

POLICY ON FILMING, PHOTOGRAPHING, RECORDING OR OTHERWISE REPORTING AT COUNCIL MEETINGS

1. INTRODUCTION

The Public Bodies (Admissions to Meetings) Act 1960 ('The Act') stated that the public had no statutory right to film, take photographs or record council or committee meetings. Section 1 of the Act was amended by the Openness of Local Government Bodies Regulations 2014 to take away the restriction on a person's statutory rights to record, film, photograph or otherwise report on the proceedings of a meeting whilst addressing the existence of other ways of reporting.

The Act now provides that a person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting (as this could be disruptive to the meeting), but otherwise:

- a) may film, photograph or make an audio recording of the proceedings at a meeting, e.g. using a mobile phone, tablet such as an iPad, filming for a TV broadcast or recording for a radio broadcast;
- b) may use any other means for enabling persons not present at a meeting to see or hear proceedings as they take place or later, e.g. live streaming, and;
- c) may report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting, e.g. blogging, posting comments on Facebook or tweeting.

The Town Council's Standing Orders have been amended to reflect this change in legislation (Clause 3 I).

The new legislation is in place to ensure strong local democracy where local councils are genuinely accountable to the local people whom they serve and the local taxpayers who help fund them. The Government message is that all public bodies should adopt maximum openness and transparency. This gives local people the opportunity to see how decisions are being made that affect them and their community.

This policy sets out how this will work in practice while protecting the rights of people such as vulnerable adults, children, and those who simply object to being recorded.

2. GUIDELINES

2.1 Council Meetings Open to the Press and Public

All full council and committee meetings are open to the press and public except in limited defined circumstances where the Act allows the meeting to be closed to the public. The legislation only requires councils to allow the reporting of meetings which are open to the public. Recording must stop if at any stage the meeting goes into private session.

2.2. Permission in advance to film or record

This is not required by law but anyone wishing to do so is encouraged to contact the council in advance if they want to film or record so that all necessary arrangements can be made for the meeting. The council must provide reasonable facilities for anyone wishing to report on meetings.

2.3. Councils webcasting their meetings

There is no legal requirement for councils to webcast their meetings but if they do, they should, as a matter of good practice, notify the public.

2.4 Those not wishing to be filmed, photographed or recorded

Children and vulnerable adults have the right not to be filmed or photographed but may be only with the consent of a responsible adult. In the case of a vulnerable adult this could be a medical professional, his carer or guardian and, in the case of a child, his parent, legal guardian or teacher. The council should designate a separate area in the meeting venue to accommodate members of the public who do not wish to be reported about and vulnerable adults and children where the responsible adult has not given consent for them to be reported about.

2.5 Those who will be filmed, photographed or recorded

People participating in the public meeting are deemed to be part of the proceedings and therefore there is an expectation that they will be subject to any filming, photographing or otherwise reporting, e.g. Councillors, the Town Clerk, Deputy Town Clerk and other officers of the Council. This includes members of the public who speak in the public session whether they are sitting in the designated area or not.

2.6 Oral Commentary

A person present at a meeting does not have the right to give an oral report or commentary during a meeting. For example, a journalist could not provide a running verbal commentary. This is because it could be disruptive to the meeting. Oral commentary of a meeting by a person present at the meeting can be provided after the meeting. The person will need to ensure that his reporting is not libellous.

2.7 Data Protection

A person's filming, recording, photographing or other reporting of a meeting is likely to include the personal data of individuals. That person must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.

3 AT THE MEETING

3.1 Any person wishing to film, photograph or otherwise record the meeting or any part of it, should make himself known to the Town Clerk or Deputy Town Clerk two days in advance of the meeting, where possible.

3.2 The Town Council will designate a separate area in the meeting venue to accommodate members of the public who do not wish to participate in the meeting and who object to being filmed, recorded or otherwise reported about. This area will also be used by any vulnerable adults or children where the responsible adult has not given consent.

3.3 The Council will provide reasonable facilities for filming, photographing or reporting from which to view and hear the meeting.

3.4 The Chair of the meeting will check that any vulnerable adults or children have the permission of those in 2.4 to be filmed, photographed or recorded.

3.5 The Chair of the meeting will remind those who wish to film, photograph or record that they should avoid those sitting in the designated area. A panning or panoramic shot is permitted but those recording must not zoom in or focus on anyone in the designated area. The Chair of the meeting will inform those in the designated area that they could possibly be included in a panning or panoramic shot.

3.6 The law does not prevent Councillors from tweeting or blogging at meetings and this is permitted provided it is not disruptive and does not detract from the proper conduct of the meeting.

3.7 Anyone filming, photographing or otherwise recording should not act in a disruptive manner. This is any action or activity which disrupts the conduct of the meeting or impedes other people being able to see, hear, film or record the proceedings. This may include:

- Moving to areas outside the areas designated for the public or press without the consent of the Chair of the meeting,
- Excessive noise in setting up or recording or re-siting equipment during debate,
- Intrusive lighting and flash photography,
- Asking people to repeat statements for the purposes of recording.

The Chair of the meeting may exclude anyone from a meeting for disruptive behaviour.