

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Constitution Review Working Party

10 November 2011

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AMENDMENTS TO STANDING ORDERS (INCLUDING PUBLIC RECORDING OF MEETINGS)

Purpose

1. To recommend to Council amendments to standing orders. This is not a key decision but must be agreed by full Council because it requires changes to be made to the Constitution. It was first published in the May 2011 Forward Plan.

Recommendations

2. That the Constitution Review Working Party recommend to Council that:
 - (a) Standing Order 14.5, When a member may speak again, be amended to include: "A member who has spoken on a motion may not speak again whilst it is the subject of debate, except...**(f) at the Chairman's discretion, to raise a point of information,**" with subsequent paragraphs to be renumbered accordingly;
 - (b) Standing Order 14.13, Point of Information, be added as follows: "A member may ask to raise a point of information at any time, but will be permitted to speak only at the Chairman's discretion. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another member is speaking but only if that member is willing to give way. The ruling of the Chairman on the admissibility of a point of information will be final." and subsequent Rules of Debate be renumbered accordingly;
 - (c) Standing Order 21.4, Recording of Business, be amended as follows: "**~~Unless specifically authorised by resolution prior permission has been granted by the Chairman and Chief Executive,~~ no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive";**
 - (d) Standing Order 21.5, Use of social media in meetings, be added as follows: "Unless specifically prohibited by resolution, use of social media is allowed at any meeting of the Council, the Executive, and at meetings of any committee or sub-committee of the Council or the Executive." and subsequent Standing Orders to be renumbered accordingly; and
 - (e) The Public Audio / Visual Recording and Photography at Meetings Protocol be adopted as Part 4, Section N of the Council's Constitution, and subsequent sections be renumbered accordingly, and that this protocol be reviewed in twelve months' time.

Reasons for Recommendations

3. The addition of standing order 14.13 clarifies the rules of debate to incorporate points of information. The amendment to standing order 21.4, and addition of standing order 21.5 and the associated protocol on recording and photography all support the Council's commitment to openness and transparency, whilst still retaining the option to limit recording and / or social media use if the Chairman determines that such use is creating a disturbance.

Background

Points of Information

4. The Constitution Review Working Party has had on its work programme since July 2010 an item to clarify in standing orders whether or not a 'point of information' should form part of the Council's Rules of Debate. Although 'points of information' are recognised in the rules of parliamentary debate, the model Constitution, on which these standing orders were based, makes no reference to them.

Public recording of meetings and use of social media during meetings

5. On 23 Feb 2011, Bob Neill, Parliamentary Under Secretary of State, Communities and Local Government (CLG), wrote to all Council Leaders and Monitoring Officers encouraging Councils to stop barring use of social media during meetings. The letter referred specifically to 'Citizen Journalists' and the mainstream media, but also "bloggers, tweeters, residents with their own websites and users of Facebook and YouTube", noting, "The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council."
6. The Constitution Review Working Party, on 24 March 2011, having received and considered Mr Neill's letter, recommended that, until such time as a Council-wide protocol on recording of meetings had been agreed, possibly cross-referenced to the Council's emerging social media policy, "all Council bodies determine at the start of each meeting whether to suspend standing order 21.4 which prohibits Recording of Business".
7. This issue has now been returned to the Constitution Review Working Party with a suggested protocol and a new standing order relating to social media use.

Considerations

Points of information

8. Including in the Constitution a rule of debate about raising a point of information would support the Chairman in the application of standing orders and provide members with a means of correcting misinformation.
9. As already happens at Council meetings, any member wishing to raise a point of information need indicate this to the Chairman by standing to speak and stating, "Point of information, Chairman". The member must then receive the permission of the Chairman to speak. If the point of information had been raised during another member's speech, the member wishing to raise the point of information must also receive the agreement of the member then speaking to give way.

10. It is recommended that the raising of a point of information be permitted at the Chairman's discretion to ensure that it is not overused to the detriment of the meeting: a review of other Council's Constitutions suggests that this appears to happen elsewhere, as these Constitutions clearly state that too-frequent use by one member or one group of raising points of order, points of information and personal explanations will be considered a disturbance of the meeting and the Chairman would be within his rights to adjourn the meeting or clear part of the meeting room. A lighter-touch approach is recommended here.

