

Report of the Head of Resources

GUIDELINES FOR REPORTING ON COUNCIL AND COMMITTEE MEETINGS

1 Purpose of report

To update councillors on new regulations that give members of the press and public the right to film and report on meetings of the council, and to ask the committee to consider and agree guidelines to be published on the council's website.

2 Executive summary

2.1 The new regulations have been introduced by the government to make local democracy more transparent and accessible for local communities. The council must allow members of the press or public to take photographs, film, make audio recordings and use social media to report the proceedings of any meeting that is open to the public.

2.2 In order to allow a smooth implementation of these new regulations, it is recommended that guidelines are agreed and published so that the press and public know what they can reasonably expect if they wish to record and report on council meetings.

3 Appendix

Reporting on council and committee meetings – guidelines for the press and public (draft).

4 Proposed action:

4.1 The committee is invited to consider the draft guidelines for reporting on council and committee meetings and RESOLVE to approve a final version to be published on the council's website.

5 Background

5.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014. The regulations, which apply to all councils and local government bodies in England, give the press and public the right to film and to report on all of a body's public meetings.

5.2 The Secretary of State for Communities and Local Government described the regulations as "a significant step in creating a strong, 21st century local democracy where those elected to serve their communities are truly accountable to their electorate and their decisions affecting the day to day life of local people are open and transparent for all to see and understand."

- 5.3 From 6 August 2014 we have been legally bound to ensure everyone can exercise their new rights. We have met this requirement at all meetings since that date, although without formal guidelines in place.
- 5.4 Previously under the Local Government Act 1972 the council was not required to allow filming or photographing of meetings. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 made provision for greater access, and councils were strongly encouraged to voluntarily allow the public to film meetings.
- 5.5 The new regulations amend the previous legislation to allow any person to attend a meeting of the council that is open to the public for the purpose of reporting on the meeting.

6 Discussion

- 6.1 The majority of our meetings that are open to the public do not attract large numbers of the press and public and therefore the new regulations are unlikely to have a significant impact.
- 6.2 Although the council must allow reporting of meetings or parts of meetings that are open to the public, a few restrictions do apply to ensure that the meeting is not disrupted and the law is complied with. These are explained in the draft guidelines which are attached in the appendix to this report.
- 6.3 Issues of consent must be also addressed. It would be good practice to announce at the start of a meeting that the meeting can be reported on. Signs to this effect should also be posted at the entrance to the council chamber and committee room, and a line added to the agenda of all council and committee meeting papers.
- 6.4 In the draft guidelines we are suggesting that it is not practicable to seek consent from individual members of the public, and that consent will be implied by attendance at the meeting unless a member of the public expressly states that they do not wish to be filmed, photographed or recorded.
- 6.5 In that instance, the chairman of the meeting would ask everyone in attendance to comply with the request but would remind the member of the public that the council is unable to guarantee this would be the case.
- 6.6 The issue of consent from councillors is not addressed in the draft guidelines but it is taken as read that councillors consent to being filmed, photographed and recorded at meetings. The issue was raised during the parliamentary debate and Brandon Lewis, as the minister responsible for the regulations, stated in response to a comment that a councillor may be targeted:
- “Councillors have been elected to a public position and should be prepared to stand publicly for what they say and have it reported. I do not see a problem with an individual member being covered. However, if the hon. Lady is implying that intimidation is taking place, there are already laws available and the council has powers over disruptive behaviour. Councillors should embrace

this measure. If councillors are not prepared to be open, clear and transparent with their residents about what they say and do, they should not be councillors in the first place. That is unlikely to be the case; in most of the country our councillors do a fantastic job every day of the year, working for their local residents. They should welcome this measure as a chance to show the public more of what they do.”

