

**COUNCIL PROCEDURE RULES – PROPOSED VARIATION TO
PARAGRAPH 17A – PHOTOGRAPHY, BROADCASTING AND
RECORDING OF MEETINGS**

(Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 The Panel undertook its biennial review of the Constitution at its meeting in March and recommended to Council the changes required to the Constitution following the publication of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Principally, the Regulations impacted upon the arrangements for executive decision - making and access to information.
- 1.2 No reference was made in the Regulations to photography, broadcasting or recording of meetings.
- 1.3 Subsequently in June 2013, the Department for Communities and Local Government published new guidance entitled “Your Council’s cabinet – going to its meetings, seeing how it works” – a guide for local people”. Essentially this guidance follows the principles of the 2012 Regulations and provides the public with practical information about attending meetings of the Council’s Executive and obtaining Council documents. A copy of the full guidance is available by accessing the following link:- www.gov.uk/government/publications/your-council's-cabinet-going-to-its-meetings-seeing-how-it-works
- 1.4 Within the guidance but not the Regulations is a Section relating to the filming and social media reporting of meetings.
- 1.5 This report draws attention to the section of the Guidance relating to filming etc. and proposes a consequential variation to the Constitution should Members consider this appropriate.
- 1.6 Whilst the guidance relates to meetings of the Executive or Cabinet only, it would seem reasonable for any new Council Procedure Rule to be drafted to apply to all meetings held by the Council which are open to the public.

2. EXTRACT FROM GUIDANCE

- 2.1 Set out below is an extract from the guidance in relation to filming and social media reporting of meetings –

“Can I film the meeting?”

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules

require Councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with Council staff before the start of the meeting.

The Council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broad transparency of the meeting.

Will I be able to tweet or blog Council Meetings?

Similarly under the new rules there can be social media reporting of meetings. Thus bloggers, tweeters, Facebook and 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 Citizen Journalists.”

3. CURRENT CONSTITUTION

3.1 Section 17A of the current Constitution provides

‘that filming, videoing or audio recording of a meeting or photography at a Council meeting shall be permitted only with the consent of the Chairman of the meeting concerned. The necessary consent shall have been obtained and the Head of Paid Service, or in his/her absence, the Head of Legal and Democratic Services notified by no later than three working days before the meeting’.

3.2 The District Council is committed to being open and transparent in the way it conducts its decision making. Indeed, the requirements of the 2012 Regulations had minimum impact on the Council’s decision making process because, in practice, there had been few occasions when it has been necessary for the District Council’s Cabinet to consider matters in private and Agenda and reports have been published on the District Council’s website for many years.

3.3 Notwithstanding, however, it is opportune to review the Constitution in this respect given the District Council’s desire to encourage and maintain interest in its decision making.

3.4 Mindful of the fact that the public attending meetings may not wish to be recorded, it is proposed that the wording in paragraph 17A of the Council Procedure Rules be deleted and replaced with the following:-

“Filming, Photography and Recording at Council Meetings

The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of

photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected. These arrangements will operate in accordance with guidelines at Annex (vi). These Guidelines will be published on the Council's website."

4. RECOMMENDATION

- 4.1 It is proposed that the Panel recommend to Council that the variation to the Constitution described in paragraph 3.4 ante be approved; and
- 4.2 To avoid any potential difficulty in the interim and should the Panel be minded to support the recommendation in paragraph 4.1 above, it is proposed that the Guidelines should operate informally pending their formal approval by the Council in September.

BACKGROUND DOCUMENTS

Huntingdonshire District Council Constitution.

DCLG Guidance published June 2013 entitled "Your council's cabinet – going to its meetings, seeing How it Works".

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