

Laceby Village Council

The Recording of Council Meetings Policy

1.0 Introduction

- 1.1 This policy is applicable to meetings of this council, its committees, and sub-committees.
- 1.2 This council is committed to the principles of openness and transparency and encourages members of the public to attend all meetings of the council, its committees and sub-committees and therefore embraces the rights extended to members of the public by the Openness of Local Government Bodies Regulations 2014.
- 1.3 For the purpose of this policy the term “record” means any form of audio, visual or electronic recording.

2.0 Recording

- 2.1 This council will display a statement at each of its meetings, or the Chair of the meeting will read it aloud, which says “This council supports the rights of anyone to record this meeting but advises that anyone so recording cannot disrupt the meeting, by means of the recording, and expresses the hope that the person (or persons) carrying out the recording have obtained the necessary legal advice, for themselves, to ensure they understand the rights of any members of the public who may be present who do not wish to be filmed or recorded”. [The Village Council will also publish the guidance on filming, recording, and broadcasting of meetings on its website as well as making it available at its public meetings. Those undertaking such activities as described will be deemed to have accepted them, whether or not they have read them.](#)
- 2.2 Any person wishing to record in any format, must contact the Chair or Clerk prior to the meeting. **The council will define an area from which recording may be carried out** and will strive to ensure that reasonable facilities are made available to any person wishing to record, e.g. provision of a table. However, the council should point out that the physical layout of any room may restrict the council’s ability to make any provision.
- 2.3 All recording will be undertaken from a static point. Those who are recording are not permitted to leave their equipment unattended and are responsible for their equipment at all times.
- 2.4 Filming elsewhere in the building outside of the meeting room is not permitted without permission.
- 2.5 The Council will afford reasonable facilities (but not equipment) for the recording of the meeting. All external equipment which might need to be plugged in to the electricity supply will be required to have a current PAT test. The Council takes no responsibility for the loss of damage to any equipment being used for reporting, howsoever caused.
- 2.6 A person or persons recording a council meeting are reminded that the “Public Participation” period is not part of the council meeting as such and that they should take legal advice for themselves as to their rights to make any recording during that period. Additionally, legislation

provides that where a member of the public indicates to the Chair that he or she wishes to address the council on a point under discussion, that person cannot speak unless Council resolves that the meeting is suspended.

A person or persons making a recording should obtain their own legal advice in order that they understand their rights in law to record during this period of suspension.

2.7 Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents / guardians have given their written consent. This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording, i.e. a medical professional, carer, or legal guardian.

2.8 All those recording a meeting are requested to focus only on recording proceedings **and not on any individual** Councillors, officers, and those members of the public who have not requested anonymity or have not been identified as under the age of 18 or a vulnerable adult. **The Chair may conclude that such actions exceeds Article 8 of the Human Rights Act 1998 and may rule that this is not permissible.**

2.9 The Council may, at its own discretion, require members of the public who do not consent to being recorded to sit separately from those who are content to be recorded.

2.10 All film recording must be overt (i.e. clearly visible to anyone at the meeting).

2.11 **People seated in the public seating area should not be photographed, filmed, or recorded without the consent of the individuals concerned.**

2.12 **Use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image. The Council are not liable for the actions of any person making a recording at a meeting which identifies a member of the public.**

2.13 Members of the public are permitted to film or record in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.

Those who behave in a disruptive manner, may be asked to stop recording or be excluded the meeting. Disruptive behaviour is defined as 'any action or activity which disrupts the conduct of the meetings or impedes other members of the public from being able to see, hear or film the proceedings'.

This could include:

- Moving to areas outside the designated areas without consent of the Chair;
- Excessive noise in recording, setting up or moving during the meeting;
- Flash photography or excessive & intrusive lighting;
- Asking for statements to be repeated for the purpose of the recording.

2.14 A person or persons making a recording by means of filming should give consideration to the need for the use of additional lighting. The council will have regard to the impact of such lighting on the ability of others present to view the meeting, or for reasons of health, and may require that such lighting is not used or is reduced to a level which does not adversely affect other people.

- 2.15 A person or persons making a recording has no right to interrupt a council meeting by asking questions or making comments.
- 2.16 The Chair of the meeting has absolute discretion to stop or suspend recording if, in his / her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
- 2.17 The recording and reporting on meetings of the Council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the council's values or in a way that ridicules or shows a lack of respect for those in the recording. The council would expect any recording in breach of these rules to be removed from public view. The council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
- 2.18 Regarding filming of officers of the Council, the Council is obliged to comply with the Health and Safety Regulations to provide a safe workplace. If the Council receives complaint from their employees that the recordings were used to harass or threaten staff (or Members) then the Council may take action by warning those recording, not allow recording, and potentially involve the Police.
- 2.19 Where a council proposes to record its own meetings that will not prevent any other person or persons from also recording.
- 2.20 Where a council proposes to record its own meetings it will be bound by this policy.
- 2.21 Where a council proposes to record its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The council will include such recordings within its Scheme of Publication.
- 2.22 Where the press and public are excluded from a meeting owing to the confidential nature of the business to be transacted, recording of that part of the meeting will not be permitted.
- 2.23 This council is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording. **Any individual choosing to film, record or broadcast any public meeting of the council, is responsible for any claims or other liability resulting from them so doing. An individual choosing to film, record or broadcast proceedings accepts that they are required to indemnify the Village Council, its members and others in relation to any such claims or liabilities.**
- 2.24 The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.