

Agenda item: **Title and Date of meeting:****Governance and Audit and Standards Committee
27 June 2014****Full Council 15 July 2014****Subject:****Filming, photographing and recording of public meetings of the Council****Report by:****Local Democracy Manager****Wards affected:****N/A****Key decision:****No****Full Council decision:****Yes**

1. Purpose of report

The purpose of the report is to provide information to the Council on how best to ensure compliance with the new legislative requirements under the Local Audit and Accountability Act 2014, which requires (once the necessary secondary legislation is in place) Councils to allow the filming, photographing and recording of all meetings of the Council to which the public are admitted.

2. Recommendations**RECOMMENDED**

(1) that the Council agree the proposed rules for governing the filming, photographing and recording of Council meetings to which the public are entitled to attend (see appendix A below) which will form part of the Constitution, subject to any revisions that may be necessary once the Secondary legislation is published

(2) that Standing Order 36 (c) relating to public conduct be deleted and replaced by the following -

The public and broadcasters are permitted to film or record meetings to which they are allowed access so long as they do so from areas specifically allocated to them and in a manner which does not disrupt the running of the meeting

The use of digital and social media recording and communication tools including Twitter , Blogging or audio recording will be allowed so long as it does not interfere with the running of the meeting.

The filming or recording of members of the public is prohibited in circumstances where they are not making representations to the meeting. Where a member of the public who is addressing the meeting does actively object to being filmed, they should also not be filmed.

The Chair of the meeting or anyone designated by the Chair shall stop the meeting and take appropriate action if anyone breaches the rules governing the filming, photographing and recording of Council meetings (appendix A refers)

(3) that Standing order 34 (a) (iii) relating to conduct of Councillors and members of the public in meetings, be deleted

(4) it is not considered necessary to make any material changes to the facilities currently afforded to the press and public in the meeting chamber and rooms currently used by the Council, however this may need to be reviewed once the detail of the Secondary legislation is known and if additional facilities are required to be provided; if such a review is required, it be undertaken through a Member/officer working group comprising representatives of all Groups on the Council.

3. Background

The Full Council on 10 December 2013, resolved that the issues raised in the below notice of motion be considered by Scrutiny Management Panel for report back to Council at a later date.

"The Council supports the principles of openness and transparency and encourages filming, recording and the taking of photographs at council meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens at council meetings.

The Council instructs the Chief Executive to prepare a report for the next Governance and Audit and Standards Committee meeting on how the terms of this motion can best be implemented."

Since that time the Local Audit and Accountability Act 2014, received Royal Assent - a relevant extract from which is produced below for ease of reference.

"Access to local government meetings and documents

- (1) The Secretary of State may by regulations make provision for and in connection with allowing persons—

- (a) to film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or sub-committee of such a body;
 - (b) to use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
 - (c) to report or provide commentary on the proceedings at such 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 at the meeting.
- (2) Regulations under subsection (1) may in particular make provision—
- (a) for allowing persons to make available to the public or a section of the public using any medium (including the internet) things produced as a result of activities within that subsection;
 - (b) about the facilities to be made available by bodies to which the regulations apply to enable persons to carry on such activities;
 - (c) about the steps to be taken by persons before carrying on such activities;
 - (d) about the circumstances in which persons may not carry on such activities, including for enabling a person specified in the regulations to prevent them from doing so in the circumstances specified in the regulations."

On 18 March 2014, Full Council considered and agreed the Scrutiny Management Panel's recommendation that a working group be set up to prepare a report on how the practicalities of this impending requirement can be implemented as soon as possible, including how the Council's Standing Orders should be amended. In the circumstances, the timescale involved over the pre and post election period has not allowed a working group to undertake this work prior to the Governance and Audit and Standards Committee meeting, which in turn is required to report to the Full Council in July, so the requisite changes can be approved before the relevant Regulations requiring compliance are in place. Consequently, this report seeks to help ensure the necessary information is before Full Council for determination before compliance is imposed by Regulation.

4. Conclusion

Clearly until the subsequent Regulations/secondary legislation and accompanying guidance is published, it is not possible to know the detailed application and operational requirements, however this report seeks to address the principles of the Act, whilst recognising that some revisions to the proposals may be necessary when more information is produced.

5. Equality impact assessment (EIA)

An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. Legal Implications

These have been taken into account In the preparation of this report.

7. Finance Comments - There are no financial consequences arising from the recommendations in the report.

.....
Signed by:

Appendix:A Rules Governing the Filming, Photographing and Recording of public meetings of the Council.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	

Appendix A - Rules governing the Filming, Photographing and Recording of public meetings of the Council.

The filming, photographing and recording of all Council, Cabinet (including portfolio holder meetings), Committee, Sub Committee and Panel meetings (collectively known as Council meetings) to which the public are admitted shall be allowed.

Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.

The public and broadcasters are permitted to film, photograph or record meetings to which they are allowed access so long as they do so from areas specifically allocated to them and in a manner which does not disrupt the running of the meeting.

The use of digital and social media recording and communication tools including Twitter, Blogging or audio recording will be allowed so long as it does not interfere with the running of the meeting.

The filming, photographing or recording of members of the public is prohibited in circumstances where they are not making representations to the meeting and the Council will take action as it considers appropriate against any person found to be contravening this restriction.

Where a member of the public who is addressing the meeting does actively object to being filmed, photographed or recorded, they should not be filmed, photographed or recorded.

The Chair of the meeting or any Council representative designated by the Chair, has the Authority to stop the meeting and take appropriate action if any person breaches these rules or is considered to be filming, photographing or recording in a disruptive or otherwise inappropriate manner.

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

The Council will display the requirements as to filming, photographing or recording, at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

The Council will publish the guidance on the filming, photographing and recording of meetings on its web site.

