

REPORT OF: Democratic Services Manager
TO: Civic Affairs Committee 2/2/2011
WARDS: All

The Council's Filming Protocol

1 INTRODUCTION

The purpose of this report is to consider if the Council's Filming Protocol adopted by Council in July 2010 needs to change following a report on a complaint by the Independent Complaints Investigator. It also considers the option of whether the Council should record meetings itself taking into account the experience of other local authorities. Throughout the report reference is made to filming because it is filming that has necessitated the report, however the proposals also cover recording and photography.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) retain the right of any individual to record meetings;
- (ii) amend the Protocol as set out in appendix 2 and agree the approach to Area Committees as set out in 6.3;
- (iii) agree to review the Protocol in March 2012; and
- (iv) recommend the Protocol as amended to Council.

3. BACKGROUND

3.1 The Council approved a Protocol on Media Relations and Filming, Recording and Photography at Council Meetings on 22 July 2010. The references to filming, recording and photography were first approved in 2004 but related to the established news media only. This meant that there was no provision in place for any interested member of the public to film, record or take photos – albeit these requests were rare. When reviewing the Constitution last year, a cross- working party of Members had expressed the view that an updated Protocol include, as the default position, that filming, recording or photography at council meetings should be allowed. Because the previous Protocol on filming was rather dated, officers had researched a number of other local authority schemes for filming meetings to inform the drafting of the new Protocol.

3.2 Since adoption of the Protocol, there have been six occasions at which meetings have been filmed (during September to November 2010). A local resident and blogger filmed five of the six meetings, the sixth meeting was filmed by another local resident. Following one of these filmed meetings (North Area Committee on 30 September) a member of the public, who spoke at the meeting and consequently appeared on the blog, complained to the Council about filming by a third party and privacy issues and the complaint was referred by the Chief Executive to the Independent Complaint Investigator. The Chief Executive advised the Civic Affairs Committee on 15 November that the recommendations of the Independent Complaints Investigator would be reported to its next meeting (minute 10/58/civ). The Independent Complaint Investigator's report was made public in w/c 22 November.

4. THE INDEPENDENT COMPLAINT INVESTIGATOR'S (ICI) REPORT

4.1 The ICI's report (*appendix 3*) included some recommendations which in the interim, the Chief Executive has put in place. If the Committee is in favour of retaining filming by any individual at council meetings, these recommendations should be included in a revised Protocol/management of the meeting. They are:

(i) There is sufficiently clear notice at the entrance to a meeting about filming. To make it clear that the filming is by a third party and that the Council has no control over where it may appear (for example posted on the internet) and to remind the public of their right not to be filmed, recorded or photographed. Any objections about filming can be raised with the Chair at any point, before or during the meeting.

(ii) The Chair is consistent in asking all present, and any latecomers, if they have seen and understood the notice

(ii) The Chair can suspend filming when someone who wishes to speak does not wish to be filmed

4.2 The ICI made a recommendation that separate applications to film each meeting should be made, no less than 3 working days in advance of a meeting and no more than 2 weeks in advance of the meeting. This does reflect that each request to film by any individual should be considered on its own merits and that the Chair, supported by officer advice, can take on board the practical issues at the time relating to the particular meeting. Officers would also wish to clarify (and for the avoidance of doubt) that the meetings covered by the Protocol are those at

which councillor decisions are taken and are included in the municipal calendar. These are Council, scrutiny committees, Planning Committee, Licensing Committee/sub-committee, Civic Affairs Committee and Area Committees.

4.3 The ICI suggests that consideration should be given to setting limits on where the film will be reproduced (the film maker's website only). The ICI accepts however that this will not prevent other parties reproducing it elsewhere. Officers do not think that this is practical and would be difficult to enforce. Not every filmmaker will have their own website.

4.4 The ICI also suggests that consideration should be given to the film maker signing a short contract setting out the privacy elements of the Protocol. Officers suggest that a short application form, accessible on the web and highlighting the requirements of the Protocol can fulfil this (appendix 1).

5. RECENT EXPERIENCE OF FILMING MEETINGS

5.1 The experience of filming so far has suggested that the Protocol could be amended further:

(i) it should be amended to refer to 'recording' throughout which will cover filming, recording or photography

(ii) it should be explicit that zooming in on individuals or panning around the room is not permitted. Presently officers have been following the instruction of the Chair during the preparation of the meeting.

(iii) it should include a statement that any decision taken by the Chair on its interpretation is final. There is a similar provision under the Council's public speaking scheme and it is sensible to afford the Chair the right to take any final view on a procedure which affects the running of a meeting.

(iv) the reference to people needing to opt-in to be filmed (rather than opt out) should be removed as this does not seem workable in practice. The additional safeguards introduced on the recommendation of the ICI report will be sufficient to protect people's privacy.

5.2 The committee should also note that some officers have expressed concerns about appearing on camera following the recent filming of meetings and posting the content on the internet. The Chief Executive's view is that it is reasonable to expect the senior management of the

authority to be recorded in the course of their duties – and this is the case at those other local authorities contacted. The Head of Human Resources will issue guidance applicable to all staff, following consultation with the trade unions, on the basis that it would be expected that staff presenting reports to committee would be recorded. Any Head of Service will consider requests by staff not to be recorded if there are exceptional individual circumstances. Training and any other support identified by the Head of Service will be provided where appropriate.

