duties securely from any internet access point including a home computer. Coupled with the approximate 23% reduction in IT budgets in recent years this meant that there was little scope for the Council to supply computer equipment for all Members or to continue to provide the level of ongoing support needed.

Members discussed the background to the initiation of the review. It was noted that by the May 2011 elections only 12 Members had been active users of the Council laptops out of the much larger total number allocated. After the elections 8 new laptops had been purchased with remaining money from the original funding and had been allocated to the 8 Members who had responded to an emailed offer to be provided with a laptop. 1 Member had already returned their new laptop. There had been some concern from Members that new laptops were not available for all Members, some Members had obsolete laptops and others none at all which was considered confusing and possibly unfair. In these circumstances it was decided to refer consideration of the matter to the JIRP.

The Chairman welcomed Colin Wilby, the Chairman of the JIRP, to the meeting. Mr Wilby explained that the JIRP had carried out a full review which had included briefings from officers, meetings with Members and research into the practices of other local authorities in terms of provision of IT allowances and computing equipment for Members. Although it had been clear that few Councils currently provided a specific IT allowance and practice differed widely the Panel had concluded that the use of computer based information and communications was essential for Councillors to be able to fulfil their responsibilities. However the Panel had also recognised that other authorities paid a higher level of basic allowance which could be used by Members to meet their IT requirements if they so wished whereas Sevenoaks had previously rejected the Panel's recommended level of basic allowance in favour of a lower allowance. In view of this the Panel made a number of recommendations:

- (a) An allowance of £120 per annum should be available to councillors paid monthly and separately from the Basic and other allowances. This allowance would be available to Members who used 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 was 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) The new allowance should replace the entirety of Clause 3.7 of the SDC Members' Allowance scheme which currently provided for fax machines and Council supplied laptops to Members; and
- (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 was paying the appropriate level of Basic Allowance recommended by JIRP in their full review published in late 2008, this being £5754.

The Panel recognised that this was an attempt to provide a contribution towards meeting Members IT requirements rather than meeting the full costs. They had also considered it to be important that the proposed allowance could be rolled-up to allow a Member to purchase computing equipment if they were unable to afford to do so.

Members had regard to the review carried out by the JIRP and sought clarification on whether the proposed allowance could only be used to purchase computer hardware or for maintenance and consumables. Mr Wilby said that the Panel had considered that the allowance should be used for the purchase and maintenance of computer hardware rather than to meet the cost of broadband or consumables. Members also questioned how the Panel had arrived at the level of the proposed allowance and were reminded that the allowance was to be viewed as a contribution to meeting their IT requirements and had not been determined by seeking to establish a benchmark figure for the provision of specific hardware but was considered to be realistic given the Panel members own experience of the costs of purchasing equipment.

The Deputy Chief Executive and Director of Corporate Resources reminded Members that the reason for the review was to come up with a clear and fair scheme to assist Members in accessing the information they needed in their roles against the recognition that the Council could not afford to supply computers to all Members and provide the support that those computers would require. Members also questioned the position with regard to tax payments if a Member opted for the new allowance or was provided with a laptop by the Council. The Deputy Chief Executive and Director of Corporate Resources confirmed that if a Council provided laptop was used solely for Council purposes this would not be a taxable benefit but was likely to become one if it was also used for personal use. In terms of the allowance the Council would be under a duty to tax at source but if this was used to purchase equipment solely for use on Council business it would be possible to claim back the tax or to adjust the tax code for the following year. It would only be possible to establish the position for

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each Member by writing to ask them about usage each year.

A Member noted the Panel's recommendation that the allowance should lapse if the level of Basic Allowance reached the level recommended by the Panel in its Review of the Scheme of Allowances in 2008 and wondered when Basic Allowance might reach this level. The Leader of the Council advised that because of the lower levels of allowances adopted by the Council this level was not likely to be reached imminently.

Members discussed the merits of the Panel's recommendation contained in paragraph 7(c) of the report and decided that it was important that this provision would be considered in exceptional circumstances. It was felt that this should be included in the proposed changes to the Members Allowances Scheme in paragraph 3.7 of the Scheme in the Constitution. It was noted that if a Member had been provided with a new Council laptop they would not be entitled to the proposed IT allowance and that the allowance should be an annual contribution towards the cost of purchasing or maintaining computer hardware. It was suggested that the recommendation in paragraph 7(a) should provide for the allowance to be paid on a yearly basis rather than monthly.

Members felt that it was important for the purpose for which the IT Allowance could be used to be clearly stated in the revised Scheme of Allowances. It was also confirmed that if the Modern Local Government Group's recommendations were agreed by the Council then the payment of the new allowance to those Members who wished to claim it would be paid in the current financial year. Members also briefly discussed the JIRP's suggestion that the increasing use of computer based communications and transmission of documents could enable the Council to make significant progress towards paperless meetings. Members had conflicting views of the merits of this, especially in areas where internet access was poor, but recognised that this might have to be revisited during future budget discussions.

Resolved: That

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

- (a) adopt the allowance as set out in paragraph 7 of the report, as recommended by the JIRP, with minor changes of wording to recommendations (a) and (c) suggested by the Modern Local Government Group, 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 Appendix B to the report incorporating the allowance as set out in (a) above; and
- (c) formally record thanks to the members of the JIRP, 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.

THE MEETING WAS CONCLUDED AT 6.20 P.M.

