

TRAFFORD COUNCIL

Report to: Council
Date: 17 September 2014
Report for: Decision
Report of: Director of Legal and Democratic Services

Report Title

CONSTITUTIONAL MATTERS

Summary

The report sets out changes to the Constitution as a result of new Regulations relating to openness of Local Government decision making.

Recommendation(s)

That the changes to the constitution as set out in the report be approved.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Background Papers: *None*

Background Information

Relationship to Corporate Priorities	The changes relate to enhanced transparency in decision making and are in line with all of the Council's priorities
Financial	None
Legal Implications	The changes outlined in the report are required to ensure that the Constitution is in line with changed statutory regulations.
Equality/Diversity Implications	None
Sustainability Implications	None
Resource Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1.0 Background

1.1 On the 6th August 2014 the Openness of Local Government Bodies Regulations 2014 came into force. The regulations provide that whilst a meeting of a local authority is open to the public any person attending is to be permitted to report on the meeting. The regulations further provide that a person attending a local authority meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so. Further, any person who attends a local authority meeting 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 the person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting.

1.2 "Reporting" is defined in the regulations as:

- (a) filming, photographing or making an audio recording of 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

1.3. There is no requirement for a local authority to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

1.4. However, should a person cause a disturbance at a meeting whilst reporting on them, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
- making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; or
- asking for people to repeat statements for the purposes of recording

then the provisions within the Council's Rules of Procedure allowing the public and Members to be removed from a meeting for causing a disturbance shall apply.

1.5. It is accordingly recommended that Rule of Procedure 22, which deals with the recording of meetings, is replaced by the following:

22. MEDIA

22.1 The Council will make reasonable facilities available for the reporting of the proceedings of any meeting. Any reporting of discussions of items covered by Section 10 of the Access to Information procedure rules is prohibited.

- (1) While a meeting of the Council, Executive, a Committee or Sub Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- (2) Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:
 - moving to areas outside the areas designated for the public without the consent of the Chairman,
 - making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
 - intrusive lighting and use of flash photography; or
 - asking for people to repeat statements for the purposes of recordingthen the provisions of rule 21 (disturbance by the public) shall apply.
- (3) Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.

1.6 Council is recommended to agree the amendments to the constitution described in this report.

1.7 The Regulations also set out requirements to publish officer decisions. The Regulations require that certain categories of decision need to be published such as decisions relating to

- The award of contracts above specified levels
- compulsory purchase orders
- disposal of and/or provision of allotment land and green spaces
- award of discretionary rate relief
- opening hours of local libraries
- holding of car boot sales or markets on council land.
- Granting of permissions or licences
- Decisions which affect the rights of an individual

1.8 Guidance on the requirements is being updated and decisions will be published on the Council's website.