- 6.7 The regulations give no consideration to the position of officers when attending and advising at meetings. The council's draft guidelines don't address this issue either as it would not be appropriate in a document aimed at the press and public. The Principal Organisational Development Officer has confirmed that officers attending meetings are deemed to have given consent to be filmed, photographed and recorded as part of their role to produce public reports and give advice publicly to members. If any officer was uncomfortable with this, they would raise it with their line manager and alternative arrangements may be sought (for example, the relevant head of service presenting a report on their behalf).
- 6.8 Prior to the introduction of the new regulations, the council had informally prohibited recording of council and committee meetings, although no formal provision to this effect was made in the council's constitution.
- 6.9 There is no need therefore to amend the constitution to reflect the requirements of the new regulations.
- 6.10 It would be good practice, however, to make mention in the constitution of the regulations and the public's rights, and it is something that the constitution working party may wish to consider. Reference to the regulations could be made in the following places:
- 2.3.01 – citizens' rights
 - 4.1.21 – disturbance by public (council meetings)
 - 4.2.19 – disturbance by public (committee meetings)
 - 4.3.03 – rights to attend meetings.
 - 4.3.09 – summary of the public's rights
 - 5.2.02 – introduction to the code of recommended practice on local authority publicity.
- 6.11 The council has no requirement to record meetings itself, so the draft guidelines focus only on what members of the press and public can expect when exercising their rights to report on meetings.
- 6.12 The new regulations do, however, allow more opportunity for members of the press and public to disseminate edited recordings of meetings. Councillors may therefore wish to consider whether they would like the regular recording of meetings, as a more reliable record of proceedings, to be investigated.
- 6.13 Any installation of recording equipment and subsequent webcasting of meetings would have a significant financial implication, and would have to be subject of a further report to resources committee.

- 6.14 The new regulations cover the use of social media by members of the press and public for the purpose of reporting on meetings, and they state that the rules apply also to councillors in attendance at meetings. This means that councillors are not prevented from tweeting and blogging during a meeting, provided it is not disruptive, does not prevent them from taking part fully in the meeting, and that the code of conduct is complied with.
- 6.15 Our draft guidelines are aimed at the press and public and do not cover the use of social media by councillors at meetings. It is planned that a separate report will be prepared for a future meeting of the committee, suggesting a draft protocol for the use of social media by councillors during meetings.

7 Legal powers

The Openness of Local Government Bodies Regulations 2014 makes provision to allow members of the public to report and commentate on public meetings of local government bodies in England.

Regulation 3 amends the Public Bodies (Admission to Meetings) Act 1960 to allow entry to the meetings of specified local government bodies for the purposes of reporting and to allow the results of the reporting to be published or disseminated. Regulations 4 and 5 make similar amendments to the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The adoption of guidelines for reporting on council and committee meetings will assist with the council's compliance with the regulations.

8 Financial and value for money implications

None directly arising from this report.

9 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
No guidelines approved and published resulting in members of the press and public being unaware of what they can reasonably expect when exercising their rights, and councillors and officers being unaware of what they are legally required to allow.	Reputational damage and potential disruption of council and committee meetings.	High.	Approve and publish guidelines.

10 Implications for resources

Officers' time in liaising with press and public, and in organising and setting up rooms to ensure specific requirements are met where possible.

11 Implications for stronger and safer communities

Welcoming and facilitating the recording of council and committee meetings increases the accessibility and accountability of local democracy for the whole community.

12 Implications for equalities

Welcoming and facilitating the recording of council and committee meetings increases the accessibility and accountability of local democracy for the whole community.

13 Author and contact officer

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14 Consultees

Senior Management Team.
Principal Organisational Development Manager.

15 Background papers

The Openness of Local Government Bodies Regulations 2014.

A full copy of the regulations can be found at:

<https://www.legislation.gov.uk/ukxi/2014/2095/contents/made>

Open and accountable local government – a guide for the press and public on attending and reporting meetings of local government (August 2014).

The Department for Communities and Local Government's plain English guide can be found at:

<https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>

A transcript of the parliamentary debate referred to in this report can be found here:

<http://www.publications.parliament.uk/pa/cm201415/cmgeneral/deleg4/140701/140701s01.htm>

Copies of these documents are also held by the Corporate Communications Officer and can be supplied in paper form on request.

