

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Audit, Governance and Standards Committee  
24 September 2014

**From:** Director of Support Services and Deputy Chief Executive

**Subject:** **RECORDING OF MEETINGS**

All Wards

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Openness of Local Government Bodies Regulations 2014 introduce an obligation to allow recording of the proceedings of Council meetings and the dissemination of the information to the public.
- 1.2 The Council's Access to Information Procedure Rules govern recording of Council meetings.
- 1.3 This report suggests amendments to the Procedure Rules to introduce some further reasonable safeguards to protect the public attending meetings which may be recorded and to ensure there are no distractions or interruptions during meetings.

### **2.0 THE REGULATIONS:**

- 2.1 Under the Regulations the Council is required to make reasonable facilities available for the recording of meetings. The Regulations envisage recording and simultaneous transmission of recordings via filming, audio-recording, taking of photographs, tweeting and blogging. The Council can prohibit oral reporting or commentary at the meeting itself.
- 2.2 Recording can be prohibited in those circumstances where the press and public can currently be excluded from a meeting.
- 2.3 The Regulations are accompanied by Guidance and a relevant extract is attached as Annex 'A'. This suggests that the Council could, through its procedure rules, restrict some recording activities which might affect the public such as those who actively object to being filmed.

### **3.0 THE PROCEDURE RULES:**

- 3.1 Current Rule 3.2 of the Access to Information Procedure Rules is attached as Annex 'B' to this report.
- 3.2 Although Rule 3.2 deals with recording of meetings it is considered appropriate to expand the description of permitted activities to be in line with the Regulations. This Rule should therefore make it clear that individuals may report on, publish or otherwise share the results of any reporting activities in connection with the meeting.
- 3.3 The guidance suggests that reasonable restrictions may be introduced to protect the interests of the public attending the meeting including children and vulnerable adults. It is therefore suggested that whilst general recording of the public may be appropriate, direct recording of individual members of the public should only take place if they have chosen to address the meeting. It is also suggested that if a member of the public actively objects to being filmed then the Chairman should prohibit this. For example, a reasonable objection could be made on medical or religious grounds.

3.4 It is recommended that the Rule be amended by adding the following:

- “(d) there is no direct filming or recording of any member of the public unless that member of the public is addressing the meeting;
- (e) there is no filming or recording of any child or vulnerable person where the Chairman considers this inappropriate or any member of the public whom the Chairman believes has a reasonable objection to being filmed;
- (f) there is no oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting;
- (g) where the public are excluded from a meeting there shall be no filming or recording of that part of the meeting using methods which enable persons not present at that part of the meeting to see or hear the proceedings at that part of the meeting as it takes place or later.”

#### **4.0 LEGAL IMPLICATIONS:**

4.1 The Regulations prescribe the situations in which recording of meetings can take place and also the types of restrictions that can be imposed. There are no other legal implications.

#### **5.0 FINANCIAL IMPLICATIONS:**

5.1 There are no financial implications.

#### **6.0 EQUALITIES AND DIVERSITY:**

6.1 The Council needs to balance the requirements of openness and accountability with the potential infringement of the rights of individuals. The suggested amendments to Rule 3.2 seek to do this.

#### **7.0 RECOMMENDATION:**

7.1 It is recommended that Council be recommended to approve the amendments to Rule 3.2 of the Access to Information Procedure Rules set out in paragraphs 3.2 to 3.4 of this report.

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**Background papers:** None

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# Part 1 Your rights to attend and report meetings

This part of the Guide applies to all the local government bodies listed at annex A.

## **Why are there new national rules?**

We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies. This will ensure we have strong, 21<sup>st</sup> century, local democracy where local government bodies are genuinely accountable to the local people whom they serve and to the local taxpayers who help fund them.

## **Who do these rules help?**

These rules help any members of the press and public who want to know about, view or report the work of local government bodies. The “press” is defined in the widest terms – including traditional print media, filming crews, hyper-local journalists and bloggers.

The new national rules<sup>v</sup> have increased your rights to film, audio-record, take photographs, and use social media such as tweeting and blogging to report the proceedings of all such meetings that are open to the public.

## **Are all meetings of a local government body open to the public?**

All meetings must be open to the public except in limited defined circumstances where the national rules require or allow the meeting to be closed to the public – see Part 2 for the rules for a council’s executive, Part 3 for the rules for other local government bodies, other than parish and town councils, and Part 4 for the rules for parish and town councils.

## **Can I film or audio-record the meeting?**

Yes, councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. While no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio-record a public meeting let their local government staff know so that all necessary arrangements can be made for the public meeting. This is important because the rules require local government bodies only to provide reasonable facilities for any member of the public to report on meetings.

