

**TO: COUNCIL  
27 NOVEMBER 2013**

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**PROTOCOL FOR PHOTOGRAPHY, AUDIO/VISUAL RECORDING AND USE OF SOCIAL  
MEDIA AT COUNCIL AND COMMITTEE MEETINGS**

**Director of Corporate Services – Democratic & Registration Services**

**1 PURPOSE OF REPORT**

- 1.1 This report asks Members to approve the Governance and Audit Committee's recommendation to adopt a Protocol to regulate filming and recording of public meetings by members of the public.

**2 RECOMMENDATION**

- 2.1 **That the draft Protocol appended to the report is approved for adoption.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 There have been a number of occasions recently when officers have become aware that members of the public intend recording a Council or committee meeting. In the absence of a Protocol to set out the circumstances under which this would be permitted and the guidelines which should be followed, each instance has had to be dealt with on a case by case basis.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council could continue to operate without an agreed Protocol and deal with each instance as it arises.

**5 SUPPORTING INFORMATION**

**Governance and Audit Committee Meeting – 30 September 2013**

- 5.1 The Governance and Audit Committee considered whether to recommend the adoption of a Protocol to regulate reporting and recording of public meetings at its meeting on 30 September. The Committee considered whether a Protocol was necessary and on balance decided that it would be helpful to set out what would be acceptable behaviour and the implications if the provisions within the Protocol are ignored. The Committee asked for the Protocol to be amended to make it clear that it applies to public meetings only. Subject to that amendment the Committee recommended adoption of the Protocol to Council. The Protocol incorporating the Committee's amendment is set out in Annex A.

**Background Information**

- 5.2 The Committee was advised that in June 2013 the Department for Communities and Local Government (DCLG) published a guide: 'Your council's cabinet – going to its meetings, seeing how it works; a guide for local people', which refers to the public's

right to film Council meetings. The Committee was also advised that Eric Pickles, the Secretary of State for Communities and Local Government had been championing the right of individuals to do so. The DCLG guidance states that:

*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.*

- 5.2 Subsequent to the Governance and Audit Committee meeting Eric Pickles announced that the Local Audit and Accountability Bill, which is currently before Parliament, will enshrine in law the right of residents, bloggers and journalists to report, blog, tweet and film council meetings. The Bill has completed the Lords stages and is being considered by a Public Bills Committee.

### **Adoption of the Protocol**

- 5.3 The Protocol adheres to the principles of openness and transparency and provides clear guidance to members of the public in order to ensure that any recording is not disruptive, distracting or inhibiting to the meeting in any way.
- 5.3 The Protocol asks those wishing to record a meeting to contact the Head of Democratic & Registration Services as early as possible before the start of the meeting so that they can be made aware of the provisions of the Protocol. Consideration was given to requiring notice of a request to record. However, given that most mobile phones allow audio recording, the taking of photographs and video recording, it is likely that someone will decide just before, or during the meeting to make a recording. Whilst it is very difficult to stop this happening, the Protocol sets out the implications for actions in breach of the Protocol, for example if someone fails to comply with the Protocol they will be refused permission to record future meetings.
- 5.4 There will be signs on meeting room doors and the Mayor/Chairman will make an announcement at the beginning of each meeting advising whether any requests to record the meeting have been received and referring people to the Protocol, copies of which will be available at each meeting.
- 5.5 The Protocol also covers social media reporting of meetings.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 Nothing to add to the report.

### Borough Treasurer

- 6.2 There are no financial implications arising directly from this report.

Equalities Impact Assessment

- 6.3 All members of the public are treated equally under this Protocol.

Strategic Risk Management Issues

- 6.4 The Council will be open to criticism if it does not have a policy that allows the public to record and report on open meetings.

**7 CONSULTATION**

Principal Groups Consulted

- 7.1 Not applicable.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

None

Contact for further information

Ann Moore, Democratic & Registration Services - 01344 352260  
ann.moore@bracknell-forest.gov.uk

## **PROTOCOL FOR PHOTOGRAPHY, AUDIO/VISUAL RECORDING AND USE OF SOCIAL MEDIA AT COUNCIL AND COMMITTEE MEETINGS**

### **1. Introduction**

- 1.1 This Protocol provides guidance to members of the public or press who wish to photograph or record proceedings at any of the Council's public meetings.
- 1.2 The Council supports the principles of openness and transparency in the way it conducts its meetings. Sound recording, photographing, filming, and use of social media at meetings which are held in public is permitted:
  - (a) subject to the provisions of this Protocol; and
  - (b) provided that the Mayor/Chairman is satisfied that it will not be disruptive or distracting to the good order and conduct of the meeting.
- 1.3 No restrictions will be placed on anyone using social media at a public meeting subject to the limitations regarding photography and audio/visual recording set out in this Protocol.
- 1.4 Meetings which take the form of hearings, such as, but not limited to, Licensing Panel or Appeals Committee meetings, may not be suitable for recording due to the nature of some of the evidence given at the hearing. It will be at the Chairman's discretion to determine whether the recording of a particular hearing will be permitted.
- 1.5 Failure to follow the provisions within this Protocol will result in the Mayor/Chairman refusing to allow the proceedings to be photographed or recorded.
- 1.6 For the purposes of this Protocol 'recording' includes sound recording, photographing, filming, and use of social media. Social media includes, but is not limited to Twitter, Facebook and blogs.

### **2. Before the meeting**

- 2.1 Those wishing to record proceedings at a meeting are advised to contact the Head of Democratic & Registration Services as early as possible before the start of the meeting so that arrangements can be discussed and the agreement of the Mayor/Chairman can be sought.
- 2.2 The name, organisation (if applicable) and contact details of the person wishing to record proceedings are required and should be provided before the meeting if possible:

### **3. At the meeting**

- 3.1 Notices will be displayed in the meeting room advising that proceedings may be recorded, and the Mayor/Chairman will make an announcement to this effect at the beginning of the meeting if a request has been received.

## Unrestricted

- 3.2 Members of the public attending a meeting to ask a question, present a petition or make a representation will be deemed to have given consent to being photographed or recorded.
- 3.3 Members of the public seated in the public seating area who actively object, should not be photographed, filmed or recorded as long as this does not undermine the broader transparency of the meeting.
- 3.4 Photography or filming must take place from a fixed position in the meeting room approved by the Mayor/Chairman, to ensure that the view of Councillors, officers, public and press, is not obstructed.
- 3.5 The use of flash photography or additional lighting will only be permitted if agreed in advance with the Head of Democratic & Registration Services and the Mayor/Chairman.
- 3.6 Photography or audio/visual recording will be stopped if the Mayor/Chairman feels it is disrupting or inhibiting the meeting in any way or any pre-meeting agreement has been breached.
- 3.7 If someone refuses to stop recording when requested to do so the Mayor/Chairman will ask the person to leave the meeting. If the person refuses to leave, the Mayor/Chairman will adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.
- 3.8 Anyone asked to leave a meeting because they have refused to comply with the Mayor/Chairman's request to do so, will be refused permission to record future meetings.

## **4. After the meeting**

- 4.1 Photographs and audio/visual recordings must 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 lack of respect towards those being photographed or recorded.
- 4.2 If someone fails to comply with this Protocol the Mayor/Chairman will refuse to allow this person to record any future meetings.
- 4.3 The responsibility for how any photographs or audio/visual recording is used rests with the person who made the recording and not the Council.