Chairman





**PARTNERSHIP WORKING BETWEEN DARTFORD BOROUGH COUNCIL (DBC) AND SEVENOAKS DISTRICT COUNCIL (SDC) IN RELATION TO ENVIRONMENTAL HEALTH SERVICES**

Report of the: Deputy Chief Executive & Director of Corporate Resources

Status: For Decision

Key Decision: Yes

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**Executive Summary:** To agree the scheme of delegations in relation to the joint working arrangements between Sevenoaks District Council and Dartford Borough Council in relation to Environmental Health Services.

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**This report supports the Key Aim of** Effective Management of Council Resources

**Portfolio Holder** Cllr. Mrs. Bracken

**Head of Service** Head of Legal and Democratic Services, Christine Nuttall  
Head of Environmental and Operational Services, Richard Wilson

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**Recommendation to Modern Local Government Group and Council :** It be RESOLVED that:

Modern Local Government Groups agrees and recommends to Council:

- (a) that Cabinet (in relation to executive functions) and Council (in relation to council functions) authorises the Managing Director being the Head of Paid Service at DBC to exercise the powers and functions as set out in the Appendix to this report and the necessary amendments to the Constitution.
- (b) that Cabinet (in relation to executive functions) and Council (in relation to council functions) amend its Scheme of Delegation so as to authorise the Chief Executive being the Head of Paid Service at SDC to exercise the powers and functions delegated by DBC as set out in the Appendix to this report and the necessary amendments to the Constitution.

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**Reason for recommendation:** To put in place the necessary Partnership Working delegations to protect the legal position of both Councils.

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**Introduction**

- 1 It was agreed by Cabinet on the 13<sup>th</sup> October 2011 that the proposed operating model for the joint provision of Environmental Health Services with Dartford

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Borough Council be approved. Matters were also presented to Council on the 29<sup>th</sup> November 2011.

- 2 The Local Government Act 1972 (s.113) allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority, subject to consultation with the staff although staff consent is not required.
- 3 Staff who are made available under such an arrangement are then treated as officers of the other authority for the purposes of their functions, although they remain an employee of their original authority for employment and superannuation purposes.

### Delegations

4. The Local Government Act 1972 s.101 provides a local authority with the power to make arrangements for the discharge of its functions by a committee, sub-committee or officer of the local authority or by another local authority. When an executive function is involved the relevant powers are in section 19 and 20 of the Local Government Act 2000.
5. It is necessary for the Councils to delegate and empower each other to discharge certain Agreed Functions via its Heads of Paid Service and these are to be set out within the Partnership Working Arrangements.
6. As the functions will involve both executive and non-executive functions the arrangements need to be approved by both Cabinet and Council, with Council approving the necessary changes to the Constitutional scheme of Delegation as set out within the Appendix to this report.
7. Such arrangements do not prevent each authority making the delegation from exercising the functions itself.

### Key Implications

#### Financial

8. The financial implications and saving of the Environmental Health Service joint working arrangements was set out in the Report to Cabinet on the 13<sup>th</sup> October 2011 and the Report to Council on the 29<sup>th</sup> November 2011.

#### Community Impact and Outcomes

- 9 Achieving significant savings whilst protecting service standards will be a clear benefit to residents of Dartford and Sevenoaks.

#### Legal, Human Rights etc.

- 10 Delegation of functions need to be put in place in order to delegate the responsibility for the day to day operation of the shared services to the Heads of Paid Service. However, Council will still retain the responsibility for employing their own staff within the service.

Equality

- 11 There are no specific activities covered in this report that would need a Equalities Impact Assessment.

**Conclusions**

- 12 Amending the Scheme of Delegations will facilitate the instances of increased collaboration allowing the Head of Paid Service of each Council to undertake particular functions of the shared service and to sub delegate such functions to other officers including officers placed at the Councils' disposal, as if that officer were an officer employed directly by the Council.

**Risk Assessment Statement**

- 13 The risks to the delivery of the joint working arrangements were separately assessed within the Business Case presented to Cabinet on the 13<sup>th</sup> October 2011.

**Appendices:** Appendix A: Amendments to the Constitution

**Background Papers:** Reports to Cabinet 13<sup>th</sup> October 2011 and Council on the 29<sup>th</sup> November 2011.

**Contact Officer(s):** Christine Nuttall ext 7245  
Richard Wilson ext 7262

**Dr Pav Ramewal**

**Deputy Chief Executive & Director of Corporate REsources**

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## **ADDITIONS TO PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS**

### **2. Management Structure**

#### Delegations to Dartford Borough Council

2.8 Pursuant to enabling legislation Council and Cabinet have delegated to Dartford Borough Council via its Head of Paid Service the discharge of all functions with regards to the Environmental Health Service as may be more particularly identified in the Partnership Working Arrangements. Council and Cabinet have also agreed to place at the disposal of Dartford Borough Council for the purposes of their functions the services of officers employed by Sevenoaks District Council.

### **11. Delegation to the Chief Executive**

(l) Pursuant to enabling legislation this Council via its Chief Executive has received and shall discharge all the functions of Dartford Borough Council with regard to the Environmental Health Service as may be more particularly identified in the Partnership Working Arrangements and Dartford Borough Council have agreed to place at the disposal of Sevenoaks District Council for the purposes of those functions the services of officers employed by Dartford Borough Council.

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