6. OPTIONS

6.1 The conclusions and recommendations of the ICI and the recent experience of filming council meetings and subsequent posting of that content on the internet has highlighted the difficulty in balancing a policy of openness and transparency against the need to ensure the privacy of the individual. Whether a council should have filming, recording and photography at its meetings is a matter of local choice and the committee needs to decide whether filming should be allowed to continue and, if so, that it is satisfied that amending the Protocol is sufficient or that it should consider to film meetings itself, referred to as an option in the ICI report.

Case to retain the Protocol with amendments

6.2 The City Council has for many years taken the line that it is important that council decision making and the democratic process is open and transparent. One of the conclusions of the ICI's report is that it is almost impossible to protect online privacy. The City Council should accept this if it continues to allow filming by any person. Allowing any person to film with the safeguards included in an amended Protocol balances the policy of openness with the right to individual privacy.

6.3 In paragraph 4.2 of the report officers recommend that the Protocol spells out which meetings it should apply to. The Committee should consider whether there needs to be any further provision when it comes to Area Committees as it may not be appropriate to permit recording in parts of these meetings. By their nature, the Open Forums and other participatory sessions attract a range of people who may or may not wish to be recorded. As these are sessions designed to encourage public involvement, the Chair may wish to prohibit recording if it is seen to be a barrier to creating the right environment for this to happen.

Case to stop filming by non-established media and film ourselves

6.4 The Protocol could be amended so that only established media (which has to adhere to codes of practice with recourse if needed) would

be permitted to film and as the default, the council should film its meetings itself. Officers contacted a number of local authorities that have meetings filmed¹ and they all use a contractor to film and do not permit filming by anyone else (on the basis that if you film yourself why have anyone else do it).

6.5 There are two options if the council decided to film itself. Firstly the council could procure the service. Officers contacted the market leader for an estimate and annual costs would be approximately £15k p.a. to webcast and place recorded meetings in a web library. A budget bid would need to be made to the Executive Councillor for Customer Services & Resources. Interestingly, the London Borough of Islington has recently decided to stop filming because of budget constraints and South Cambridgeshire DC has also just decided this month not to procure a webcast service.

6.6 The second option would be using officers to record and publish the meetings on the web. Equipment would cost less than £1k to record the meetings although it wouldn't be broadcast live. There is the risk that the product may look amateurish and this is a real concern. There will be an on-going resource issue of uploading the recorded material, how long it would take and on what streaming video site the council could use. Additional officer time/service as well as re-directing officer time/service in democratic services and elsewhere would be required in a DIY approach. Because of concerns about resourcing this and the quality of the end product being consistent, members are not recommended to pursue this.

6.7 Audio quality is also an essential consideration especially off-site. Picture quality can be achieved at low cost but audio is more difficult eg in the Small Hall of the Guildhall and in the multitude of venues at Area Committee.

Case to cease filming

6.8 The ICI asks why the council should allow filming at all. Either a full transcript of proceedings in the minutes or audio recording meetings are suggested as alternatives. The committee did look at minute writing as part of the recent review on updating the Council's conventions (30 June 2010) and officers would not recommend a full transcript (like Hansard) – an extremely resource intensive approach and not in line with usual local authority practice. Audio recording of meetings is not uncommon however, but it may not be as beneficial now, with the public more accustomed to visual footage. The issue of sound quality and persons wishing not to be recorded would remain also.

¹ Islington, Epping Forest, Derby, Braintree, Cherwell, East Herts, Mole Valley and South Holland

7. CONCLUSION

For the reasons of cost, quality and staff resources officers do not recommend filming meetings by the City Council. Rather, it is recommended that the existing open and transparent approach to the city council's meeting, recently enhanced by allowing anyone to be able to film be refined and improved upon, based on the experience of the first six months of operation and the recommendations/conclusions of the ICI.

8. IMPLICATIONS

(a) Financial Implications

If the committee is of the view that the council should film meetings by contractor or itself, there would be costs and this would be a matter for the Executive Councillor for Customer Services & Resources.

(b) Staffing Implications

These are referred to in the report.

(c) Equal Opportunities Implications

Enabling meetings to be filmed and broadcast on-line opens up the Council's decision making process to a wider audience in Cambridge.

(d) Environmental Implications

None

(e) Community Safety

None

BACKGROUND PAPERS: None.

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APPLICATION TO RECORD

I would like to apply to record the following meeting:

Name	
Organisation (if applicable)	
Contact details	
What will the recording be used for?	
Which meeting does this request apply to?	
When do you wish to record during the meeting?	
Where will the recording be retained by you?	

I understand that:

Any recording must take place from positions in the meeting room approved by the chair. Recording will be from a fixed camera position in normal view (ie. no zoom or panning the room is permitted). Setting up must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the recording takes place must also be approved by the chair.

The use of flash photography or additional lighting in connection with recording will be permitted for periods of up to two minutes. The point at which this happens during the meeting must be agreed with the chair as part of the permissions process.

If the chair feels the recording is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking recording must comply with any requests made by the chair of the meeting in respecting the public's right to privacy.

I agree to ensure the record will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show a lack of respect.

I agree to share the recording in its original and unedited form with the council's democratic services manager on request.

Failure to comply with the Council's requirements set and below may lead to the refusal of any future requests to record council meetings.

If you have any queries regarding the requirements of the application form, please contact the Democratic Services Manager on