Reporting on council and committee meetings

Guidelines for the press and public

1. Introduction

- 1.1 New national rules came into force at the beginning of August 2014 that gave members of the press and public the right to film and report on meetings of the council. The government introduced these rules to make local democracy more transparent for local communities.
- 1.2 Since the introduction of the new rules, the council must allow any member of the press or public to take photographs, film, make audio recordings, and use social media to report the proceedings of any meeting that is open to the public.

2. Before the meeting

- 2.1 While no prior permission is required to report on a meeting, it is advisable that anyone wishing to film, take photographs or audio-record a meeting lets the council's democratic services team know in advance. This will allow necessary arrangements to be made and reasonable facilities to be provided.
- 2.2 The democratic services team can be contacted on 01933 231 521 and 01933 231 836. Please give as much notice as possible.
- 2.3 The council will seek to provide the following facilities to help the press and public record a meeting:
 - space to hear and see the meeting;
 - a chair;
 - a desk, where space permits. It may not be possible to provide a desk on every occasion.
- 2.4 Subject to other provisions in these guidelines, no restrictions will be placed on members of the press and public reporting on meetings using social media (Twitter, Facebook, YouTube or similar) on mobile phones, laptops or other small devices; or taking still photographs without a flash; or audio-recording from a handheld device. The facilities mentioned above will be provided where possible to assist with this.
- 2.5 If there is a need to set up bulky equipment, for example a large camera or additional lighting, or you would like to use flash photography, this should be discussed with democratic services in advance. This is to ensure the council can plan and manage the process so that the meeting is not disrupted. Please note, the use of additional lighting and flash photography will only be agreed in exceptional circumstances.
- 2.6 The council is unable to provide the following facilities:
 - access to electricity points;
 - equipment for the purpose of reporting on the meeting;
 - technical IT assistance.
- 2.7 Please note that neither the council chamber nor the committee room (where the vast majority of meetings will take place) have WiFi.

3. Filming, photographing and recording members of the public

- 3.1 The mayor or chairman of the meeting will announce at the start that the meeting can be reported on and will ask members of the public to indicate if they object to being filmed, photographed or recorded. Everyone in attendance at the meeting will be asked to comply with any request from a member of the public who expresses a wish not to be filmed, photographed or recorded.
- 3.2 Consent to be filmed, photographed or recorded will not be sought from individual members of the public. Consent will be implied by attendance at the meeting unless a member of the public expressly states that they do not wish to be filmed, photographed or recorded.
- 3.3 If a member of the public is participating in the meeting, for example asking a question, making a representation or presenting a petition, they are still able to express a wish not to be filmed, photographed or recorded. It is advisable to let the council's democratic services team know in advance if this is the case and the individual's wish will be announced to all in attendance at the meeting.
- 3.4 While every effort will be made to make sure that requests from members of the public not to be filmed, photographed or recorded are complied with, the council cannot guarantee this.

4. Restrictions on reporting of meetings

- 4.1 A few restrictions do apply when reporting on meetings. These are to ensure the meeting is not disrupted and the law is complied with.
- 4.2 All mobile phones and other forms of electronic communication should be switched to silent.
- 4.3 Any person can provide written commentary during the meeting, as well as oral commentary outside or after the meeting, but oral commentary during the meeting will not be permitted.
- 4.3 The mayor or chairman of the meeting will be able to exclude anyone whose reporting is disrupting the meeting, or ask them to stop reporting. Disruptive behaviour may include:
 - moving to areas outside the area designated for the public without consent;
 - excessive noise in recording, setting up or re-siting equipment during the meeting;
 - intrusive lighting or flash photography;
 - asking people to repeat statements for the purposes of recording.
- 4.4 The law of the land applies in regard to any reporting of the meeting. This includes the law of defamation and the law on public order offences. Personal and social responsibility should also be exercised, meaning respect and tolerance should be shown towards the views of others.
- 4.5 The rules allowing reporting of council and committee meetings apply only to meetings open to the public. There are limited, defined circumstances where it is allowed or required that a meeting or part of a meeting is closed to the public. These circumstances are to protect confidential information.
- 4.6 If a meeting or part of a meeting is closed to the public, a motion will be passed to exclude members of the press and public and explaining the reasons why. All reporting must then stop and members of the press and public must leave the room, taking all recording equipment with them.