

**TELFORD & WREKIN COUNCIL**

**CABINET – 26 JULY 2012**

**TRANSPARENCY AND PUBLIC ACCOUNTABILITY**

**REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION (MONITORING OFFICER)**

**LEAD CABINET MEMBER – CLLR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 That Members consider proposals for the Council to operate in an even more transparent, open and accountable way in line with the values and ethos of a Co-operative Council and in accordance with guidance from the Department of Communities & Local Government (DCLG).

**2. RECOMMENDATIONS**

- 2.1 That Cabinet consider the implementation of the proposed options, shown at 3.3 to 3.5 of the report, for increasing transparency and improving public accountability.
- a) Publication of information on Councillors who trade with the Council
  - b) Publication of Councillor attendance figures for appointed meetings of the Council
  - c) Public Question session at Full Council Meetings
  - d) Filming/Recording of Cabinet and Council meetings by members of the public on a trial basis
  - e) Use of Social Media by members of the public during meetings
  - f) Voluntary publication of Council expenditure over £100
- 2.2 That, for proposals supported by Cabinet, further detailed protocols be agreed for consideration and approval by Council Constitution Committee and Full Council

**SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Council priorities?	
	Yes	<i>If yes, please list relevant priority</i>  <b>Co-operative Council Values</b> – Openness and Honesty, Involvement. The section on <b>openness and honesty</b> states that the Council will “ <i>be open and honest in the way we work and make decisions and communicate in a clear, simple</i>

		<p><i>and timely way</i>". The section on <b>involvement</b> stated that "<i>we will work together with the community, involve people in decisions that affect their lives and be prepared to listen and take on new ideas</i>".</p>
	<p>Will the proposals impact on specific groups of people?</p>	<p>No</p>
<p><b>TARGET COMPLETION/DELIVERY DATE</b></p>		<ul style="list-style-type: none"> <li>• Target Implementation Date – should Members accept some or all of the proposals, implementation could begin from mid September 2012 after approval by Constitution Committee and Full Council. With regard to Member attendance data this could be collected retrospectively from the beginning of the Civic year.</li> </ul>
<p><b>FINANCIAL/VALUE FOR MONEY IMPACT</b></p>	<p>Yes</p>	<p>The options to strengthen transparency considered in the report will have resource implications, both in terms of officer time and direct costs. Based on the information currently available:</p> <ul style="list-style-type: none"> <li>• Information on Councillors who trade with the Council – an exercise would be required to gather and maintain the data for publication; as the proposal is slightly different to the information currently published in the Statement of Accounts this will require additional officer time/resource. Note, the 11/12 declarations of interest have already been requested as part of the final accounts process;</li> <li>• Publication of attendance at meetings figures – resource implications on Democratic Services staff;</li> <li>• Questions at Council – a web-based question facility is likely to have development costs/resources implications;</li> <li>• Web-cast Meetings – estimated cost of £500-£1,000 per meeting; also the suitability of venues may be an issue;</li> <li>• Twitter/social media – could be reputation "costs" and potentially additional costs associated with monitoring social media and</li> </ul>

		<p>responding to comments.</p> <p>There is currently no provision in revenue budgets to meet such costs.</p>
<b>LEGAL ISSUES</b>	Yes	<p><i>Adoption of the transparency agenda will require changes to the constitution (example, process for public questions at full Council) and procedures to be put in place to ensure consistency and fairness.</i></p> <p><i>Regarding recording/filming of meetings, there will need to be clear guidelines to address issues such as data protection to ensure that all members of the public attending the meeting are aware that they could be filmed and also to ensure that no personal and/or confidential information is recorded.</i></p> <p><i>The changes to provide greater transparency link in with the new Members' Code of Conduct, particularly the aspects relating to integrity and honesty. Disclosing additional financial details could be incorporated into the new Register of Interest forms that will need to be completed when the new ethical framework comes in to force in accordance with the requirements of the Localism Act 2011. We are currently awaiting Regulations to find out how the Register of Interest forms will be set out. However, it is likely that the additional financial disclosures referred to in this report will be provided on a voluntary basis and there may be no formal sanction for members who do not supply the requested details.</i></p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>Other impacts/risk/opportunities include:</p> <ul style="list-style-type: none"> <li>• Increased transparency and public accountability</li> <li>• More opportunity for public involvement in decision making processes</li> <li>• Some risk of reputational issues regarding public speaking and filming/recording which will need to be managed by robust protocols</li> </ul>

<b>HR Issues</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough wide impact.

