

WIRRAL COUNCIL

STANDARDS COMMITTEE – 29 March 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

USE OF RECORDING MEDIA AT MEETINGS AND IN COUNCIL BUILDINGS

1. Executive Summary

- 1.1 This report considers the possible standards implications of the use of recording media in Council buildings, whether during Council meetings or at other times.

2. Background

- 2.1 A question has recently been raised as to whether there are any rules governing the use by Members of recording media in Council buildings, whether during Council meetings or at other times. Recording media may include sound recording, or video or stills photography.
- 2.2 The conduct of Council meetings is governed by the authority's Council Procedure Rules Standing Orders as set out in the Constitution. No Standing Order expressly addresses the use of recording media during Council meetings. However, Standing Order 15 governs disorderly conduct and provides that:

'15. Disorderly conduct

'(1) If any member of the Council misconducts himself/herself at a meeting by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the named member be not further heard". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall take no further part in the debate in question.

'(2) If the named member continues the misconduct after a motion under the previous paragraph has been carried, or if any member acts so irregularly, improperly or offensively that the member's continued presence at the meeting cannot reasonably be tolerated, the Mayor or any other member may move "That the named member leave the meeting immediately". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall leave the meeting immediately.

'(3) If the named member continues the misconduct after a motion under paragraph (1) has been carried, the Mayor shall have a discretion, and as an alternative to pursuing the action set out in paragraph (2), to adjourn the meeting for a period of up to 30 minutes.

'(4) In the event of a general disturbance which in the opinion of the Mayor prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.'

- 2.3 In addition, the Mayor, as the person presiding at meetings of Council (or the Chair at committee meetings), has extensive common law powers to control the conduct of a meeting. This could extend to authorising (or limiting, or prohibiting) the use of recording media during meetings.
- 2.4 Some local authorities have adopted express Standing Orders relating to the use of recording media during Council meetings. Whilst some local authorities proscribe the recording of meetings, others routinely sound record meetings and a few have experimented with broadcasting live video coverage of meetings via the internet.
- 2.5 On balance it is recommended that consideration be given to adopting an additional Standing Order to formalise the common law powers of the Mayor (or Chair) to control the conduct of a meeting, including the use of recording media.
- 2.6 The position regarding Members' use of recording media on Council premises other than during meetings is less clearly controlled. The Members' Code of Conduct, however, contains two provisions that are general in nature and might, arguably be relevant, depending upon the particular circumstances of a case.
- 2.7 First, paragraph 3(1) of the Code requires Members to 'treat others with respect'. Second, paragraph 5 stipulates that 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'. These are both worded in subjective language that is capable of being interpreted in a variety of ways by different people.
- 2.8 What is clear from previous rulings of the Adjudication Panel and the guidance from Standards for England (formerly the Standards Board for England), is that different levels of latitude are likely to be given in interpreting these (and other similar) provisions in the Code. This will depend upon whether the matter relates to Member to Member behaviour, or is directed to officers, or to a member of the public.
- 2.9 When interpreting the Members' Code of Conduct greatest latitude is generally allowed in Member to Member situations, where allowance tends to be given for 'the rough and tumble of politics'. Least latitude tends to be given where the victim is a lay member of the public.
- 2.10 On balance, it is probably unlikely that an isolated use of recording media by one Member to record other Members within a communal part of a Council building would constitute a breach of the Code of Conduct. However, the views of the Standards Committee are sought as to whether the use of recording media by Members within Council buildings should remain unregulated; or whether it should be prohibited (or subject to other controls) by way of a local protocol to be incorporated in the Council's Constitution.

3. Financial and Staffing Implications

3.1 None

4. Other Implications

4.1 None

5. Human Rights Implications

5.1 The covert use of recording media may have implications for the human rights of those recorded.

6. Local Member Support Implications

6.1 None

7. Background Papers

7.1 None

8.1 Decisions Required

8.2 That the Committee indicates whether it considers that:

(a) Council should adopt an additional Standing Order to formalise the common law powers of the Mayor (or Chair) to control the conduct of a meeting, including the use of recording media; and/or

(b) The use of recording media by Members within Council buildings should remain unregulated, or whether it should be prohibited (or subject to other controls) by way of a local protocol to be incorporated in the Council's Constitution.

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