

**[Re-circulated to Full Council
15 October 2014]**

GOVERNANCE COMMITTEE

22 SEPTEMBER 2014

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2014-15

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider constitutional items and those agreed be referred to the Council for approval to be incorporated into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 **To consider whether to agree a policy for the Recording of Council Meetings as set out at Appendix A and refer the same to the Full Council for approval and inclusion in the Council's Constitution.**

- 2.2 **To consider whether to agree the following additional paragraphs to the Contract Procedure Rules and refer the same to the Full Council for approval and inclusion in the Council's Constitution :-**

2.1.2 (d) An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to avoid the application of these Rules.

and

1.3.7 (after the Exemptions and Exceptions information currently in the Rules)

"In circumstances where a competitive process (as described in Rule 2) has been attempted and no submissions from suppliers/providers have been received, the matter should be referred to the Head of Central Services for a decision on how to proceed".

3.0 KEY ISSUES

- 3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 are involved in updating their respective areas of the Constitution.

- 3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 The Openness of Local Government Bodies Regulations 2014 – recording of Council meetings

The provisions of The Openness of Local Government Bodies Regulations 2014 specifically relating to the recording of Council meetings came into effect on 6 August 2014. The 2014 Regulations allow any person attending a public meeting to take photographs, film and audio record the proceedings and report on the meeting. The Regulations allow for reporting of the meeting via social media of any kind, although oral reporting or commentary is prohibited. The Council needs to consider adopting a policy to cover this situation.

3.4 The 2014 Regulations introduce new rules around the use of modern technology and communication tools to report on meetings they are attending. The rules are intended to make local councils, including town and parish councils, more accountable to their local communities.

3.5 The 2014 Regulations came into effect on 6 August 2014 and allow members of the public to record proceedings of a meeting of the Council, including meetings of its committees and sub-committees. The 2014 Regulations only apply to public meetings and do not allow oral reporting or commentary during the meeting itself.

3.6 The Department of Communities and Local Government has issued guidance on the new regulations. The guide covers all aspects of access to information but this report deals specifically with the reporting rights.

3.7 The non-statutory guidance makes it clear that local authorities are required to provide 'reasonable facilities' to facilitate the recording. The guidance goes on to state that this should include space to view and hear meetings, seats and 'ideally' a desk.

3.8 Councils are also advised to consider adopting a policy on the recording/filming by members of the public and a proposed policy is enclosed at Appendix A for consideration.

3.9 Contract Procedure Rules

The following paragraphs be added to the Contract Procedure Rules to ensure clarity and best practice :-

2.1.2 (d) An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to avoid the application of these Rules.

and

1.3.7 (after the Exemptions and Exceptions information currently in the Rules)

"In circumstances where a competitive process (as described in Rule 2) has been attempted and no submissions from suppliers/providers have been received, the matter should be referred to the Head of Central Services for a decision on how to proceed".

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and these are available on the Council's website.

9.0 RISKS

9.1 Any risk implications relating to each proposed amendment are taken into account when considering the relevant item.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officers : Angela Tebbutt, Monitoring Officer/Sarah Evans, Senior Democracy Officer

Date : September 2014

Appendices : Appendix A – Public Recording of Council Meetings

Background Papers : Constitution 2014/15