

# MUNICIPAL YEAR 2014/2015 REPORT NO. 208

**MEETING TITLE AND DATE:**

Council – 25 March 2015

**REPORT OF:**

Director of Finance  
Resources & Customer  
Services

Contact: James Kinsella (020 8379 4041)

E mail: [James.Kinsella@enfield.gov.uk](mailto:James.Kinsella@enfield.gov.uk)

<b>Agenda – Part: 1</b>	<b>Item: 11</b>
<b>Subject: References from Members &amp; Democratic Services Group: (a) Amendment to policy on filming at Council meetings; and (b) Member Appointments Protocol</b>	
<b>Cabinet &amp; Other Members consulted: n/a</b>	

## 1. EXECUTIVE SUMMARY

- 1.1 This report presents two items that were considered and agreed for recommendation on to Council by the Members & Democratic Services Group on 18 February 2015.
- 1.2 The first of these relates to an amendment to the policy agreed by Council on 9 October 2013 in relation to the filming of Council meetings in order to ensure that the Council is fully complying with changes introduced as a result of the Openness of Local Government Bodies Regulations introduced in 2014.
- 1.3 The second of these seeks approval to the introduction of a protocol to govern the way that Member Appointment Panels operate and associated amendments to the Terms of Reference for these Appointment Panels and the Officer Appointment Procedure Rules.

## 2. RECOMMENDATIONS

Council is asked to approve:

- 2.1 the amendment to section (c) of the policy for filming at Council meetings, as set out in para 3.1.7 of the report and to the administrative change in terms of how the policy is cross referenced within the remainder of the Constitution, as detailed in section 3.1.8 of the report
- 2.2 Adoption of the Member Appointment Panel protocol and amendments to the Terms of Reference for the Appointments Panel and Officer Appointment Procedure Rules as detailed in section 3.2 and Appendix 1 of the report.

### **3. BACKGROUND**

#### **3.1 Policy on filming at meetings of the Council**

- 3.1.1 Regulation 4 (6) (Part 2) within the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 included the provision that “while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.” Supplemental guidance issued by the Department for Communities & Local Government (June 2013) “Your council’s cabinet – going to its meetings, seeing how it works: A guide for local people” specifically addresses the issue of filming at Council meetings.

The guidance says:

“Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The Council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.”

- 3.1.2 As a result Council, following consideration by the Members and Democratic Services Group in September 2013 agreed to adopt the following policy on filming at meetings of the Council:
- (a) The filming and recording of the public sessions of any Council, Cabinet, Committee, Panel or Area Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

- (b) The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment or the behaviour of the person filming the meeting
- (c) Anyone wishing to record or film at a meeting must contact the relevant meeting administrator normally no less than 3 working days before the meeting in question so that the Chair, other councillors and any members of the public present can be informed and the necessary arrangements made.
- (d) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the chair will make arrangements for that individual to be excluded from the recording.
- (e) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that (a) recordings will include sound and vision; (b) the original version will be available to the Council on request and (c) that recordings will not be edited in a misleading way.
- (f) If a meeting passes a motion to exclude the press and public then all rights to record the part of the meeting to which the exemption applies will be removed.

3.1.3 The Openness of Local Government Bodies Regulations 2014 expand on the 2013 Regulations by specifying that any person attending a meeting must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method, including the internet, to publish, post or otherwise share the results of their reporting activities. Publication and dissemination may take place in the meeting or afterwards.

