

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting4th September 2014

1. Title of Item/Report

The Openness of Local Government Bodies Regulations 2014

2. Record of the Decision

Consideration was given to a report on The Openness of Local Government Bodies Regulations 2014.

The report updated Members regarding the new requirements relating to (1) the public reporting and commentating on public meetings of local government bodies, and (2) the written records to be kept of certain decisions taken by officers of those bodies.

The Openness of Local Government Bodies Regulations 2014 (“the Regulations”) came into force on the 6 August 2014.

The Regulations were concerned with two main issues:-

- (i) Allowing the public to report and commentate on public meetings of local government bodies (which includes principal councils like Stockton, and Town/Parish Councils); and
- (ii) Requiring written records to be kept of certain decisions taken by officers of such bodies.

The Regulations required persons attending meetings of Councils (meaning a meeting of the (full) Council, the executive (Cabinet), or of a committee or sub-committee, such as a Planning or Licensing Committee), to be permitted to report on those meetings.

“Reporting” meant:-

- Filming, photographing or making an audio recording of proceedings at a meeting.
- Using any other means of enabling persons not present to see or hear proceedings at the meeting as it takes place or later, or
- Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

Oral reporting or oral commentary on a meeting as it took place, if the person reporting or providing the commentary was present at the meeting, did not have to be permitted.

Reasonable facilities must, so far as practicable, be afforded to persons attending a meeting for the purpose of reporting on the meeting.

Any communication method could be used by the person reporting on the meeting, including the internet, to publicise, post or otherwise share the results of the person's reporting activities.

Publication and dissemination of the results could take place at the time of the meeting or after the meeting.

Where the public were excluded from a meeting, they could be prevented from reporting on the meeting employing methods which could be used without the person's presence at the meeting, and which enabled persons not present to see or hear the proceedings as they take place or later.

The Regulations also required Officers making certain delegated decisions, to produce a written record of those decisions.

The decisions concerned, were ones which would otherwise have been taken by the (full) Council itself, a committee or a sub-committee, but which had been delegated to an Officer either:-

- Under a specific, express authorisation; or
- Under a general authorisation to officers to take such decisions and, the effect of the decision is to:-
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual; or
 - (iii) Award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

The written record must be produced as soon as reasonably practicable after the decision had been made, and must contain the following:-

- (a) the date the decision was taken;
- (b) a record of the decision and the reasons for it;
- (c) details of (any) alternative options considered and rejected; and
- (d) where the decision is made under a specific express authorisation,

the names of any Members who declared a conflict of interest in relation to the decision.

The written record, together with any related background papers, must as soon as reasonably practicable after the record was made, be made available for public inspection by the public:-

- (a) at all reasonable hours at the offices of the Council;
- (b) on the Council's website; and
- (c) by such other means considered appropriate by the Council

Copies of written records and background papers must be provided on request, and after payment of any charge.

The requirements regarding written records excluded confidential and/or exempt information.

It was an offence for anyone who had custody of a written record and/or background paper, without reasonable excuse, to intentionally obstruct anyone exercising a right to inspect or to refuse to provide copies of the same.

The Government had provided a Plain English Guide for the public and practitioners regarding the Regulations. A copy was available at <https://www.gov.uk/government/publications/open-and-accountable-local-government>. This advised Councils to adopt a policy on filming of Members of the public. This also suggested the need for a general policy or protocol for the benefit of members, officers and those wishing to exercise their rights under the Regulations.

A working draft protocol had been in use since the Regulations came into force. A copy of the proposed protocol for Cabinet's approval was attached to the report.

A copy of the Protocol was also being submitted to Council for its approval in relation to full Council meetings and meetings of Committees and Sub-Committees.

Appropriate advice and guidance had been prepared for all Services regarding the decision recording and public inspection requirements detailed in the Regulations.

A similar approach to that adopted in relation to the Local Authorities' (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012 (regarding meetings and decisions of Cabinet and decisions of Officers using executive powers) had been adopted.

At its meeting on 13 March 2014 Cabinet asked the Members' Advisory Panel to consider issues relating to the possible recording and web-broadcasting by the Council of its own meetings, and to report the findings to a future Cabinet meeting.

A report was being prepared in this respect for a Panel meeting (on the 5 September 2014).

The Panel's findings would be reported back to the next Cabinet in due course.

The Council's Constitution would need to be reviewed and revised, where necessary and/or appropriate, to reflect the Regulations, particularly individuals' rights to report on Council meetings and the requirements to provide written records of certain Officer-decisions, as well as providing details of the approved protocol.

RESOLVED that the protocol for use in relation to future public meetings of Cabinet be approved.

3. Reasons for the Decision

To ensure compliance with the requirements of the Openness of Local Government Bodies Regulations 2014, and to provide appropriate guidance for Members, Officers and the public in that respect.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Midnight on Friday, 12th September 2014

Proper Officer
08 September 2014