



Member Code of Conduct

Notes of Guidance on Dispensations

Introduction

The Member Code of Conduct adopted by the Authority on 6 July 2012 makes it clear that when acting in your capacity as a Member or co-opted Member of the Authority –

- (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, a close associate or relevant person;
- (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
- (c) you must make all choices when carrying out your public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
- (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority or contained in its Standing Orders;
- (f) you must declare any disclosable pecuniary interest or personal interest that relates to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
- (g) you must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Authority's reasonable requirements;
- (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code adopted by the Authority;

- (i) you must promote and support, by leadership and example, high standards of conduct when serving in your public post, in particular as characterised by the above requirements.

Dispensations

The Code of Conduct sets out a number of situations in which a Member with a disclosable pecuniary interest or personal & prejudicial interest must not participate in business before the Authority or seek to influence improperly a decision in respect of such business.

Under Section 33 of the Localism Act, a Member with a relevant interest may apply for a dispensation to be granted on the following grounds to enable them to speak and/or vote:-

1. That so many members of the Authority or a Committee would have disclosable pecuniary interests in a matter that it would impede the proper transaction of the business (i.e. it would otherwise be inquorate).
2. That without the dispensation, the representation of different political groups (i.e. the political balance) of a meeting would be upset so as to impede or affect the likely outcome of the transaction or vote upon a particular item of business
3. That it would be in the interests of the inhabitants of the area for Members to participate (so as to represent their constituents views)
4. That it is otherwise appropriate to grant a dispensation.

The decision whether or not to grant a dispensation has been delegated to the Monitoring Officer (*Scheme of Delegation paragraph 11(x)*). The Monitoring Officer will usually determine such applications after consultation with the Chairman of the Standards sub-committee and one of the Independent Persons.

Requests for Dispensations

A request for a dispensation should be made in writing, marked CONFIDENTIAL to Christopher Walledge, Head of Legal & Democratic Services and Monitoring Officer: cwalledge@dartmoor.gov.uk

It is advisable to submit a request for a dispensation at least 5 working days in advance of the date of the meeting for which the dispensation is sought, setting out the grounds and reasons why a dispensation should be granted and the nature of the dispensation sought (see 4 below)

The following criteria will be considered in determining whether to grant dispensation requests:-

- 1 Whether the nature of the Member's interest is such that to allow them to participate would risk damage to public confidence in the conduct of the Authority's business (*in which case a dispensation is not likely to be granted*).
- 2 Whether the interest is common to the Member and a significant proportion of the general public (*in which case a dispensation is more likely to be granted*).
- 3 Is the participation of the Member in the business that the interest relates to justified by a member's particular role or expertise? (*in which case a dispensation is more likely to be granted*).
- 4 Whether the request is for a dispensation to (a) remain in the meeting room; (b) speak at the meeting; or (c) participate fully in the debate and vote on the business.

DRAFT

DARTMOOR NATIONAL PARK AUTHORITY

STANDARDS SUB-COMMITTEE

21 November 2014

REPORTING AND FILMING BY THE PRESS AND PUBLICReport of the Head of Legal & Democratic Services

<u>Recommendation:</u>	That:
(i)	the draft Protocol for Filming and Reporting is published for consultation, and
(ii)	the advice on use of public phones and electronic devices in meetings is adopted

1 Introduction

- 1.1 New Regulations have been published that allow the press and public greater rights to report at open meetings of local government bodies by filming, photographing, audio-recording or any other means. The regulations implement new rights under the new Local Audit and Accountability Act 2014, which the Communities Secretary has promoted as *"the key to helping bloggers and tweeters as well as journalists to unlocking the mysteries of local government and making it more transparent for all"*.

