

# Report to Council

Agenda  
Item:

**18**

Meeting Date: 9 September 2014

Portfolio: Leader

Key Decision: Not Applicable:

Within Policy and  
Budget Framework

YES

Public / Private

Public

Title: The Openness of Local Government Bodies Regulations 2014:  
Revision of Procedure Rules

Report of: Mark Lambert

Report Number: GD38/14

## Purpose / Summary:

The purpose of this Report is to recommend that the Council amend its Standing Orders and Executive Procedure Rules so as to comply with The Openness of Local Government Bodies Regulations 2014.

## Recommendations:

That Council replace the current Standing Order 23 and Executive Procedure Rule 2.6 with the proposed wording at paragraph 2.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	<b>9 September 2014</b>

## **1. BACKGROUND**

### **THE CURRENT SITUATION**

- 1.1** Both the Council's Standing Orders (Council Procedure Rule 23) and its Executive Procedure Rules (Executive Procedure Rule 2.6) say:

The filming, photographing or audio recording at any meetings by accredited media shall be permitted with the consent of the chairman<sup>1</sup>/person presiding<sup>2</sup>.

If any other person makes or attempts to make any such recording (without such consent having been given) he/she shall, if he/she be a member, be deemed guilty of misconduct, and the person presiding may move that either the member leaves the meeting or that the meeting is adjourned and, if seconded, the motion will be voted on without discussion. If any such person is not a member then the person presiding may, without question put, adjourn the meeting for such period as he/she, in his/her discretion, considers expedient.

### **THE NEW RULES**

- 1.2** The Government has published, and quickly brought in to force on the 6<sup>th</sup> of August, the Openness of Local Government Bodies Regulations 2014 which amends the Local Government Act 1972 (which applies to meetings of the Council and its Committees) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (which applies to meetings of the Executive).

- 1.3** In summary, the new rules mean that:

- a. While a meeting is open to the public, any person attending is to be permitted to take photographs, film and audio record the meeting, and report on the meeting.
- b. Any person can provide oral commentary outside or after a meeting. The Council does not have to permit oral reporting or oral commentary during a meeting if the person reporting or commenting is present at the meeting, as this may be disruptive.
- c. A person attending a meeting for the purpose of reporting on it must, so far as is practicable, be afforded reasonable facilities for doing so. This may include space to view and hear a meeting, seats and a desk.

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<sup>1</sup> Council Procedure Rule 23.1.

<sup>2</sup> Executive Procedure Rule 2.6(a).

- d. Any person who attends a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the report.

**1.4** “Reporting” means:

- a. filming, photographing or making an audio recording of proceedings at a meeting,
- b. using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- c. reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. (Note 1.3(b) above.)

- 1.5** The new rules do not allow the reporting of private (Part B) meetings and also specifically prevent any person from leaving recording equipment in the room where a private meeting is being held for the purpose of recording/transmitting that meeting.

**2 Recommendation**

That Council replace the current Council Procedure Rule 23 and Executive Procedure Rule 2.6 with the following wording:

“While any meeting is open to the public, any person present is permitted to report the proceedings by:

- i. filming, photographing or making an audio recording of the proceedings at the meeting;
- ii. using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;
- iii. reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or
- iv. using any communication method, including the internet, to publish, post or otherwise share the report.

The right to report is subject to the chairman/person presiding<sup>3</sup>'s power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.

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<sup>3</sup> Delete as appropriate

Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.”

**3. Consultation**

Town Clerk and Chief Executive, the Leader and Portfolio Holder for Governance, Finance and Resources.

**4. Conclusion and Reasons for Recommendations**

To comply with the Law.

**5. Contribution to the Carlisle Plan Priorities**

The changes are not optional but contribute to open and transparent local government.

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**Appendices**                      **None**  
**attached to report:**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following **papers:** The Openness of Local Government Bodies Regulations 2014 and the DCLG guidance, Open and Accountable Local Government.

## **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's** – The change to the law will impact upon the communications team as they may have to make reasonable provision for those wishing to attend and report.

**Deputy Chief Executive** – N/A

**Economic Development** – N/A

**Governance** – Legal advice is contained within the body of the Report. Generally, the implication will be that officers/members will be subject to filming/recording etc. A notification of such 'reporting' will be displayed on the entry doors to the Council's meeting rooms.

**Local Environment** – N/A

**Resources** – N/A