



MEMBER MANAGEMENT COMMITTEE

Meeting to be held in Leeds Civic Hall on
Tuesday, 14th April, 2009
at 4.30 pm

MEMBERSHIP

Councillors

J Dowson
P Gruen
T Hanley
M Lyons

S Bentley (Chair)
M Hamilton

G Latty
J Procter

T Leadley

A Blackburn

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>MINUTES</p> <p>To approve as a correct record the minutes of the meeting held on the 4th March 2009.</p>	1 - 4
6			<p>MEMBERS' LEGAL EXPENSES INSURANCE</p> <p>Tot consider the joint report of the Director of Resources and Assistant Chief Executive (Corporate Governance) advising Members of the Committee of the current position in relation to the insurance arrangements for legal representation and to set out possible alternatives .</p>	5 - 16
7			<p>MIGRATION FROM LOTUS NOTES - IMPLICATIONS FOR MEMBERS</p> <p>To consider the joint report of the Chief Democratic Services Officer and the Chief ICT Officer consulting with members on how best to manage the change from Lotus Notes to Microsoft Outlook making sure that all possible benefits for elected members are maximized and all possible problems mitigated where possible.</p>	17 - 24

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MEMBER MANAGEMENT COMMITTEE

WEDNESDAY, 4TH MARCH, 2009

PRESENT: Councillor S Bentley in the Chair

Councillors A Blackburn, J Dowson, M Hamilton,
T Hanley, G Latty, T Leadley, M Lyons,
J Procter

33 Late Items

The Chair admitted the following late item to the agenda as follows:

Council Housing Investment Review – Councillor Consultation Group (minute 35)

To consider the composition and membership of the Group in order to facilitate progress of the review and allow for the commencement of meetings in April.

34 Minutes

RESOLVED - That the minutes of the meeting held on 18th November 2008 be approved as a correct record.

35 Council Housing Investment Review - Councillor Consultation Group

The Director of Environment and Neighbourhoods submitted a report seeking agreement to establish a Councillor Consultation Group to support the review of Council Housing Investment following approval from Executive Board in January 2009.

RESOLVED –

- (a) To support the establishment of the Councillor Consultation Group and that the appointments be designated as Strategic and Key.
- (b) That the group consist of 9 Councillors (4 Labour, 2 Conservative, 2 Liberal Democrat and 1 from the minority groups)
- (c) That Councillor Richard Lewis and Councillor Les Carter be appointed and that the remaining vacancies be allocated as Whips nominees.

36 Matters Arising from the Minutes

- (a) Further to minute 22 (Members ICT Development) the current position was noted and it was agreed that a report updating Members be submitted to the next meeting.

37 Cross Gates Good Neighbours and Halton Moor & Osmondthorpe project for the Elderly (HOPE)

The Director of Environment and Neighbourhoods submitted a report seeking to establish the principle of allowing one selected member from Outer East Area Committee to sit on the committee of Cross Gates Good Neighbours and on member to sit on the committee of HOPE.

RESOLVED –

- (a) That appointments to the committees of Cross Gates Good Neighbours and HOPE be approved.
- (b) That such appointments be categorised as being ‘Community and Local Engagement’ and that such appointments be made by the relevant Area Committee.

38 Members' Legal Expenses Insurance

The Assistant Chief Executive (Corporate Governance) and Director of Resources submitted a joint report on options in respect of Members’ legal expenses insurance for Members who are subject to a Code of Conduct Enquiry.

RESOLVED – That the report be deferred for consideration at a rearranged meeting of this Committee.

39 Insurance and Indemnities for Members

The Assistant Chief Executive (Corporate Governance) and Director of Resources submitted a report on the insurance protection provided specifically for Members, the indemnity provided for officers and the potential for widening the scope of the Leeds City Council indemnity to include Members.

RESOLVED –

- (a) That the report be noted and the intention of the Assistant Chief Executive (Corporate Governance) to report to the Executive Board on the matter of indemnities and to give such guidance as considered appropriate also be noted.
- (b) That a further report be submitted to this Committee on insurance and indemnities for members.
- (c) That a letter be forwarded to the LGA in respect of the legislation that requires a Member found in breach of the Members Code of Conduct to repay the amount expended for legal representation.

40 Member Development Update

The Chief Democratic Services Officer submitted a report providing Members with an update on training and development issues relating to Elected Members.

RESOLVED –

- (a) That this Committee endorses the commitment to achieving the Member Development Charter and Charter Plus.

- (b) That the report be noted particularly the attendance summary appended to the report.
- (c) That a report be submitted to a future meeting detailing the approval mechanisms for attendance at conferences in respect of standards issues.

