

TODMORDEN TOWN COUNCIL

GUIDELINES FOR THE EFFECTIVE MANAGEMENT OF RECORDING AT TOWN COUNCIL MEETINGS

The right to record, film and to broadcast meetings of the Town Council, its Committees, Sub Committees and any joint Committees is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Todmorden Town Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of the Town Council.

Todmorden Town Council understands that some members of the public attending its meetings may not wish to be recorded, and the Chairman of the meeting will facilitate this by ensuring that any such request is respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

The rules that the Town Council will apply are as follows:

1. The Town Council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website, and on notice boards in the Town, and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of these rules will be provided to members of the public in attendance at a meeting of the Town Council, whether they wish to film or not at the meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record, but that these rules **must** be observed when this is planned or taking place.
3. **Any person wishing to record a meeting in any format whatsoever must contact the Clerk prior to the start of the meeting.** The Clerk’s details are set out in the public notice and agenda of the meeting; or in her absence, the contact will be the Assistant Clerk.
4. The Town Council will define an area from which recording may be carried out and, if given advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record. However the Town Council should point out that the physical layout of a room may restrict the Town Council’s ability to make any provision.
5. The Town Council prefers that all visual recording are undertaken from a static point to avoid disruption at the meeting. For meetings taking place in main Council Chamber, all visual recordings should be undertaken from the former Court Dock area. For meetings taking place in Committee Room A, all visual recordings should be undertaken from a 1 metre square area at the right hand corner of the room, next to the window.
6. A person or persons recording Town Council meetings are reminded that the “Public Participation” period is not part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.
7. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, **recording of that meeting or that part of the meeting will not be permitted.**
8. 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, ie a medical professional, carer or legal guardian.

9. All those recording a meeting are requested to focus only on recording 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.
10. The Town 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.
11. All recording must be overt (ie clearly visible to anyone at the meeting).
12. Members of the public are permitted to film or record meetings to which they are permitted access 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.
13. A person or persons making a recording has no right to interrupt a Council meeting by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
14. The Chairman 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.
15. Persons who are recording must strive not to leave equipment unattended.
16. The recording and reporting on meetings of the Town 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 Town Council's values, or in a way that ridicules or shows a lack of respect for those in the recording. The Town Council would expect any recording in breach of these rules to be removed from public view. The Town Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
17. The Clerk should be contacted in advance of the meeting if the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements eg to move around the room to record or film from different angles (note the Council's preference for static recording). The use of lighting for filming/flash photography will usually be allowed if it is arranged via the Clerk prior to the meeting but the Town 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. The lighting must not cause any other form of disruption.
18. The Town Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Should the Town Council propose to record all of its own meetings, it will be bound by this policy.
19. Should the Town Council propose to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The Town Council will include such recordings within its Publication Scheme.
20. The Town Council is not liable for the actions of any person making a recording at Council meetings which identifies a member of the public or for any publication of that recording.
21. The minutes of the Council meetings remain the statutory and legally binding formal record of Town Council decisions.

Date of policy adoption - 3rd December 2014.