Public audio / visual and photographic recording of meetings

11. Standing orders 21.1 through 21.4 deal specifically with the disturbance of meetings by members of the public, including the possibility of disturbance being caused by recording of business. Nothing in the Constitution specifically prohibits the recording of meetings or the use of social media by councillors or officers.
12. Standing order 21.4 reads: "Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive." The wording of standing order 21.4 dates from 1972, updated in 2000 to make reference to the Executive, and is part of the standing orders relating to disturbance of a meeting caused by members of the public.
13. In March 2011 the Constitution Review Working Party considered what was then a draft protocol on recording meetings of Cambridge City Council. The protocol has since been adopted and is broadly similar to those used by other authorities. Cambridge City Council will be reviewing its protocol annually, and the District Council could take the same approach to ensure that the protocol remained fit for purpose.
14. The protocol, as amended for use by South Cambridgeshire District Council, (**Appendix A**) requires members of the press and public to apply to the Chairman and Chief Executive no earlier than two weeks before a meeting and no later than three working days before a meeting for permission to record or photograph. The Chairman and Chief Executive may request input from any other members or officers before reaching a decision, and their decision whether or not to grant permission will be final.
15. The application form (**Appendix B**) requires details of who will be doing the recording and whether or not on behalf of an organisation, what the recording will be used for, the parts of the meeting to be recorded, and how the recording will be retained. The applicant must also give an undertaking not to edit the recording to misrepresent the proceedings, and to provide a full and unedited copy of the recording upon request by the Council should any allegations of misrepresentation be made. Provisions are also included in the protocol to protect the privacy of other members of the public who may be present at the meeting, and to give the Chairman discretion to require that recording cease at any time if it is causing a disturbance.

Public use of social media in meetings

16. In the absence of any clear guidelines on the use of social media by meeting attendees, or a common approach across authorities, officers' initial opinion was that although standing order 21.4 did not specifically prohibit use of Twitter, a broad interpretation of "recording in any format" *could* encompass social media, and Council had been taking this view when seeking to suspend the standing order at the start of meetings to support members of the public who wish to describe proceedings through social media to those unable to attend in person.

17. If the addition of a new standing order is agreed by Council, the Chairman would still retain the discretion to act where any public social media use was creating a disturbance to the meeting, and the Council or committee could vote to suspend standing order 21.5 at any time.

Options

General

18. Not to make any amendments to standing orders at this time. This is not recommended as the suggested standing order 14.13 will provide clarity to the rules of debate, and the amendment to 21.4 (and associated protocol) and addition of 21.5 seek to address the request from CLG to open up proceedings to greater public scrutiny. The letter from CLG is a request only, not a directive, so there is no obligation on the authority to comply, although Council might be asked to provide reasons why it chose not to do so.

Public use of social media

19. To include a footnote to Standing Order 21.5 to define social media. A broad definition is: "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content¹". Again, a lighter-touch approach is recommended and, as there was no definition required to clarify that "photography" also encompassed digital photography, similarly it is not recommended that a specific definition of social media be included as any such definition will become outdated as new technologies and applications are developed.

Use of social media by members

20. To include a new Standing Order 20.6, Members' use of laptops and social media during meetings: "Members are permitted to use laptops and handheld electronic devices during meetings to transmit information about the meeting through social media provided that such devices are silent and used in a way that does not impair decorum". This repeats the wording used in the recent Parliamentary decision to allow access to social media in the House of Commons and would be included with those Standing Orders relating to Members' Conduct (Standing Orders 20.1-20.5).
21. Having a specific standing order to address members' use of laptops and handheld electronic devices would not introduce any new practices, as such use is already permitted, but would enable such use to be prohibited if this standing order were to be suspended, or if the Chairman exercised his/her discretion to adjourn the meeting should such use be sufficient to be causing a general disturbance (Standing Order 20.5).

Public recording of meetings protocol

22. The draft protocol proposes that the owner of the recording maintain an unedited copy of the footage for four months from the meeting date. The Working Party could amend the proposal to require that the footage be either used or destroyed / deleted after four months to minimise the possibility of edited footage being published after the expiration of the four month deadline, or the length of the deadline could be extended. In the absence of any evidence of misuse of Cambridge City Council's

¹ Kaplan, Andreas M.; Michael Haenlein (2010). "Users of the world, unite! The challenges and opportunities of Social Media" (<http://www.sciencedirect.com/science/article/B6W45-4XFF2S0-1/2/600db1bd6e0c9903c744aaf34b0b12e1>). Business Horizons 53 (1): 59–68.doi:10.1016/j.bushor.2009.09.003. ISSN 0007-6813

protocol since its adoption in April 2011, it is recommended that the draft protocol be adopted and reviewed in twelve months' time to allow a qualitative judgement to be made.