41 Political Awareness Training for Officers

The Chief Democratic Services Officer submitted a report updating Members on progress made to deliver a learning and development project to improve the political awareness skills of front-line and management staff.

RESOLVED –

- (a) That the proposed content of the learning and development project be endorsed.
- (b) That the roll out timescales and management arrangements for the project be noted.
- (c) To note that Members wished to be involved in this process.

42 Local Authorities Appointment to Outside Bodies

The Chief Democratic Services Officer submitted a report asking Members to note the current and proposed arrangements in respect of support to Members when appointed to an outside body, what indemnities are in place for Elected Members when representing the Council on outside bodies and to seek agreement to the method in which feedback is received from organisations who have elected members serving on their body.

RESOLVED –

- (a) That the proposed support for Members as detailed in section 3 of the report be agreed.
- (b) That the proposal in paragraph 5.2 of the report to continue the practices referred to in paragraphs 5.3 and 5.4 of the report be agreed.
- (c) That officers write to the Bishop seeking a meeting to discuss the Council's representation on the David Young Community Academy Governing Body.
- (d) To note the following appointments confirmed by the Assistant Chief Executive (Corporate Governance) since the last meeting of this Committee:

<u>Outside Body</u>	<u>Member Appointed</u>
Pupil Referral Unit Management Committee JCC (Teachers)	Councillor Ewens Councillor Campbell

43 Any Other Business
Members Pensions

RESOLVED – That a report be submitted to a future meeting in respect of the current pension arrangements for Members.

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Joint Report of the Assistant Chief Executive (Corporate Governance) and Director of Resources

Member Management Committee

Date: 14th April 2009

Subject: Members' Legal Expenses Insurance

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

A further report on the subject of Members' legal expenses insurance for Members subject to a Code of Conduct enquiry, detailing the sequence of events leading to the arrangement of the insurance, difficulties encountered in dealing with the insurers, choice of solicitors, alternatives to the insurance arrangements and the possibility of setting up an alternative arrangement .

1 Purpose of the Report

1.1 To advise Members of the Committee of the current position in relation to the insurance arrangements for legal representation and to set out possible alternatives .

2. Background Information

2.1 The **Local Authorities (Indemnities for Members and Officers) Order 2004** (see appendix 1) permits local authorities to provide an indemnity to Members who have been notified that they are to be subject to a code of conduct enquiry, either by a self funded arrangement or by way of purchasing an insurance policy.

2.2 Any indemnity provided by the Council, whether self funded or insured externally is subject to the requirement in the 2004 Order which states that if a Member is found to be in breach of or admits to failing to comply with the Code the **“member shall reimburse the authority or the insurer (as the case may be) for any sums expended by the authority or insurer in relation to those proceedings pursuant to the indemnity or insurance”**.

2.3 The Council currently purchases legal expenses insurance from DAS so that Members who so wish may have legal representation if they are subject to a Code of Conduct enquiry.

3. Sequence of Events Leading to Current Insurance Arrangements

3.1 Prior to the implementation of the 2004 Order, which took effect in November 2004, local authorities were not permitted to provide a personal indemnity to Members. However, a consultation process initiated by central government leading up to the 2004 Order raised the issue to the extent that Members wished to make some arrangements in anticipation of the Order, although such arrangements would have to be fully funded by the Members.

3.2 After research, involving advice from the Council's insurance brokers and contact with other local authorities, it was clear that there was only one insurance product available specifically to fund legal expenses for Members facing a Code of Conduct enquiry. This was only available via Zurich Municipal, an insurance company which specialises in local authority business, who act as an intermediary for DAS, a long established legal expenses insurer.

3.3 In a report to the Group Whips dated 2nd April 2004, the Council's Insurance Manager set out the position. Consultation by way of a letter to all Members was carried out and following a Whips' meeting on 25th June 2004, it was agreed to purchase this insurance policy with members paying their respective share of the premium

3.4 However, later that year the 2004 Order was published and this changed the position to allow the Council to pay the insurance premium.

3.5 This insurance policy has been renewed each year since 2004.

3.6 In September 2008, the Council's Insurance Manager made further enquiries with the Council's insurance brokers as to the availability of this kind of insurance cover. They advised that there was no similar insurance product on the market and DAS was the only insurer offering legal expenses cover for councillors.

3.7 Enquiries were made of the West and South Yorkshire authorities and Core Cities authorities and this revealed that they either did not insure at all (and had no arrangements for funding) or they bought the same insurance product as Leeds. None of those authorities who had arranged the insurance cover had made any claims on their policies.