## **PART B) – ADDITIONAL INFORMATION**

### **3. SUMMARY**

#### **3.1 Co-operative Council Values**

The recommendations of the Co-operative Councils Commissions' report, approved by Cabinet on 29 March, set out the Council's values. The section on openness and honesty stated that the Council would "*be open and honest in the way we work and make decisions and communicate in a clear, simple and timely way*". The section on involvement stated that "*we will work together with the community, involve people in decisions that affect their lives and be prepared to listen and take on new ideas*".

The full set of Co-operative values set out in the report are as follows:

#### **Ownership**

We will be accountable for our own actions and empower people with the skills to help themselves.

We would like everyone to – take action and responsibility for themselves and their community to the best of their abilities.

#### **Openness & Honesty**

We will be open and honest in the way we work and make decisions and communicate in a clear, simple and timely way.

We would like everyone to be open and honest about what they want to improve in their community.

#### **Involvement**

We will work together with the community, involve people in decisions that affect their lives and be prepared to listen and take on new ideas.

We would like everyone to – work with and support others, get involved and share their views to help us develop the way we do things.

#### **Fairness & Respect**

We will respond to people's needs in a fair and consistent way.

We will and would like everyone to – respect and care for themselves and others, value the different ideas and skills that people bring and treat each other as equals.

#### **3.2 DCLG Guidance**

The Department for Communities & Local Government (DCLG) have played a leading role in the current government's transparency drive. A letter from Bob Neill, Parliamentary under Secretary of State, urging Councils to provide access for the public to record and/or film meetings is attached to the report. The Localism Act (2011) places importance on making it easier for local communities to have a greater influence in some of the decision making processes as well as requiring transparency on officer pay and financial information. These principles of openness, transparency and public accountability fit well with the values and ethos of a Co-operative Council.

In the light of Co-operative Council values and DCLG policy, there are a number of options that could be adopted by the Council that would serve to improve public accountability and provide greater transparency. These measures would provide a demonstration that the Council is putting in to action the principles outlined in the Co-operative Councils Commissions' report.

The options outlined are varied but focus on the issues involving transparency for elected Members and public accessibility to the Council's meetings and decision making processes.

### **3.3 Councillors**

#### **a) Councillors who trade with the Council**

Currently, details of councillors who have an interest in companies that receive payment from the Council are shown annually in the Final Accounts which go to Audit Committee. This information is theoretically available to anyone who may wish to access the information but this information is not easy to find.

In order to provide better transparency the details of any councillors who have an interest in businesses that benefit from trading with the Council could be taken to Full Council via the Audit Committee as a separate report each year.

This information would be more readily accessible by the public and demonstrate a willingness by both Members and the Council to provide openness and transparency. In addition, this information could be shown on the Council's website.

Information requested could include:

- The previous year's value and description of any payments received from the Council to any businesses/companies where that Member has an interest.
- The preceding years' values
- Cumulative values of payments

This proposal would not have any obvious cost/resource implications providing the information were collected only once.

Publication of more detailed information in a more accessible way would increase transparency and public accountability of councillors. The information would be reported to Audit Committee annually and shown on the Council's website.

b) Publication of Member attendance figures at meetings of the Council

Attendance records showing councillors' attendance at meetings could be published on the Councils website on a quarterly basis and at a minimum annually. This would serve to provide a clear public record of some of the duties carried out by individual councillors. Research of a selection of Council websites indicates that Member attendance data is currently published by most Councils. Collection and publication of this information was suggested by a member of the public at a recent 'Meet the Community Panel' event.

Publication of attendance data would provide some transparency and strengthen councillor accountability. Collection of data would have some time and resource implications.

This option provides further accountability and is reported by most Councils. It is suggested that attendance data be collected for the meetings of the Council to which members are appointed at the Annual meeting.

### **3.4 Meetings**

a) Public Question session at Full Council Meetings

Most Councils now have some form of public question session. This often takes the form of a short session at the beginning of Full Council meeting but may be extended to other boards and committees. A public question session would allow members of the public to ask questions directly of the Leader and/or Cabinet members. A protocol for the receipt of questions would need to be agreed, this could be similar to the Public Speaking policy used for Plans Board. It is proposed that the opportunity to ask questions is not made available to sitting Borough Councillors and current Council employees as they have other avenues open to them.

This process would lengthen Council meetings and there is a risk that this session could be dominated by the same people's questions for all meetings. However, the process is in place at a large number of Councils and appears to work satisfactorily.

The democratic process is based on the rights of individuals to have their say and where appropriate to ask questions of those people elected on their behalf. Therefore there are no clear reasons why the public should not be allowed to ask questions before some or all of the meetings of the Council. A robust protocol would need to be adopted to avoid issues such as vexatious questions, personal attacks, delivering political statements. However, the risks are probably greater by denying the public the right to question elected councillors as this would be at odds with the stated values of the Council, the government's transparency agenda and the growing momentum for accountability.

