

Policy on Recording, Filming, Photographing and Broadcasting Dartford Borough Council Meetings

1. General

Dartford Borough Council is committed to good governance and to open and transparent decision making. The Council welcomes the attendance of the press and public at all of its meetings, whilst they are open to the public.

This policy provides guidance to the public and press on the use of mobile phones, social media (use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook, YouTube and SMS text messaging), filming, photographing, recording and broadcasting of Council, Cabinet, Committee, Sub-committee, Board and Panel meetings.

2. Who may attend Council meetings for the purpose of recording, filming, photographing or broadcasting meetings and to which meetings do these rights apply?

The press or public may attend any meeting of the Council, Cabinet, a Committee, Board, or Panel whilst that meeting is in open session. They may record, film, photograph and broadcast the proceedings of any of these meetings.

The “press” is widely defined and includes citizen journalists, bloggers, social commentators and film crews as well as more traditional print media. There is no requirement for accreditation.

3. What facilities are available to the public and press under this policy?

The Council will make “reasonable” facilities available to assist anyone wishing to record, film, photograph or broadcast proceedings of its meetings. This will include providing a table at each meeting for use by the press to assist with taking their reports.

The Council will also designate an area in the public gallery, typically the front row, for use by anyone wishing to record, film, photograph or broadcast proceedings.

The Council will not provide any additional kit or equipment to enable the recording, filming, photographing or broadcasting of proceedings, beyond the normal microphone systems employed at the meeting. Nor will the Council facilitate additional internet access. If and to the extent that Wi-Fi is available in the meeting room, the Council will not be liable for any disconnection, suspension, interruption or termination to the Wi-Fi service.

4. What can be recorded, filmed, photographed or broadcasted?

Any meeting of the Council, Cabinet, all Committees, Sub-committees, Board and Panels and any joint committees with other local authorities may be recorded, filmed, photographed or broadcast, whilst these meetings are in public session

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only. However any such activity, broadcast, commentary or expression of views is subject to the UK legislation, including the laws of defamation, public order, data protection and human rights.

5. What may not be recorded, filmed, photographed or broadcast?

(a) Meetings during which the presence of the press and public are excluded

The public and the press must be excluded, by resolution, from a meeting, where the transaction of business on the agenda is likely to involve the disclosure of confidential information i.e. information provided to the Council by a government department on terms which forbid the disclosure of the information to the public: and information which is prohibited from being disclosed by any enactment or by a court order.

Where the transaction of business on the agenda is likely to involve the disclosure of exempt information (see Annex to this policy), the public and the press may be excluded from a meeting (the Council has a discretion in the matter) by resolution.

Where it is resolved to exclude the press and public then, in conjunction with this, all rights to film, record, photograph or broadcast the meeting are rescinded and recording equipment used for the purpose of reporting the meeting, must be removed from the meeting while the meeting is in closed session.

(b) Members of the public attending the meeting who do not wish to be recorded, filmed, photographed or broadcasted

A separate area in the public gallery has been designated for people who do not wish to be filmed, photographed, recorded or appear in any broadcast. This area will typically be towards the rear of the public gallery.

Persons who film, photograph, record, or broadcast meetings are requested to only focus on Councillors, Officers and the public who are directly involved in the conduct of the meeting. Where a member of the public is permitted to address a meeting (e.g. Development Control Board), the Chairman will ask each individual to give their express permission to being filmed, recorded, photographed or to appear in a broadcast or in any other means used by the press or public for enabling persons not present to see or hear proceedings at the meeting as it takes place or later. Where permission is refused, the Chairman will instruct that any recording, filming, photographing etc. cease with immediate effect, whilst the person is addressing the meeting. Failure to comply with this instruction will be deemed to constitute disruptive behaviour which may result in expulsion from the meeting, under the Council's Standing Order 18(2).

(c) Use of Mobile Devices and oral commentary

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To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are set to silent mode during the meeting.

Whilst written report or written commentary is permitted during a meeting, no oral commentary or oral reporting is permitted, as this could be disruptive to the proceedings of the meeting.