4. Difficulties in Dealing With the Insurers

4.1 As previously reported, it became clear that when Members contacted DAS in order to register a claim under the policy, DAS staff receiving the telephone calls were unaware of this special insurance policy and had some difficulty in identifying Leeds City Council as a customer on their computer systems. In addition, DAS staff were not particularly helpful and in some cases repeated telephone calls ended with matters remaining completely unresolved.

- 4.2 To represent Members who are subject to a Code of Conduct investigation, DAS use a firm of solicitors based in Cardiff. This is not particularly convenient for a local authority in West Yorkshire.
- 4.3 Following these problems, the Assistant Chief Executive (Corporate Governance) and the Insurance Manager met with DAS to discuss the problems and to agree new procedures designed to avoid a recurrence of those problems. The Assistant Chief Executive (Corporate Governance) advised the insurers that Members facing a Conduct enquiry, which could potentially lead to their suspension or disqualification in serious cases, find it a stressful time and therefore the process to obtain legal support needed to be easy and one in which Members had confidence that they would get the support they needed.
- 4.4 It was accepted by DAS that communication to date by Members with their “call centre” operation had led to difficulties given that the staff concerned did not know of this particular policy or the specialised nature of the situation for which the policy provides an indemnity. DAS have now agreed to supply separate and specific contact details for Members to use. The new contacts will be more familiar with the service required and will be able to ensure that the Member is put in contact with a firm of solicitors who specialise in this area of work.
- 4.5 DAS also accepted that their choice of a firm based in Cardiff was not convenient to Leeds Members. The Assistant Chief Executive (Corporate Governance) has provided DAS with the names of firms in Leeds (and nationally) who have experience of Member Code of Conduct matters who should be added to the insurer’s legal panel for this work. This was accepted by DAS.

5. Appointment of Solicitor

- 5.1 DAS have agreed to allow Members to choose a local firm subject to any nominated solicitor being able to agree hourly rates for their work in line with the maximum hourly rate which DAS are willing to pay, currently £174 per hour. This figure is arrived at by reference to guidelines issued by the Advisory Committee on Civil Costs.

However, there have recently been some difficulties in arranging for a local firm of solicitors to represent Members the subject of an investigation, with DAS funding the cost. This arose because the maximum hourly rate which DAS are prepared to pay is not sufficient to cover the cost of engaging local solicitors known to have relevant expertise. Leeds firms have indicated hourly rates in the region of £250/£300 per hour for a partner with a solicitor rate of £185. DAS were not prepared to fund at these levels. There are firms further afield (Manchester and Lincolnshire) who will work within the DAS rate but those firms have recently been used to conduct investigations and so are not always available.

Further discussions will take place with DAS to ask them to procure local firms at the rate they appear willing to pay. In the meantime, if any investigations arise, officers will endeavour to assist in sourcing appropriate legal representation at the hourly rate permitted by the insurance cover. It would also be open to a Member, in this interim period, to select a solicitor of choice and to pay the difference between the DAS maximum and the actual charge at their own expense.

6. Cost of Current Insurance Cover

- 6.1 As from 1st April 2009, the insurance premium charged by Zurich Municipal, who act as an intermediary for DAS, is £3,314.32 per annum. This is funded from within Council budgets along with other insurance covers specifically arranged for Members.
- 6.2 There have been four claims on the policy during 2008, of which three have not yet been finalised. The total costs in terms of legal bills is estimated to be around £5,000 to £6,000.
- 6.3 Discussions with DAS about the level of cover and hourly rates they will pay have now taken place. In respect of the level of cover, which is currently set at a maximum of £50k any one claim, they will increase this to £100k for an additional 25% increase in premium. This would increase the current premium from £3,314 to £4,143 per annum which would still seem to represent good value.
- 6.4 DAS have indicated they would consider an arrangement whereby Leeds City Council may use a solicitor who charges a higher hourly rate than they will currently agree to pay. This would require an agreement with one nominated firm. Terms of business must be agreed between DAS and the nominated firm in advance. If such an agreement were reached, they would charge a higher premium. However, it is not possible to say at what level the higher premium would be until a detailed proposal were made to them. DAS have also said that they do not want to be in the position of having to negotiate terms of business every time Leeds City Council has a claim under their policy. As a consequence, we would need to carefully select one firm of solicitors should we wish to pursue this possibility.