A protocol could be drawn up setting time allocated and how questions should be submitted. The process might be for a 15 minute slot to allow people to present their questions to the Leader and Cabinet, it would seem sensible that the questions be submitted in advance to allow detailed information to be researched, this might be 7 working days in advance of the meeting (to allow publication on the agenda papers). Questions not dealt with in the 15 minute period would be answered in writing. There would be a limit on the number of questions submitted by an individual or a group in order to ensure that all individuals/groups have the opportunity to raise questions.

Public questions would allow the public direct access to the Leader and Cabinet. It would not be without risks, the session might be used to carry out personal attacks or to air political grievances, the protocol would need to be specific about what questions would not be admissible for legal reasons. It might be feasible to consider a website based electronic question facility that could fulfil the same purpose. However, this would have a potential cost and would not allow the public to meet councillors face to face to raise questions.

Potentially, the administration of a speaking system would have an impact on time and resources within the Democratic services team.

b) Filming/Recording of Cabinet and Council by members of the public

Requests to film or record meetings have increased in recent years. The DCLG letter from Bob Neill urges Councils to do everything they can to allow filming and contains advice that appears to support this from the Information Commissioner. The advice is that in the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections’.

A number of Councils web cast some of their meetings in order to increase accessibility to the decisions of the Council. This is an option that could be considered either by using a specialist company to web cast specific meetings or perhaps by installing a CCTV system in the meeting rooms.

Webcasting obviously carries a cost. Estimates indicate that this would be between £500 and £1000 per meeting. However, web casting of meetings would not stop requests from the public to film/record or take photographs at meetings. DCLG advice on this issue is fairly clear that Councils should do everything possible to allow transparency provided such activity is not interfering with the decision making process. An example protocol has been attached to the report which is used by the Council at Cambridge.

There are some legal issues to consider here regarding members of the public possibly objecting to filming. Another issue would be the suitability and size of meeting rooms, public galleries etc. However, these factors could be considered as part of a protocol should the Council decide to allow the principle of filming/recording the decision making process. If adopted then advice that filming/recording was permissible could be included with meeting agenda papers.

There would be a potential impact on time and resources as it would be expected that higher numbers of requests would be received for contentious meetings. In view of these considerations it is suggested that filming and/or recording by members of the public be trialled at Full Council and Cabinet meetings and that a protocol be drawn up for consideration by Council Constitution Committee.

c) Use of Social Media (Twitter, Blogs) by members of the public during meetings of the Council

DCLG advice on this issue is similar to that of filming/recording meetings. Bob Neill MP's letter states that 'In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make'.

A number of Councils allow the use of Social Media by the public; some take a different view and specifically forbid it. However, there would be some major difficulties in identifying that it was happening and in subsequently enforcing a ban on the use of Social Media. Many people use Social Media as part of their everyday lives as part of the way they communicate and regulations preventing the use of Social Media is more likely to exclude younger people who may be interested in Council matters.

The use of Social Media by the public carries some risks but these can be balanced against the benefits of encouraging inclusiveness for citizens and the creation of an open culture.

The use of social media is in many ways linked to the filming and recording of meetings. Should the principle of filming/recording be permitted then it would be difficult to justify not allowing the use of Twitter by members of the public. In many cases this is almost certainly happening already at some of our public meetings. Legal guidance would be required as to the basic conditions under which we would allow people to use Social Media.

There would be no obvious time or resource implications.

**3.5 Voluntary Publication of expenditure by the Council reduced to £100 from £500**

The Council is currently required to publish any expenditure over £500; this is one of the requirements of the Localism Act. In order to provide greater transparency the Council could voluntarily publish expenditure for everything over £100. This would bring in a significant number of additional transactions but would provide greater public access to the Council's expenditure and would be in line with the ethos of openness and accountability.

**3.6 Adoption of Proposals**

There are undoubtedly some risks in all of the options but these can be largely mitigated by good protocols and sound management of the processes. More important is how the suggested options might reflect the stated aims of a Co-operative Council and how they might contribute to the goals of openness and accountability to the people of the Borough.

If any or all of the options were to be adopted then a report would need go to Council Constitution Committee and Full Council for consideration and approval.

## **PREVIOUS MINUTES**

None

### **4. EQUALITY AND DIVERSITY**

No implications.

### **5. ENVIRONMENTAL IMPACT**

No implications.

### **6. BACKGROUND PAPERS**

6.1 The Localism Act 2011

6.2 Co-operative Council Commissions' Report 2012

**End of Report**

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