

NAME OF COMMITTEE	Council
DATE	7 October 2014
REPORT TITLE	The Openness of Local Government Bodies Regulations 2014
REPORT OF	Democratic Services Manager
WARDS AFFECTED	All

Summary of report:

To consider a report that informs the Council of the implications arising from the adoption of the Openness of Local Government Bodies Regulations 2014.

Financial implications:

There are no financial implications directly arising from this report.

RECOMMENDATION:

1. That the Council Constitution be amended to reflect the Regulations whereby the press and public are now able to film and to report, using social media including blogging or tweeting, public meetings of the Council and its Member Bodies; and
2. That the Monitoring Officer be given delegated authority, in consultation with the Leader of Council, to develop a process by which decisions taken by officers on behalf of the Council are formally recorded and published.

Officer contact:

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1. BACKGROUND

- 1.1 On 6 August 2014, the Openness of Local Government Bodies Regulations 2014 came into force.
- 1.2 The Regulations, which apply to all councils and other local government bodies in England, allow the press and public to film and to report using social media including blogging or tweeting, public meetings of the Council and its Member Bodies;

- 1.3 The Regulations also require the Council to make publicly available a 'decisions record' of certain decisions which officers have taken on behalf of the council;
- 1.4 As a consequence of these Regulations, all councils are now legally bound to ensure that the press and public can exercise these new rights.

2. ISSUES FOR CONSIDERATION

Filming and Reporting Member Meetings

- 2.1 In accordance with Council Procedure Rule 21(a), public meetings can already be recorded, subject to receiving the prior approval of the Chairman of that meeting;
- 2.2 Whilst the new Regulations have removed the need for prior permission to be given, it is still felt advisable that, out of courtesy, any person wishing to film or audio record a public meeting should inform officers in advance of the meeting;
- 2.3 In respect of tweeting and blogging, the new Regulations allow for reporting of meetings via social media of any kind. Therefore, these Regulations enable bloggers, tweeters, and for example, Facebook, YouTube users and individuals with their own website(s), to report public meetings;
- 2.4 In addition, Members are not prevented from tweeting and blogging at meetings, as long as it complies with the Code of Conduct;
- 2.5 Any Member, press or member of the public who wish to utilise these new Regulations is required to not be unduly disruptive during a meeting or act in a manner which detracts from the proper conduct of the meeting;
- 2.6 As a consequence of these Regulations, Council approval is sought to amend Council Procedure Rule 24 accordingly.

A Decisions Record

- 2.7 In terms of resource implications, the most significant part of the Regulations is concerned with the requirement to record and publish decisions made by:
 - officers following specific delegation from Executive to an officer;
 - officers following specific delegation from a non-executive committee meeting; and
 - officers under a general authorisation to officers to take decision where the effect is to:
 - o grant permission or a licence;
 - o affect the rights of an individual; or
 - o award a contract or incur expenditure which materially affects the council's financial position.

2.7 At the time of writing this report, the definition of exactly what constitutes an ‘officer decision’ is unclear and the guidance is also somewhat contradictory. It is therefore recommended that the Monitoring Officer be given delegated authority, in consultation with the Leader of Council, to ascertain which decisions should be recorded and to subsequently develop an appropriate process for their publication.

3. FINANCIAL IMPLICATIONS

3.1 Whilst there was be some resource implications as a consequence of these Regulations, there are no direct financial implications arising from this report

4. RISK MANAGEMENT

4.1 The risk management implications are shown at the end of this report in the Strategic Risk Template:

5. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	None directly arising from this report
Biodiversity considerations:	None directly arising from this report
Sustainability considerations:	None directly arising from this report
Crime and disorder implications:	None directly arising from this report
Background papers:	The Openness of Local Government Bodies Regulations 2014 Shared SH/WD Media Protocol
Appendices:	None

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Recording at Meetings	Members and officers will need to be aware that public meetings can now theoretically be filmed and recorded without them realising.	3	2	6	↑	Officers are in the process of reviewing a media protocol to support Members and officers in this regard.	Communications Manager / Democratic Services Manager
2	Maintaining an up to date record of decisions	There is criminal liability involved for individual officers for non-compliance of recording relevant decisions.	4	2	8	↑	Once a process is adopted, the record log will be reviewed regularly by the Senior Management Team.	Monitoring Officer / SMT

Direction of travel symbols ↓ ↑ ↔