7. Existing Alternative Arrangements for Legal Representation of Members

- 7.1 Members of The Association of Labour Councillors are able to access a scheme arranged by the Labour Party with a firm of solicitors in London. and the scheme is funded from annual subscriptions. This scheme has the advantage that Members using it will not be subject to the requirement that they repay the legal costs incurred if they lose their case. Members of other political groups may wish to consider raising this at national level with their political parties.
- 7.2 It has not been possible to discover the cost of the Association of Labour Councillors scheme at the time of drafting this report, but the cost to individual Members is almost certainly modest, when considering the amount of Association of Labour Councillors Members subscription levels. Obviously, on a national basis, a large number of Labour Councillors paying into a fund guarantees a sufficient pool of money to make the scheme financially viable.

8. Other Possible Arrangements - self insure

- 8.1 The Local Government (Indemnities to Members & Officers) Order 2004 permits local authorities to indemnify members or officers either by way of arranging external insurance or by funding the costs of providing the indemnity. Whichever choice a local authority makes, it is subject to the normal requirements to achieve best value.
- 8.2 It would be possible for the Council to procure the services of a firm or firms of solicitors to provide legal representation to Members who are the subject of a code of conduct matter. There are costs issues in this approach, however, which are set out in paragraph

5.1 above. The Assistant Chief Executive (Corporate Governance) currently engages legal firms to carry out the investigations in Conduct matters and if it is proposed to procure a firm/firms to provide legal representation for Members, care would need to be taken that in procuring a firm, no conflict would arise .

The Council could either seek a self insured arrangement to act as a “top up” to any expenses not covered by the £174 per hour allowed by the insurance policy or alternatively as a total replacement to the existing insurance policy.

However, in order to ensure the Council’s fiduciary duties to the Council taxpayers were protected, any such self insured arrangement would need to include a maximum allowed on each claim. Further, as in insurance policies, a decision would need to be taken on each individual case as to whether the Council was willing to spend resources on providing legal representation. To use an extreme example, a Member may have been convicted of a criminal offence which is clearly a breach of the Code. In such circumstances, the Council’s fiduciary duty to council tax payers needs to be considered as to whether it would be appropriate for legal representation at council tax payers expense to be provided.

Further, any self insured arrangement as required, by the 2004 Order, must include a provision, that a Member found to be in breach or who has admitted a breach of the Code would need to reimburse any monies expended.

8.3 It is not possible to budget accurately for the annual costs of either a “top up” or complete self insured arrangement. In some financial years there may be no requirement for a Member to be provided with legal representation and in other financial years there may be several cases where representation is required.

8.4 In the years 2004 to 2007 inclusive, no claims were made on the insurance policy. Since then four claims have been made, but three are on going and the costs involved are not yet known. Consequently it is not possible to make any direct cost comparison between buying insurance or Leeds City Council making its own arrangements other than to make the point that the legal costs of the three cases currently the subject of investigations are likely to cost substantially more in total than the current insurance premium of £3314. Assuming an average hourly rate of £250, the current resources spent on the premium would pay for approximately 13 hours legal advice in total, which in the professional view of the Assistant Chief Executive (Corporate Governance) does not represent value for money as compared against the current insurance arrangements.

The Assistant Chief Executive (Corporate Governance) considers that in the light of the above, the Council should continue with the existing insurance scheme, as it represents best value for money but that she will discuss with the insurers whether the maximum hourly rate can be increased and will continue to assist the insurers in sourcing appropriate legal firms who fall within their maximum hourly rate.

Costs will continue to be monitored by Officers and the position reviewed if the costs indicate that a self insured scheme would provide better value.

8.5 In the event that a self-insured scheme were to be put in place it is envisaged that the processes for dealing with any claims under the arrangement would be similar to the processes currently in place under the externally arranged insurance policy. Briefly, this would involve a Member who receives a Decision Notice that he or she is to be

investigated for a possible breach of the Code of Conduct contacting the Assistant Chief Executive (Corporate Governance) who will arrange for the Insurance Manager to organise an initial consultation with the selected firm of solicitors. The solicitors would provide a preliminary report of the situation with a view on the possibility of a successful defence. If, in their view, the possibility of a successful defence was minimal, as in the example described above of a criminal conviction, the Council would reserve the right to terminate the legal assistance at that point in order to avoid ineffective use of Council funds. A decision would need to be made as to who ought to take such a decision. Bearing in mind the role of the Assistant Chief Executive in standards matters, it is not considered it is appropriate for this to be a decision of that postholder, due to perceptions of conflict.

9. Decision making

As an executive function, any decisions regarding this matter fall to the Executive Board or to the Director of Resources under his delegated authority.

