

BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF THE DIRECTOR OF
LEGAL AND GOVERNANCE**

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

1. PURPOSE OF REPORT

- 1.1 To report on the requirements of the Openness of Local Government Bodies Regulations 2014 and recommend amendments to the Council's Standing Orders regarding recording of meetings in order to comply with the new legal framework.

2. RECOMMENDATIONS

- 2.1 That the requirements of the Openness of Local Government Bodies Regulations 2014 as outlined in this report be noted;
- 2.2 That, accordingly, Standing Order 16(4) be amended to read as follows:-

Webcasting will be permitted, but only of meetings of the Full Council to which the press and public are admitted. The Director of Legal and Governance is authorised to exclude elements from the archive that may contain any defamatory or inappropriate material. Recordings of such meetings would be held as an archive on the internet for a period of 6 months. In accordance with Regulations, other forms of live broadcast, video recording or streaming, cinematography, photography or audio recording will be permitted at any meeting open to the public under the Local Government Act 1972, except where these activities are undertaken in a disruptive manner. Where a disruption of the meeting's business is caused, the Chair of the meeting will have the right to exclude the persons in question from the meeting in accordance with Standing Order 17; and

- 2.3 That, given the statutory nature of the required amendment to Standing Orders, it be noted that Standing Order 41 does not apply in this case.

3. BACKGROUND

- 3.1 The requirements that Local Authorities make provision for the admission of the press and public to its meetings have been in place since the enactment of the Public Bodies (Admission to Meetings) Act 1960. This was updated by the Local Government Act 1972, which in itself was revised by the Local Government (Access to Information) Act 1985. In summary, these provisions require that the press and public be admitted to Local Authority meetings, except where they are considering very narrow categories of "exempt information", and allow access to any relevant papers to be considered. There is no restriction on members of the public or representatives of the press/media organisations who attend meetings from subsequently reporting on the issues discussed.

- 3.2 Although the right to report on meetings is well established, this has not generally extended to require Councils to allow the live broadcast or video recording of any meetings. Indeed, many Local Authorities (Barnsley Council included) have Standing Orders that specifically prohibit this, in some cases without the expressed consent of the respective meeting. The key consideration has been the intrusive nature of any recording equipment and the impact that this might have on the conduct of meetings.
- 3.3 Clearly, there have been significant technological advances since many Local Authorities put these restrictions in place. In particular, the ability to record video on small handheld devices has made the recording process much more simple and less intrusive. At the same time, the facility to publish this to the internet and through social media has become common place, with many people now expecting to be able to publish images of any event that they attend. However, many Local Authorities have not permitted this, even in public meetings, using the restrictive Standing Orders that they have in place to justify this. The Government considers that these restrictions are out of place with a modern, digital world and has legislated to require changes to be made to remove such restrictions.

4. REQUIREMENTS OF THE NEW REGULATIONS

- 4.1 The Openness of Local Government Bodies Regulations 2014 came in to force on 6th August, 2014. They clarify the law by stating that any person who attends a meeting of a Local Authority Body for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of a person's reporting activities. The Regulations clarify that reporting means:-
- a) Filming, photographing or making an audio recording of the 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.
- 4.2 The provisions effectively relate to any meetings of a Local Authority Body that are open to the press and public to attend. Local Authorities must also make reasonable provision to allow this reporting to take place. However, there is no absolute right to record proceedings where this might disrupt the meeting or make it difficult for other people attending to make their own recording, and the Chair of any meeting would retain the power to exclude anyone causing disruption.

5. IMPLEMENTING THE NEW REGULATIONS

- 5.1 The new provisions are very much focused on the ability of members of the public and "citizen journalists" to record proceedings on their own personal devices. Where meetings are open to the public, provision is already made for a "public gallery" to be available and it is expected that, by and large, it will be possible to

make any recordings from there, with limited disruption to the meeting. Where a media organisation wishes to make a more professional recording of a meeting, this is likely to require more extensive facilities. However, it does seem unlikely that this will happen without notice, allowing appropriate arrangements to be made in cooperation with the organisation in question. Work has begun, in consultation with the Head of Communications and Marketing, to consider how video recording might be accommodated in each meeting/venue that is used for public meetings.

- 5.2 Standing Order 16(4) refers to the recording of proceedings and currently reads as follows:-

Webcasting will be permitted, but only of meetings of the Full Council to which the press and public are admitted. The Director of Legal and Governance is authorised to exclude elements from the archive that may contain any defamatory or inappropriate materials. Recordings of such meetings will be held as an archive on the internet for a period of 6 months. No other forms of live broadcast, video recording, cinematography, photography, or tape recording will be permitted at any meeting of the Council or the Cabinet, Regulatory Boards, or Scrutiny Committees of the Council, except with the express consent of the respective meetings.

- 5.3 Clearly this Standing Order conflicts with the requirements of the Regulations. It is therefore proposed to amend Standing Order 16(4) to read as follows:-

Webcasting will be permitted, but only of meetings of the Full Council to which the press and public are admitted. The Director of Legal and Governance is authorised to exclude elements from the archive that may contain any defamatory or inappropriate material. Recordings of such meetings would be held as an archive on the internet for a period of 6 months. In accordance with Regulations, other forms of live broadcast, video recording or streaming, cinematography, photography or audio recording will be permitted at any meeting open to the public under the Local Government Act 1972, except where these activities are undertaken in a disruptive manner. Where a disruption of the meeting's business is caused, the Chair of the meeting will have the right to exclude the persons in question from the meeting in accordance with Standing Order 17.

- 5.4 Standing Order 41 (Variation or Revision to Standing Orders) requires that amendments to Standing Orders should initially be reported to Council, but consideration then stand adjourned to the next normal meeting. However, given the statutory requirements of the Regulations to allow video etc recording, the Council has no discretion as to the amendment of Standing Orders. Any amendment to Standing Orders to take account of the new Regulations will therefore have immediate affect.

6. PROPOSAL

- 6.1 It is proposed that Council note the requirements of the Regulations and approve the amendment to Standing Orders.

7. BACKGROUND PAPERS

Public Bodies (Admission to Meetings) Act 1960, Local Government Act 1972, Local Government (Access to Information) Act 1985.

The Openness of Local Government Bodies Regulations 2014.

Open and Accountable Local Government – Guide for the Press and Public Attending and Reporting Meetings of Local Government published by the Department of Communities and Local Government in August 2014.

Barnsley MBC Standing Orders.

These published documents are available either on the Department of Communities and Local Government website at www.gov.uk/dclg or the Council's website at www.barnsley.gov.uk.

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