

# **RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA PROTOCOL AND GUIDANCE**

## **Introduction**

Swindon Borough Council is committed to being open and transparent in the way it conducts all its main decision-making meetings which are held in public.

Swindon Borough Council recognises that it operates in a modern digital world where the use of filming and contemporary communication methods such as tweeting and blogging is commonplace. It has responded to the Government's requirements through the "Openness of Local Government Bodies Regulations 2014" to increase citizens' rights to attend and report on meetings and has therefore adopted the following revised "Standing Order" and Protocol / Guide.

## **12. RECORDING OF PROCEEDINGS BY THE MEDIA AND RESIDENTS OF THE BOROUGH**

12.- Audio and visual recordings of a meeting of the Council, the Cabinet, Committees and other Council bodies that is open to the public is permitted by legislation. Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting is requested to advise the Mayor, Leader, or Chair of the meeting of their intention to do so. That activity shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The Mayor, Leader, or Chair of the meeting shall advise Members that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehavior or disruption of the meeting, the Mayor, Leader, or Chair of the meeting may exclude any individual who is recording the meeting.

This means that the taking of photographs and audio / visual recording of any meetings that are held in public is generally permitted, preferably with a prior request to the Mayor, Leader, or Chair of the relevant Committee, and in accordance with this protocol.

The purpose of this protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

The protocol also refers to the use of "Social Media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor or Chair does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

The Local Audit and Accountability Act 2014 and the "Openness of Local Government Bodies Regulations 2014" set out the statutory provisions that permit the recording of proceedings by any person attending the meeting.

## **Limitations**

Although there is a general presumption in favour of allowing photography, audio / visual recording and the use of media tools at Council meetings, in order to maintain orderly conduct or prevent misbehaviour or disruption of the meeting, the Mayor, Leader, or Chair of the meeting may exclude any individual who is recording the meeting

## **Audio and Visual Recording - Your Obligations**

Any member of the public or of the media wishing to photograph and / or audio or visually record a meeting must agree to the following:

- a) Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chair so as to minimise disruption to the proceedings;
- b) The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chair, so as to minimise disruption to the proceedings;
- c) If the Mayor or Chair feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop;
- d) If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- e) If the Mayor, Leader, or Chair adjourns the meeting, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- f) Those making audio or visual recordings must comply with any request made by the Mayor or Chair regarding respecting the public's right to privacy;
- g) People seated in the public gallery / seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are seated in a "public seating area";
- h) Use must not be made of an image or recording if consent is refused by an individual;
- i) Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

It should be noted that failure to comply with this Protocol may lead to the refusal of any future requests to photograph or audio or visually record any future Council meetings in view of the risk of future disruption to proceedings.

If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect may be displayed in the relevant meeting room.

To assist the public, the Chair will, in accordance with the Council's Standing Order 12, make an announcement that the meeting will be photographed and /or recorded or filmed.

The Council may, on occasion, audio record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect and these recordings will not be made available to anyone outside the Council.

## **Audio and Visual Recording - Your Rights**

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Committee Officer in attendance at the meeting, or the Mayor, Leader or Chair of the relevant committee if notice that a request to photograph / record has been received is given.

## **Procedure Prior to the Meeting for those Wishing to Record or Photograph a Meeting**

Requests to take photographs or undertake audio or visual recordings of meetings open to the public, either by members of the public or by the media should wherever possible be made to the Committee Officer for the meeting concerned. (Contact details available on the Agenda for the meeting and on the Council's Website or by emailing committee services@swindon.gov.uk.) at least two working days before the meeting.

The request should include the following information as this will assist the Council in making preparations for the meeting to avoid any disruption to the proceedings:

- a) to which meeting this request refers;
- b) the name, organisation (if applicable) and contact details of the person making the request;
- c) what equipment it is intended will be used (e.g. camera/audio recorder/video camera);
- d) what the photographs, or audio / visual recording will be used for and / or where the information is to be published.

## **Procedure at the Meeting**

Equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor, Leader, or Chair. This will be communicated to all relevant parties. This is to minimise disruption to the proceedings.

If the Mayor, Leader, or Chair feels the photography/audio / visual recording is disrupting the proceedings the operator of the equipment will be required to stop.

If use continues the Mayor, Leader, or Chair will ask the person to leave the meeting. If the person refuses to leave then the Mayor, Leader, or Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Mayor or Chair's requests may be refused permission to photograph, record or film at future Swindon Borough Council meetings that are open to the public so as to minimise the risk of future disruption to the proceedings.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

If a meeting for which agreement is given to record or photograph is adjourned by the Mayor or Chair then any recording or photography should stop at the point at which the meeting is adjourned.

## **Social Media**

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor, Leader, or Chair does not consider their actions are disrupting the proceedings of the meeting.

Any person can provide a written commentary during a meeting, as well as an oral commentary outside or after the meeting.

If the Mayor, Leader, or Chair feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, the Mayor, Leader, or Chair will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Councillors and members of the public are reminded that the law of the land applies to social media use – including the law of defamation and the law on public order offences.

October 2014

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