10. Recommendations

- 10.1 Members of the Association of Labour Councillors should consider using their own existing scheme detailed in paragraph 7.1 above. Subject to the terms of that particular scheme, that may remove any requirement for the Member concerned to refund the cost of legal representation from his or her own personal funds.

Members of other political groups may wish to consider raising the above scheme with their respective political associations to establish whether a similar scheme could be provided.

- 10.2 Members are asked to advise whether they wish to continue with the existing insurance arrangements or to ask officers to prepare a report for consideration by the Executive Board / Director of Resources to consider a self insured arrangement.

Appendix 1

The Local Authorities (Indemnities for Members and Officers) Order 2004

Made 22nd November 2004

Coming into force 23rd November 2004

The First Secretary of State, in exercise of the powers conferred upon him by sections 101 and 105 of the Local Government Act 2000^[1] and having consulted representatives of relevant authorities, representatives of employees of relevant authorities and such other persons as he considered appropriate hereby makes the following Order, of which a draft has been laid before, and approved by, resolution of, each House of Parliament:

Citation, commencement and interpretation

1. - (1) This Order may be cited as the Local Authorities (Indemnities for Members and Officers) Order 2004.

(2) It shall come into force on the day after that on which it is made.

(3) In this Order -

"Part 3 proceeding" means any investigation, report, reference, adjudication or any other proceeding pursuant to Part 3 of the Local Government Act 2000; and

"secure", in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance and related expressions shall be construed accordingly.

Application

2. This Order applies to relevant authorities in England^[2] and to police authorities in Wales^[3].

Indemnities

3. The authorities to whom this Order applies may, in the cases mentioned in article 5 below, provide indemnities to any of their Members^[4] or officers.

Insurance

4. In place of, or in addition to, themselves providing an indemnity under article 3 above, any authority to whom this Order applies may, in the cases mentioned in article 5 below, provide an indemnity by securing the insurance of any of its Members or officers.

Cases in which an indemnity may be provided

5. Subject to article 6 below, an indemnity may be provided in relation to any action of, or failure to act by, the member or officer in question, which -

(a) is authorised by the authority; or

(b) forms part of, or arises from, any powers conferred, or duties placed, upon that member or officer, as a consequence of any function being exercised by that member or officer (whether or not when exercising that function he does so in his capacity as a member or officer of the authority) -

- (i) at the request of, or with the approval of the authority, or
- (ii) for the purposes of the authority.

Restrictions on indemnities

6. - (1) No indemnity may be provided under this Order in relation to any action by, or failure to act by, any member or officer which -

(a) constitutes a criminal offence; or

(b) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer.

(2) Notwithstanding paragraph (1)(a), an indemnity may be provided in relation to -

(a) subject to article 8 below, the defence of any criminal proceedings brought against the officer or member; and

(b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

(3) No indemnity may be provided under this Order in relation to the making by the member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against him.

Matters that exceed the powers of the authority or member or officer

7. - (1) Notwithstanding any limitation on the powers of the authority which grants an indemnity, the authority may provide an indemnity to the extent that the member or officer in question -

(a) believed that the action, or failure to act, in question was within the powers of the authority, or

(b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that member or officer to hold that belief at the time when he acted or failed to act.

(2) An indemnity may be provided in relation to an act or omission which is subsequently found to be beyond the powers of the member or officer in question but only to the extent that the member or officer reasonably believed that the act or omission in question was within his powers at the time at which he acted.

Terms of indemnity or insurance

8. - (1) Subject to paragraphs (2) and (3) below, the terms of any indemnity given (including any insurance secured), under this Order may be such as the authority in question shall agree.

(2) Paragraph (3) applies where any indemnity given to any member or officer (including any insurance secured for that member or officer) has effect in relation to the defence of -

(a) any criminal proceedings; or

(b) any Part 3 proceedings.

(3) Where this paragraph applies, the indemnity shall be provided, and any insurance secured, on the terms that -

(a) in the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, and

(b) in the case of Part 3 proceedings -

(i) if a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal, or

(ii) if the member admits that he has failed to comply with the Code of Conduct,

that member or officer shall reimburse the authority or the insurer (as the case may be) for any sums expended by the authority or insurer in relation to those proceedings pursuant to the indemnity or insurance.

(4) Where a member or officer is obliged to reimburse an authority or insurer pursuant to the terms mentioned in paragraph (3) above, those sums shall be recoverable by the authority or insurer (as the case may be) as a civil debt.

Signed by authority of the First Secretary of State.

