

# **Report of the Assistant City Solicitor to the meeting of Governance and Audit Committee to be held on 17th April 2015.**

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**Subject:**

**PROTOCOL FOR FILMING AND RECORDING OF MEETINGS**

**Summary statement:**

**This report sets out a proposed protocol for the recording or filming of Council, Council Committee and Panels meetings and meetings of the Executive.**

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## 1. SUMMARY

On the 6<sup>th</sup> August 2014, the Local Government Secretary Eric Pickles today published a guide for local people and the press explaining how they can attend and report their local council meetings. The new guidance explicitly states that councils should allow the public to film council meetings. This report proposes the adoption of a draft protocol to give further advice to the public on arrangements put in place by this Council for the fair exercise of these rights at meetings of Council, Council Committees, subcommittees, Panels and at meetings of the Executive.

## 2. BACKGROUND

Paragraph 8 of Part 3B of the Constitution confirms the right of the public to attend open meetings of the Council in order to record or film proceedings. This protocol document should be read therefore as detailing how this right can be exercised in detail with the purpose of ensuring orderly proceedings and where possible fair reporting. The draft protocol is attached as Appendix 1 to this report.

## 3. OPTIONS

Members are asked to consider whether they support the proposed adoption of the draft protocol as drafted or with such amendments as may be suggested.

## 4. FINANCIAL & RESOURCE APPRAISAL

4.1 None.

## 5. RISK MANAGEMENT AND GOVERNANCE ISSUES

## 6. LEGAL APPRAISAL

6.1 The Openness of Local Government Bodies Regulations 2014 allow any person attending a public local government meeting to take photographs, film and audio-record the proceedings, and report on the meeting. They apply to all English two-tier and unitary authorities, fire authorities, national park authorities, joint committees (such as Police and Crime Panels) and also parish councils. The key change is that the regulations allow for reporting of meetings via social media of any kind, such as tweeting, blogging or via Facebook.

The DCLG subsequently issued a Plain English guide to the regulations that explains what these new rules mean for the public attending meetings of local government bodies, including meetings of a body's committees, sub-committees and any joint committees involving two or more bodies. The guide also covers



meetings of any council's executive, including any committees and sub-committees of the executive.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

7.1.1 Central to the adoption of the proposed protocol is the need to secure fairness and transparency of access to information at publicly attended Council meetings.

### **7.2 SUSTAINABILITY IMPLICATIONS**

7.2.1 None.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

7.3.1 No direct implications.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

7.4.1 No direct community safety implications

### **7.5 HUMAN RIGHTS ACT**

7.5.1 The Council must consider Human Rights implications when making planning decisions. The protocol will assist in allowing the public easier access to the democratic process and in seeing how decisions affecting the district are made.

### **7.6 TRADE UNION**

7.6.1 None.

### **7.7 WARD IMPLICATIONS**

7.7.1 None.

## **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 None

## **9. RECOMMENDATIONS**

That the Committee recommends to Council the adoption of a draft Protocol For Filming And Recording Of Council Meetings as contained in Appendix1 to this report; or as otherwise amended.



## **10. APPENDICES**

10.1 Appendix 1 – Draft Protocol For Filming And Recording Of Council Meetings

## **11. BACKGROUND DOCUMENTS**

Open and Accountable Local Government

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)



## **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL: Protocol for the filming or recording of Council, Council Committee and Panels and Executive meetings**

The Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record decision making in action at any Council meeting that is open to the public.

The Council also welcomes the use of social media, such as bloggers, tweeters, Facebook and YouTube users.

This Protocol provides practical information to assist anyone considering filming, videoing, photographing or making audio recordings of meetings.

### **Before the meeting**

Anyone intending to film or record a meeting should contact the Democratic Services Agenda Contact officer named in the report for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.

Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms.

### **General**

Arrangements for recording will be advertised in advance on the agenda to ensure late arrivals missing the Chair's announcement are aware of recording taking place.

The Chair of the meeting or the relevant Executive Member will be informed of any intention to film and s/he will make an announcement to attendees before the start of the meeting informing attendees that the whole or part of the meeting may be filmed. Anyone who remains at the meeting or during the consideration of the relevant item after the Chair's announcement will be deemed to have consented to the broadcast of their image.

A notice will also be posted on the door of the meeting room advising everyone who attends that the meeting may be filmed and that by attending the meeting they are consenting to the broadcast of their image.

Filming or recording must be non intrusive and the Council's [Paragraphs 4.1.1 of Part 3b of the Constitution](#) provides for the removal of a member of the public from a meeting in order to maintain orderly conduct or to prevent misbehaviour at a meeting. The Chair of a meeting may also call any part of the meeting room to be cleared in the event of a general disturbance.



## During the meeting

Filming or recording of Meetings should:

- Not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chair has discretion to suspend or stop filming or recording at any time and to take appropriate action if anyone is, in their opinion, doing so in a disruptive manner.
- Recording should not be accompanied by excessive noise in recording or setting up or re-sitting equipment when Members are considering business.
- Oral commentary is not permitted during the meeting as this would be disruptive to the good order of the Meeting.
- Not seek to 'overview' sensitive information such as close ups of confidential papers or private notes
- Usually take place from the designated area in the meeting room for the public.
- Not obstruct others from observing and participating in the proceedings.
- Not be intrusive on any member of the public who attends the meeting who indicates at the start of the meeting that they do not wish to be filmed or recorded.
- Cease immediately if and when the meeting agrees to formally exclude the Press and public due to business of an Exempt or Confidential nature (see 'Exempt or confidential business' below).
- Not film images of children (those under the age of 18 years) or vulnerable adults who might be attending the meeting.
- The Council reserves the right to respond to any inappropriate and misleading editing of a recording of a meeting which has been published in the public domain.
- When published or broadcast, recordings should be accompanied by information including when and where the recording was made and the context in which the discussion took place.
- Be overt (i.e. clearly visible to anyone at the meeting).
- Cease, unless continued filming has been explicitly agreed with the Council's Building Custodian, when the meeting is formally concluded.



### **Exempt or confidential business**

All meetings of Council, the Executive, Committee, Sub Committee and Panel meetings are open to the public except in limited circumstances where the Council is legally required, or allowed, to close the whole or part of the meeting to the public. The circumstances where business is 'exempt' or 'confidential' are set out in Paragraphs 4.2 and 4.3 of Part 3b of the Constitution.

### **Data Protection and other responsibilities**

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

The Data Protection Act, 1998, does not prohibit the overt filming and recording of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of a parent or guardian.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.

