

WIRRAL COUNCIL

STANDARDS COMMITTEE – 29 SEPTEMBER 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

USE OF RECORDING MEDIA AT MEETINGS AND IN COUNCIL BUILDINGS

1.0 Executive Summary

- 1.1 Further to Minute No. 28 (29 March 2010) and Minute No. 3 (21 June 2010), this report sets out the current practices of neighbouring Councils in respect of recording meetings (Appendix A), proposes a Standing Order and/or a Protocol on the use of recording media in Council buildings, during Council meetings (Appendix B). It also recommends that decisions on recording media other than during meetings should be delegated to the Chief Executive in consultation with Group Leaders to be determined based on the merits of the request and that there will be no filming/recording/photography at any time in Council buildings if a request has not been made and permission given.
- 1.2 An example of a Protocol on Filming, Recording and Photography at Council meetings has been drafted to provide Members with an insight into what could be included and what it would mean if the Council was minded to introduce one.

2.0 Background

- 2.1 The Committee at its meeting on 29 March 2010 considered a report by the Director of Law, HR and Asset Management on the possible standards implications of recording media in Council buildings, during Council meetings and at other times. The views of the Committee were sought on whether its use 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.
- 2.2 On balance the Director had recommended the Committee to consider 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.

- 2.3 The Committee had resolved

“That

- (1) 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
- (2) the Director of Law, HR and Asset Management, be asked to report back to the June meeting of this Committee on the results of his enquiries with other local authorities regarding this matter, and that he provide more fully worked up proposals as a way forward.”

2.4 At the Committee's meeting on 29 June 2010 the Director of Law, HR and Asset Management apologised to Members for not having presented the information to the Committee, following enquiries of other local authorities, about the use of recording media at meetings and in Council meetings and proposed to present a detailed report to the next meeting of the Committee.

3.0 Local Authorities - Current Practices

3.1 Some Councils have adopted express Standing Orders relating to the use of recording media during meetings. Many Councils do make audio recordings e.g. West Sussex County Council has made audio recordings of its Council meetings for more than 35 years, some are video recordings their meetings and an increasing number are now using webcasts.

3.2 Webcasting is a modern form of mass communication. It involves the use of computers and phone lines to broadcast usually audiovisual material to a select audience or a mass audience over the internet. Webcasts can either be shown live or archived and saved for viewing later. The Council had webcasting equipment installed in Committee Room 1 but it is not used and is awaiting removal.

3.3 Standing Order on Media Recording at Meetings

It is proposed that a new Standing Order could be included in the Procedural Rules – Standing Orders within the Council's Constitution to read as follows:

“No form of photography, filming, recording or broadcasting of meetings shall take place except with the express permission given in advance by the Mayor/Chair in his/her discretion.”

3.4 Media Recording (other than at meetings) in Council Buildings

There may be occasions when it may be deemed appropriate to allow filming, recording and photography in Council Buildings outside of meetings e.g. when Election results are declared. Therefore, rather than prohibiting it completely, Members may wish to consider whether, through delegation, official requests could be determined by the Chief Executive, in consultation with Group Leaders. Members may also wish to consider the possibility of allowing no filming/recording/photography at any time in Council buildings if an official request had not been received and/or permission had not been granted.

4.0 Financial and Staffing Implications

4.1 None

5.0 Other Implications

5.1 None

6.0 Human Rights Implications

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

7.0 Local Member Support Implications

6.1 None

8.0 Background Papers

8.1 None

9.0 Recommendations

9.1 That the Committee:

- (a) recommends to Council that it adopt a new Standing Order as set out in Paragraph 3.3 and/or Protocol (Appendix B) in respect of Media Recording at Meetings; and
- (b) considers whether the use of recording media within Council buildings should remain unregulated, or whether it should be prohibited (or subject to other controls) as set out in Paragraph 3.4 to be incorporated in the Council's Constitution.

