

Non-Executive Report of the: General Purposes Committee Tuesday, 10 December 2019	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Open (Unrestricted)
Council and Committee Meeting Filming Protocol	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

The opening up of Council and Committee meetings to filming and recording by the press and public has been a welcome development to aid transparency in local authority decision making. The Council's Constitution and meeting agendas are all clear that the press and public are welcome to film and otherwise record meetings of the Council.

It is, though, equally important to ensure that meetings can operate without undue disturbance. A short guidance note has therefore been prepared for use of the Chairs of Council, Cabinet and Committees setting out the parameters under which filming should take place. This enables the Chairs of meetings to have confidence in their actions should issues arise.

It is proposed that the agreed protocol be attached to Part D of the Council's Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Review and comment on the draft filming protocol attached as Appendix 1 to this report.
2. To agree that the final filming protocol be attached to Part D of the Council's Constitution and that the Monitoring Officer be given delegated authority to amend the protocol in future as required.

1. REASONS FOR THE DECISIONS

- 1.1 A filming protocol is proposed to provide the Chair's of Committees with a tool to help them effectively manage their meetings and to minimise any disturbance caused by filming or otherwise recording their meetings whilst still ensuring that the transparency of the meeting is maintained.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee may wish to propose amendments to the Filming Protocol or determine not to have a protocol.

3. DETAILS OF THE REPORT

- 3.1 The opening up of Council and Committee meetings to filming and recording by the press and public has been a welcome development to aide transparency in local authority decision making.
- 3.2 The Council undertakes webcasts of Council, Cabinet, Overview and Scrutiny and the Strategic/Development Committee meetings. However, members of the press and public are also regularly seen filming and otherwise recording or reporting on meetings.
- 3.3 It is, though, equally important to ensure that meetings can operate without undue disturbance and there have been a few occasions where issues have arisen, usually due to a misunderstanding of appropriate behaviour. These issues may be sorted out in advance by officers or may on occasion be handled by the Chair if they arise during the progress of the meeting.
- 3.4 This short guidance note has therefore been prepared for use of the Chairs of Council, Cabinet and Committee meetings setting out the parameters under which filming should take place. This enables the Chairs of meetings to have confidence in their actions should issues arise.
- 3.5 It is proposed that to be transparent the agreed protocol should be attached to Part D of the Council's Constitution.
- 3.6 Should the protocol be agreed the Committee are asked to consider the most appropriate holder of delegated authority to update the protocol as required. The report proposes this to be the Monitoring Officer but it could be the Committee itself if that was considered more appropriate. The Committee could also determine that the matter should be determined by Council.

4. EQUALITIES IMPLICATIONS

- 4.1 Filming or recording Council meetings is an important part of ensuring the transparency of the Council's decision-making processes, for example by

helping those who are not able to attend the meeting follow the Council's decisions and actions.

- 4.2 However, it is equally important for those who are in attendance at the meeting that disruption is minimised.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

- 5.2 None identified.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report recommends that the General Purposes Committee to review the draft filming protocol and agree that the final version is attached to part D of the Council's Constitution. There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The *Local Government Act 1972 (LGA)* allows members of the public and press to report at both council meetings (s.100J LGA 1972) and committee meetings (s.100K LGA 1972) of principal councils. The *Openness of Local Government Bodies Regulations 2014 (OLGBR)* has also provided greater rights for the public to report at local authority meetings. Where a local authority meeting is open to the public, any person attending is permitted to report on proceedings under s.100A(7A) LGA 1972 and Reg.4(5B) *Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (LAR)*. Any communicative method can be used to report on the proceedings, including the internet and social media as introduced by OLGBR. For this reason, a Filming Protocol is important to ensure that both participants of each meeting and members of the public are informed of their obligations from the outset.
- 7.2 As well as the legislative requirements for filming local authority meetings, data protection must also be considered. The image of a member of the public caught on camera is considered personal information and is therefore subject to GDPR and the Data Protection Act 2018. LBTH must comply with all data

protection requirements when filming, which involves ensuring members of the public attending a meeting have freely given consent for their image to be broadcast. Before each council or committee meeting, members of the public should therefore be made aware that the meeting is being recorded. This could be achieved by putting notices on the order of business, displaying notices inside and outside the meeting room indicating that the meeting is being recorded, or the chair of each meeting making a formal announcement at the start of a meeting. The annexed Filming Protocol draft includes that the Speaker/Chair of the meeting will in all cases make the final decision on all matters of dispute regarding the filming of meetings. However for data protection purposes, the Protocol should also include the obligation of the Chair/Speaker to notify members of the public that a meeting is being recorded.

- 7.3 The filming or recording of a council or committee meeting could impact on a member of the public's Article 8 Rights of Privacy under the European Convention on Human Rights. Provided LBTH take the necessary steps to make members of the public aware that a meeting is to be filmed or recorded, any interference with Article 8 rights could be justified as a lawful interference under Art 8(2).
- 7.4 Statements made by Members at a local authority meeting are subject to the law of defamation. A defamatory statement could therefore be brought into the public domain if a meeting is filmed or recorded. If the defamatory statement is made during the broadcasting of a local authority meeting, it would be appropriate for the chair to request for filming or recording to be stopped. Such circumstances should therefore be detailed in this Protocol.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Draft Council Filming Protocol

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A