

Item No. 3.5	Classification: Open	Date: 25 February 2015	Meeting Name: Council Assembly
Report title:		Constitutional Issues 2014/15 – Electronic Summonses	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

That the constitutional steering panel recommends that council assembly adopts the proposals set out in this report.

Electronic Summonses

1. That the constitution be updated to allow the implementation of the Local Government (Electronic Communications) (England) Order 2015.

Consequential changes

2. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

BACKGROUND INFORMATION

3. On 30 January 2015 the Local Government (Electronic Communications) (England) Order 2015 comes into effect, thereby enabling the use of electronic communications in the sending of summonses to members. Members may only receive summonses electronically where they consent to it being transmitted by this method and they may at any time withdraw their consent.
4. On 11 February 2015, the constitutional steering panel considered the report and agreed to recommend the proposed changes to the next council assembly meeting.
5. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

KEY ISSUES FOR CONSIDERATION

6. This report sets out proposed constitutional changes and outlines the processes required to introduce the Local Government (Electronic Communications) (England) Order 2015 and the use of electronic summonses.

Process required to introduce the order

7. It was reported to constitutional steering panel that if the proposals are approved, the proper constitutional officer would email all councillors explaining the order and setting out its implications. This email would also seek individual members consent to receiving the summons (and open papers) by email. Currently officers issue an email giving notification of a forthcoming meeting, which sets out the agenda titles with a web link to the reports. This would be treated as the electronic summons. A councillor could give consent or withdraw consent at any time; similarly consent could apply to one or more meetings. All open meeting agendas and reports can be accessed via the council's website agendas.
8. This change would apply to open agendas only. Closed agendas would continue to be issued in a paper format; this primarily applies to cabinet and licensing sub-committees. It is officers view that the dispatch of closed papers should remain by post only as this eliminate the possibility of confidential papers being distributed further afield than the closed distribution list.
9. Receipt of each electronic agenda (consent) would be expressed by a reply from the councillor's council email account – i.e. the same way that we accept motions, amendments etc. for council assembly – or in writing by letter.
10. It is suggested that if a member gives their consent they should not normally receive a paper agenda as well. They will either receive an electronic summons or a paper copy, but not both. A limited number of paper copies would be available at meetings, currently these are provided for members of the public attending meetings.

Constitution

11. Southwark's constitution would need to be updated to reflect a change in the delivery of the summons.
12. In addition to changing the procedure rule on method of dispatch/receipt, it would be prudent to include a notice period for a member wishing to change their consent. Therefore it is suggested that the time scale be similar to that already existing for change of membership of a committee (5 clear working days), this would allow for the agenda to be dispatched by post or email as required.
13. The proposed revised procedure rules are shown below:

PROCEDURE RULES – COUNCIL ASSEMBLY AND COMMITTEE

Revised procedure rule:

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information procedure rules. At least seven/five clear working days before a meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the council or leave it at their usual place of residence.

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.

2. A member may consent to receiving a summons by electronic communication by informing the proper constitutional officer or the head of overview and scrutiny.
3. Members' requests to change their method of receipt must be submitted in writing to the proper constitutional officer or the head of overview and scrutiny. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

Advice on constitutional changes

14. All constitutional changes are considered by the constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~strikethrough~~).

Community impact statement

15. The new order provides new rights for councillors, there is no specific impact on members of the public.

Resource implications

16. There will be saving to the council from the issuing of electronic summonses as this would see a reduction in printing costs. Distribution lists are already kept to a minimum and regularly reviewed. All open agenda and reports are published on the council's website. There are no other specific budget implications from the proposals set out in this report.
17. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. It is anticipated that the cost can be contained within existing budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

18. Any legal issues are outlined in the body of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution	Council Offices, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: constitutional.team@southwark.gov.uk Tel: 020 7525 7228

APPENDICES

Appendix	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Principal Constitutional Officer	
Version	Final	
Dated	12 February 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Incorporated in the report
Strategic Director of Finance and Corporate Strategy	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 February 2015	