



OFFICER REPORT TO COUNCIL

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

KEY ISSUE/DECISION:

The Council is asked to agree amendments to the Constitution to reflect requirements of the Openness of Local Government Bodies Regulations, which came into effect on 6 August 2014.

BACKGROUND:

- 1 The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014, and aim to make councils and other local government bodies such as fire & rescue authorities more transparent and accountable to their local communities. The main provisions of the Regulations relate to the public's right to use various communication tools to report on the proceedings of meetings held in public, and their rights of access to the information relating to those meetings and delegated officer decisions.
- 2 The Regulations allow any person attending a Council meeting which is open to the public to take photographs, film and audio-record the proceedings, and report on the meeting using social media of any kind (eg tweeting, blogging or via Facebook). Prior permission is not required from the Council, but those wishing to record meetings are encouraged to let staff know in advance so that reasonable facilities can be provided to enable them to carry out their reporting. The Regulations allow the Council to prevent activity which disrupts the conduct of the meeting, including excluding the individual from the room if necessary. The requirement to provide 'reasonable facilities' for those wishing to record or report on the meeting includes space to view and hear the meeting, seats and, 'ideally', a desk.
- 3 The Regulations have introduced significant new requirements in relation to access to information by members of the public. There is now a requirement to record and publish the details of non-executive decisions taken by officers under powers delegated to them by the Council, its committees or sub-committees, or by a joint committee. This includes

details of the decision taken and the date the decision was taken; the reasons for the decision; and any alternative options considered. Also, if a Member or officer has in their custody a document relating to a delegated officer decision which is required by statute to be made available to the public, they must not refuse to supply all or part of that document, or to intentionally obstruct any other person from disclosing such a document, without reasonable excuse.

- 4 The Council has already adapted many of its procedures in anticipation of the new Regulations, but amendments are required to the Constitution to ensure that we are fully compliant. The proposed amendments to the Constitution are set out in the **Annex**, and relate to Articles 3 and 11 of Part 2.
- 5 In addition to the amendments to the Constitution, Democratic Services will consider any implications for the Council's own web-casting arrangements arising from the Regulations, and will issue guidance for the public, officers and Members to ensure that the requirements of the Regulations are fully understood and met.

RECOMMENDATION:

That Council agrees to the relevant changes to its Constitution, as set out in the Annex, to ensure that the requirements of the Openness of Local Government Bodies Regulations 2014 are met.

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Sources/background papers:

The Openness of Local Government Bodies Regulations 2014

'Open and Accountable Local Government – a guide for the press and public on attending and reporting meetings of local government' – Department for Communities and Local Government
