

NOTICE OF AND SUMMONS TO MEETINGS

Council - 26 April 2022

Report of: Monitoring Officer

Status: For consideration

Also considered by:

- Governance Committee - 13 April 2022

Key Decision: No

Executive Summary: This report seeks to update the Constitution to reflect the current legislative position as relates to giving notice of meetings. It paves the way to a reduction in courier movements in favour of formal legal service of meeting documents by email. Nothing in this report will prevent a Member from receiving a paper copy of an agenda or reports before a meeting.

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Recommendation to Governance Committee: It be recommended to Council that

- Members approve the revisions to Part 2 of the Constitution set out in the report;
- pursuant to the Council's Net Zero 2030 ambitions, Members agree to accept formal legal service of meeting documents by email;
- Members note that paper copies of meeting agendas and reports will continue to be available in advance of meetings notwithstanding electronic service.

Recommendation to Council: That

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Reason for recommendation: To update the Constitution in the light of the current legislative framework and permit a reduction in urgent courier movements.

Introduction

- 1 This report is concerned with bringing the Constitution into line with the position at law, as relates to the notice of and summons to meetings.
- 2 It also relates to the manner by which the formal legal service of meeting documents is deemed to be effected on time. It does not relate to the provisions as to openness and transparency. There is no proposal in this report to cease the provision of paper agenda packs in advance to Members.

Background

- 3 The Local Government Act 1972 provides no statutory obligation to summon Members to attend meetings of Cabinet or Committees. However, a summons to attend a Council meeting must be sent in accordance with Schedule 12.
- 4 The relevant provisions of Schedule 12 set out that *a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.*
- 5 For the purposes of the Act, ‘an appropriate method’ is described as ... *leaving it at, or sending it by post, to the member's usual place of residence, or ... where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post, to that different address, or ... where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.*
- 6 The relevant summons is contained within the front sheet of every Annual or Full Council agenda pack. Such summonses and agenda packs are currently sent by courier to Members. In practice, this means that Officers from Facilities Maintenance drive around the entirety of the District on a specific day, in order to meet the deadline of delivering the papers at least five working days in advance of every Council meeting.
- 7 The Local Government Act 1972 provisions as to a summonses only relate to Council meetings. There is no equivalent legal requirement as relates to other types of formal meeting. However, the current Sevenoaks District Council Constitution does not match the legal position exactly and in effect requires that the same rules be applied to Cabinet and Committee papers. Again, in practice, this means that deliveries must regularly be made across the District by Officers from Facilities Maintenance, under a strict requirement to complete all deliveries on a specific day.
- 8 To bring the constitution into line with the position at law and to allow a more environmentally friendly approach with fewer car journeys, it is recommended that changes be made.
- 9 Members will of course note that during the Covid-19 pandemic, all courier deliveries were suspended in furtherance of safe working practices. This

permitted Facilities Maintenance colleagues additional time to dedicate to their office-based duties and naturally resulted in a drop in traffic movements.

Constitutional Change

- 10 Accordingly, it is proposed that the Part 2, para 13.1 of the Constitution be amended so as to read:

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (Appendix A - Access to Information Procedure Rules). At least five clear working days before a Council meeting, a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the Chief Executive, shall be sent to every Member of the Council. He will do this by leaving it at, or sending it by post to, the Member's usual place of residence, or where the Member has specified an address other than the Member's usual place of residence, leaving it at, or sending it by post to, that different address, or where the Member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.

- 11 The proposed provision will bring the Constitution into close parallel with the position at law. By this means it will be clarified that there is no requirement to issue a summons in respect of non-Council meetings (such as meetings of Cabinet, Advisory Committees or Committees).

Formal Service

- 12 Furthermore, in view of the Council's full commitment to being 'Net Zero' by 2030, it is proposed that Members adopt the policy of agreeing to accept the formal legal service of meeting documents by email. This would offer considerable advantages, such as a reduction in carbon footprint by means of the reduction in the number of urgent courier runs, business efficiency as Officers of Facilities Maintenance are freed from some courier obligations and an ability to provide reports less constrained by the print timetable.

Paper Agenda Packs

- 13 Members should note that there is no proposal to cease the provision of paper agenda packs for use by Members at Council, Cabinet and Committees. The proposal is however to bring the Constitution into line with the Local Government Act 1972, paving the way to a reduction in the number of time-sensitive courier runs as it will be an email, rather than an in-person delivery of papers, which will be deemed formal service of the required notice.
- 14 There is no apparent advantage in retaining a provision which defaults to the need to provide a courier service on a specific day, in all cases. However, as anticipated by the Local Government Act 1972, Members may 'opt out' of electronic delivery if they wish to withdraw their consent.

- 15 It is envisaged that the courier run may still be made, alongside postal deliveries, when hard copy documents are to be sent to Members, but that this will not be time-constrained (other than by being well in advance of any meeting) or the default practice.

Other options Considered and/or rejected

The other option available is to make no change from the present arrangement.

Key Implications

Financial

The proposal by reduces, but does not eliminate, the need for a courier service. For that reason, this is likely to realise an unspecified saving.

Legal Implications and Risk Assessment Statement.

The relevant legal provisions are found in Schedule 12 of the Local Government Act 1972 (para 4. 1A and 1B). The relevant Constitutional provisions are found in Part 2, paragraph 13.1 of the Constitution which currently reads as follows:

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (Appendix A - Access to Information Procedure Rules). At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member, leaving it at their usual place of residence or, with their agreement, to another address or to an electronic address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Equality Assessment (Compulsory heading - do not delete)

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.

Net Zero Implications

The proposal by nature reduces the need for a courier service. For that reason, this will support a reduction in carbon footprint in line with the Council's Net Zero 2030 objectives.

The changes proposed in this report will promote the Council's key objectives by again reducing traffic movements and allowing staff to dedicate time to other duties. Transport is the biggest contributor of carbon emissions in the districts (source: BEIS local authority carbon emissions data 2021).

Conclusions

It is recommended that that Members approve the amendments to the Constitution set out in the report. Furthermore, in order to learn the lessons of the Covid-19 pandemic and replicate some of the incidental gains from the then-enforced changes in working practices, it is recommended that Members fully endorse a request to the Head of Legal and Democratic Services to adopt a policy of electronic delivery of meeting papers where legally and Constitutionally permissible.

Appendices

None.

Background Papers

None.

Martin Goodman

Monitoring Officer