

COUNCIL BUSINESS COMMITTEE

Filming and Recording of Council Meetings

24th May, 2006

Report of the Audit Committee

PURPOSE OF REPORT

To advise the Council Business Committee of the recommendations made by the Audit Committee with regard to filming and recording of council meetings, in order that the constitution can be amended.

This report is public

RECOMMENDATIONS

That Business Committee agree to amend the constitution as set out in Appendix B, and that the Monitoring Officer be authorised to make consequential changes to the Media Guidelines and Protocol in line with the recommendations of Audit Committee as set out in (1), (2) and (3) below.

1. Report

The Audit Committee has considered the current procedures with regard to the filming and recording of meetings and at its meeting on 26th April 2006 Audit Committee agreed the following recommendations – a copy of the original report to Audit Committee is attached at Appendix A:

- (1) That filming/recording be allowed at meetings of Council, Cabinet, Audit, and Overview and Scrutiny Committee, so long as notice is given, via the Communications Officer, in advance.**
- (2) That filming and webcasting of meetings be included within the remit of the Access to Services Review, in particular with regard to the meeting room facilities at either refurbished or new Town Halls**

Since the meeting officers have reviewed the list of meetings originally set out in the officer report identifying two omissions from the list and would suggest the additional inclusion of Council Business Committee and Budget and Performance Panel.

- (3) That additionally filming/recording be allowed at meetings of Council Business Committee and Budget and Performance Panel, so long as notice is given, via the Communications Officer, in advance.**

RELATIONSHIP TO POLICY FRAMEWORK

None directly.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly.

FINANCIAL IMPLICATIONS

None arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

The only reference in local government legislation to the filming or recording of meetings is contained in Section 1(7) of the Public Bodies (Admission to Meetings) Act 1960, which provides that nothing in the Act requires a body to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings.

Filming and Recording of meetings has in the past been prohibited under the Council's constitution and previously standing orders. Amendment to the Constitution is therefore required in order to implement the decision of the Audit Committee.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add.

BACKGROUND PAPERS

None

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Broadcasting and Recording of Council Meetings 26th April 2006

Report of Head of Democratic Services

PURPOSE OF REPORT

To advise Members of the options, costs and benefits with regard to the broadcasting, recording and filming of meetings.

This report is public

RECOMMENDATIONS

- (1) That the Committee consider which, if any option they wish to adopt with regard to the filming/ broadcasting of meetings of full Council.**
- (2) That filming and webcasting of meetings be included within the remit of the Access to Services Review, in particular with regard to the meeting room facilities at either refurbished or new Town Halls.**

1.0 Introduction

At the end of 2004 the Media Guidelines Protocol was revised and agreed by the Audit Committee. At the time consideration was given to allowing filming and/or recording of Council meetings which has been resisted in the past in order to avoid disruption. Members were minded to consider allowing filming and recording at Council meetings but requested some further analysis of the risks involved and how they would be overcome. This further report had been held back pending the future operation of full Council, which has now been agreed and has resulted in some proposals in terms of a 'special' Council meeting and changes to public speaking which are likely to result in increased public participation and increased interest in Council meetings, which will inevitably lead to more requests from the media to capture the interaction between the public and Members.

The current position is that journalists are currently able to record any exchanges in writing but are not permitted to record on tape. Filming has been refused at meetings for a number of reasons which are discussed later in this report; however, filming and recording has been allowed prior to meetings of Council.

2.0 Proposal Details

Different Types of meetings

Whilst filming and recording would be possible at all meetings there are a number of meetings where there would be difficulties with filming, particularly where there is a high degree of exempt material such as Appeals and Personnel Committee, or where evidence is being gathered from external sources and Members of the public such as Overview and Scrutiny Task Groups. Also there is a strong case to resist filming at meetings where the council is acting in a quasi-judicial role such as at Planning and Licensing Committees, where it can be argued that the same restrictions should apply as to those currently in force in a court of law.

In light of this it is recommended that at this stage discussion of filming in meetings is limited to consideration of full Council, Cabinet, Overview and Scrutiny and Audit Committee, all of which meet in the Council Chamber of Morecambe Town Hall, (with the exception of Cabinet which alternates between Morecambe and Lancaster Town Halls).

