

**Agenda Item No:** 5  
**Report To:** Selection and Constitutional Review Committee  
**Date:** 9<sup>th</sup> October 2014  
**Report Title:** Filming and Audio Recording of Council Meetings – The Openness of Local Government Bodies Regulations 2014 – Amendments to the Constitution  
**Report Author:** Keith Fearon, Member Services and Scrutiny Manager  
**Report Owner:** Terry Mortimer, Head of Legal and Democratic Services  
**Portfolio Holder:** Councillor Clarkson, Leader of the Council



**Summary:** The Openness of Local Government Bodies Regulations came into effect on 6<sup>th</sup> August 2014 and broadly the Regulations give the public the right to film, audio record, take photographs and use social media and the Internet at meetings to report on any meetings that are open to the public. This report sets out proposed amendments to the Constitution to take account of the new Regulations and also puts forward for approval a draft procedure/guidance note to assist both Officers and Members of the public in managing the right under the Regulations.

**Key Decision:** NO

**Affected Wards:** Not applicable

**Recommendations:** **The Selection and Constitutional Review Committee is asked to recommend to Council that:-**

- (i) **The existing General Procedure Rule 3 (b) as set out in Part 4 Rules of Procedure be deleted and substituted with the following:-**

**3(b) Audio and Visual Recordings**

***While the meeting is open to the public, any person attending the meeting may film, audio record, take photographs and use social media and the internet to report on meetings as they are taking place in accordance with the guidance set out in Appendix 5 to the Access to Information Procedure Rules***

- (ii) **The guidance on audio and visual recordings as set out in the Appendix to the report be approved and incorporated as Appendix 5 to the Access to Information Procedure Rules.**

<b>Policy Overview:</b>	The report and guidance has been produced in accordance with new statutory requirements.
<b>Financial Implications:</b>	None
<b>Risk Assessment</b>	NO
<b>Equalities Impact Assessment</b>	NO
<b>Exemption Clauses:</b>	None
<b>Background Papers:</b>	None
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## **Report Title: Filming and Audio Recording of Council Meetings – The Openness of Local Government Bodies Regulations 2014 – Amendments to the Constitution**

### **Purpose of the Report**

1. This report outlines the new right under the Openness of Local Government Bodies Regulations 2014 for the public to film, audio record, take photographs and use social media and the Internet at meetings to report on any meetings that are open to the public. The report also sets out a revised General Procedure Rule for the Constitution and a procedure/guidance note to enable the effective management of third party recordings of meetings open to the public.

### **Issue to be Decided**

2. The Committee is asked to recommend to Council that (i) the existing General Procedure Rule 3 (b) be substituted with a revised Procedure Rule to reflect the changes made by the Regulations and (ii) a Procedure/Guidance Note on the management of the issue be adopted.

### **Background**

3. The Council's current General Procedure Rule relating to recordings of proceedings/photographs is set out in Part 4 Rules of Procedure of the Council's Constitution. Procedure Rule 3 is set out below and the amendment is in respect of 3 (b) only:-
  - (a) No-one will take photographs of any proceedings of any meetings of the Authority occurring after the public have been excluded in accordance with the provisions of Section 100(A) of that Act or use any means to enable persons not present to see or hear any such proceedings (whether at the time or later) nor make any oral report on proceedings as they take place.
  - (b) No-one will film, photograph or record any of the public proceedings of any meeting of the Authority unless a request to do so has been received by the Proper Officer who will determine the request in conjunction with the Chairman of the meeting concerned.

The right contained within the new Regulations clearly require the existing Procedure Rule to be amended. The DCLG in their Guidance Note on the new right acknowledge that until such time as Local Authorities are able to make amendments to their Constitution there would be a need for notifications received from members of the public to film etc, to be accommodated. To enable this they recommended that current Procedure Rules be suspended by the relevant Committee at which the recordings are being made. The Head of Legal and Democratic Services wrote to all Committee Chairmen and Vice-Chairmen on 26<sup>th</sup> August 2014 advising them of the changes and explained the arrangements that should be adopted in the interim period until

the Council meeting in October considers and adopts the revised Procedure Rule and procedure/guidance note. Advice given to the Chairmen was that it would be appropriate for them to advise that filming should only take place from the public seating area and that the person should remain seated when practicable. Furthermore to avoid being disruptive, they should not give an oral commentary in the meeting room whilst recording. The Chairmen were also requested to ask the person undertaking any filming to respect any requests from members of the public that they not be filmed. The guidance also acknowledged that those undertaking filming, audio etc activities must not act in a disruptive manner that could result in expulsion. The Government guidance helpfully highlighted the following examples as disruptive behaviour which is essentially an activity which disrupts the conduct of the meetings:-

- Moving to areas outside the areas designated for the public without the consent of the Chairman.
- Excessive noise in recording or setting or re-siting equipment during the debate or discussion.
- Intrusive lighting and the use of flash photography.
- Asking those speaking to repeat statements for the purposes of recording.

