

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet
2.	Date:	6th August 2014
3.	Title:	Openness of Local Government Bodies Regulations 2014
4.	Directorate:	Resources

5. Summary

A report setting out the changes introduced by the Openness of Local Government Bodies Regulations 2014. These Regulations introduce major changes to the way in which public Local Authority meetings may be reported, to allow filming and reporting on all forms of Social Media.

6. Recommendations

That Cabinet notes the changes introduced by the Regulations.

7. Proposals and Details

Re. The Openness of Local Government Bodies Regulations 2014

Significant changes in the rights of individuals to use modern technology and communications tools and platforms to report on council meetings they are attending come into force on 6th August, through the Openness of Local Government Bodies Regulations 2014.

Although the Regulations do present a major change to the way in which people can report Council meetings, they also provide an opportunity to those involved to show the relevance and importance of the decisions made by the Council, and the positive and constructive way in which Council business is conducted. They also have a role to play in encouraging greater understanding of, and stimulating greater involvement in, local democracy.

The purpose of this report is to make members aware of the changes arising from the new regulations and the actions which the Council may wish to consider in responding appropriately to the new requirements. The information in this Report (section 2. below) is largely taken directly from the Regulations, as well as the guidance issued by the Department for Communities and Local Government (DCLG), entitled "*Open and Accountable Local Government*".

1. Questions And Answers From The Regulations/Guidance

i) Why is there new national legislation?

We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies.

ii) Who does this new legislation help?

These rules help any members of the press and public who want to know about, view or report the work of local government bodies. The "press" is defined in the widest terms – including traditional print media, filming crews, hyper-local journalists and bloggers. The new regulations have increased rights to film, audio-record, take photographs, and use social media such as tweeting and blogging to report the proceedings of all local authority meetings that are open to the public.

iii) Can meetings be filmed or audio-recorded?

Councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. No prior permission is required to carry out this activity. Local government bodies are required to provide "reasonable facilities" for any member of the public to report on meetings.

There is no legal requirement for councils to webcast their meetings, but where councils and other local government bodies webcast any of their public meetings, they should, as a matter of good practice, notify the public.

As previously all meetings are public unless they are held private due to an exemption. These rules have not changed. The Council may choose not to allow filming to take place in private meetings, and refuse for permission for recording or filming equipment to be left in the room when a private meeting is taking place.

iv) Can a council or local government body meeting be tweeted or blogged?

The new legislation allows for reporting of meetings via social media of any kind. Therefore bloggers, tweeters, and for example, Facebook, YouTube users and individuals with their own website, should be able to report meetings.

v) What sort of facilities will the Council or local government body have to provide?

Councils or local government bodies are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear the meeting, seats, and ideally a desk.

vi) Are there any limits to what can be said in a tweet or video that is published?

The law of the land applies – including the law of defamation and the law on public order offences.

vii) Are there other limits that the Council should be aware of?

The council or local government body should consider adopting a policy on the filming of members of the public, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.

viii) Can someone be asked to leave a meeting because they are taking photographs, filming or audio-recording the meeting or using social media?

Generally, people attending public meetings must be readily able to film, audio-record, take photographs or use social media. Councils and other local government bodies must take steps to ensure this is the case. However, those undertaking these activities must not act in a disruptive manner, and this could result in expulsion.

ix) How does this sit alongside the Council’s Standing Orders?

It is a legal duty for the Council to follow the new provisions. If a local government body’s existing Standing Orders are not fully in line with the new legislation, the relevant provisions of those old Standing Orders

should be waived, in the short term. Steps should then be taken to update formally the Council's Standing Orders.

2. Actions To Be Taken/For Consideration By RMBC

- i) RMBC's Standing Orders provide that to allow the recording of meetings of the Council, Cabinet, a Committee of the Cabinet or a Committee, it is to be authorised by a majority vote of that body. This is now overtaken by the new regulations. A report will be prepared for the Council meeting on 10th September 2014 recommending amendment to this Standing Order to accord with the new legislation. The Regulations come into force on 6th August 2014 and therefore on that date and for the Cabinet meeting on 3rd September 2014, the Council will need to waive the Standing Orders to enable filming and other recording to take place, if required.
- ii) The guidance states that Councils will wish to consider the provision of "reasonable facilities" to facilitate reporting. As a minimum,, this should include appropriate space to view and hear the meeting, seats and potentially a desk. The council should put in place procedures in place enabling any person wishing to film or audio-record a public meeting to notify the relevant officers beforehand, so that all necessary arrangements can be made. It is recommended that the Communications and Media Team are the lead officers for this.
- iii) The Council may wish to consider the reading of a formal statement at the beginning of each meeting (similar to the standard paragraph on Exemption of Press and Public) advising members of the public of the requirements of the regulations, and providing them with an opportunity to leave the meeting, should they not wish to be filmed or recorded.

It may also be helpful for posters/leaflets to be placed in the chamber and appropriate meeting rooms, reminding anyone present of the regulations and the potential for filming/recording. Relevant information should also be placed on the Council's website.

- iv) Council officers required to attend meetings to support the democratic process will also need to be made aware that they can be filmed/recorded. Information will be included in relevant internal briefings and on the intranet week commencing 28th July 2014.
- v) The opportunities for filming/recording afforded by the new regulations will clearly mean that discussions and presentations given at council meetings will have a far wider public audience than previously, and the importance of clarity and volume of speech of those participating will be heightened – particularly where the acoustics of the meeting room are not conducive to this. The Council may wish to consider the provision of personal presentation training to help both members and officers feel more

confident, and to ensure that any audio/video placed in the public domain is of good quality and accessible.

vi) The Council should consider its position on dealing with individuals whose filming or recording causes disruption. This and issues i) to v) above should be included by a formal policy/procedure to be adopted by the Council covering all aspects of the Council's compliance with the regulations.

vii) The new regulations do not cover the issue of webcasting, and the Council is not obliged to do its own filming of meetings for broadcast on-line. However, the Authority may consider whether it wishes to do so, to ensure that where filming/recording of parts of meetings only are broadcast, anyone wishing to view this in full context can do so. There are a number of issues members may wish to consider in proceeding with this:

- Numbers of people likely to access the webcast – need for effective monitoring
- Webcasting of all or selected meetings (where specific public/media interest in item(s) to be considered)
- Ability and capacity of in-house team to provide the service
- Costs of provision by specialist external webcast provider

8. Finance

None unless there is a decision subsequently for the Council to film and webcast/record its own meetings.

9. Risks and Uncertainties

Council Meetings will have a potentially much wider audience, although it is uncertain at this stage what the level of interest will be from the public.

There is a risk that excerpts from recordings could be edited or used out of context, if there is no other recording of a particular meeting.

10. Policy and Performance Agenda Implications

Transparency and open decision making.

The Regulations are also intended to encourage more people to take an interest in local democracy.

11. Background Papers and Consultation

Openness of Local Government Bodies Regulations 2014
Guidance issued by the Department for Communities and Local Government (DCLG) : *“Open and Accountable Local Government”*.

Contact Name : Jacqueline Collins, Director of Legal and Democratic Services,
01709 255768 or jacqueline.collins@rotherham.gov.uk