2.1 Meeting Location

There are a number of problems with filming in the Council Chamber at Morecambe Town Hall. The Council Chamber was originally designed for far fewer Councillors than the current 60 elected Members and 7 Officers who attend Council meetings, requiring the use of fold away tables. During meetings there are very narrow walkways, which do not allow access by wheelchairs, prams, or pushchairs. Members will be aware that it is already very difficult for Councillors to move in the Chamber during meetings of Council and when this is necessary, disruption is caused to the meeting.

Currently the Council Chamber has no facilities for recording sound and does not have a sound system where a sound feed could be obtained for recording/ broadcast and no cameras.

2.2 Filming

In order to obtain broadcast quality pictures it would be necessary to use high quality expensive television cameras, due to this cost most television news organisations use large, portable cameras (shoulder or tripod mounted) and very few organisations such as the Houses of Parliament, National Assembly of Wales, and Scottish Parliament have fixed installations.

Filming would in the view of Officers cause a significant amount of disruption to Council meetings. Film crews would not wish to stay for a whole Council meeting and would inevitably cause disruption when joining/ leaving the meeting. Additionally they would have to reposition to film the Mayor and top table, or use multiple cameras, which is unlikely, due to cost. The only available space for filming would involve blocking a gangway, which in itself would cause disruption and block exits causing health and safety risks e.g. fire access, cables etc.

Members also need to be aware that there would be no control over how footage of Council meetings would be used and inevitably editing would take place to meet scheduling limitations and to provide the appropriate footage required for a story.

2.3 Webcasting

Many Councils have now adopted webcasting of meetings and Civic events as a way of widening the opportunity to participate in meetings. Web casting would offer a viable option for Lancaster City Council particularly given the accommodation difficulties of meetings in the Morecambe Council Chamber. Webcasting is normally provided by remotely operated webcams, which enable different speakers to be pictured as they are speaking. Cameras can be controlled by an operator, which can be resource intensive and still requires the meeting to have a microphone system. More commonly cameras are controlled by each Councillor having a microphone, which when turned on focuses a camera on the speaker.

There is a large financial outlay in terms of the equipment; infrastructure, software and hosting required to provide webcasting of meetings and this has not been identified within current budgets. The committee would need to be sure of the value of such an outlay in light of the proposals being put forward with regard to accommodation options as part of the Access to Services Review.

Whilst systems are relatively simple to use, from viewing various webcasts few Councils have to date managed it effectively.

Additionally there is little tangible evidence that webcasting has delivered real benefits to Councils that have purchased systems. It is questionable how many more people would view a webcast who would not attend a Council meeting. As a rule, individuals attend or view a meeting when there is an issue that interests them and few people 'tune-in' speculatively.

3.0 **Details of Consultation**

3.1 The Council's Corporate Strategy, Legal, Finance, Information Services and Communications Officers have been consulted in the preparation of this report.

4.0 **Options and Options Analysis (including risk assessment)**

4.1

Option No.	OPTION	IMPLICATIONS AND RISK ANALYSIS
1	The principle of filming, recording and broadcasting Council meetings should be prohibited.	This would effectively ensure continuation of the present situation with no view to improved access to meetings and is not consistent with the principles of modernised decision making and the Access to Services Review
2	The principle of filming, recording and broadcasting meetings of Council, Cabinet, Audit, and Overview and Scrutiny Committee, should be endorsed but at present continue to be prohibited at Council meetings	This approach would support the principles of open government, modernised decision making and the Access to Services Review, but would reflect the current difficulties the Council would experience in allowing filming/ recording within its current meeting rooms.