## **Draft Guidance/Protocol for Filming and Audio Recording of Council Meetings**

4. To enable the effective management of third party recording of meetings open to the public the procedure/guidance note attached as Appendix 1 to this report has been produced and if approved will be incorporated as an Appendix to the Access to Information Procedure Rules and will also be included on the Council website. The guidance will encourage members of the public to contact the Member Services and Scrutiny Support section in advance to ensure that any necessary arrangements can be made and for the Chairman of the appropriate meeting to be briefed in advance. It is suggested that recordings may only be taken from the area designated for the public and recording devices must be set in silent mode and no flash or additional lighting be permitted. The recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings. To take account of any requests from members of the public that they not be filmed, the person undertaking the recording and filming will be asked by the Chairman to respect such requests.
5. It is suggested that the Chairman of the Committee instruct that recordings be stopped in the following cases:-
  - (a) There is public disturbance or a suspension/adjournment of the meeting.
  - (b) The recording has become disruptive or distracting to the good order and conduct of the meeting.
  - (c) Request from members of the public that they not be filmed.

- (d) On occasions when the press and public have been excluded from the meeting as exempt or confidential business was being considered.
6. In terms of the use of the recordings by third parties it is proposed that to minimise the risk of proceedings of the Council meetings being misrepresented in any way, the following points in (i) and (ii) below be incorporated within the guidance/protocol:-
- (i) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place and a clear identification of the main speakers and their title and/or role.
  - (ii) Those making recordings should not edit the recording in a way which could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.

### **Other Options Considered**

7. The alternative option to producing a statement of policy protocol on the handling of the public's right to film would be to leave it to the discretion of each Chairman. However, it is considered that it is for the benefit of the Council and Members of the public that a policy be agreed and incorporated within the Council's Procedure Rules as it will clearly set out the expectations of the Borough Council and make clear issues which the person undertaking the filming or recording should take into account when undertaking their recording activity.

### **Handling**

8. The recommendations from the Selection and Constitutional Review Committee will be considered by the Council on the 16<sup>th</sup> October 2014 and thereafter will be incorporated within the Council's Constitution and published on the Council's website.

### **Conclusion**

9. The revised Procedure Rule and procedure/guidance note will enable the public to exercise their new legal right under the Openness of Local Government Bodies Regulations 2014 and will enable the effective management of those third party recordings.
10. The detailed recommendations are as set out on the summary page of this report.

## **Portfolio Holder's Views**

11. The Leader of the Council commends the report to the Committee.

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R:KRF - Selection and Constitutional Review Committee 09.10.14

## Appendix

### Procedure/Guidance Note – Filming, Photographing or making an Audio Recording of Proceedings at Meetings

Members of the public are allowed to report<sup>1</sup> at all meetings of the Authority which are open to the public to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. In order to ensure effective management of meetings held in public at which rights are being exercised, the following procedures will be adopted.

1. The filming, photographing or making an audio recording of proceedings of meetings of the Authority and its Committees and Sub-Committees and the executive and its committees whilst those meetings were open to the public is permitted.
2. Those persons wishing to film, photograph, or make an audio recording of proceedings should give prior notification in writing or by telephone to the Member Services and Scrutiny Manager or the Chairman of the Committee of their intentions to film or record prior to the commencement of the meeting.
3. The filming, photographing or audio recordings should only be made from the designated public seating area and with the knowledge of the Chairman of the meeting. Also:-
  - (a) filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode
  - (b) no flash or additional lighting is permitted.
  - (c) filming, photography or audio recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings.
  - (d) attendees would be advised at the start of the meeting that is being filmed, photographed or audio recorded.
  - (e) a person undertaking the filming or audio recording shall respect any request from members of the public that they do not wish to be filmed.
  - (f) There shall be no oral commentary permitted in the Meeting Room.

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<sup>1</sup> 'reporting' means –

- (a) filming, photography or making an audio recording of proceedings at a meeting.
- (b) using any other means of 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.

Part 4  
Rules of Procedure –  
Access to Information Procedure Rules

4. The Chairman of the meeting shall instruct that filming, photographing or audio recordings be stopped where:-
- (a) During those parts of the meeting when the press and public have been excluded due to the nature of the business being discussed ie either exempt or confidential matters.
  - (b) There is a public disturbance or suspension/adjournment of the meeting.
  - (c) The recording has become disruptive or distracting to the good order and conduct of the meeting.
  - (d) Continued recording is against the wishes of an individual.

### **Use of Recordings by Third Parties**

The Council will expect those filming or audio recording the proceedings to abide by (a) and (b) below:-

- (a) Any published filming or audio recording should be accompanied by a statement of when and where the filming and audio recording was made, the context of the discussion that took place and a clear identification of the main speakers and their role or title.
- (b) Those undertaking the filming or recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.