Nick Raynsford
Minister of State in the Office of the Deputy Prime Minister

22nd November 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for circumstances in which a relevant authority in England or a police authority in Wales may provide an indemnity to any of their Members or officers. The Local Authorities (Elected Mayors) (England) Regulations 2004 (S.I. 2004/1815) provide that the term "member" shall, in this context, include any elected mayor. These powers are in addition to any existing powers that such authorities may have (such as powers under section 111 of the Local Government Act 1972). The relevant authorities in England are -

county councils;

district councils;

London borough councils;

parish councils;

the Greater London Authority;

the Metropolitan Police Authority;

the London Fire and Emergency Planning Authority;

the Common Council of the City of London (in its capacity as a local or police authority);

the Council of the Isles of Scilly;

a fire authority constituted by a combination scheme under the Fire Services Act 1947;

a police authority;

a joint authority established by Part IV of the Local Government Act 1985;

the Broads Authority;

a National Park Authority established under section 63 of the Environment Act 1995.

Article 4 makes it clear that an indemnity may be provided by means of the authority securing the provision of an insurance policy for the member or officer.

Article 5 sets out the cases in which indemnities (including those provided by insurance) may be provided. This article restricts the power to cases in which the member or employee is carrying on any function at the request of, with the approval of, or for the purposes of, the authority. However, it does extend to cases in which when exercising the function in question the member or officer does so in a capacity other than that of a member or officer of the authority. This would permit an indemnity, for example, to cover a case where the member or officer acts as a director of a company at the request of his

authority, and thus is acting in his capacity as a director.

Article 6 prevents the provision of an indemnity (or securing of insurance) in relation to criminal acts, any other intentional wrongdoing, fraud, recklessness, or in relation to the bringing of (but not the defence of) any action in defamation.

Article 7 gives a limited power to provide an indemnity (including any indemnity provided by insurance) where the action or inaction complained of is outside the powers of the authority itself or outside the powers of the member or officer who acts. It also covers cases in which a member or officer makes a statement that certain steps have been taken or requirements fulfilled but it later becomes clear that this is not the case. This power is limited to cases in which the person indemnified -

reasonably believed that the matter in question was not outside those powers, or

where a document has been issued containing an untrue statement as to the authority's powers, or as to the steps taken or requirements fulfilled, reasonably believed that the statement was true when it was issued or authorised.

Article 8 gives the authority freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate but requires that those terms include provision for re-payment of sums expended by the authority or the insurer in cases in which a member has been found to be in breach of the Code of Conduct applicable to him as a member of the authority, or a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction). Any sums recoverable may be recovered as a civil debt.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from Local Government Legislation Division, Office of the Deputy Prime Minister, Zone 5/D1, Eland House, Bressenden Place, London, SW1E 5DU (telephone 020 7944 4148; [e-mail lgl@odpm.gsi.gov.uk](mailto:lgl@odpm.gsi.gov.uk)).

Notes:

[1] 2000 c. 22.

[2] For the meaning of "relevant authority", *see* section 49(6) of the Local Government Act 2000.

[3] For powers in relation to relevant authorities in Wales, *see* section 105(2) of the Local Government Act 2000.

[4] For the meaning of "member", *see* sections 49(6) and 101(5) of the Local Government Act 2000 and, in relation to elected mayors, the Local Authorities (Elected Mayors) (England) Regulations 2004 (S.I. 2004/1815).

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- To investigate problems members were experiencing with ICT.
- To progress whether there was an appetite for an ICT casework system for Members and if there was to investigate this project.

2.3 In addition to these projects this group has also been utilised as a forum for general discussion and consultation with members on ICT issues. The group has been very keen to report back to MMC frequently and to be clear that it was not replacing the role of MMC but seeking to complement it.

3.0 Main Issues

The Casework System

3.1 A report titled Casework ICT Solutions for Members an Appraisal of Options was brought to MMC on November 18th last year. Following discussion of this report Members agreed that:

That more detailed work be undertaken to develop a full “Statement of Requirements” in order to establish the feasibility of developing a solution initially based on Option 2.

3.2 Option 2 was a casework system based on the new Microsoft Share Point system. Immediately following the meeting of November 18th, the ICT Reference Group met and agreed that officers should formulate a draft Statement of Requirements which met the wants and needs of Elected Members as they were expressed in the MMC report.

3.3 Following this meeting casework support officers from the Conservative, Labour and Liberal Democrat group offices met with colleagues from ICT and agreed the technical aspects which underpin the Statement of Requirements. This document has now been provisionally agreed and has been submitted to the small project board (the role of this board is detailed within the appendix to this report). A report back on this work has been given to the chair of the ICT Reference Group.

