

REPORT TO: Executive Board

DATE: 18 September 2014

REPORTING OFFICER: Strategic Director, Policy & Resources

PORTFOLIO: Resources

SUBJECT: Local Government Transparency

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To brief Members of the Executive Board on the introduction of the Openness of Local Government Bodies Regulations 2014.

2.0 RECOMMENDATION: That

- 1) the report be noted; and**
- 2) appropriate amendments to the Council's Constitution be incorporated at the next review.**

3.0 SUPPORTING INFORMATION

- 3.1 The Openness of Local Government Bodies Regulations 2014 have introduced changes to the way information relating to local authority matters (including decisions made within meetings) can be disseminated. The Regulations came into effect on 31st July 2014. The Regulations cover access to meetings by press and public and the publication of decisions made by Officers.
- 3.2 A briefing note for Members with a dedicated advisory note for Committee Chairs and Lead Officers has been circulated already. This has been prepared in a 'Frequently Asked Questions' (FAQ) format which is designed to help them deal with requests from members of the press and public which may arise at meetings.

4.0 ACCESS TO MEETINGS

- 4.1 The Regulations allow members of the press and public to film, audio-record, photograph or use social media to report the proceedings of meetings open to the public.
- 4.2 Laminated signs will be displayed in all public meeting rooms advising of the arrangements for people wishing to film or audio-record etc. Any persons who object to being filmed would need to make their wishes known to Officers present at the meeting.

5.0 OFFICER DECISIONS

5.1 The Regulations require decisions made by an individual Officer to be recorded as soon as reasonably practical after the decision has been made.

5.2 It is a matter for each Local Authority to determine the criteria for Officer decisions to be reported. This has been considered and the three categories listed below have been identified:

- 1) Where Executive Board has considered the matter and delegated the responsibility to a named Officer;
- 2) Where power has been delegated by the Council to an Officer as set out in the relevant Standing Orders of the Constitution;
- 3) Decisions taken for reasons of Urgency or Emergency.

5.3 For guidance, the Regulations say the following three parameters should be used to determine which delegated Officer decisions should be included for publication:

“the effect of the decision is to –

- 1) grant a permission or licence;
- 2) affect the rights of an individual; or
- 3) award a contract or incur expenditure which, in either case, materially affects the local government body’s financial position”.

Publication of such information must include:

- The decision and date taken;
- Reason(s) for the decision;
- Alternative options considered and rejected; and
- Any background documents referred to.

5.4 Excluded from this will be matters of a personal or confidential nature, such as HR issues, plus decisions which are recorded elsewhere or are available through other rights of access, for example Council spending transactions over £500, planning application decisions, annual accounts etc. Also, matters considered to be of an administrative or operational nature will not need to be recorded.

5.5 Systems for data capture from Strategic Directors, Operational Directors and others with delegated authority have been prepared and put in place.

6.0 POLICY IMPLICATIONS

6.1 It is intended that this Executive Board report and background papers will form the basis of a Council Policy on the reporting of public meetings by the press and public and of the public recording of Officer decisions on the Council's web site.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children Young People and Families

None

7.2 Employment, Learning and Skills in Halton

None

7.3 A Healthy Halton

None

7.4 A Safer Halton

None

7.5 Halton's Urban Renewal

None

8.0 FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the introduction of these Regulations. The mechanism for the recording of Officer decisions utilises existing software systems.

9.0 RISK ANALYSIS

Many of the actions are necessary to comply with the new Regulations. Failure to address these requirements would leave the Council open to legal challenge.

10.0 EQUALITY AND DIVERSITY ISSUES

There are no direct equality and diversity issues associated with this report.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACCESS TO INFORMATION ACT 1972

Document	Place of Inspection	Contact Officer
Open and Accountable Local Government – A guide for the press and public on attending and reporting meetings of local government; (June 2014- DCLG).	Municipal Buildings	Mark Reaney/ Angela Scott