6. Exclusion from a meeting on the grounds of disruptive or intrusive behaviour

As far as possible, every effort will be made by the Council to ensure that the public and the press are able to exercise their rights to film etc. However, should this activity become overly intrusive or disruptive to the point where it is considered to interfere with the proceedings or the conduct of business, or the decision making process, then the Mayor (in the case of Council meetings) or the Chairman (in the case of Cabinet, Committees etc. meetings) will warn the person to desist. If the instruction is not respected, the person will be asked to leave the meeting.

If the activity is disruptive or distracting to the good order and conduct of the meeting, the Mayor or Chairman may rescind permission to record, photograph, film, broadcast or to the use of any other means by the press or public for enabling persons not present, to see or hear proceedings at the meeting as it takes place, or later. The Mayor or Chairman's ruling is final.

Examples of disruptive behaviour include:

- moving to areas outside of the designated area within the public gallery for the purpose of recording, filming, photographing or broadcasting the meeting, without the permission of the Mayor or Chairman;
- generating excessive noise in making a recording or during the setting up or re-siting of equipment during the meeting;
- intrusive lighting or use of flash photography;
- attempting to address the meeting without permission or asking for statements to be repeated for the purposes of recording;
- seeking to record, film, photograph or broadcast members of the public against their wishes.

This list is not exhaustive.

7. Is permission required to attend a meeting for the purpose of recording, filming, photographing or broadcasting proceedings?

While no prior permission is required to film, record, photograph or broadcast a meeting in open session, it is advisable that any person wishing to film or audio-record a public meeting, notify Member Services in advance, so that reasonable facilities can be provided for the public meeting.

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8. Claims or liabilities

Any person or organisation choosing to film, photograph, record or broadcast any meetings of the Council, Cabinet etc. is responsible for any claims or other liability resulting from their activities and by choosing to film, photograph, record or broadcast proceedings, they accept that they are required to indemnify the Council, its Members and Officers in relation to any such claims or liabilities.

9. Deemed acceptance of this policy's requirements

Any person or organisation choosing to film, photograph, record or broadcast any meetings of the Council, Cabinet etc. is deemed to have accepted the requirements of this policy, whether they have read the policy or not.

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Annex

LOCAL GOVERNMENT ACT 1972 SCHEDULE 12A: PARTS 1-3 STANDING ORDER 46

ACCESS TO INFORMATION: CATEGORIES OF EXEMPT INFORMATION

Category	Qualification
1. Information relating to an individual	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none">(a) where disclosure is prohibited by statute; or(b) where disclosure might involve providing personal information about individuals; or(c) where disclosure might breach a duty of confidentiality; and(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none">(a) where disclosure is prohibited by statute; or(b) where disclosure might involve providing personal information about individuals; or(c) where disclosure might breach a duty of confidentiality; and(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>This category will include commercial and contractual interests</p>	<p>Information is not exempt information if it is required to be registered by law e.g. company information, registered charities etc.</p> <p>Information is only exempt if and for so long as:</p> <ul style="list-style-type: none">(a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or(b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or(c) disclosure of trade secrets and other information would, or would likely, prejudice the commercial interests of any person, including the Council; and(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.

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Category	Qualification
<p>4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority</p> <p>'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute</p> <p>'employee' means a person employed under a contract of service</p> <p>'office-holder' means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>	<p>Information is only exempt if and for so long as its disclosure to the public:</p> <p>(a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and</p> <p>(b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is only exempt:</p> <p>(a) where a claim of legal professional privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; and</p> <p>(b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information is exempt only if and so long as:</p> <p>(a) disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and</p> <p>(b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is only exempt if its disclosure would, or would be likely to, prejudice-</p> <p>(a) criminal investigations and proceedings; or</p> <p>(b) the apprehension or prosecution of offenders; or</p> <p>(c) the administration of justice; or</p> <p>(d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or</p> <p>(e) regulatory enforcement; or</p> <p>(f) any civil proceedings; or</p> <p>(g) Health and safety; or</p> <p>(h) information obtained from confidential sources; and</p> <p>(i) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.