3.4 A technical lead will be appointed to consider the statement of requirements and a full outline of the costs of developing the system will then be reported back to the Chief Democratic Services Officer. It is the intention of officers to work closely with both the ICT Reference Group and MMC in determining whether a system represents value for money and should be pursued.

3.5 Finally, the consequences of the ICE project – which is explained below – have some far reaching implications for elected members and the way they work. These consequences may make the development of a casework system more of a priority both for Elected Members and for officers. All these considerations will be taken into account when a decision is reached.

Implementing the Collaboration Environment (ICE)

- 3.6 The Applications Infrastructure Report was presented to the Executive Board on the 16th April 2008; this report recommended that the Council extend its existing agreement with Microsoft to establish a strategic framework contract with them. The Implementing the Collaboration Environment project is the first piece of work originating from this extended agreement.

What ICE Means

- 3.7 The Council Business Plan for 2008-2011 aims towards Leeds City Council being a '...strong culture of one council'. It states 'In order to achieve this we will need to embrace new ways of working, make best use of technology, innovate and collaborate, continuously improve and deliver real customer focus.' The Business Plan recognises ICT as a key enabler in meeting the one council vision.
- 3.8 To meet the Council Business Plan requirements, ICT has embarked on a Collaboration Project and is working with the Information Knowledge Management team, key officers across the council and Microsoft to lay the foundations for the new ways of working. Implementing the Collaboration Environment, or ICE for short is the first phase of the Collaboration Project.
- 3.9 Presented to the Executive Board on the 16th April 2008, the project has been underway since June 2008.
- 3.10 Implementing the Collaboration Environment will provide the platform for both Members of the Council and officers to work more closely together and to implement the following features. Some of these features will be delivered in the ICE project and some in subsequent phases of the Collaboration Project as aligned with the Council Business Plan aims:

Email Services: - The ability to compose, send, store, and receive emails.

Calendar Services: - A digital calendar with the ability to schedule meetings and events, displaying the available free slot and the schedule for today,

Task Management: - The ability to create and assign tasks to colleagues and produce progress reports

Presence Services: - The ability to determine who is online, their availability status and their preferred communication channel.

Instant Messaging: - The ability to send an instant message to an individual or group, and have an online conversation with them.

Chat Services: - The ability to communicate synchronously with colleagues, with features such as recording the chat, and inviting additional participants.

Web Conferencing Services: - The ability to conduct live meetings or presentations over the Internet, with features to include inviting participants, desktop and application sharing, and recording of conferences to play back in the future.

Profile Management Services (White Pages):- The ability to add personal attributes about you such as, for example, your role, expertise, preferences and interests. Other users will be able to search on this information to find personnel relevant to their requirements.

Personal & Shared Workspace Services:- The ability to create personal and shared collaboration areas where users can add/remove/view documents, add members, assign permissions, and work interactively with each other inside a single web based entity to overcome space and time differentials.

Document Collaboration:- The ability to create and modify documents, incrementally being able to edit, preserving continuity, tracking changes and show an audit trail of activity with a view of implementing an Electronic Document Records Management System in the future.

Notification Services: - The ability to notify a user(s) to the change of status of an event or activity (for example, updates to a document).

Blogs: - The ability for authorised users to create, edit and view web-log (blog) entries.

Wiki: - The ability for users to easily create, edit and link web pages in a collaborative manner

Enterprise Search: - The ability to identify specific content across the enterprise infrastructure to be indexed, searched, and displayed to authorised users.

ICE will see the move from the current Lotus Notes Email and Applications to Microsoft Outlook 2003 and Microsoft SharePoint 2007.

How Will ICE Affect Members

- 3.12 Leeds City Council currently has a support contract with IBM to assist Corporate ICT in resolving issues in the event of an outage in Lotus Notes. During the past 4 years IBM have assisted under the terms of this contract four times. Without this help Lotus Notes outages may not have been resolved and critical data could have been irrecoverable. This support contract expires at the end of this year, the cost for one years renewal would be £500,000. The Director of Resources took the decision that rather than renewing this contract, the money would be better utilised within the ICE project to leverage more efficiencies and benefits.