2 Background

- 2.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089 specifically opened up councils' executive meetings to the press and public except where exempt items were being discussed, but these provisions only applied to meetings of the executive and not to committee meetings or full council, nor to parish councils or National Park Authorities.
- 2.2 The Government tried to extend this requirement to all meetings and all local government bodies through voluntary guidance, stating that *"modern technology has created a new cadre of bloggers and hyper-local journalists, and councils should open their digital doors and not cling to analogue interpretations of council rules"*.
- 2.3 In June 2013 the Department of Communities and Local Government published a guide *"Your council's cabinet: going to its meetings, seeing how it works"* which explained how local residents could attend and report their local council meetings, and explicitly encouraged councils to allow the public to film, blog and tweet all council meetings.
- 2.4 However, the Communities Secretary stated that, despite his call for councils to open their doors, *"some have slammed theirs shut, calling in the police to arrest*

bloggers and clinging to old-fashioned standing orders". The Government then introduced a new clause into the Local Audit and Accountability Bill (now s.40 of the 2014 Act) giving the Secretary of State a power to make regulations that may require local government bodies to allow members of the public the rights to attend all their public meetings and to have access to records relating to decisions taken by their officers.

3 Reporting of meetings

3.1 The draft Openness of Local Government Bodies Regulations 2014 amend the Public Bodies (Admission to Meetings) Act 1960, s.100A of the Local Government Act 1972 and the 2012 Regulations so as to allow any person to attend a public meeting of a "*relevant local government body*" for the purposes of reporting, and allow any persons with the aim of 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.

3.2 "*Relevant local government body*" includes all English two-tier and unitary authorities, fire authorities, national park authorities, joint committees (such as Police and Crime Panels) and also parish councils.

3.3 'Reporting' is defined 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.

3.4 The changes 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).

4 Implications for Dartmoor National Park Authority

4.1 Unlike many local authorities, the Authority's Standing Orders and procedures do not contain any provisions or rules relating to filming, photographs or reporting of proceedings. There is therefore no need to amend or repeal any current provisions in order to be in conformity with the new legislation.

4.2 On occasions the media have attended meetings of the Authority and the Development Management Committee with a view to securing footage for broadcast. Traditionally, the media have been allowed to film in the meeting room right up until the opening of the meeting by the Chairman, but then asked to stop filming. Any further footage has been given to camera outside the meeting room, by way of interview or comment. Clearly this approach is no longer compatible with the legislation.

4.3 There have also been a few occasions when members of the public have been observed filming or recording proceedings from the public gallery during meetings of the Development Management Committee. The traditional approach has been for the Chairman to be informed and the Chairman would then ask the member of the

public to desist. If they declined to do so, they would be asked to leave the meeting. Clearly this approach is no longer compatible with the legislation.

5 Reporting Meetings

- 5.1 The only restriction the Authority has imposed on reporting the proceedings of the Authority and its committees is in relation to Part II items. The press and public are entitled and indeed welcome to attend and report on all Part I business.
- 5.2 Given the new rules on use of social media during meetings, there can no longer be any objection to members of the public or press using mobile phones discreetly during meetings in order to blog, tweet or text relevant updates.

6 Protocol for Filming and Photographs

- 6.1 Many local authorities have reviewed their procedures in the light of the new legislation and taken the opportunity to publish a new / updated protocol for filming and photographs.
- 6.2 The Authority has not to date published any formal guidance, but given the recent changes it may be prudent to set out a clear statement of the Authority's understanding of the new rights. It is believed that this would be helpful to the Chairman of a meeting, Members, officers, the press and the public.
- 6.3 Members are invited to consider the draft Protocol attached at Appendix 1 as a possible basis for consultation.