Implications

23.	Financial	None.
	Legal	<p>Members of the press and public recording or using social media during Council meetings would still be required under the existing standing orders to ensure that in doing so they do not create a disturbance to the meeting.</p> <p>Councillors and officers, when using social media, are still obliged to uphold their various legislative and employment requirements. In particular, any councillors who choose to use social media in meetings must pay particular heed to avoiding the appearance of bias or predetermination.</p>
	Staffing	None specific.
	Risk Management	The recording protocol places an obligation on the person doing the recording to supply the Council with a full and unedited copy of the recording in the event an allegation is received that the recording had been edited in such a way as to misrepresent proceedings.
	Equality and Diversity	<p>It has been reported that mobile phones, even when in silent / vibrate mode, cause interference with the hearing loop system in the Council's meeting rooms, which is disconcerting for people with a hearing impairment. Use of WiFi enabled devices such as laptops and tablets does not appear to cause the same interference, as it is the response of mobile phones to an incoming call which creates the interference.</p> <p>The Head of Information and Communications Technology (ICT) is due shortly to award the tender for a replacement microphone system, intended to be installed and functional by end of December 2011. This will be a modern wireless system using up-to-date technology and should be better able to ignore erroneous signals such as those from mobile phones.</p> <p>In any event, the Chairman will be able to use his/her discretion to restrict use of any devices which are causing interference on the hearing loop system.</p>
	Equality Impact Assessment completed	<p>No.</p> <p>This is primarily an administrative matter only.</p>
	Climate Change	None specific.

Consultations

24. Elected members were advised at the 22 September 2011 Council meeting that this matter would be returning for a full Council decision on 24 November 2011 and that all councillors were invited to the Constitution Review Working Party meeting on 10 November 2011. Members have also been invited to make representations in writing if they are unable to attend the Constitution Review Working Party meeting. Responses received from councillors are attached as **Appendix C** and the points raised have been addressed in the report where appropriate.

25. The issue has also been in the Forward Plan for six months, through which public could make representations. No responses were received from the press and public.

Consultation with Children and Young People

26. The twenty-four attendees at the Local Democracy Week and Youth Council launch event on 13 October 2011, all of whom were aged 16-17, were invited to make suggestions on how the Council communicates with young people and how young people want to receive information from their local Council. Responses received are summarised below:
- (a) Everyone should be allowed to tweet: it shows transparency;
 - (b) Councillors should be able to tweet summaries of what is happening in meetings;
 - (c) Twitter should also be used after meetings to summarise what happened;
 - (d) Twitter keeps people up-to-date and makes them more likely to get involved;
 - (e) Contributions made through social media remain in the public domain, so are open to everyone;
 - (f) The forward plan and details of decisions should be publicised through social media and supplemented with a blog or discussion topic on Facebook of what the Council is doing every year so people can comment; and
 - (g) *South Cambs magazine* should publicise what is available on the Council's social media channels, and also summarise this information for the benefit of those who do not use the internet.

Effect on Strategic Aims

27. Commitment to being a listening authority: the Council will respond to requests to record meetings where the media or public seek to do so, always maintaining the public interest in ensuring that meetings are free from disruption and that the public's right to privacy is considered. A listening authority seeks to have conversations with its residents through two-way communication. Authorities which engage actively with residents through a variety of media realise a greater public response, and their decisions are made taking into account a wider, more representative range of input from residents and partners.

Conclusions / Summary

28. The proposed changes to standing orders will clarify the operation of Council and committee meetings for councillors, for officers and for members of the press and public in attendance, and the protocol on recording of meetings demonstrates the Council's commitment to openness and transparency.

Background Papers: the following background papers were used in the preparation of this report:

23 February 2011 Letter from Communities and Local Government
24 March 2011 Constitution Review Working Party report
SCDC Constitution
Constitutions of other local authorities

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