Bill Norman

Director of Law, HR and Asset Management

APPENDIX A

SURVEY OF MERSEYSIDE AND CHESHIRE COUNCILS

AUDIO AND VISUAL RECORDING OF COUNCIL AND COMMITTEE MEETINGS AND PROCEEDINGS

Council	Procedural Rules	Council audio/visual recording of meetings.
Liverpool City	Yes – Tape recording of meetings of the Council or a Committee is prohibited without permission.	No
Sefton	No – but Council permission would be required	Cabinet Member decisions taken at Southport Town Hall under delegated powers are video conferenced to Bootle Town Hall and vice versa
Knowsley	Yes – No audio or visual record of proceedings of a Council or Committee meeting may be taken without the express permission of the Council or Committee concerned.	No
St Helens	No – but the Council's permission would be required	No
Cheshire East	No – but the Council's permission would be required	No
Cheshire West and Chester	No – but the Council's permission would be required	Yes – Council meetings

APPENDIX B

PROTOCOL ON FILMING, RECORDING AND PHOTOGRAPHY AT COUNCIL MEETINGS

Before the meeting

Filming, recording and photography at council meetings is allowed subject to certain restrictions and prior agreement from the Mayor/Chair of the meeting. Requests to film/ record/ photograph, whether from a media organisation, Elected Member or a member of the public, must be made to the Democratic Services Manager at least five working days before the meeting.

The Democratic Services Manager will advise the applicant of the following restrictions:

- (1) Any filming/recording/photography must take place from positions in the meeting room approved by the Mayor/Chair. This must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the filming/ recording/ photography takes place must also be approved by the Mayor/Chair;
- (2) The use of flash photography or additional lighting in connection with recording/ filming will be permitted for periods of up to two minutes. The point at which this happens during the meeting must be agreed with the Mayor/Chair as part of the permissions process;
- (3) The use of additional lighting in connection with recording will be treated in the same way as flash photography;
- (4) If the Mayor/Chair feels the filming/ recording/ photography is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking filming/ recording/ photography must comply with any requests made by the Mayor/Chair of the meeting;
- (5) The applicant must agree to ensure the film/ record/ photographs will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/ recorded/ photographed;
- (6) The applicant must agree to share the film/ recording/ photograph in its original and unedited form with the Council's Democratic Services Manager on request.

Having briefed the applicant the Democratic Services Manager will invite the applicant to provide the following details as part of the formal request to film/record/photograph:

- (a) The name, organisation and contact details of the applicant making the request;
- (b) What the film/ recording/ photographs will be used for;
- (c) When the applicant wishes to film/record/photograph during the meeting;
- (d) How this information will be retained;
- (e) The name of the meeting, the venue and the date;

- (f) What will be captured (which parts of the meeting, which speakers and which observers);

When the formal request is received the Democratic Services Manager will consult the Mayor/Chair on the detail of the specific request. The Mayor/Chair will then decide whether to grant permission.

If permission to film/record/photograph is denied the reasons for refusal will be given and a note of the request will be made on the meeting agenda.

The Committee Section will ensure signs are put in place before the meeting starts to remind attendees that filming/recording/photography may take place. Meeting agendas will also carry this message.

At the Meeting

The Mayor/Chair will announce at the beginning of the meeting that permission to film/record/photograph has been requested and permitted. The Mayor/Chair will ask any members of the public whether or not they agree to be filmed/recorded/photographed. This will be done on an opt-in rather than opt-out bases to ensure individuals do not feel pressurised.

Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express his or her wish not to be filmed/recorded/photographed and to be guided to seating areas away from the area being filmed/recorded/photographed. If a member of the public is attending to speak at the meeting and prefers not to be filmed/recorded/photographed their wish will take precedence.

At all times the wishes of those who chose not to be involved will take precedence. [Councillors are excluded from this provision] If the Mayor/Chair feels the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop.

If someone refuses to stop recording when requested to do so, the Mayor/Chair will ask the person to leave the meeting. If the person recording refuses to leave then the Mayor/Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Council's Constitution.

Anyone asked to leave a meeting because they have refused to comply with the Mayor's/Chair's requests may be refused permission to film/record/photograph at future Council meetings.

The Mayor/Chair has a right to withdraw consent to film/record/photograph at any time during the meeting.

Press and public exclusion

The press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The press and public will be told about the nature of the exclusion relating to the business to be discussed. No filming/recording/photography will be permitted during this exclusion. All cameras, recording and sound equipment must be removed from the meeting room.