

NORTH LINCOLNSHIRE COUNCIL

CABINET

**OPEN AND ACCOUNTABLE LOCAL GOVERNMENT - THE OPENNESS OF LOCAL
GOVERNMENT BODIES REGULATIONS 2014**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 This report outlines some new provisions introduced by the Openness of Local Government Bodies Regulations 2014

2. BACKGROUND INFORMATION

- 2.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014. These Regulations amend in part the Public Bodies (Admission to Meetings) Act 1960, The Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 2.2 The Regulations specifically amend the Public Bodies (Admission to Meetings) Act 1960 to allow entry to the meetings of specified local government bodies for the purposes of reporting and to allow the results of reporting to be published or disseminated. Reporting includes filming and providing commentary on proceedings and the new rules allow for the reporting of meetings via social media of any kind. Therefore, bloggers, tweeters and for example facebook, you tube users and individuals with their own website should be able to report meetings.
- 2.3 As a result of these regulations, councils and other local government bodies are required to allow any member of the public to take photographs, film and audio record proceedings and report on all public meetings. Although no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio record a public meeting let the council know so that the necessary arrangements can be made. It is important to note that the regulations only apply to meetings which are open to the public. The relevant council or a local government body may not allow filming or audio recording in its private meetings or where a meeting has gone into private session to consider exempt or confidential items.
- 2.4 Generally, therefore, people attending public meetings must be readily able to film, audio record, take photographs or use social media. Councils and other local government bodies must take the necessary steps to ensure that this is the case. However, those undertaking these activities must not act in a disruptive manner, which could result in them being excluded from the meeting. Essentially, disruptive behaviour could be any action or activity

which disrupts the conduct of meetings or impedes members of the public being able to see, hear or film etc the proceedings. Examples can include –

- Moving to areas outside the areas designated for the public without the consent of the chairman.
- Excessive noise in recording or setting up or restarting equipment during the debate/discussion.
- Intrusive lighting and the use of flash photography.
- Asking for people to repeat statements for the purposes of recording.

Members of the public may therefore be excluded from the meeting if they act in a disruptive manner.

- 2.5 Councils and other local government bodies are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear a meeting, seats and ideally a desk.
- 2.6 Members will also recall that in 2012, the government introduced the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations to afford greater transparency and openness into the meetings of a council’s executive, its committees and sub committees and decision making processes. However, one aspect of those regulations that remained unclear was seemingly the requirement that all executive decisions, and not just “key” decisions, taken by officers were the subject of a written record which was then published on the council’s website and was open for inspection at the council’s offices.
- 2.7 Whilst the new regulations seek to extend this principle to non-executive decisions taken by officers, the guidance seeks to draw a distinction between day to day administrative and operational decisions taken by officers which do not require recording and those, for example, taken following a specific delegation which should be recorded and published, which the council’s procedure rules already provide for.
- 2.8 The guidance provides a series of examples of the types of officer decision that should now be recorded and work is ongoing to ensure that the council’s internal governance arrangements are proportionally revised to accommodate these requirements and, where necessary, appropriate amendments are made to the council’s procedure rules.

3. OPTIONS FOR CONSIDERATION

- 3.1 The new regulations must be implemented with immediate effect and therefore there are no options associated with the report.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 There are no financial, property or IT implications associated with this report.

5. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

5.1 Not applicable.

6. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

6.1 Not applicable.

7. RECOMMENDATIONS

- 7.1 That the arrangements in relation to the “reporting” of meetings be noted and that an appropriate protocol be developed for the filming etc of public meetings and that, subject to approval by council, the council’s procedure rules be amended accordingly.
- 7.2 That work continue in relation to the development of arrangements to record appropriate officers decisions, both executive and non executive, in the light of the regulations and guidance and that if appropriate and, subject to approval by council, the council’s procedure rules be amended as necessary.

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Background Papers used in the preparation of this report -

The Openness of Local Government Bodies Regulations 2014.

DCLG Guidance Open and Accountable Local Government - August 2014.