



Eden

District Council

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Responsible Officer: Assistant Director Governance (Monitoring Officer)

Recording and Reporting of Public Meetings Policy

Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: communication@eden.gov.uk

Document Control

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v0.2	Information Governance Manager, Member Services Team Leader	17 June 2020	Virtual meetings added, summaries added as appendices, contact details updated, amendments for clarification purposes
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1 Introduction

- 1.1 This Recording and Reporting of Public Meetings Policy is a public document for Council officers and elected Members, the public and press and any others who may record or report the Council's public meetings. This policy supports the transparency, accessibility and accountability of our decision making.

2 Purpose

- 2.1 The purpose of this policy is to provide a commitment and clear direction on the recording and reporting of the Council's public meetings (including virtual meetings) and to ensure compliance with all relevant legislative and regulatory requirements and our Constitution.

3 Scope

- 3.1 This policy applies to the recording and reporting of the Council's formal public meetings (including virtual meetings), where decisions are made in respect of Council business and which are open to members of the public and press to attend.

These include:

- Council;
- Executive;
- Planning Committee;
- Overview and Scrutiny Committee;
- Budget Planning Committee;
- Licensing Committee;
- Human Resources and Appeals Committee; and
- Accounts and Governance Committee.

- 3.2 Portfolio Holder meetings are not included, as they are not open to the public or press.

- 3.3 This policy does not apply to private meetings, such as training sessions, task and finish group meetings, officer or Member working group meetings or political group meetings, as these are not formal public meetings.

- 3.4 This policy covers both meetings held physically, with some or all elected Members being present in a room and also virtual meetings, where a meeting 'is held' in different remote/virtual locations. As such, this policy helps to support the Council's 'Virtual Public Meetings Policy,' introduced in May 2020 in response to the Coronavirus pandemic.

- 3.5 This policy covers all forms of recording and reporting and all forms of media, including (but not limited to) filming and photography, video links and live streaming, blogging and the use of social media.

- 3.6 A distinction is drawn in this policy between recording and reporting, as it is possible to record without reporting and also to report without recording.

4 Policy Statement

- 4.1 We are committed to being open and transparent about how we work, how our decisions are made and the services we provide and to complying with all legal and regulatory requirements and our Constitution.
- 4.2 We welcome the use of modern communication methods at our public meetings and also to enable our public meetings to take place virtually/remotely where appropriate.
- 4.3 We will make available shorter summaries of this policy, targeted at relevant audiences, including one for the public and press, which is provided at Appendix B to this policy and can be used as a notice or poster in venues where the Council's public meetings are held. It will also be made available on our website.
- 4.4 In our own recording and reporting of our public meetings, we will seek to balance our obligations for accountability and transparency with our data protection and confidentiality duties. Where information is exempt from disclosure for data protection reasons or because we are subject to a duty of confidentiality, we will seek to edit that information. In the event of a breach involving personal information, we will follow our Personal Data Breach Policy.

5 Legal and Regulatory Requirements

- 5.1 We will seek to comply with all relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings.
- 5.2 In accordance with the Openness of Local Government Bodies Regulations 2014, persons and press attending any meeting of the Council open to the public are allowed to record and/or report all or part of that meeting. This includes filming, recording, photographing or any other means for enabling people not present to see or hear proceedings at a meeting at the same time as it takes place or later. We will provide reasonable facilities to enable them to do so, as far as is practical.
- 5.3 We will seek to comply with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 and all other relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings (including virtual meetings). During the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing. The Regulations apply to meetings held before 7 May 2021 and permit the holding of meetings without all, or indeed any elected Members being present in a room
- 5.4 During our public meetings, there may be occasions when recording and reporting is not permitted, in accordance with provisions set out in Schedule 12A of the Local Government Act. This is when matters involving exempt or confidential information are under discussion

5.5 The main legal and regulatory requirements that apply to the recording and reporting of the Council's public meetings are:

- Common Law Duty of Confidentiality;
- Equality Act 2010;
- General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA);
- Local Government Act 1972, Schedule 12A;
- Local Government Act 1985, S85;
- The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020; and
- The Openness of Local Government Bodies Regulations 2014.

5.6 The recording or reporting of meetings does not replace the formal written minutes of any meeting. Neither does it necessitate or dictate that minutes need to be a verbatim account. Minutes of a meeting are a summary of the business transacted at the meeting, with a record of the resultant decisions.

6 Notification

6.1 The Chairman or legal officer will announce at the beginning of a public meeting if it is to be recorded and/or reported (video linked and live streamed) by the Council and whether it is to be capable of repeat viewing or listening (if audio only).

6.2 A statement will be included on agendas of public meetings to announce whether all or part of the meeting is to be recorded and/or reported. A link and joining instructions will be provided if all or part of the meeting is to be video linked and live streamed.

6.3 The Chairman or legal officer will advise that recording and reporting is to stop, when matters involving exempt or confidential information are under discussion according to Schedule 12A of the Local Government Act 1972.

6.4 The Chairman or legal officer will attempt to announce when the Council's recording or reporting is to be stopped or suspended due to technical issues, or for any other reason.

7. Recording and Reporting Requirements

7.1 This section and its requirements applies to all recording and reporting of the Council's public meetings by any persons, including (but not limited to) the Council, public and press.

7.2 Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.

