

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**25 JUNE 2015**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION**

**Leader of the Council – Councillor Cook**

#### **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

1. Summary

This report asks Cabinet to consider the protocol regarding the public reporting and commenting on public meetings of the Cabinet and of Council, after six months operation.

2. Recommendations

It is recommended that Cabinet:-

1. Considers the report and protocol, and
2. Subject to Members' views, confirms the protocol for use in relation to future public meetings of Cabinet, and that
3. Full Council is advised of Cabinet's decision

3. Reasons for the Recommendations

To ensure compliance with the previous decision to review the protocol after six months' operation.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

### **Disclosable Pecuniary Interests**

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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**SUMMARY**

The report asks Cabinet to consider the protocol regarding the public reporting and commenting on public meetings of the Cabinet and of the Council, after six months operation.

**RECOMMENDATIONS**

It is recommended that Cabinet:-

1. Considers the report and protocol, and
2. Subject to Members' views, confirms the protocol for use in relation to future public meetings of Cabinet, and that
3. Full Council is advised of Cabinet's decision

**DETAIL**

**The Openness of Local Government Bodies Regulations**

1. At its meeting on the 4 September 2014, Cabinet received a report regarding the Openness of Local Government Bodies Regulations 2014 ("the Regulations").
2. The Regulations came into force on 6 August 2014 and (amongst other things) they allow the public to report and commentate on public meetings of local government bodies (including principal councils and Town/Parish Councils).
3. Persons attending public meetings of full Council, Cabinet, a Committee or Sub-Committee, must therefore be permitted to report on those meetings.
4. "Reporting" means:-
  - 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 commentary is available as the meeting takes place or later, to persons not present.
5. The Government had produced a Plain English Guide regarding the Regulations (<https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide> ). The guide advises Councils to adopt a policy on filming of Members of the public, and a general policy or protocol for members and officers about persons who wish to exercise their rights under the Regulations.

### **The Protocol**

6. The protocol attached at the **Appendix** to this report was approved by Cabinet for use in relation to its public meetings.
7. As a result of a separate report to Council, full Council also approved the protocol for use in connection with its public meetings, and public meetings of its committees and sub-committees.
8. Arising from this, it was agreed that the protocol would be reviewed after six months operation.
9. Following approval, the protocol was circulated to Members and Officers and placed on the Council's website <https://www.stockton.gov.uk/stockton-council/councillors-and-council-meetings-egenda/council-meetings-and-papers/>
10. Since then there have, however, been no occasions at any of the public meetings of the Cabinet, Council, Committees or Sub-Committees when the protocol has been called into use.
11. Accordingly, Cabinet is asked to reaffirm the protocol for continued use, if needed, at future public meetings of Cabinet.
12. A separate report will be submitted to Council on 22 July and Council will be informed of Cabinet's decision at this meeting.

### **Recording and Web Broadcasting of its meetings by Council**

13. As a result of previous reports to the Members Advisory Panel, Cabinet and Council, public meetings of Cabinet, Council, Planning and Licensing Committees are being filmed and broadcast via YouTube, starting with the Annual Meeting of Council on 3 June.
14. It was agreed that the filming and broadcasting of these meetings would also be reviewed after six months of operation.
15. There will therefore be further reports to Cabinet and Council about this in the new year.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

16. There are no financial implications arising from this report. Costs may arise as a result of fulfilling the requirement to afford (so far as reasonably practicable) those wishing to report on Council meetings, reasonable facilities for doing so. There are also costs involved in the Council recording and web broadcasting its own meetings. Those will be reported on separately.

### **Legal**

17. The Regulations require arrangements to be put into place to facilitate the reporting of and commentary on Council public meetings.

## **RISK ASSESSMENT**

18. As appropriate guidance has been and will be provided and reasonable facilities will be afforded for the reporting on meetings, the risks arising from the requirements of the Regulations can be categorised as low to medium.

## **COUNCIL PLAN IMPLICAITONS**

19. Organisational and operational effectiveness and strong local democracy.

## **EQUALITY IMPACT ASSESSMENT**

20. The Regulations have been the subject of their own statutory assessment. A further assessment is not necessary.

## **CONSULTATION**

21. Members have previously been provided with information regarding the requirements of the Regulations and the protocol on permitting the reporting of Council meetings.

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<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	Not Ward Specific
<u>Property Implications:</u>	Not applicable