Draft Regulations laid before Parliament under section 43(3) and (4)(i) of the Local Audit and Accountability Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LOCAL GOVERNMENT, ENGLAND

The Openness of Local Government Bodies Regulations 2014

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 40 and 43(2) of the Local Audit and Accountability Act 2014(**1**).

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 43 of the Local Audit and Accountability Act 2014.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Openness of Local Government Bodies Regulations 2014 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"the 1960 Act" means the Public Bodies (Admission to Meetings) Act 1960(**2**);

"the 1972 Act" means the Local Government Act 1972(**3**);

"the 2012 Regulations" means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012(**4**).

(**1**) 2014 c. 2.
(**2**) 1960 c. 67. Relevant amendments were made by the Local Government (Access to Information) Act 1985 (c. 43), section 3, Schedule 2 and Schedule 3 and the Broadcasting Act 1990 (c. 42), section 203(1) and Schedule 20.
(**3**) 1972 c. 70. Part 5A and Schedule 12A was inserted by the Local Government (Access to Information) Act 1985, section 1. Section 100I was amended by S.I. 2006/88.
(**4**) S.I. 2012/2089.

PART 2

Admission to and reporting of meetings of certain local government bodies

Amendment of the Public Bodies (Admission to Meetings) Act 1960

3.—(1) Section 1 of the 1960 Act (admission of public to meetings of local authorities and other bodies) is amended as follows.

(2) After subsection (3) insert—

"(3A) Where the public are excluded from a meeting of a relevant local government body under subsection (2), the body may also prevent any person from reporting on the meeting using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later."

(3) In subsection (4), after paragraph (c) insert—

";

(d) in the case of a meeting of a relevant local government body, while the meeting is open to the public any person attending is to be permitted to report on the meeting."

(4) After subsection (4) insert—

"(4A) Subsection (4)(d) does not require a relevant local government body 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."

(5) In subsection (7)—

(a) after "television broadcasting services" insert "or, in the case of a relevant local government body, for use in electronic or any other format to provide news to the public by means of the internet"; and

(b) for "but nothing in this section" substitute "but, subject to subsection (4)(d), nothing in this section".

(6) After subsection (8) insert—

"(9) In this Act—

"relevant local government body" means—

(a) the Council of the Isles of Scilly;

(b) a parish council; or

(c) a parish meeting of a parish which does not have a separate parish council;

"reporting" means—

(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."

(7) After section 1 of that Act insert—

"**Publication and dissemination of reports**

1A.—(1) Any person who attends a meeting of a relevant local government body 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.

(2) Publication and dissemination may take place at the time of the meeting or occur after the meeting."

(8) In section 2(1) of that Act (application of section 1 to committees of bodies to which the Act applies)—

(a) for "the foregoing section" substitute "sections 1 and 1A";

(b) for "as that section applies" substitute "as they apply"; and

(c) for "of that section" substitute "of section 1".

Amendment of the Local Government Act 1972

4.—(1) Section 100A of the 1972 Act (admission to meetings of principal councils) is amended as follows.

(2) After subsection (5) insert—

"(5A) Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later."

(3) In subsection (6), at the beginning of paragraph (c) insert "subject to subsection (7D),".

(4) In subsection (7), at the beginning insert "Subject to subsection (7A)".

(5) After subsection (7) insert—

"(7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

(7B) Subsection (7A) does not require a principal council in England 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.

(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England 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.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting."

(6) After subsection (8) insert—

"(9) In this section "reporting" means—

(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."

(7) In section 100E of that Act (application to committees and sub-committees), after subsection (1) insert—

"(1A) But in section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to a committee which is appointed or established jointly by one or more principal councils in England and one or more principal councils in Wales, or a sub-committee of such a committee."

(8) In section 100J of that Act (application of Part 5A to new authorities, Common Council etc.)—

(a) in subsection (1), after "Except in this section," insert "and subject as follows,", and

(b) after subsection (2A) insert—

"(2B) In section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to—

(a) a joint waste authority;

(b) the Common Council other than in its capacity as a local authority or police authority;

(c) a joint board or a joint committee falling within subsection (2) above;

(d) the Homes and Communities Agency; or

(e) a Mayoral development corporation.".

Amendment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

5.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 4 after paragraph (5) insert—

"(5A) Where the public are excluded from a meeting under paragraph (2), a decision making body may also prevent any person from reporting proceedings using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

(5B) While the meeting is open to the public, any person attending is to be permitted to report the proceedings.

(5C) Paragraph (5B) does not require a decision making body 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."

(3) In that regulation, after paragraph (6) insert—

"(7) Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

(8) Publication and dissemination may take place at the time of the meeting or occur after the meeting.

(9) For the purposes of this regulation, reporting on proceedings at a meeting means—