- 7.3 Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- 7.4 Recording and reporting of the public gallery is not permitted.
- 7.5 All persons recording and/or reporting must remain silent while doing so, unless asked by the Chairman to comment.
- 7.6 Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.

8 Recording and Reporting by the Council

- 8.1 Audio recording was enabled by the Council by the introduction of a digital microphone system in the Council Chamber during 2018. Video recording and live streaming were enabled during May 2020, to allow for virtual meetings during the Coronavirus pandemic.
- 8.2 Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- 8.3 Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and displayed in the Council Chamber, or other venue where a public meeting is taking place.
- 8.4 Recordings or associated transcripts and/or their links may be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- 8.5 Any recordings or associated transcripts made by the Council may be edited to:
- remove confidential items in accordance with 12A of the Local Government Act 1972;
 - remove obscenities or actionable remarks;
 - remove any images or audio of children or vulnerable adults (safeguarding);
 - comply with Human Rights legislation;
 - comply with Data Protection legislation;
 - address technical issues; and
 - remove items out-with the scope of the meeting.
- 8.6 Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

9 Information Security

- 9.1 We are committed to preserving the confidentiality, integrity and availability of our information systems and assets. We will seek to do this in accordance with our Information Security Policy, through a range of administrative, technical and physical controls.
- 9.2 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings.

10 Roles and Responsibilities

- 10.1 The Monitoring Officer has day to day responsibility for ensuring the proper administration of committee meetings and compliance with the Constitution. The Data Protection Officer is responsible for compliance with Data Protection legislation. The Monitoring Officer and Data Protection Officer is:

Assistant Director Governance (Monitoring Officer)
Eden District Council
Town Hall
Penrith
Cumbria CA11 7QF

Telephone: 01768 212249

Email: dcls@eden.gov.uk

- 10.2 The Chairman has absolute discretion to adjourn a meeting or to terminate or suspend the recording and reporting of proceedings, if in the opinion of the Chairman, continuing to record or report would prejudice the proceedings of the meeting. This includes:
- Public disturbance, or use of obscenities;
 - Exclusion of the press being moved and supported by the Members; and
 - Any other reason moved and seconded and supported by the Members.
- 10.3 Democratic Services officers will provide guidance and advice on the recording and reporting of meetings.
- 10.4 The Senior Information Risk Officer/Owner (SIRO) has overall responsibility for managing information risk in relation to all aspects of the Council's recording and reporting of public meetings.
- 10.5 The Head of Shared ICT and Lead for Digital Innovation will ensure appropriate technical support, information security and equipment for the Council's recording and reporting of public meetings.

11 Recording and Reporting by the Public and Press

- 11.1 While a meeting is open to the public, any person attending wishing to record or report proceedings is, so far as practicable to be afforded reasonable facilities (such as Wifi and electricity supply) for doing so.
- 11.2 All persons recording or reporting must be courteous and respectful at all times.
- 11.3 Recording and reporting of meetings must not be edited in such a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards another person.
- 11.4 Electronic devices used for recording or reporting, such as laptops, tablets, cameras or mobile phones etc. must not be audible during proceedings and should be placed on silent settings.
- 11.5 The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.
- 11.6 Any person wishing to record or report using large equipment (including the use of a camera and tripod), or having other special requirements should contact the Council at least 24 hours in advance of the meeting to seek advice and guidance, by email: cttee.admin@eden.gov.uk or telephone: 01768 817817 Such requests will be subject to practical considerations and the constraints of meeting rooms. This requirement is to prevent proceedings from being disrupted and so that others attending the meeting can be informed.
- 11.7 Persons using large equipment or having special arrangements must arrive at least half an hour prior to the commencement of the meeting to set up, in order to avoid disruption to proceedings.
- 11.8 Cameras and/or tripods must not be dismantled or removed until the public meeting has been completed, unless otherwise permitted by the Chairman.
- 11.9 Any filming with the use of a camera and tripod must be carried out from a vantage point designated by a Council officer. Persons filming using a camera and/or tripod must remain at their vantage point for the duration of the meeting.
- 11.10 Persons wishing to record or report the Council's public meetings must provide their own equipment.
- 11.11 The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press.
- 11.12 Free Wifi is provided for use by the public and press in the Council Chamber.

12 Compliance

- 12.1 All Council officers and elected Members, members of the public and press must comply with this Recording and Reporting of Public Meetings Policy.

13 Review

- 13.1 This policy will be reviewed by April 2022, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer) and Information Governance Manager.

Appendix A – Summary - Recording and Reporting by Eden District Council

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- Recording and reporting of the public gallery is not permitted.
- All persons recording and/or reporting must remain silent, unless asked by the Chairman to comment.
- Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.
- Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and a printed notice will be displayed in the Council Chamber.
- Recordings or associated transcripts and/or their links will be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- Any recordings or associated transcripts made by the Council may be edited to:
 - remove confidential items in accordance with 12A of the Local Government Act 1972;
 - remove obscenities or actionable remarks;
 - remove any images or audio of children or vulnerable adults (safeguarding);
 - comply with Human Rights legislation;
 - comply with Data Protection legislation;
 - address technical issues; and
 - remove items out-with the scope of the meeting.
- Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

Appendix B – Summary - Recording and Reporting by the Public and Press

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian.
- Recording and reporting of the public gallery is not permitted.
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- Persons wishing to record or report the Council's public meetings must provide their own equipment.
- The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press, or other party.
- Free Wifi is provided for use by the public and press in the Council Chamber.