

AUDIT & GOVERNANCE COMMITTEE - 19 NOVEMBER 2014

OPENNESS OF LOCAL BODIES REGULATIONS

Report by County Solicitor and Monitoring Officer

Introduction

1. The Government has introduced new Regulations¹ to ensure that members of public are able to report on meetings of local government bodies. This effectively allows the press and members of the public to film, photograph or record any Council meetings that are open to the public. The Regulations also require a written record to be kept, and reported, of certain decisions taken by officers. This report summarises the main changes.
2. A protocol has been produced by the Council setting out how the rights to film, record and commentate on meetings will be implemented. This *Protocol on Filming, Recording and Use of Social Media at Council Meetings* is attached as an annex.

Background

3. The new Regulations allow the public greater rights to report on open meetings of local government bodies by filming, photographing, audio recording or any other means including blogging and tweeting by social media. The regulations form part of the Local Audit and Accountability Act 2014 which was promoted by the Government as a means of increasing openness and transparency by helping bloggers and tweeters. The Regulations came into force in August 2014.
4. The Regulations allow anyone to attend a public meeting of the Council for the purposes of reporting, and allow anyone with the aim of reporting to use any communication method, including the internet, to publish post or otherwise share the results of their reporting activities, during or after the meeting.
5. The rights under the new Regulations build upon previous guidance² from the Government which gave these access rights only to meetings of the executive.

¹ The Openness of Local Government Bodies Regulations 2014

² *Your council's cabinet – going to its meetings, seeing how it works: a guide for local people*, Department of Communities and Local Government, June 2013

Scope of the requirements

Reporting and commentating on meetings

6. The Government's guidance to the public makes it clear that authorities are required to provide 'reasonable facilities' to enable reporting. This includes reasonable facilities for the press, but facilities should include space to hear and view the meeting, with seats and ideally a desk, as appropriate.
7. The changes in the Regulations do not affect the current circumstances in which a private meeting may be held or a person may be excluded (for example where exempt information would be disclosed).
8. Oxfordshire County council is committed to being open and transparent in the way it conducts its business. The Protocol confirms that the press and members of the public are therefore welcome to film, photograph or record any Council meetings that are open to the public. It also sets out that anyone intending to film or record a meeting is advised to contact the Communications Team for advice and guidance. This is because reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.
9. In order to avoid any disruption to the business of the meeting, the Protocol also advises that the use of flash photography, intrusive lighting or large equipment will not be permitted unless the Chairman of the meeting agrees it in advance. Depending on the number of people wishing to report on proceedings it may not be possible to make the same facilities available for each attendee.
10. The Protocol also sets out the provisions for making other attendees aware that filming or recording might take place and that by attending the meeting; members of the public are consenting to the filming, recording and broadcasting of their image.
11. By virtue of the Openness of Local Government Bodies Regulations, these rights now apply to meetings of the Full Council, committees and sub-committees, including joint committees. The rights had already been given, in 2012, to meetings of the executive.³

Reporting Decisions taken under Delegated Authority

12. The 2014 Regulations also changed the requirements placed on local authorities with regard to reporting decisions taken under delegated authority by Officers. Prior to the new Regulations, the Council was only required to record and report on executive decisions taken by officers under delegated authority.

³ By virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

13. The requirement has now been extended all decisions, whether made by an officer or on behalf of a committee/sub-committee or joint committee, in which the Council participates. This applies where the decision has been delegated to an officer, either under a specific delegation or under a general authorisation, and the effect of the decision is to:
- grant a permission or license;
 - affect the rights of an individual;
 - award a contract or incur expenditure which in either case materially affects the Council's financial position.
14. Under these provisions, background papers should be made available to the public as soon as reasonably practicable after the decision is made.

Legal and financial implications

15. The Openness of Local Government Bodies Regulations 2014 are statutory and the Council must comply with them. They make various amendments to existing legislation for public access to meetings and documents. The Protocol annexed to this report fulfils the requirements for enabling reporting and commentating on meetings. The requirements do not involve any financial implications.

RECOMMENDATION

16. **The Committee is RECOMMENDED to note the changes brought about by the Openness of Local Government Bodies Regulations 2014 and to endorse the Protocol attached as an Annex to this report.**

PETER CLARK

County Solicitor and Monitoring Officer

Contact Officer: Glenn Watson, Principal Governance Officer – tel: Ox. 815270

Background papers: *Your council's cabinet – going to its meetings, seeing how it works: a guide for local people*, Department of Communities and Local Government, June 2013; the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; The Openness of Local Government Bodies Regulations 2014.

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