

Report of	Meeting	Date
Chief Executive	Council	23 September 2014

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

PURPOSE OF REPORT

- To advise Members of new requirements under the Openness of Local Government Bodies Regulations 2014 and to agree proposals for their implementation.

RECOMMENDATION(S)

- That the proposed protocol for the use of mobile phones, social media, filming and recording at meetings (Appendix A) be approved and incorporated into the Council's Constitution as a new section F in Appendix 3, the Standing Orders section.
- That the proposals for recording officer decisions be approved and authority is delegated to the Monitoring Officer to make any necessary amendments to the Constitution to implement them.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	x

BACKGROUND

- The Openness of Local Government Bodies Regulations 2014 came into force on 6 August this year and require local authorities to make specific provision in two key areas:
 - The recording and filming of the public parts of Council and committee meetings including using mobile phones and social media to share information; and
 - Producing a published record of officer delegated decisions relating to permissions, licences and certain contracts and expenditure.

USE OF MOBILE PHONES, SOCIAL MEDIA, FILMING AND RECORDING OF MEETINGS

6. The Regulations state that Councils have to allow the public to use any communication method, including the internet to publish, post or otherwise share information they wish to impart. This includes filming, audio recording, photographing or tweeting proceedings. This only applies to the public parts of a meeting.
7. The Council does not currently have any specific protocol in place for this and having considered the protocols adopted by other Councils, the attached guidance (Appendix A) has been drawn up. This advises the public, press and Councillors on acceptable use of mobile phones, social media, filming and recording during Chorley Council meetings and during other Committees, Task Groups and other public meetings. The provisions are wide as required by the Regulations, but if adopted, the Chair of a meeting would have the power to rescind permission if it caused disruption to a meeting.
8. In the case of members of the public speaking at a meeting, e.g. Development Control Committee, the Chair will ask the person first if they object to being filmed and will only permit filming where their express permission has been granted.
9. Councillors who are Members of the Committee are required to give their full attention to the meeting and must not be distracted by using social media or mobile devices.
10. Members are asked to consider and comment on Appendix A, with a view to approving it for incorporation into the Council's Constitution.

RECORDING OF OFFICER DECISIONS

11. The regulations also state that local authorities must produce a written record of certain decisions taken by officers acting under powers delegated to them by a council or local government body, its committees or sub committees or a joint committee. The written record must be available for inspection and on the council's external website as soon as reasonably practicable after the making of the decision. The written record must be retained for six years and background papers retained for four years. It should include officer decisions relating to all issues specifically delegated or in the case of those generally delegated in the following areas:
 - those granting a permission or licence;
 - those affecting the rights of an individual;
 - the award of a contract or the incurring of expenditure which in either case materially affects the Council's position. This has been treated for the purposes of these regulations as Key Decision level.
12. These are not Executive decisions as they are covered by our Executive Member decisions procedure, required under different regulations. These officer decisions, including background papers, must be published as soon as reasonably practical and must contain:
 - The date of the decision
 - A record of the decision and the reasons
 - Any alternative options considered and rejected
13. The Department for Communities and Local Government (DCLG) has issued guidance on the level of officer decision making which needs to be published under the new Openness of Local Government Bodies Regulations 2014. These do not include day to day administrative and operational decisions. If a written record of the decision, the date and the reasons is already required to be published in accordance with another statutory requirement then the new duty under the Regulations is deemed to be satisfied. The

Council already publishes delegated decisions to grant planning permission, listed building consent and consent to work to trees covered by a Tree Preservation Order along with reasons on its external website. It is for each council to determine what information they should record and publish. Failure to do so will be a criminal offence for which the authority and/or an officer could be prosecuted and fined up to £200.

14. Discussions with the Monitoring Officer have taken place and it is suggested that the following decisions fall within the guidance and should be published on a monthly basis, together with reasons and details of alternative options considered and rejected.
 - The issue of all licences by the council e.g. premises licences to sell alcohol, personal licences to authorise the sale of alcohol, gambling premises licences, licences to private hire operators, hackney carriage and private hire vehicles and drivers; dog boarding, riding establishments, mobile homes, sex shops, scrap metal dealers and collectors, street trading consents and other similar licences. These will be published on a monthly basis. This list is non-exhaustive and publication of all delegated decisions on any permission or licence issued by the Council covered by the Regulations would need to be made.
 - Street closure orders permitting public processions and commemorative events e.g. the Falklands Day Parade
 - All contracts over £100,000 excluding VAT per annum.
 - Decisions to spend over £100,000 (all spend above £500 is already recorded on the council's external website)
 - Building control decisions and notices

15. Existing Council databases will primarily be used for the publication of the decisions, although options around the use of the Modgov system will be investigated.

