

Report to Council

Subject: Proposed amendment to the Constitution: Standing Order to prohibit recording of private meetings

Date: 21 January 2015

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To seek approval for an addition to the Procedural Standing Orders in the Constitution to prohibit recording of a meeting where the public are excluded.

2. Background

Members will recall that the attached report (Appendix 1) was presented to the Council meeting on 12 November 2014 recommending changes to the Council's Procedural Standing Orders. In view of the operation of Standing Order 29, consideration of the report was adjourned without discussion to the next ordinary meeting of the Council.

3. Proposal

It is proposed that the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the report as set out in the attached report.

4. Resource Implications

None arising from this report.

5. Recommendation

It is recommended that:

- 5.1 the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the attached report; and

5.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Order.

Report to Council

Subject: Proposed amendment to the Constitution: Standing Order to prohibit recording of private meetings

Date: 12 November 2014

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To seek approval for an addition to the Procedural Standing Orders in the Constitution to prohibit recording of a meeting where the public are excluded.

2. Background

2.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014 and allow any person attending a council meeting which is open to the public to report on that meeting.

“Reporting” includes –

- a) Filming, photographing or making an audio recording of proceedings at the meeting;
- b) Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or
- c) Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

2.2 This means that anyone (including Councillors) can use digital communication methods, such as filming, tweeting and blogging, to record any public meetings. However, oral commentary is not allowed as this could be disruptive, so a person cannot for example sit in the public gallery and record a commentary on what is going on at the meeting on a mobile phone. They could however, for example, set the mobile phone to record what is being said by Members and Officers at the meeting.

The Council can only prevent the recording where the public are excluded from the meeting or the person reporting on the meeting is interrupting the meeting or generally being disruptive.

3. Proposal

- 3.1 The Council's current Procedural Standing Orders do not prevent filming or recording but do include provisions to control disruptive behaviour. There is no Standing Order which the Council would be able to rely on to prevent filming or recording in a private meeting. It is therefore proposed that the following is added to the Council's Procedural Standing Orders in the Constitution:

Where the public are excluded from a meeting, persons present shall not report on the meeting using methods-

- a) Which can be used without that person's presence at the meeting, and*
- b) Which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later,*

Unless the meeting first resolves to allow such reporting to take place.

For the purposes of this standing order, "reporting" means –

- 1. Filming, photographing or making an audio recording of proceedings at the meeting;*
- 2. Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or*
- 3. Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.*

- 3.2 This wording would prohibit the recording of a meeting where the public and press are excluded, but would give the meeting the discretion to allow it in appropriate circumstances.

- 3.3 The proposed change falls within Standing Order 29 which states:

"29. Variation and Revocation of the Constitution

Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders for Dealings with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers' duties, responsibilities and

titles, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”

Consequently, the changes to the Standing Orders cannot be agreed straightaway.

4. Resource Implications

None arising from this report.

5. Recommendation

It is recommended that:

- 5.1 the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the report; and
- 5.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Order.