

TELFORD & WREKIN COUNCIL

FULL COUNCIL – 13 September 2012

TRANSPARENCY AND PUBLIC ACCOUNTABILITY

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

1. PURPOSE

- 1.1 To request that Full Council agree the proposed recommendations from Council Constitution Committee for increasing transparency and public accountability, as set out in the report.

2. RECOMMENDATIONS:

2.1 That Council approve the recommendations of Council Constitution Committee shown at 3.3 – 3.5 of the report, for increasing transparency and improving public accountability and recommend their approval to Full Council.

- a) Publication on the Council's website of information on Councillors who trade with the Council, information to be collected as part of the annual related party transactions data collection exercise**
- b) Publication on the Council's Website of Councillor attendance figures for appointed meetings of the Council and a list of councillors' appointed to serve on Outside Bodies**
- c) Introduction of a 15 minute Public Question session at Full Council Meetings**
- d) Permitting Filming and/or Recording of Cabinet and Full Council meetings by members of the public**
- e) Permitting use of Social Media by members of the public during all meetings**
- f) Voluntary publication of Council expenditure over £100 reduced from the current level of £500**

3. SUMMARY

The proposals shown at 3.3-3.5 of the report were approved by Cabinet on 26 July with a recommendation that, prior to implementation, options and protocols be considered and approved by Council Constitution Committee and Full Council. Council Constitution approved the recommendations at the meeting held on 4 September and in addition recommended that a list of councillor membership on Outside Bodies be published on

the Council's website. The Committee also amended the recommendation on filming/recording to permit this at future Cabinet and Full Council meetings and not on a trial basis for the rest of the Civic year.

The proposals aim to improve public accountability, openness and transparency in line with the Council's Co-operative values.

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 (Appendix 1)

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 at Appendix 1. 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 can 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) Publication of information on 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 additional details of any councillors who have an interest in businesses that benefit from trading with the Council will be taken to Full Council via the Audit Committee as a separate report each year and published on the Council's website.

This information will 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.

The additional information requested would be:

- 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

Publication of more detailed information in a more accessible way would increase transparency and public accountability of councillors.

If Council agree to the disclosure of additional financial details as set out in the report at paragraph 3.3(a) above, this information would be gathered as part of the related party transactions data which is currently collated annually for publication in the Statement of Accounts. This would be undertaken as part of the 2012/13 accounts process and data collected would be available in early 2013/14.

b) Publication of Member attendance figures at meetings of the Council and of a list of councillor membership on Outside Bodies (commencing from start of 2012 Civic Year).

Attendance records showing councillors' attendance at meetings should be published on the Councils website on a quarterly basis. 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 be for attendance at meetings of the Council to which members are appointed at Annual Council and would provide further transparency and strengthen councillor accountability. Collection of data would have some time and resource implications.

It is suggested that it would be sensible to produce the information quarterly and then for a full Civic year at the end of that year. Therefore, it would be sensible to collect and publish information from the beginning of the current 2012/13 Civic year.

- Information will be collected only for those meetings appointed by Annual Council and published quarterly
- Information will be displayed in the form of a table, indicating where a councillor is a member of a particular Committee and indicating numbers and percentage of attendance with a total of all attendance shown at the bottom of the table for each councillor.
- Where a councillor has been granted a leave of absence due to ill health this will be indicated on the attendance table.

If approved, attendance data could be published for the first quarter of 2012/13 Civic year as soon as practicable and then quarterly.

Council Constitution Committee, at its meeting of 4 September also recommended that a list of councillor membership on Outside Bodies be published on the Council's website.

3.4 Meetings

a) 15 Minute Public Question session at Full Council Meetings (Appendix 2)

Most Councils now have some form of public question session where members of the public can raise questions with the Leader and Cabinet members. 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 at the start of Full Council meetings would allow members of the public to ask questions directly of the Leader and/or Cabinet members. A protocol for the receipt of questions is attached at Appendix 2. In order to ensure that a response can be provided, it is proposed that the deadline for receipt of questions be 7 clear working days before the meeting. This is the same receipt deadline as for motions to Council.

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. The protocol is relatively robust in order to avoid issues such as vexatious questions, personal attacks or the delivery of political statements.

