

FAREHAM

BOROUGH COUNCIL

Report to Council

Date: **9 October 2014**

Report of: **Monitoring Officer**

Subject: **UPDATES TO STANDING ORDERS FOLLOWING THE OPENNESS OF
LOCAL GOVERNMENT BODIES REGULATIONS 2014**

SUMMARY

This report provides details on the Openness of Local Government Bodies Regulations 2014 which came into force on 5 August and recommends the necessary minor changes to the Constitution's Standing Orders with respect to Meetings.

RECOMMENDATION

That the Council approves:

- (a) the updates to Part Four of the Constitution - Standing Orders with Respect to Meetings, as detailed in paragraph 8 of this report;
- (b) the protocol on the recording of public meetings, as set out in appendix A; and
- (c) that the Monitoring Officer be delegated authority to update the protocol to meet operational needs.

INTRODUCTION

1. The Openness of Local Government Bodies Regulations 2014 came into force on 5 August 2014 and provided new rules to ensure that councils and other local government bodies are more transparent and accountable to their local communities.
2. As a result, members of the public are now able to use modern technology and communication tools to film, audio-record, take photographs, and use social media such as tweeting and blogging to report on the proceedings of public meetings they are attending.

BACKGROUND

3. The guidance document issued by the Department for Communities and Local Government states that:

“We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies. This will ensure we have strong, 21st century, local democracy where local government bodies are genuinely accountable to the local people whom they serve and to the local taxpayers who help fund them.”

4. In addition to the existing rules contained within the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, these new regulations provide for the following key points:
 - any member of the public or press is able to film, audio-record or take photographs at any public meeting (with the exception of exempt/confidential items)
 - no advance permission is necessary for public meetings to be recorded
 - the new rules allow for the reporting of meetings via social media of any kind
 - councils are required to provide reasonable facilities to facilitate reporting
5. No prior permission is required for a member of the public to do this; although the guidance recommends that notice be given where filming or audio recordings are to be made to allow the Council to make any necessary arrangements.

PROPOSED CHANGES

6. The new Regulations result in the requirement for an amendment to Standing Orders With Respect To Meetings which are in Part Four of the Council’s Constitution.
7. Standing Order 59.1 currently provides rules on the recording of proceedings by recognised media organisations and establishes that prior permission must be sought from the relevant Chairman of the meeting.
8. It is recommended that Standing Order 59 be amended with the following additional paragraphs:

59. REPORTING OF PROCEEDINGS BY PRESS AND PUBLIC

- 59.1 *Audio and visual recordings of meetings by members of the public or by media representatives are permitted for all meetings held in public of the Council, the Executive, Committees, Panels and other Council bodies. The Mayor or Chairman of the meeting shall advise members that the meeting is being recorded.*
- 59.2 *Recordings and the reporting of proceedings shall not be permitted when the meeting resolves to consider items in private session when those items are exempt from publication.*
- 59.3 *The Mayor or Chairman of the meeting will have absolute discretion to terminate or suspend filming/recording of the meeting, if in their opinion, continuing to do so would prejudice or disrupt proceedings at the meeting.*

PROTOCOL FOR FILMING AND RECORDING MEETINGS

9. A guidance document has been drafted to assist members of the public and press who wish to record or report on public meetings of the Council. This protocol is set out in Appendix A.
10. The Audit and Governance Committee reviewed the updates to the Constitution and the draft protocol when it received this report on 22 September 2014. The item was discussed at length and the Committee resolved to recommend the updates to the Constitution and the draft protocol to the Council, subject to the strengthening of the wording to emphasise that the Mayor or Chairman has absolute discretion to terminate or suspend filming/recording of the meeting, if in their opinion, continuing to do so would prejudice or disrupt proceedings at the meeting.
11. Once approved, the protocol will be published on the Committee pages of the Council's website, as helpful guidance for members of the public and press.

RISK ASSESSMENT

12. There are no significant risk considerations in relation to this report

CONCLUSION

13. The proposed changes to the Standing Orders with Respect to Meetings are contained in paragraph 8 and the protocol is set out in Appendix A. Both are put to the Council for approval.

Appendix A – Protocol for the Filming and Recording of Public Council Meetings

Background Papers:

Letter from Eric Pickles, Secretary of State for Communities and Local Government to Local Authority Leaders

Letter from Paul Rowsell, Deputy Director – Department for Communities and Local Government to Local Authority Chief Executives

Reference Papers:

The Openness of Local Government Bodies Regulations 2014

Open and accountable local government: plain English guide

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)