

# Hawthorn Parish Council

## Report Re Filming at meetings

Approved January 2015

### 1 Introduction

This is a report with recommendations in respect of new legislation and filming at council meetings.

### 2 Background

Further to the information shown below, if a council has adopted NALC Model Standing Orders then that includes a clause (section 3I (I for law) that currently says something along the lines of:-

'Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's [prior written] consent.'

This is no longer the case.

### 3 New legislation

In August 2014, the 1960 Act was amended by the Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations"). This amended the 1960 Act to provide that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
- b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

### 4 Recommendations

- **Standing orders are amended to reflect the new legislation**
- **To enable people (who do not have to ask the council's permission to record) to ask in advance so that the council is aware that they are being recorded.**
- **To adopt the new policy as attached.**

# Hawthorn Parish Council

## POLICY PUBLIC FILMING, RECORDING OR OTHERWISE REPORTING – COUNCIL / COMMITTEE MEETINGS

### 1. INTRODUCTION

The Openness of Local Government Bodies Regulations 2014 issued under s43 (2) of the Local Audit and Accountability Act 2014 came into force on the 6<sup>th</sup> August 2014.

This amended the requirements of the Public Bodies (Admission to meetings) Act 1960. The 1960 Act provided that members of the public had no statutory right to film, take photographs or record full Council or Committee meetings (those meetings that are open to the public).

The amended 1960 Act provides that a person **may not orally report** or comment about a meeting as it takes place if he is present at the meeting of a Parish Council or its Committees but otherwise may:

- (a) Film, photograph or make an audio recording of a meeting.
- (b) Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- (c) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

### 5 LEGISLATION

As a result of the Local Audit and Accountability Act 2014, Statutory Instrument 2014 No. 2095 The Openness of Local Government Bodies Regulations 2014 was issued on the 5<sup>th</sup> August with the provisions of this instrument coming into force on the 6 August 2014. This Statutory Instrument makes amendments to the:-

- Public Bodies (Admission to Meetings) Act 1960(2);
- Local Government Act 1972(3);
- Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012(4).

As previously notified this newly released Statutory Instrument makes provision for members of the public and press to be able to film, tweet and blog meetings. The Government now requires all local authorities (**including Parish Councils and Parish Meetings**) to embrace and enhance the openness and transparency of local government bodies to make them genuinely accountable to the local people whom they serve and to the local taxpayers who help fund them.

### 2. GUIDELINES AND PRINCIPLES: Open and Accountable Local Government

These have been produced by the Department for Communities and Local Government (DCLG). The plain English Guide gives practical information about what the new rules mean for members of the public attending meetings of local government bodies, this includes Parish and Town Council.

**Part 1** is the relevant section and focuses on the use of various communication tools for reporting the proceedings of any meeting of a local government body which is open to the public.

DCLG guidance suggests that Councils may wish to have a policy in place in respect of the filming, recording, photographing or other reporting of (i) persons who object to the same and (ii) children and vulnerable adults.

## Part 1 – Press and Public rights to attend and report meetings

- All meetings (Annual Parish Meeting, Parish Council, and Committee and Sub Committee 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 4 for the rules for parish and town councils.
- 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.
- Whilst Government 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.
- 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.
- The new rules 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.
- 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.
- 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. Please note, whilst the County Council will let the press and public to access their internet facilities they are not allowing the press and the public to use their electrical sockets etc. for health and safety purposes.
- To facilitate public scrutiny and public reporting, local authorities should not conduct their meetings in foreign languages.
- The law of the land applies – including the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.
- 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.

- 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.
- 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. 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 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.

The Press and the Public may be excluded from a meeting if they act in a disruptive manner.

- There is no legal prohibitions to stop the press and the public from leaving recording equipment in a public meeting room and record without being present, 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.
- **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.**

**HAWTHORN PARISH COUNCIL  
POLICY STATEMENT**

- a) **The Council acknowledges that it is required by legislation to allow any member of the public to take photographs, film and audio record the proceedings and report on all public meetings.**
  
- b) **The Council acknowledges that no prior permission is required but asks that any person wishing to film or audio record a public meeting let Council staff know in order that all necessary arrangements can be made for the public meeting.**
  
- c) **The Council will provide “reasonable facilities” to facilitate reporting.**
  
- d) **The Council will provide a space to view and hear the meetings, seats and a table. This will not be part of the seating arrangements for the Council itself or an area required by Council staff or invited guests.**
  
- e) **It is not permitted to provide a running verbal commentary.**
  
- f) **Those undertaking reporting must not act in a disruptive manner. 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 are listed but are not inclusive:
  - (i) Moving to areas outside the areas designated for the public without the consent of the Chairman,
  - (ii) Excessive noise in recording or setting up or re-siting equipment during the debate / discussion.
  - (iii) Intrusive lighting and use of flash photography; and
  - (iv) Asking for people to repeat statements for the purpose of recording.
  
- g) Public will be excluded from a meeting, under the Council's Standing Orders, if acting in a disruptive manner.
  
- h) Recording equipment must be removed from the chamber if at any stage the meeting becomes a private meeting.
  
- i) No trailing cables or plugging in to sockets of electrical equipment will be permitted.
  
- j) Children and vulnerable adults are not to be filmed, recorded or photographed or otherwise reported about where the relevant responsible adult has not given consent. (which in the case of a vulnerable adult is a medical professional, their carer or legal guardian, and in the case of a child, their parent, legal guardian or teacher).

- k) Part of the public area will be used, if required, for children and vulnerable adults or those public attending who do not wish to be filmed, however, this is within the limitation of the Council Chamber and its layout.
- l) Persons taking part in the public participation section, excluding children and vulnerable adults as indicated above, may be filmed, recorded or photographed or otherwise reported whether they are in a designated area or not.
- m) Persons filming meetings etc. are likely to record personal data of individuals. These persons must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.

#### **4. RESPONSIBILITIES**

The policy is intended to clarify the requirements of the Openness of Local Government Bodies Regulations 2014 for the benefit of employees, Councillors, members of the public and members of the press.

The Chairman of the Council or Committee meetings will be responsible for its implementation and deal with any disruption associated which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film, audit record, take photographs and use social media such as tweeting and blogging.

The Chairman of the Council or Committee will remind those present at the meeting of this Policy. In particular reminding individuals who wish to film to avoid those who have expressed a wish not to be filmed or children or vulnerable adults without the express permission of the parent or responsible adult.

#### **5. ENFORCEMENT OF THE POLICY**

Enforcement of the policy will be undertaken by the Chairman of the Council or Committee meeting as appropriate.

Behaviour deemed to be disruptive will be dealt with under Council Standing Order (Disorderly Conduct at Meetings)