

CAMBRIDGE CITY COUNCIL

REPORT OF: Monitoring Officer (Head of Legal Services)

TO: Civic Affairs Committee

17/9/2014

WARDS: None directly affected

CONSTITUTION- CHANGES TO COMPLY WITH LEGISLATION ON RECORDING OFFICER DECISIONS AND RECORDING MEETINGS

1 INTRODUCTION

- 1.1 Part 4B of the Constitution covers access to information (on council meetings and decisions) and requires amending to reflect recent change to the law which provide for certain officer decisions to be published. Changes to the law also set out rights for the public to record council meetings.
- 1.2 Officers have revised Part 4B to reflect legal changes. The revised part 4B also includes revised rules on recording Council meetings, currently set out in the Council's filming protocol. Public speaking rights are also moved to Part 4B, as they fit with rights of public access to meetings. The revised Part 4B removes some duplication from the current version and, officers hope, is set out more clearly.

2. RECOMMENDATION

- 2.1 To recommend to Council to adopt the revised 'Part 4B- Access to Information Rules' set out in the appendix to this report.
- 2.2 To authorise the Monitoring Officer to make consequential changes to other parts of the Constitution that refer to recording meetings and public speaking rights.

3. BACKGROUND

- 3.1 On 6 August, 'The Openness of Local Government Bodies Regulations 2014' came into force. These require councils to permit the public to report (including filming and sending twitter

commentaries) on council meetings. They also require written records to be kept of certain decisions taken by officers. These obligations build upon the 2012 Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations.

- 3.2 The Government has published a guide for the public to coincide with the new law. 'Open and accountable local government' from the Department of Communities and Local Government spells out the public's rights both to attend meetings and to report them. The guide is at <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>.
- 3.3 The original part 4B and recording protocol are included at Appendix A with the combined revised version for approval at Appendix B.

Filming and recording meetings

- 3.4 Although the Council already had a protocol for audio/visual recording and photography at Council meetings, it needs updating to include reference to social media and the requirements of the new law and will be subsumed in the revised 4B (rather than, as current, in an appendix to Part 4A-Council Procedure Rules). In short the changes to how the Council operated its protocol are:

- Anyone can record, film, tweet, blog etc and no notice is needed or permission from the Chair is required
- A Chair can request that those record proceedings respect that some members of the public may wish not to be filmed – but cannot require it nor stop the person(s) from recording if they refuse the request

- 3.5 Therefore, the Council needs to consider whether it should continue to include provision for those members of the public who do not want to be recorded. The legislation is silent on this aspect but the Government guidance published to coincide with the new law is as follows:

“The council.....should consider adopting a policy on the filming of members of the public, and ensure that they protect children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting.”

- 3.5 The law also require the Council to ensure that reasonable facilities are afforded to citizen journalists and bloggers. This should include space to view and hear the meeting seats and ideally a desk. It states that councils should use their common sense to determine the range of reasonable facilities. (This council provides a desk at meetings in the Guildhall and free access to wi-fi).

Recording of officer decisions

- 3.7 Officers must now record and publish decisions that are given under a specific Executive Councillor authorisation to do so, or a non-Executive decision delegated by Council, or a committee, or arising from a general authorisation to officers. Decisions delegated by an Executive Councillor to an officer have been recorded since September 2012, but some examples of the new requirement of officer decision include:

- the grant of a permission or licence,
- building control decisions/notices
- listed building consents

These will be published on the democratic pages of the website.

4. IMPLICATIONS

(a) Financial Implications

No implications

(b) Staffing Implications

The new requirement to record officer decisions is additional work.

(c) Equal Opportunities Implications

No Equalities Impact Assessment was carried out as the proposals are to comply with new legislation and associated Government guidance.

(d) Environmental Implications

No implications

(e) Procurement

No implications

(f) Consultation and communication

The Council will continue to use Cambridge Matters to highlight information on Councillor decision-making. The Your Council section of the website will be updated to reflect the legislative changes.

(g) **Community Safety**

No implications

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

The Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The Openness of Local Government Bodies Regulations 2014

The Local Audit and Accountability Act 2014

Open and accountable local government: plain English guide (Department of Communities and Local Government)

To inspect these documents contact Simon Pugh, Monitoring Officer and Head of Legal Services on (01223) 457401 or simon.pugh@cambridge.gov.uk

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