7 Members' use of mobile phones in meetings

- 7.1 This is a subject which has been discussed a number of times over the past few years. The former Standards Committee gave guidance that in their view it was acceptable:
- for a Member's mobile phones to be switched on in a public meeting, provided that it is set to vibrate or silent
 - for a Member to take a mobile phone call in a public meeting, providing that they immediately left the meeting room to conduct any conversation
- 7.2 The Standards Committee also advised that in their view it was not acceptable:
- to text during a meeting, especially during an item of business
 - to use a mobile phone except as a calendar or otherwise in connection with the business under consideration
- 7.3 The new guidance makes it clear that **Members** should have an unfettered right to blog, tweet and report on the proceedings of the Authority during any meeting. Technology has also moved on, and some Members now use laptops, Tablets, smartphones or other electronic devices to assist them in meetings. It is therefore recommended that the previous guidance on use of electronic devices in meetings is revised as follows:

it is acceptable:

- *for a Member's or Officer's mobile phone to be switched on in a public meeting, provided that it is set to vibrate or silent*
- *for a Member or Officer to take a mobile phone call in a public meeting, provided that they immediately leave the meeting room to conduct any conversation*
- *for a Member or Officer to use a laptop, notebook, Tablet, smartphone or other electronic device in connection with the business under consideration*
- *for a Member or Officer to use a mobile phone or other electronic communications device in a meeting to blog, tweet and report on the proceedings of that meeting (except as regards Part II confidential business)*

Members and Officers should not:

- *leave their mobile phone switched on in a public meeting, unless set to vibrate or silent*
- *use a mobile phone in the meeting room to hold a conversation during a meeting*
- *use a mobile phone in the meeting room to text during a meeting, except in relation to business at that meeting*
- *use a laptop, notebook, Tablet, smartphone or other electronic device in the meeting room during a meeting otherwise in connection with the business under consideration at that meeting*

7.4 Members are invited to consider this proposed guidance and offer their views.

CHRISTOPHER R WALLEGE

Background Papers: Openness of Local Government Bodies Regulations 2014
Open and accountable local government (DCLG Aug 2014)
Local Government Act 1972 s.100A

Attachments: Appendix 1 - Draft Protocol

20141121 CRW Reporting and Filming

Dartmoor National Park Authority



Protocol for Filming & Reporting at Meetings open to the Press & Public

Introduction

Many of our meetings are public, which means that the general public along with media such as journalists, bloggers, broadcasters, television crews and citizen journalists are welcome to attend to report on and film decisions.

Filming, photographs and use of social media channels such as Twitter and blogs to report on public meetings is permitted as long as it is carried out in a way that does not disrupt the meeting.

Part II Items

In common with all local authorities, it is sometimes necessary for an agenda item, known as a Part II item, to be debated in a closed meeting. The guidelines covering these items are set out in the Local Government Act 1972. Agenda papers must give the reason for their inclusion in Part II and Members must vote to exclude the press and public from that part of the meeting.

Arrangements for Filming

Anyone wishing to film proceedings is asked to advise the Chairman of the meeting or the Head of Legal & Democratic Services before the start of the meeting, so that all those present may be advised at the start of the meeting.

Prior to a meeting at Parke, filming and recording may be undertaken in the meeting room or in any public area, but filming in the meeting room must cease and all filming or recording equipment be removed not later than 5 minutes prior to the scheduled start of the meeting.

During the meeting, filming by broadcasters shall only be from a single fixed position in the public gallery or any designated area, without the use of any additional lighting. Any designated area will be reserved for broadcasters and not available to the public.

Members of the public may film or record meetings to which they are permitted access in a non-disruptive manner from the public gallery. Any filming should be done as unobtrusively as possible from a single fixed position without the use of any additional lighting. No flash photography will be permitted during the meeting.

Filming and photography should focus only on those actively participating in the meeting and must have regard to the wishes of any member of the public who does not consent to be filmed / photographed.

Any person or organisation choosing to film, record or broadcast any meeting of the Authority or its committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Authority, its members and officers in relation to any such claims or liabilities.

Use of Social Media

The use of digital and social media recording tools, for example Twitter, blogging or audio recording will be allowed as long as it is carried out in a non-disruptive manner.

Maintenance of Good Order

Standing Order 19 of the Authority's Adopted Standing Orders reserves to the Chairman of the meeting, or any Officer as designated by the Chairman, the right to stop a meeting and take appropriate action if any person wilfully interrupts or disturbs the proceedings, or is deemed to be filming or recording in a disruptive manner.

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