3.1.4 Reporting is defined in the Regulations as:

- Filming, photographing or making an audio recording of proceedings at a meeting;
- Using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later; or
- 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 if the person is not present;

- 3.1.5 The Council has already adopted a policy which allows filming to take place at meetings through any audio, visual or written methods, providing this does not disturb the conduct of the meeting. Having reviewed the policy against the requirements within the 2014 Regulations the one issue highlighted is the fact that section (c) of the Council's policy requires anyone wishing to record or film at a meeting to provide no less than three days notice prior to the meeting.
- 3.1.6 As the 2014 Regulations have created a legal right to record and film meetings open to the public it is no longer possible for the Council to impose a requirement for advance notice to be provided. In practice, the Council has been operating within the spirit of the Regulations by allowing anyone who turns up to film or record a meeting without advance notice to do so, but the policy needs to be amended to reflect the current practice and ensure compliance with the most recent Regulations.
- 3.1.7 The following amendment to section (c) of the filming policy is therefore recommended for consideration:
- (c) Subject to (a) and (b) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required anyone intending to film or record at a meeting is asked to contact the relevant meeting administrator in advance of the meeting, so that the Chair, other councillors and any members of the public present can be informed and the necessary arrangements made."
- 3.1.8 Members and Democratic Services Group approved the proposed amendment for recommendation on to Council for formal approval and adoption within the filming policy contained in the Council Procedure Rules (Chapter 4.1 of the Constitution – para 33). At the same time they also agreed, as an administrative change to the Constitution, that inclusion of the complete filming policy wording within the Cabinet, Scrutiny and Committee Procedure Rules in the Constitution is replaced by cross reference to the relevant section in the Council Procedure Rules, as a means of avoiding duplication and streamlining content.

## **3.2 Protocol for Member Appointment Panels**

- 3.2.1 Members and Democratic Services Group were also asked to consider the adoption, as part of the Officer Appointment Procedure Rules, of a protocol relating to the way in which Member Appointment Panels operated. The protocol had been designed to ensure that Appointment Panels were able to operate in a consistent way.

- 3.2.2 In developing the protocol the opportunity was also taken to review and update the Terms of Reference for the Appointment Panel and associated Procedure Rules relating to Officer appointments. The protocol and amendments recommended to the Procedure Rules and Terms of Reference have been set out in Appendix 1 of the report. A version of the appendix showing the amendments as “tracked” changes is available on request from Democratic Services.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 No other options have been considered in relation to amendment of the policy on filming at meetings as this has been designed to ensure the Council complies with the requirement in the Openness of Local Government Bodies Regulations 2014.
- 4.2 None – in relation to the protocol for Member Appointments.

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 To ensure the Council complies with the requirements in the Openness of Local Government Bodies Regulations 2014 in relation to the policy on filming at meetings.
- 5.2 The protocol for Member Appointments had been designed to ensure that Appointment Panels operate in a consistent way, with the associated amendments to the Panel Terms of Reference and Officer Appointment Procedure Rules having been recommended in order to update the existing arrangements.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

None – the changes required to the Constitution will be met from within existing resources.

##### **6.2 Legal Implications**

The recommendation in the report has been designed to reflect, within the Council’s Constitution, the requirements within the Openness of Local Government Bodies Regulations 2014 as they apply to the Council’s policy on filming at meetings and to update the Terms of Reference and Procedure Rules relating to member appointments.

#### **7. KEY RISKS**

The Council has adopted a policy on filming at meetings of the Council which has been designed to recognise the increased use of social media and mobile technology. The amendment outlined in the report has been

recommended to ensure that the Council complies with the most recently introduced Regulations and to ensure a clear and consistent approach in the way the Council operates both its filming and Member Appointment policy and procedures.

## **8. IMPACT ON COUNCIL PRIORITIES**

### **8.1 Fairness for All & Strong Communities**

The change in the policy on filming at meetings (required as a result of the Openness of Local Government Bodies Regulations) and development of a protocol relating to Member Appointments have been designed to increase transparency and openness in relation to the Council's decision making process.

## **9. EQUALITIES IMPACT IMPLICATIONS**

It has not been necessary to carry out an Equalities Impact Assessment in relation to this proposal.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The changes introduced to the Council's governance and decision making procedures have been designed to assist the Council in managing its business in as efficient and effective a way as possible.

## **11. PUBLIC HEALTH IMPLICATIONS**

There are no specific public health implications arising from the proposals within this report.

## **Background Papers**

None