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 working satisfactorily at a number of other Councils, the protocol also contains strict time limits and prevents people submitting more than one question

per meeting. The adoption of a public question session is in line with the stated values of the Council, the government's transparency agenda and the growing momentum for accountability. Potentially, the administration of a speaking system would have an impact on time and resources within the Democratic services team. If approved this could be in place for next Council meeting on 22 November.

b) Filming/Recording of Cabinet and Full Council meetings by members of the public (Appendix 3)

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. However, estimates indicate that web casting could cost between £500 and £1000 per meeting. Additionally, web casting of meetings would not stop requests from the public to film/record or take photographs at meetings. Therefore, web-casting is not considered a viable option at the present time. The preferred option would be to allow public filming/recording at some Council meetings. DCLG advice is fairly clear that Councils should do everything possible to allow transparency provided such activity is not interfering with the decision making process. Initial proposals were for filming/recording to be trialled at Cabinet and Full Council meetings. However, Council Constitution Committee at its meeting of 4 September recommended that filming be permitted at future Cabinet and Full Council meetings, noting that the process could be monitored and if significant issues arose then the process could be reviewed as required.

There are some 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, the protocol (at Appendix 3 of the report) contains some allowance for these factors and the Chairman will have absolute discretion to terminate or suspend filming if, in their opinion, continuing filming would prejudice proceedings. Advice that filming/recording was permissible would be included with meeting agenda papers. There may 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, filming and/or recording by members of the public is proposed for use at Full Council and Cabinet meetings only. If approved, filming could be permitted for the next scheduled meetings of Cabinet and Council.

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 are 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. No protocol is required for this option but the Chairman will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings.

This could be introduced at all of the Council's meetings with immediate effect if approved by Council. There would be no obvious time or resource implications.

3.5 Reducing the level for Publication of expenditure by the Council to £100

The Council currently publishes any expenditure over £500. In order to provide greater transparency the Council will 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. DCLG have indicated that they intend to publish the department's expenditure over £250, to promote openness and transparency. Publication of expenditure of over £100 would be in line with the Council's Co-operative ethos and if approved by Council would commence from October 2013.

3.6 Adoption of Recommendations

Recommendations contained within this report, if approved by Full Council, will be adopted as indicated in the report or as soon as practicable.

4. PREVIOUS MINUTES

5. EQUALITY AND DIVERSITY

No implications.

6. ENVIRONMENTAL IMPACT

No implications.

7. LEGAL COMMENT

- 7.1 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.

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.

The changes to provide greater transparency link in with the new Members' Code of Conduct, particularly the aspects relating to integrity and honesty. The new provisions brought in by Chapter 7 of the Localism Act 2011 require elected members to complete a register of disclosable pecuniary interests (DPI) including details of 'employment, office, trade or profession', and 'contracts'. These specific categories are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The DPI forms are made available to the public to view both on the Council's website and at the Council offices. If the Council agree to the disclosure of additional financial details as set out in the report at paragraph 3.3(a) above, this will be supplemental to those details required in the DPI form. Accordingly the financial disclosures referred to in this report and recommended at paragraph 2.1(a) will be provided on a voluntary basis and there may be no formal sanction for members who do not supply the requested details.

The current practice of publishing details of council expenditure over the £500 level is in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency which was issued by the Department for Communities and Local Government in September 2011. The Secretary of State for Communities and Local Government used his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue this Code to assist local authorities to achieve the routine publication of more data to enhance accountability to the public. Paragraph 12 of this Code clearly sets out that publication of expenditure over £500 is a minimum provision. It is within the powers of the Council to reduce this figure to the £100 level proposed at recommendation 2.1(f) of this report.

8. FINANCIAL IMPLICATIONS

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 available:

- Information on Councillors who trade with the Council – information relating to related party transactions is currently collated annually for publication in the Statement of Accounts and it is proposed that the additional information identified is gathered as part of the same exercise. This will be undertaken

as part of the 2012/13 accounts process and so will not be available until early 2013/14.

- Publication of attendance at meetings figures – resource implications on Democratic Services staff;
- Allowing Filming at Full Council/Cabinet Meetings – the Council itself will not undertake the filming therefore there are no direct costs associated with this proposal;
- Twitter/social media – potential reputation “costs” and additional costs associated with monitoring social media and responding to comments.

Officer time will have to be funded from within existing revenue budgets.

9. WARD IMPLICATIONS

Borough wide

10. BACKGROUND PAPERS

10.4 The Localism Act 2011

10.5 Co-operative Council Commissions’ Report 2012

10.6 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

End of Report

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