

Stockton-on-Tees Borough Council
Protocol for Recording Council Meetings

Introduction

The Council is committed to being open and transparent in the way it conducts its public meetings.

The recording of Council meetings is therefore permitted subject to certain restrictions and conditions.

Meetings means public meetings of full Council, its Committees or Sub-Committees and public meetings of Cabinet.

Recording of meetings means:-

- filming, photographing or making an audio recording of proceedings at a meeting;
- using any other means for enabling persons not present at the meeting to see or hear proceedings;
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

Background

Section 100A(7) of the Local Government Act 1972 (as amended) provides that:-

- where the public are excluded from a meeting (of full Council, its Committees or Sub-Committees) the Council may prevent any person from reporting on the meeting employing methods which can be used without that person's presence at the meeting, and which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later;
- while a meeting is open to the public, any person attending is to be permitted to report on the meeting;
- the Council is not required to permit oral reporting or commentary on a public meeting as it takes place if the person reporting or providing the commentary is present at the meeting.
- A person attending a public meeting for the purposes of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so;
- Any person who attends a public meeting of the Council for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities;
- Publication and dissemination of the results may take place at the time of the meeting or occur after the meeting.

Regulation 4 of the Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012 (as amended)) provides that:-

- Where the public are excluded from a meeting of the executive (“Cabinet”), Cabinet may prevent any person from reporting proceedings employing methods which can be used without that person’s presence at the meeting, and which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.
- While a meeting of Cabinet is open to the public, any person attending is to be permitted to report the proceedings.
- Cabinet is not required to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.
- Any person who attends the Cabinet meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.
- Publication and dissemination may take place at the time of the meeting or occur after the meeting.

Purpose

The purpose of this protocol is to provide guidance, particularly for members of the public and of the press, regarding the reporting and commentary on public meetings of the full Council, its Committees and Sub-Committees, and of the Cabinet (executive).

Procedure

(i) Prior to a Meeting

If a member of the Public or media representative wishes to film, photograph, or make an audio recording of the proceedings, they should inform a member of the Council’s Democratic Services Team in advance or by no later than the start of the meeting.

Any audio/visual recording/photography must take place from a designated position in the meeting room approved by the Chair of the meeting. Setting up must be done before the meeting starts to ensure the view of members of the public is not obstructed.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council’s Democratic Services Team in advance of the day of the meeting.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement has been reached on how it can be done without disrupting the proceedings.

The Council asks those recording proceedings not to edit the film/record/photographs in a way that could lead to any misinterpretation of Council proceedings.

(ii) During the Meeting

The Chair/Mayor will announce at the beginning of the meeting the request for the meeting to be recorded. The Chair/Mayor will ask those members of the public present whether they agree to be filmed/recorded/photographed. If a member of the public is unwilling to be filmed/recorded/photographed then the Chair/Mayor will comply with this request and appropriate arrangements will be made to ensure that the person concerned is not filmed, recorded or photographed. This may involve the person moving to a different part of the meeting room. Objections can be raised with the Chair/Mayor at any point in the meeting if this is conducive to the conduct of the meeting, where a member of the public is being filmed/recorded/photographed and they do not wish this to continue.

Oral reporting or oral commentary on a public meeting as it takes place by a person present at the meeting is not permitted. This will be disruptive to the good order of the meeting.

The Chair/Mayor of the meeting will have absolute discretion to terminate or suspend any filming, recording and photography if any of these activities, in their opinion, are prejudicing or disrupting proceedings in any way.

The circumstances in which termination or suspension could occur could include:-

- Public disturbance or suspension of the meeting. The Council's Procedure Rules provide that "*if a member of the public interrupts proceedings, the (Chair)/Mayor will warn the person concerned. If they continue to interrupt, the (Chair)/Mayor will order their removal from the meeting room*".
- General disturbance. The Council's Procedure Rules also provide that if there is a general disturbance in any part of the meeting room open to the public, the (Chair)/Mayor may call for that part to be cleared.
- At meetings of the Cabinet (executive). At such meetings, the Leader of the Council, or other Cabinet Member who is chairing the meeting, will have absolute discretion in relation to the conduct of the business of the meeting and whether or not to terminate or suspend any filming, recording or photography, if any of these activities, in their opinion, are prejudicing or disrupting the proceedings.
- Where it is considered that continued filming/recording/photography might infringe the rights of an individual.
- If a person reporting on a public meeting moves to an area outside the area or areas designated for the public to report on the meeting, without the consent of the Chair/Mayor.
- Intrusive lighting and use of flash photography; and
- Asking people to repeat statements for the purpose of the recording.

If during a meeting a motion is passed to exclude the public and press, because confidential or exempt information is likely to be disclosed, then all rights to report or record the meeting, will, at that point, be removed.

(iii) Social Media

There are no restrictions placed on anyone at a public meeting using Twitter, blogs, Facebook or similar “social media” provided that the Chair or Mayor does not consider their actions are disrupting the proceedings of the meeting.

If the Chair or Mayor feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, and the proceedings are still being disrupted, the Chair or Mayor will ask the person to leave the meeting. If the person refuses to leave then the Chair or Mayor may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Please remember when using social media that the law of the land applies, including the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of other persons.

Any decision taken by the Chair on the interpretation of this protocol is final.

(iv) After the Meeting

Any member of the public who wishes to make comment on the filming and recording of a Council meeting should contact the Democratic Services Team on XXXX or email XXXXXX

Data Protection

The Data Protection Act 1998, does not prohibit the overt recording and filming of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of their parent or guardian.

There is a presumption that Members and Officers give their consent to be filmed, or photographed, unless a specific request is submitted beforehand to the Monitoring Officer for an exception to be made. The Monitoring Officer will consider each request, and take a view on requests, on a case by case basis and whether there is sufficient justification to warrant an exemption.

Use must not be made of an image or photograph if consent is refused by any individual.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.