

AGENDA ITEM 21: APPENDIX Q

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 30/09/2014

Title:

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

Summary and purpose:

The purpose of this report is to summarise some of the implications of the Openness of Local Government Bodies Regulations 2014 which are now in force and to agree necessary changes to the Council's constitution as a consequence.

How this report relates to the Council's Corporate Priorities:

Transparency and openness is a fundamental principle of the decision-making process and new rights that have now been introduced by these regulations enable members of the public to know how decisions are made.

Financial Implications:

There are no financial implications arising from this report.

Legal Implications:

The Regulations came into effect on 6 August 2014 and this report will update the Constitution in accordance with the regulations.

Introduction

1. Local authorities are now required to allow any member of the public to take photographs, film and audio record the proceedings, and report on those meetings of the Council when the meeting is open to the public. 'Reasonable' facilities must be provided to enable a member of the public or press to report on meetings and this includes space to see and hear the meeting, seats and ideally a desk.
2. At Waverley some chairs within the public gallery are already provided with a small lift up rest to enable reports to be written during the meeting and public Wi-Fi is already offered in the Committee rooms which helps to facilitate the use of social media to report on meetings and announce decisions.
3. Currently the Council Procedure Rules state:

“22.3 Photography, video audio or recording meetings

Members of the public are not allowed to take photographs, or video or audio record by any means, any meeting of the Council, Executive, Committees or Sub-Committees or other meetings, without first seeking the consent of the Head of Policy and Governance. If a member of the public refuses to comply with a request from the Mayor or Chairman to stop doing this if permission has not been sought, the Mayor or Chairman will order their removal from the meeting room.”

4. To reflect the new regulations, it is proposed to amend the Procedure Rule to read as follows:-

“22.3 Photography, Filming and Audio Recording Meetings

Members of the public may take photographs, film and audio-record meetings of the Council, Executive, Committees or Sub-Committees that are open to the public, from within the public gallery and provided that it does not disturb other members of the public in the public gallery or delay the proper conduct of the meeting.

New 22.4 Reporting on Council Meetings

Members of the public and councillors are able to use social media to report on public meetings provided that it is not disruptive and does not detract from or delay the proper conduct of the meeting”.

Webcasting

5. Waverley has been webcasting meetings for over a decade and continues to offer this facility as a means of making all Council meetings accessible to members of the public unable to attend meetings in person, and also to demonstrate openness and transparency of its democratic process. Meetings will continue to be webcast and the Council is also preparing to use the social media site YouTube to broadcast its meetings. This will enable meetings to be viewed live from smartphones and other mobile devices, as well as from traditional laptops and PCs, without the need for Windows Media Player.

Access to Meetings and Documents of a Council’s Executive

6. The requirements of the regulations for dealing with urgent key decisions are already reflected in the Council’s Procedure Rules and the forward plan of Executive decisions gives sufficient notice of items likely to be dealt with in public.

Access to Non-Executive meetings and Documents and Delegated Decisions from the Executive, Council and Committees

7. The regulations require the recording of *certain decisions* taken by officers acting under delegated powers and the written record must be made available for inspection. This should include
- The decision taken and the date the decision taken
 - The reason/s for the decision
 - Any alternative options considered and rejected

These decisions may be kept in electronic format and must be made available for 6 years. Examples of decisions to be recorded include:-

- Decisions about awarding contracts above specified values
 - Determination of licensing applications, building control decisions and notices
 - Decisions to give listed building consents etc.
8. Where decisions are already required to be published by other legislation, they do not need to be recorded again, provided the record published includes the date and reasons for decision. Examples of decisions that do not need to be recorded might include
- Decisions on operational matters
 - Decisions to give business relief to individual traders
 - Decisions to review benefit claims of an individual applicant
 - Decisions taken in response to requests under the Freedom of Information Act 2000.
9. Administrative and operational decisions about how officers go about their day to day work need not be recorded.
10. Officers are working on an appropriate format for recording decisions and are working with other Surrey authorities to identify which decisions will need to be recorded.

Conclusion

11. Waverley embraces the new regulations for making its meeting more open and transparent to members of the press and public and this report sets out the required amendments to the Council's Constitution to ensure that the Council is operating within the spirit of the regulations.

Recommendation

It is recommended

1. to the Council that the Council Procedure Rules be amended to include the wording set out at Paragraph 4 above; and
2. that the Head of Policy and Governance be authorised to agree the appropriate format for recording necessary delegated decisions, in consultation with the Leader of the Council.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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