

CODSALL PARISH COUNCIL
POLICY: REPORTING ON MEETINGS BY MEMBERS OF THE PUBLIC

INTRODUCTION

Public Bodies (Admission to Meetings) Act 1960 Section 1 as amended 2014 by the Openness of Local Government Bodies Regulations 2014

By law, meetings of the Parish Council and its Committees must be open to the public [including the press] except where publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. In these circumstances, the Council may, by resolution, exclude the public from the meeting, whether during the whole or part of the proceedings. The resolution must state the reason for exclusion of the public [and press] and any such exclusion must apply to all except that the Council may invite individuals to speak at the meeting when it is in private session (e.g. solicitor, other professional advisor, particular staff members).

The Openness of Local Government Bodies Regulations 2014 has amended section 1 of the Public Bodies (Admission to Meetings) Act 1960 to require Councils to permit any person (including the press) who attends a council (or committee) meeting to report on the proceedings of the meeting except where the Council has resolved to exclude the public. The new provisions address the existence of different means of reporting, including the use of social media. The “press” in the widest terms includes traditional print media, filming crews, hyperlocal journalists and bloggers.

Reporting is defined in the Regulations to include:

- filming, photographing or making an audio recording of proceedings at a meeting *[e.g. using a mobile phone, tablet, filming for a TV broadcast, recording for a radio broadcast]*
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later *[e.g. live streaming]*
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. *[Examples include blogging, posting comments on Facebook and tweeting].*

However the Council is not required by the regulations to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting (e.g. running a verbal commentary while filming) which could be disruptive.

The Government document “Open and Accountable Local Government – a guide for the press and public on attending and reporting on meetings of local government”, highlights certain issues that are not directly related to the provisions of the 1960 Act but which have implications in the context of the new regulations. These include filming of children, vulnerable people and others who actively object to being filmed.

The Council’s Standing Orders make provision for the control of behaviour or activities if they disrupt the meeting or obstruct the transaction of business.

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The purpose of this policy is to clarify the rights of the public and the obligations of the Council and to accommodate the requirements of the new legislation, maintaining good order at meetings of the Council and its Committees without undermining the broader transparency of the meeting.

POLICY

1. Unless the meeting has resolved to exclude the public and press, any person attending the meeting to report on the proceedings may do so by
 - filming, photographing or making an audio recording of proceedings at a meeting [*e.g using a mobile phone, tablet, filming for a TV broadcast, recording for a radio broadcast*]
 - using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later [*e.g. live streaming*]
 - reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. [*e.g. blogging, posting comments on Facebook and tweeting*]. Oral reporting is subject to the restrictions in paragraph 4 below.
2. Any person who attends a meeting 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.
3. Publication and dissemination may take place at the time of the meeting or occur after the meeting.
4. A person may not orally report or comment about a meeting as it takes place, if he is present at the meeting, as this would be disruptive to the good order of the meeting.
5. Councillors are not prevented by the rules from tweeting and blogging at meetings, provided it is not disruptive or distracts from the proper conduct of the meeting.
6. Persons undertaking these activities must not act in a disruptive manner, which could result in being excluded from the meeting, in accordance with the Council's Standing Orders.
7. Disruptive behaviour could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc the proceedings. Examples of such disruptive behaviour can include:
 - moving to areas outside the areas designated for the public without the consent of the chairman (areas designated for the public should be appropriate for filming, audio recording and photographing)
 - excessive noise in recording or setting up or re-siting equipment during the debate/discussion
 - intrusive lighting and use of flash photography
 - asking for people to repeat statements for the purposes of recording.

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8. There is no legal prohibition on leaving recording equipment in a public meeting room and record without being present but the Council may require such recording to stop if at any stage the meeting becomes a private meeting.
9. Where the public are excluded from a meeting no person may report on the meeting using 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.
10. Members of the public are requested to switch their mobile devices to silent for the duration of the meeting.
11. Within the limitations of the size of meeting chambers, accommodation and facilities installed at the premises, the Council will take reasonable steps to ensure that people attending public meetings are readily able to film, audio-record, take photographs or use social media.
12. Members of the public wishing to film, photograph or make a recording are encouraged to contact the Parish Office in advance so that every effort can be made to accommodate them.
13. Persons wishing to film, photograph or make a recording will be asked to do so from a designated area, appropriate to the room and the particular meeting.
14. If a meeting includes a public participation session, a person is free to film, photograph, make audio recording or otherwise report about individuals participating in such a session.
15. Filming, recording, photographing or other reporting of children and vulnerable persons may only take place with the consent of a responsible adult, which in the case of a vulnerable adult is a medical professional, his carer or legal guardian and, in the case of a child, is his parent, legal guardian or teacher.
16. Other members of the public present at the meeting but not wishing to participate may object to being filmed, photographed or recorded.
17. At the start of the meeting, the Chairman should issue a reminder that those present may be filmed, recorded, photographed or otherwise reported about and that those filming or taking photographs may wish to record the entirety of the public in a panning or panoramic shot, which could, inevitably include those members of the public sitting in a designated area.
18. At the start of the meeting, the Chairman should remind those wishing to film, record photograph or otherwise report on the proceedings of the meeting about the restrictions which apply in respect of a vulnerable adult or child and that they should avoid those who are sitting in the public designated area.

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19. The Council would discourage panning or panoramic shots unless it is possible to avoid zooming in or focusing on those people for whom consent has not been given.
20. Should the Council itself decide to film, photograph, record or webcast the meeting, the public will be notified.
21. Members of the public should be aware that the law of defamation and the law on public order offences apply and that freedom of speech within the law should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.
22. Filming recording photographing or other reporting of a meeting is likely to include the personal data of individuals. That person recording must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.

References:

Statutory Instrument 2014 No 2095: The Openness of Local Government Bodies Regulations 2014

DCLG - Open and Accountable Local Government: a guide for the press and public on attending and reporting meetings of local government.

NALC Legal Topic Note - LTN 5 August 2014: Parish and Community Meetings