


Agenda Item No:	11	
Committee:	Council	
Date:	18 September 2014	
Report Title:	CONSTITUTIONAL AMENDMENT – CHANGES TO THE RULES REGARDING PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS	

Cover sheet:

1 Purpose / Summary

This report details amendments required to the Councils Constitution since The Openness of Local Government Bodies Regulations 2014 came into force on the 6 August 2014.

2 Key issues

- The national rules have been changed to make councils more transparent and accountable to their local communities.
- Members of the public can now use modern technology and communication tools to report on meetings they are attending provided it is not disruptive and does not detract from the proper conduct of the meeting.
- Councils 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 staff know so that all necessary arrangements can be made for the public meeting. The rules only require the Council to provide reasonable facilities for any member of the public to report on meetings.
- The rules on the use of communication methods, such as filming and audio-recording, only require the Council to allow the reporting of meetings open to the public. Members of the public will not be allowed to film or audio-record any meeting held in private.
- The new rules do not permit oral commentary to be permitted during a meeting as this would be disruptive to the good order of the meeting.
- Councillors can also tweet and blog at meetings when appropriate provided it is not disruptive and does not detract from the proper conduct of the meeting.
- Part 4, Rule 1(Council Procedure Rules (Standing Orders)) Section 21 of the Council's Constitution which does not accord with the law currently provides;
- "The filming, video filming, photographing or audio recording of a meeting shall not be permitted by any person without the explicit consent of the Chairman of the meeting concerned following consultation with the Chief Executive . The necessary consent shall have been obtained and the proper officer notified by no later than one hour before the meeting."

- A guidance note has been produced on the filming of members of the public ensuring that children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting is achieved.

3 Recommendation

Part 4, Rule 1(Council Procedure Rules (Standing Orders)) Section 21 of the Constitution be replaced with:

Any person attending a meeting which is open to the public is to be permitted to report on the meeting

“reporting” means—

(a) filming, photographing or making an audio recording of proceedings at a meeting;

(b) using any other means for 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.”

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder	Councillor Clark, Leader of the Council
Report Originator	Rory McKenna, Senior Solicitor
Contact Officers	Alan Pain, Corporate Director and Monitoring Officer Rory McKenna, Senior Solicitor
Background Papers	Open and accountable local government A guide for the press and public on attending and reporting meetings of local government

GUIDANCE NOTE FOR THE USE MODERN TECHNOLOGY AND COMMUNICATION TOOLS TO REPORT ON MEETINGS.

Since the 6th August 2014 and The Openness of Local Government Bodies Regulations 2014, Councils are now 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, this guidance note is intended to be a guide as to how this should be done.

- 1 It is advisable that any person wishing to film or audio-record a public meeting give members services reasonable notice before the meeting commences so that suitable arrangements can be made to facilitate the request.

- 2 If a meeting is to be filmed or audio-recorded then this will be confirmed by the Chairman making the following statement:- "I would like to remind everyone present that this meeting will be filmed and/or audio-recorded and will be capable of repeated viewing."

- 3 Filming and audio recording should only commence when the meeting is opened by the Chairman and finished with the meeting is closed.

- 4 The Chairman has the discretion to terminate or suspend filming and audio recording if in their opinion continuing to do so would prejudice the proceedings of the meeting. This also applies to taking

photographs. Circumstances that could lead to suspension or termination of filming/audio recording/taking photographs include public disturbance or the potential infringement of the rights of any individual which detracts from the proper conduct of the meeting.

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.

5 No exempt or confidential agenda items shall be filmed or audio-Recorded after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.

6 Any person filming a meeting should not try and include members of the public and should try and focus on the Chairman of the meeting. Young people under the age of 16 should not be filmed.

7 Any person can provide written commentary during a meeting, as

well as oral commentary outside or after the meeting. Oral commentary during a meeting is not permitted as this would be disruptive to the good order of the meeting.