Option No.	OPTION	IMPLICATIONS AND RISK ANALYSIS
	and should be reviewed as part of the Access to Services Review and Accommodation options outcomes.	
3	<p>Filming/recording be permitted where there is pre-arranged public participation at meetings of Council, Cabinet, Audit, and Overview and Scrutiny Committee. This will be permitted with the prior agreement from the Chief Executive and should be arranged through the Communications Officer.</p>	<p>This will provide television crews/radio stations with the same access to report public participation as their print colleagues.</p> <p>The arena is already a public one but also a controlled one in that there are rules which set out who can speak, for how long and that prior notification will be given.</p> <p>The very fact that there is public participation will mean that the meeting will be less cohesive than other meetings so any disruption film crews/radio stations cause may not be as visible as would normally be the case.</p> <p>To minimise disruption any items due to be filmed would be moved to the start of the Agenda and Members would need to be advised of this. For this reason film crews would need to inform the Council of their wish to do so at least 2 working days in advance of the meeting.</p> <p>All TV or radio crews would need to be managed. Neither Communications nor Administration currently have the resources to provide this service.</p> <p>It would be necessary for any companies filming/recording to provide the Council with a copy of the entire film to ensure that there are no inconsistencies between their recording and the published minutes.</p> <p>Rules provided to members of the public intending to speak at the meetings will also inform potential speakers that there is a possibility they will be filmed/record by television/radio.</p>

Option No.	OPTION	IMPLICATIONS AND RISK ANALYSIS
4	Filming/recording be allowed at any meeting of Council, Cabinet, Audit and Overview and Scrutiny Committee held in public so long as consent is obtained via the Communications Officer, in advance.	In addition to the above points this may mean that even where there is no public participation meetings could be open to a fair amount of disruption.
5	Filming/recording be allowed at meetings of Council, Cabinet, Audit, and Overview and Scrutiny Committee., so long as notice is given, via the Communications Officer, in advance.	This would cause significant disruption to meetings due to the meeting facilities currently available to the Council. Additionally there would be health and safety issues in terms of gangways being blocked etc. Members attention is particularly drawn to the issues set out in section 2.1 and the Legal implications of this report.
6	Any of the above options 3 – 5, with the inclusion of webcasting.	This would have to be the subject of a growth bid in the budget process and Members would need to ensure that this would achieve significant benefits to the Council, particularly in light of the Access to Services review proposals.

5.0 Officer Preferred Option and Comments

5.1 Officers would support Option 2 for the reasons as set out in the implications and risk analysis.

6.0 Conclusion

It is important that in addressing this issue the Committee considers the limitations of the current meeting rooms and balances this against the public involvement in the democratic process and the benefits to the Council of increasing this involvement.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

FINANCIAL IMPLICATIONS

There are clear financial and human resource implications to the authority in providing, operating and maintaining a webcasting system. Whilst there may be merit in the future consideration of webcasting, at this time it would not be prudent for them to be pursued in light of the changes that will be necessary to the Town Hall accommodation as part of the Access to Services Best Review, regardless of which option is chosen.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

The only reference in local government legislation to the filming or recording of meetings is contained in Section 1(7) of the Public Bodies (Admission to Meetings) Act 1960, which provides that nothing in the Act requires a body to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings.

Filming and Recording of meetings has in the past been prohibited under the Council's constitution and previously standing orders. The published Minutes of a meeting are the formal record of the meeting, but the existence of a sound or visual recording of a meeting would be able to be used in court, in terms of action against the authority or Members of the authority.

It should be noted that Councillors unlike Members of Parliament do not have parliamentary privilege, which is absolute. Qualified privilege will generally apply to Council and Committee meetings, so that Members will generally be protected from claims of defamation in the absence of malice.

A further consideration that may be relevant to the issue of filming is the issue of child protection, and if the Council was to allow filming/ broadcasting of meetings it would need to revisit its policies with regard to children and young people being present at meetings. In making a decision on this issue Members would need to balance the risk to the authority against the benefits of allowing filming/ recording.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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APPENDIX B

Proposed Constitutional Amendment to Part 4, Rules of Procedure, Section 1 Council

27 Filming and Recording of Council Meetings

The press and media will be allowed to film and record meetings of Council, Cabinet, Audit Committee, Council Business Committee, Overview and Scrutiny Committee and Budget and Performance Panel, which are open to the press and public, so long as notice is given in advance, via the Communications Officer, in accordance with the Council's Media Guidelines.