

DESCRIPTIVE SUMMARY OF THE DRAFT OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Regulations amend the:

- Public Bodies (Admission to Meetings) Act 1960, “the 1960 Act”
- Local Government Act 1972, “the 1972 Act”
- Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, “the 2012 Regulations”

Admission to and reporting of Meetings of Relevant Local Government Bodies

The Regulations:

- Allow any person to attend a public meeting of a relevant local government body for the purposes of reporting.
- ‘Reporting’ is defined in the regulations as:
 - Filming, photographing or audio recording of proceedings;
 - Using any other means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later; and
 - Reporting or providing commentary on proceedings of a meeting, orally or in writing.
- Allow any persons with the aim or reporting to use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities, during or after the meeting.
- Do not affect the current circumstances in which a private meeting may be held or a person may be excluded (for example, where exempt information would be disclosed or in the case of disorderly conduct).

Regulation 3 amends the 1960 Act to apply the policy to:

- parish councils;
- parish meetings; and
- the Council of the Isles of Scilly.

Regulation 4 amends the 1972 Act to apply this policy to:

- a district council,
- a county council in England,
- a London borough council,
- the London Assembly
- the Common Council of the City of London in its capacity as a local authority or police authority,
- the London Fire and Emergency Planning Authority,
- Transport for London,
- a joint authority established under Part 4 of the Local Government Act 1985,
- an economic prosperity board,
- a combined authority,

- a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- a National Park Authority for a National Park in England
- the Broads Authority, or
- any committee, joint committee or sub-committee of the above bodies (this includes Police and Crime Panels and Health and Wellbeing Boards).

Regulation 5 amends the 2012 Regulations to apply the policy to councils operating executive arrangements to ensure a consistent approach.

Record of Decisions and Access to Documents

The Regulations also:

- Require a written record to be made of any decision that has been delegated to an officer of the relevant local government body under a specific express authorisation, or under a general authorisation 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.
- Require that the written records are made available to the public at the relevant body's offices, on their website if they have one, by post if requested and on receipt of payment for copying and postage, and through any other means thought appropriate by the local government body.
- Require the written record to be available for public inspection for at least 6 years, and any supporting documentation for at least 4 years.
- Provide a criminal penalty for non-compliance. A person who has custody of documents which should be available for inspection, will commit an offence if that person refuses to disclose or intentionally obstructs the disclosure of such documents under these Regulations. The penalty for the offences is a fine not exceeding level 1 - that is £200 - on the standard scale. This replicates the existing penalty for failure to disclose or obstructing the disclosure of documents in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This part of the Regulations applies to the same local government bodies as listed above, but will not apply to decisions on executive matters in councils operating executive arrangements as there are already equivalent provisions in the 2012 Regulations to cover these decisions.