There is no legal requirement for councils to webcast their meetings, but where councils and other local government bodies webcast any of their public meetings, they should, as a matter of good practice, notify the public.

### **Do I need to have advance permission to report the meeting?**

No. Whilst we would encourage people to contact staff in advance if they want to film or record, equally, we would discourage any system which “vetted” journalists or restricted reporting to “approved” journalists. Councils should support freedom of the press within the law and not seek to restrict those who may write critical comments.

### **Can I film or audio-record a private meeting<sup>vi</sup>?**

The rules on the use of communication methods, such as filming and audio-recording, only require local government bodies to allow the reporting of meetings open to the public. The relevant council or local government body may not allow you to film or audio-record its private meetings. You may also not be allowed to leave recording equipment in the room where a private meeting is held for the purpose of reporting on the meeting.

### **Can I tweet or blog a council or local government body meeting?**

Yes, the new rules<sup>vii</sup> allow for reporting of meetings via social media of any kind. Therefore bloggers, tweeters, and for example, Facebook, YouTube users and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for reporting.

### **If I am a councillor, can I tweet or blog during council meetings?**

The national rules do not prevent councillors from tweeting and blogging at meetings, so they should be able to do so provided it is not disruptive and does not detract from the proper conduct of the meeting. Whilst councillors are expected to comply with their body’s code of conduct, this should not prevent councillors from tweeting or blogging when appropriate.

### **What sort of facilities will my council or local government body provide?**

Councils or local government bodies are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear the meeting, seats, and ideally a desk. Councils and local government bodies should use their common sense to determine the range of reasonable facilities they can actively provide to support the free press in all its forms.

To facilitate public scrutiny and public reporting, local authorities should not conduct their meetings in foreign languages.

### **Will I be allowed to film, tweet, blog or audio-record the meetings of other bodies not listed in annex A?**

The Government message is that all public bodies should adopt maximum openness and transparency. This is also essential for bodies or groups making decisions for their local area because they are expected to be open and transparent in their decision-making. While the new national rules do not apply to some local groups such as neighbourhood forums and Local Enterprise Partnerships, such groups are encouraged, when having public meetings, to embrace the use of modern technology and should allow the same filming, audio-recording, taking of photographs, tweeting and blogging as applied to local government bodies, particularly if they are in receipt of public funds. This will give local people the opportunity to see how decisions are being made that affect their community.

### **Are there any limits to what I can say in a tweet or video I publish?**

The law of the land applies – including the law of defamation and the law on public order offences (see the Crown Prosecution Service guidance on social media<sup>viii</sup>).

Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.

### **Are there other limits that I should be aware of?**

The council or local government body should consider adopting a policy on the filming of members of the public, and ensure that they protect children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting.

### **Will I be able to provide commentary during the meeting?**

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. The new rules do not permit oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting.

### **Can I be asked to leave a meeting because I'm taking photographs, filming or audio-recording the meeting or using social media?**

Generally, people attending public meetings must be readily able to film, audio-record, take photographs or use social media. Councils and other local government bodies must take steps to ensure this is the case. However, those undertaking these activities must not act in a disruptive manner, which could result in being excluded from the meeting.

## **What is disruptive behaviour?**

Essentially, this could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc the proceedings. Examples can include:

- moving to areas outside the areas designated for the public<sup>ix</sup> without the consent of the Chairman,
- excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; and
- asking for people to repeat statements for the purposes of recording.

You may be excluded from a meeting if you act in a disruptive manner.

## **Can I leave recording equipment in a public meeting room and record without being present?**

There is no legal prohibition, however, under the national rules, the local government body may require any such recording to stop if at any stage the meeting becomes a private meeting.

## **But the local authority says reporting is a breach of its Standing Orders?**

It is a legal duty for the local government body to follow the new provisions. If a local government body's existing Standing Orders are not fully in line with the new legislation, in the short-term, we recommend they simply waive the relevant provisions of those old Standing Orders which could be taken to inhibit the new reporting rules, and then take steps to update formally its Standing Orders.

**EXTRACT FROM ACCESS TO INFORMATION PROCEDURE RULES**

- 3.2 Members of the public will be allowed to film, make sound recordings and/or use social media to record all public meetings provided that:-
- (a) they provide advance notice to the Chairman by the start of the meeting;
  - (b) filming and recording is overt;
  - (c) filming and recording is not undertaken in a manner which the Chairman considers to be disruptive or distracting to the good order and conduct of the meeting.