



THORNABY TOWN COUNCIL

Recording and Reporting on Council Meetings Procedure

Introduction

"The Openness of Local Government Bodies Regulations 2014, amended s.1 of the 1960 Act with effect on 6 August 2014. Unless the meeting has resolved to exclude the public, or the exceptions explained below (in bold print) apply, the 1960 Act permits any person (including the press) who attends a meeting of the council to report on its proceedings"

Thornaby Town Council is committed to being open and transparent in the way it conducts its public meetings.

The recording of Council meetings is therefore permitted subject to certain restrictions and conditions.

Meetings means public meetings of Full Council, its Committees or Sub-Committees.

The new provisions of the 1960 Act address the existence of different means of reporting which include the use of social media.

"Reporting" of meetings is defined in s. 1(9) of the 1960 Act to include:-

- filming, photographing or making an audio recording of proceedings at a meeting (e.g. using a mobile phone or tablet, filming for a TV broadcast, or recording for a radio broadcast);
- using any other means for enabling persons not present at the meeting to see or hear proceedings as it takes place or later (e.g. live streaming);
- written reporting or commentary on the proceedings during or after an assembly or oral reporting or commentary after the assembly. Examples of written reporting or commentary include e.g. blogging, posting comments on Facebook or tweeting.

Background

Section 100A(7) of the Local Government Act 1972 (as amended) provides that:-

- where the public are excluded from a meeting (of Full Council, its Committees or Sub-Committees) the Council may prevent any person from reporting on the meeting employing methods which can be used without that person's presence at the meeting, and which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later;
- while a meeting is open to the public, any person attending is to be permitted to report on the meeting;
- **A person present at a meeting does not have the right to give an oral report or commentary during it for e.g. a local resident blogger present at the meeting cannot provide a running verbal commentary as this could be disruptive;**
- A person may provide oral commentary or report on the proceedings of a meeting when it has ended;
- A person attending a public meeting for the purposes of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so;
- Any person who attends a public meeting of the Council for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities;
- Publication and dissemination of the results may take place at the time of the meeting or occur after the meeting.



Purpose

The purpose of this procedure is to provide guidance, particularly for members of the public and of the press, regarding the reporting and commentating on public meetings of the Full Council, its Committees and Sub-Committees.

Procedure

(i) Prior to a Meeting

If a member of the Public or media representative wishes to film, photograph, or make an audio recording of the proceedings, or if they intend to bring large equipment or wish to discuss any special requirements they should inform the Town Clerk in advance of the day of the meeting.

Any audio/visual recording/photography must take place from a designated position in the meeting room approved by the Chairman of the meeting. Setting up must be done before the meeting starts to ensure the view of members of the public is not obstructed.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement has been reached on how it can be done without disrupting the proceedings.

The Council asks those recording proceedings not to edit the film/record/photographs in a way that could lead to any misinterpretation of Council proceedings.

(ii) During the Meeting

The Chairman will announce at the beginning of the meeting the request for the meeting to be recorded.

The Chairman will ask those members of the public present whether they agree to be filmed/recorded/photographed.

If a member of the public is unwilling to be filmed/recorded/photographed then the Chairman will, so far as reasonably practicable, comply with this request and make appropriate arrangements to ensure that the person concerned is not filmed, recorded or photographed. This may involve the person moving to a different part of the meeting room.

Objections can be raised with the Chairman at any point in the meeting if this is conducive to the conduct of the meeting, where a member of the public is being filmed/recorded/photographed and they do not wish this to continue.

Photographing, filming, recording or other reporting of children and the vulnerable should only be with the consent of a responsible adult. In the case of a child, this could be his/her parent, legal guardian or teacher. In the case of a vulnerable adult, this could be a medical professional, his/her carer or legal guardian.

Oral reporting or oral commentary on a public meeting as it takes place by a person present at the meeting is not permitted.

The Chairman of the meeting will have absolute discretion to terminate or suspend any filming, recording and photography if any of these activities, in their opinion, are prejudicing or disrupting proceedings in any way.

The circumstances in which termination or suspension could occur could include:-

- Public disturbance or suspension of the meeting - if a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting.
- General disturbance - in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.
- Where it is considered that continued filming/recording/photography might infringe the rights of an individual.



- If a person reporting on a public meeting moves to an area outside the area or areas designated for the public to report on the meeting, without the consent of the Chairman.
- Intrusive lighting and use of flash photography; and
- Asking people to repeat statements for the purpose of the recording.

If during a meeting a motion is passed to exclude the public and press, because confidential or exempt information is likely to be disclosed, then all rights to report or record the meeting, will, at that point, be removed.

(iii) Social Media

There are no restrictions placed on anyone at a public meeting using Twitter, blogs, Facebook or similar “social media” provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.

If the Chairman feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, and the proceedings are still being disrupted, the Chairman will ask the person to leave the meeting.

If the person refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Please remember when using social media that the law of the land applies, including the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of other persons.

Any decision taken by the Chairman on the interpretation of this protocol is final.

(iv) After the Meeting

Any member of the public who wishes to make comment on the filming and recording of a Council meeting should contact Town Clerk on 01642 678652 or email: townclerk@thornabytowncouncil.gov.uk

Data Protection

The Data Protection Act 1998, does not prohibit the overt recording and filming of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of their parent or guardian.

Use must not be made of an image or photograph if consent is refused by any individual.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.

Adopted by Full Council on 1.12.2014 (FC-14-234)