

<b>SUBJECT:</b>	<b>OPEN AND ACCOUNTABLE LOCAL GOVERNMENT</b>
<b>DIRECTORATE:</b>	<b>DIRECTOR OF RESOURCES</b>
<b>LEAD OFFICER:</b>	<b>CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)</b>

## 1. Purpose of Report

1.1 To provide a summary of the Council's position with regard to the recently enacted provisions within the Openness of Local Government Bodies Regulations 2014.

## 2. Openness of Local Government Bodies Regulations 2014

2.1 Under section 40 of the Local Audit and Accountability Act 2014 the Secretary of State for Communities and Local Government was empowered to create and implement regulations regarding access to local government meetings and documents.

2.2 These regulations, as laid before Parliament, included:

- automatic permission for members of the public to report on, film, photograph or make audio recordings of public council meetings.
- the requirement for councils to publish written records of any decision made by officers where the effect of the decision is to grant permissions or licences, affect the rights of individuals, award contracts or incur expenditure which materially affects the body's financial position.
- the introduction of a criminal sanction for a person who has custody of a document required to be available for public inspection and who, without reasonable excuse, intentionally refuses a request for or blocks access to that document.

2.3 The Department for Communities and Local Government has recently issued non-statutory guidance for the press and public on Open and Accountable Local Government (attached as **Appendix A**).

2.4 This report is provided for members' information to summarise the current legal position regarding public access to meetings and documents, while also noting the actions already undertaken to ensure the Council's compliance with the changed legal environment.

## 3. City of Lincoln Council's Position

3.1 Prior to the introduction of the new regulations, a survey undertaken to examine the openness of local authority meetings across Lincolnshire and Yorkshire, indicated that the majority of councils still restricted the reporting or recording of their meetings in some manner. The City of Lincoln Council, along with seven other

councils across the region, was highlighted in a positive manner for its unrestricted approach to public access.

- 3.2 Members will recall that the Council has already acted to ensure that people have the right to record meetings held in public, provided that no disruption is caused. This represented a change from the previous position which required any recording or photography within meetings to be authorised by the chair of the meeting.
- 3.3 The Council is also already compliant with the provisions referenced within the guidance relating to the arrangements around publicising decision making. Details of these were reported to scrutiny committee meetings during the autumn of 2012 with regard to Executive decisions. These requirements have now been extended, in part, to non-Executive decisions. The service areas likely to be affected by the new provisions relating to the publication of delegated non-Executive officer decisions summarised above have been alerted to the relevant change in the law.
- 3.4 While no specific arrangements have been made regarding the provision of 'reasonable' facilities for journalists, officers have always endeavoured to make adjustments both for the public and for journalists wherever possible, provided that the adjustments do not have a significant impact on resources or on others' access to the meeting.
- 3.5 As such, it is not considered that any further action is required at this time, although officers will continue to monitor the manner in which the new regulations take effect.

#### **4. Strategic Priorities**

- 4.1 Ensuring compliance with the Council's legal duties and making our democratic processes open and accessible to the public contributes towards the strategic priority of ensuring a fit-for-purpose council.

#### **5. Organisational Impacts**

##### 5.1 Finance

There are no direct financial implications arising from this report.

##### 5.2 Legal Implications

There are no direct legal implications arising from this report.

#### **6. Recommendation**

- 6.1 That members note the actions undertaken with regard to ensuring access to the Council's meetings and documents.