- 3.13 Once the contract has expired there will be no support from IBM and there are no 3rd Party companies that can provide equivalent support more cheaply. This means if there is an outage affecting Lotus Notes that Corporate ICT cannot resolve, email may be unavailable for a long period of time and critical data could be lost costing the Council a large amount of money. To avoid this situation all Council Members and staff will need to move from Lotus Notes email to Microsoft Outlook by October 31st this year.
- 3.14 The date for Members to move to Outlook has not yet been decided however the date will be arranged to ensure the least amount of disruption will be experienced and it will be in line with the move for Democratic Services. (Group Support Office staff will be transferred first to ensure that the maximum amount of support is available to Members during the transition)
- 3.15 As mentioned previously, the move to Microsoft Outlook & SharePoint provides many new ways of working; however one limitation of Outlook is the maximum size for email accounts. To provide alternatives and workarounds to this limitation Corporate ICT are working with Microsoft and the Group Support Offices, however work will have to be undertaken by some Council Members to reduce the size their mail files before the move, included in this is to provide new ways of working to ensure mail file sizes can be proactively managed in the future.
- 3.16 Training will be offered to Members in the use of Microsoft Outlook, this will include how to use the Outlook on day one and best practice/re-education training to get the best use out of Outlook. This training can be offered in a variety of ways including One-To-One training sessions, workshops, drop in sessions, classroom based training and computer based training.

Next Steps

- 3.17 This paper is intended to provide members with an update on progress, and to make Group Whips aware of some of the main ICT issues and challenges which will face us in the future.
- 3.18 To manage and mitigate these challenges it is proposed to take the following steps:
- A final decision on the Casework Management System will be taken and discussed with both the Members ICT Reference Group and MMC. This decision will be informed by the comments in paragraph 3.15 of this report that:

“A direct result of this change (from Lotus Notes to Microsoft Outlook) is an increased need to provide new ways of working to ensure mail file sizes can be proactively managed in the future.”

Members have previously expressed a desire to see a full working demonstration of the casework system before any commitment is made, this is supported by officers. However, there will be potentially significant financial implications in developing a working demonstration. This decision will be carefully considered. Producing a demonstration for members remains an aspiration.

- A list of all Elected Members who may be affected by reduce mail box sizes will be circulated to whips.
- Officers from Democratic Services will continue to meet with Corporate ICT officers and the Members ICT Reference Group to provide alternatives
- A full report on the implications of the ICE project will be produced in conjunction with the Members ICT Reference Group for the MMC meeting in May this year. This report will contain information about what training will be provided for members and what support will be provided. As well as explaining how changes will be communicated and how elected members will be engaged in the process. In addition the report will provide an update on developments with respect to a Casework ICT system.

4.0 Implications For Council Policy And Governance

4.1 None

5.0 Legal And Resource Implications

5.1 Developing a Casework System will have considerable resource and structural implications for Democratic Services and specifically the Group Offices.

5.2 No resources are currently available for this project and any funding would be subject to a successful bid and would have to be considered alongside all other priorities

6.0 Conclusions

6.1 Good progress has been made with regard to the development of an ICT casework management system for members. This work has been conducted by both members and officers and hopefully provides a “best practice” model for future ICT projects which effect elected members. Officers are however conscious that it is important to now reach a speedy conclusion to this project.

6.2 The ICE project is an exciting corporate project which offers a number of important corporate benefits for the Council, not least of which is greater value for money. However, this project does mean changes to way in which Elected Members work, and may require significant flexibility and may not be greeted enthusiastically by all members.

6.3 The move from Lotus Notes email to Microsoft Outlook will happen by October 31st and cannot be negotiated.

6.4 Officers are aware of the potential impact and disruption this may cause, and it is with this in mind that the Members ICT Reference Group have already been engaged, that this report has been written and that further work is planned. Hopefully the lessons learnt following the ICT upgrade project and in working with elected members in the ICT Reference Group will enable the views and priorities of elected members to be heard and acted upon during the implementation of this project.

7.0 Recommendations

- 7.1 Members are asked to consider the contents of this report.
- 7.2 Members are asked to approve the extended role of the Members ICT Reference Group as discussed in section 2.0.
- 7.3 Members are asked to approve the next steps as outlined in paragraph 3.18.

Small Projects Approval Board

Roles and Responsibilities:

- To ensure implementation of request does not conflict with ICT roadmap / technical blueprint
- To ensure security / stability of ICT infrastructure is not compromised by the change
- To advise on whether appropriate resources are available to implement solution within required timescales
- To provide advice / justification / alternatives on any requests it feels ICT are unable to fulfill
- To advise on ICT best practice
- To ensure all appropriate technical considerations are being made
- To advise on best course of action in order to provide most appropriate, cost-effective solution to customer
- To advise on alternate solutions already in place that meet stated business requirements
- To raise awareness of high priority / urgent requests and ensure support
- To provide Resource Managers information on resource requirements to enable capacity planning