OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

EXECUTIVE MEMBER: Councillor Gillian Thornton
LEAD OFFICER: Lindsay Tomlinson, Democratic Services Manager &
    Monitoring Officer
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WHY HAS THIS REPORT COME TO COUNCIL?
Recent legislation sets out rights of the public to film/record meetings of the Council and also introduces a requirement to publish certain decisions taken by officers.

RECOMMENDATIONS: Council is asked to:
1. **Approve the Protocol for the Recording of Public Meetings of the Authority**
2. **Note that the Monitoring Officer will ensure that the authority complies with the requirements of the Openness of Local Government Bodies Regulations 2014 in respect of the publication of officer decisions**

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1. **Background and Current Position**

1.1 On 6th August 2014 government adopted the Openness of Local Government Bodies Regulations 2014, with the stated intention of making local authorities more transparent and accountable.

2. **Recording of Meetings**

2.1 The Regulations allow reporting at meetings which are open to the public. "Reporting" means:
   • filming, photographing or making an audio recording of proceedings at
   a meeting;
   • using any other means for enabling a person who is not present to see
   or hear proceedings at a meeting as it takes place or later; or
   • reporting or providing commentary on proceedings at a meeting, orally
   or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

2.2   The Regulations do not require a Council to permit oral reporting or commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting. There is no right to report on private meetings without the express consent of the authority.

2.3 Any person attending a meeting must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method, including the Internet, to publish, post or otherwise share the results of their reporting activities. Publication and dissemination may take place in the meeting or afterwards.

2.4 The guidance issued alongside the legislation suggests that anyone wishing to film or record a meeting should contact the authority first to give prior notice and enable appropriate arrangements to be made, however it is not a requirement that they do so. It is clear from the guidance that the rights of other members of the public present at a meeting who do not wish to be filmed take precedence over the right to film, and that any request for privacy must be respected. Therefore if a member of the public objects to being recorded then the authority can demand that the recording be stopped.

2.5 It is recommended that authorities adopt a protocol which sets out guidance and explains the rights and limitations. A draft protocol is attached at Appendix A for formal approval.

3. Publication of Officer Decisions

3.1 The Regulations require that local government authorities publish details of decisions taken by officers that:
1. "Grant a permission or licence;
2. Affect the rights of an individual; or
3. Award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position."

3.2 Over coming weeks work will be undertaken to determine the extent to which the authority is already publishing officer decisions in line with 1 to 3 above, implement processes that ensure that any gaps are covered and clarify the extent to which we are required to publish decisions that "affect the rights of an individual".

4. STATUTORY OFFICER COMMENTS

4.1   The Monitoring Officer's comments are: Included in the report

4.2   The Section 151 Officer's comments are: The current financial regulations will be reviewed and updated as required to ensure guidance complies with the new regulations.

5. RESOURCE REQUIREMENTS

None

List of Background Documents:
Openness of Local Government Bodies Regulations 2014
DCLG: Open and Accountable Local Government