

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee 20 September 2013
LEAD OFFICER: Fiona McMillian, Legal and Democratic Services Manager

FILMING AT PUBLIC MEETINGS

Purpose

1. The Civic Affairs Committee is invited to consider any recommendations it may wish to submit to Full Council on the filming of the authority's public meetings following the publication of guidance by the Department for Communities and Local Government in June 2013 entitled 'Your council's cabinet – going to its meetings, seeing how it works'.
2. The subject of this report is not a key decision but has been submitted to the Civic Affairs Committee for consideration as any changes to the Council's policy on the filming of public meetings will require amendments to the Constitution, which is within the Committee's remit.

Recommendations

3. That Full Council be recommended to allow members of the public to film its public meetings in accordance with newly published guidance by the Department for Communities and Local Government entitled 'Your council's cabinet – going to its meetings, seeing how it works'.
4. That Standing Order 21.4 of the Council's Constitution (Recording of Business) be amended to read: -

"The recording in any format of any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive, is permitted, except: -
 - (a) where the Chairman, or person presiding the meeting, rules that any filming is being undertaken in such a way that it is disruptive or distracting to the good order and conduct of the meeting.
 - (b) where a member of the public speaking at the meeting actively objects to being filmed.
 - (c) where the public have been excluded from the meeting in accordance with the Council's Access to Information Procedure Rules (Rule 10) during the consideration of exempt or confidential information.

Reasons for Recommendations

5. To ensure that the Council follows the latest guidance issued by the Department for Communities and Local Government.

Background

6. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012 and provided greater access to information considered at meetings of the Council's Executive. A copy of the Regulations is attached to this report at **Appendix A**.
7. In June 2013 the Department for Communities and Local Government published a guidance document entitled 'Your council's cabinet – going to its meetings, seeing how it works', which acts as a guide for local people in explaining how they can attend and report their local council meetings. A copy of this guidance is attached at **Appendix B**, which includes a section on the filming of a Council's public meetings.

Considerations

8. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not make any reference to the filming of a Council's public meetings.
9. Under paragraph 4(6) of Part 2 (admission of public to meetings of local authority executives and their committees) the Regulations state that "while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report". The Council currently provides a desk at public meetings for anyone in attendance wishing to report the meeting's proceedings, together with a copy of the agenda, reports and any other paperwork or information circulated at the meeting as required by the Regulations. Free Wi-Fi is also available for those people viewing documents online using laptops, tablets or other mobile devices.
10. The 'Your council's cabinet – going to its meetings, seeing how it works' guidance document includes a section on page 6 headed 'can I film the meeting?' This refers to all public meetings, not solely meetings of a Council's Executive, and states that: -

"Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public".
11. The footer on page 4 of the guidance makes it clear that the guidance itself should not be taken as providing any definitive interpretation of the statutory requirements on councils, members, officers, or the public's rights.
12. The issuing of this guidance has resulted in local authorities across the country reviewing their processes with regard to the filming of their public meetings, due to anticipated increases in the number of people wishing to film or record public meetings as a consequence.
13. A number of Councils in the United Kingdom film and stream their meetings live on the internet, known as webcasting, and have done so for a number of years, whereas other Councils prohibit the use of any recording equipment without authorisation. South Cambridgeshire District Council's Standing Orders within its Constitution (Standing Order 21.4 – Recording of Business) currently states that: -

“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 District Council has usually granted permission to film or record proceedings whenever such a request has been made.

14. East Cambridgeshire District Council, Cambridge City Council and Cambridgeshire County Council currently allow members of the public to film their respective public meetings.
15. The Civic Affairs Committee may wish to take into consideration the following paragraphs also stated in the guidance under the heading ‘can I film the meeting?’: -

“The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.”

16. In terms of accommodating members of the public wishing to attend the Council’s meetings, fire safety regulations and the size of the public meeting rooms at South Cambridgeshire Hall place limitations on the total number of people allowed in these rooms at any one time. There have been a couple of occasions in the last twelve months where it has been difficult to accommodate high volumes of people arriving at South Cambridgeshire Hall to attend meetings involving items of business that have generated significant public interest. Whilst such instances are not commonplace, the Civic Affairs Committee may wish to consider any appropriate measures to ensure that anyone arriving at the Council’s offices to attend a public meeting is able to see or hear proceedings should the meeting room be full to capacity.
17. The Civic Affairs Committee is asked to review the Council’s current process for the filming of its public meetings and determine whether any changes should be recommended to Full Council in light of the guidance document issued in June 2013.

Options

18. The following options have been identified for the Civic Affairs Committee to consider: -
19. *Option 1*
Recommend that the current wording in the Council’s Standing Orders be maintained, whereby a request to use visual/audio and photographic recording equipment at any public meeting requires specific authorisation by resolution of the body concerned.
20. *Option 2*
Recommend that filming be permitted for all/some public meetings and the Council’s Standing Orders be amended accordingly, including an appropriate form of words to: -

- a) ensure that filming is undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting;
 - b) ensure that those members of the public speaking at a meeting who actively object to being filmed are not filmed.
21. *Option 3*
Recommend that webcasting be introduced for all/some public meetings, so that the Council can film and stream its proceedings live on its website.
22. *Option 4*
Recommend that the Council internally films or records all/some public meetings, so that the video and audio feed can be relayed to other parts of the building as an overflow arrangement in circumstances whereby the public gallery cannot accommodate the number of people wishing to attend.
23. *Option 5*
Recommend that the Council internally films all/some public meetings and provides a link to the footage on its website after the meeting has been held, so that the footage is not live but can still be viewed online.

Implications

24. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

25. Option 3 will require the procurement, installation and maintenance of specialist webcasting equipment. The cost of procuring and installing equipment at this stage has not been identified, but on-going hosting and maintenance costs would also need to be taken into consideration.
26. Options 4 and 5 would require the procurement of a basic video/audio extender to other parts of South Cambridgeshire Hall, which would cost in the region of £4,000 including installation and configuration works.

Legal

27. Legal implications are outlined in the main body of this report.

Consultation responses (including from the Youth Council)

28. The South Cambridgeshire Youth Council considered this issue at its meeting on 18 August 2013 and some Youth Councillors expressed concerns regarding the potential for people to film a meeting, edit the footage and upload it to platforms such as YouTube. However, in view of the fact that central government committees were filmed, the Youth Council did not object to the filming of District Council meetings.

Effect on Strategic Aims

Aim 1 – We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money.

29. The recommendations in this report follow the latest guidance issued by the Department for Communities and Local Government, which seeks to provide greater levels of transparency and public access to the Council's meetings, thereby encouraging more engagement with residents, parishes and businesses.

Background Papers

No background documents, other than those appended to the report, were referred to in the writing of this report.

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