16. The scope of officer delegated decisions to be recorded and published will be subject to review and more might be added to the publication list.

17. The Council is obliged under the Government's Local Government Transparency Code 2014 to publish all contracts with a value of over £5,000 and expenditure over £500 (the Council voluntarily publishes all expenditure above a lower threshold of £250 which is a recommendation and not a requirement of the Transparency Code). This obligation sits alongside the duty under the Openness Regulations 2014, along with the Council's duty to react to requests for disclosure under the Freedom of Information Act 2000. The detail required under the 2014 Transparency Code differs from that required in the Openness Regulations and does not include reasons for the decision. It should be noted that the Council already exceed their obligations under the Transparency Code and meet or exceed all existing statutory responsibilities.

IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. More staff time will be involved at least initially in developing a means of recording and publishing decisions and their reasons in a timely manner.

COMMENTS OF THE MONITORING OFFICER

20. The report makes recommendations which are in accordance with the 2014 Regulations and Guidance issued by the Department for Communities and Local Government.
21. No further action is required by the Council if a written record of the delegated decision, the date and the reasons for the decision are already required be produced under any other statutory requirement.
22. The distinction between public and confidential items remains so for example, officer delegated decisions to grant licences to taxi drivers where the applicant has previous convictions or cautions will need to be anonymised to exclude personal data.

GARY HALL CHIEF EXECUTIVE

There are no background papers to this report other than published DCLG Guidance

Report Author	Ext	Date	Doc ID
Carol Russell/Alex Jackson	5196/5166	15 September 2014	***

To be included in the Standing Orders Section of the Council's Constitution

USE OF MOBILE PHONES, SOCIAL MEDIA, FILMING AND RECORDING AT MEETINGS

1. Introduction

1.1 This protocol provides guidance to members of the public, press and Councillors on the use of mobile phones, social media and filming and recording at formal meetings of Chorley Council, Cabinet and Committees.

1.2 Social media refers to the use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook.

2. Filming and Recording of Meetings

2.1 The filming, videoing, photographing or recording Council meetings or other meetings which are open to the public is allowed, providing it does not disturb the conduct of the meeting.

2.2 The Chair of the meeting will have the power to rescind this permission if it is disruptive or distracting to the good order and conduct of the meeting, for example through flash photography or intrusive camera equipment.

2.3 All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

2.4 If a meeting passes a motion to exclude the press and public, or if the Council consider that sensitive issues are to be debated, then, in conjunction with this, all rights to record the meeting are removed.

2.5 The Chair of the meeting will have the power to disallow filming by any person who has previously caused a disturbance by filming, or has subsequently made this film available (on the internet, for example) in a way that has misrepresented the meeting, the Council or individual Councillors.

3. Filming Members of the Public

3.1 In the case of members of the public speaking at meetings (at Development Control Committee, for example) the Chair will ask each individual to give their express permission to being filmed and they will not be filmed if they actively object.

4. Use of Mobile Devices

4.1 To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are switched off or set to silent mode during the meeting.

4.2 The use of social media in formal meetings is permitted for members of the public, press and Councillors who are not members of the meeting, so long as this does not cause any disruption or disturbance. The Chair's decision on this point is final. The full attention of Councillors who are members of the meeting (full Council, Cabinet, Committee, etc.) is required at all times and these Councillors must not be distracted by using social media or any mobile devices.

4.3 No Councillor in attendance, whether a decision-maker or observer, is permitted to use social media or mobile devices during a private session (when the press and the public are excluded), or to disclose in any way the content of the items under discussion.

4.4 The Members' Code of Conduct will apply when using social media. Inappropriate comments made during a meeting could open Councillors to potential complaints or investigation under the Code of Conduct.