

APPENDIX K – PROTOCOL FOR WEBCASTING, FILMING AND RECORDING OF COUNCIL MEETINGS

Background

Both Local Authorities and the Ministry of Housing, Communities & Local Government (MHCLG) have been exploring ways in which residents can be encouraged to participate in local democracy through the filming and recording of council meetings. The main purpose of webcasting has been to give members of the public the chance to view meetings as they happen without having to attend in person.

Webcasting and the retention of film on Cheltenham Borough Council's YouTube channel does not replace the formal record of the meeting and the decisions made. The only formal record of any meeting of a Local Authority is its minutes and agendas which are required to be maintained and retained for a number of years.

The aim of this protocol is to help members of the press and public to understand the council's operating procedure for filming/webcasts and assist them in filming, audio-recording, taking photographs and using social media, to report the proceedings of all meetings of Cheltenham Borough Council that are open to the public.

Protocol

Webcasting

The council will live stream on the Cheltenham Borough Council's YouTube channel and website ('webcasting') and record for subsequent transmission all of its meetings of Full Council and the Planning Committee held within the Council Chamber¹. Fixed cameras are located within the Council Chamber which will be used for this purpose.

This Protocol has been agreed to assist the conduct of webcast meetings and to ensure that in doing so the council is compliant with its obligations under the Data Protection Act 2018, the Human Rights Act 1998 and any subsequent legislation.

Accordingly, the following will apply to all meetings to be webcast by the council.

Main Provisions

1. The Chair of the meeting has the discretion to terminate or suspend the webcast if continuing to webcast would prejudice the proceedings of the meeting. This may include, but is not restricted to:-
 - (a) During the management of public disturbance;
 - (b) When the proceedings of the meeting are suspended for any reason;
 - (c) During consideration of exempt matters when the public and press had been excluded from the meeting.
2. No exempt or confidential agenda items shall be webcast.
3. Anything that is outside the scope of the meeting will not be filmed. This may include but is not limited to reaction shots or walks out. In these cases, the officer managing the webcast will select a camera shot of the Chair of the meeting.

¹This may be extended to include Cabinet and other committee meetings at the council's discretion

4. Young people under the age of 18 will not be filmed.
5. As part of the process for registering to speak at a Council meeting or Planning Committee, members of the public who indicate they wish to speak will be advised that the meeting will be live streamed and a recording of the meeting will be available on YouTube. If an attendee does not wish to be filmed whilst speaking to the committee, the officer managing the webcast will:
 - o Give guidance on the best place to sit;
 - o Ensure no close-up images of the attendee will be taken; and
 - o If the attendee is speaking focus the camera on the Chair.
6. In the event of any foul or abusive language being used, the sound will be muted either live or in post-production.
7. The editing of content should only be undertaken if there is a legal reason, for instance if confidential personal information is inadvertently disclosed, if defamatory comments are made, or if the name of a person in witness protection was divulged by a public speaker. The editing of content may also be authorised in exceptional circumstances such as a person being taken ill during a meeting. A log will be maintained of webcasts where content has been edited. The Head of Paid Service and/or Monitoring Officer will, in consultation with Group Leaders, make the final decision on editing any webcast or filmed material to be broadcast or published in connection with any council meeting. The reason for any decision to edit a webcast or filmed material will be published.
8. Should a webcast be halted for a technical reason the officer managing the webcast will, as soon as reasonably practicable inform the Head of Paid Service and/or Monitoring Officer so they can disseminate this information to political group leaders including an explanation of what went wrong, what is being done to recover any lost data and how we will mitigate issues in the future.
9. Any elected Member or Officer who is concerned that, as a result of being webcast, they might be at risk of physical or psychological abuse, then they should raise their concerns, in advance of the meeting, with the Chief Executive and or Monitoring Officer who shall consider what mitigating actions may be put in place.

Agenda front sheets and signage at meetings

On the front of each agenda for meetings that will be webcast, and on signs inside and outside of the Council Chamber, there will be the following notice:

Webcasting Notice

This meeting may be filmed by the council for live and/or subsequent broadcast online at [insert web site address and YouTube channel]. At the start of the meeting the Chair will confirm if all or part of the meeting will be filmed. The footage will be on the website and on the YouTube channel for a period of six months. A record of it will also be retained for four years in accordance with the council's data retention procedures. The images and sound recording may be used for training purposes within the council.

If you make a representation to the meeting you will be deemed to have consented to be filmed. By entering the Chamber you are also consenting to be filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Planning Committee Meetings

In any correspondence notifying supporters or objectors of the meeting date on which a proposal will be heard, the following advice will be included:

Please note that council meetings may be filmed for live or subsequent broadcast online by the council.

Conduct of meetings

At the start of each meeting to be filmed by the council, the following announcement will be made by the Chair:

I would like to remind everyone present that this meeting will be filmed by the council and live streamed on the internet and will be capable of repeated viewing.

If you are seated in the Chamber it is possible that the cameras will capture your image. By your presence, you are deemed to consent to be filmed and to the use of those images and sound recordings for webcasting and/or training purposes. If you address the Committee your contribution will be recorded and broadcast unless this is during a period when the meeting is in private session, as permitted by the Access to Information provisions.

As the Chair of the meeting, I can, at my discretion, terminate or suspend filming, if in my opinion, continuing to do so would prejudice the proceedings of the meeting or if I consider that continued filming might infringe the rights of any individual or breach any statutory provision.

Cessation of webcasting for private sessions

No part of any meeting will be webcast after Members have resolved to exclude the press and public because there is likely to be the disclosure of exempt or confidential information. The Democratic Services Officer will check that filming and/or recording of the meeting has ceased and will confirm this to the Chair of the meeting before any discussion of exempt or confidential matters is commenced.

Storage and retention of webcasts

Webcast meetings will be recorded and broadcast on the internet. All archived webcasts will then be available to view for a period of six months. Recordings of meetings will be retained in accordance with data retention procedures.

In addition to the provision regarding the editing of content detailed previously, archived webcasts shall only be removed from the website and/or YouTube channel within the first six months if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision, for example, Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

A log will be maintained of webcasts where content has been removed within the first six months. The Head of Paid Service and/or Monitoring Officer will, in consultation with Group Leaders, make the final decision on removing any webcast within the first six months of any council meeting. The reason for any decision to edit a webcast or filmed material will be published.

Copyright notice

The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

- (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
- (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.
- (iii) The use of webcast for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Other filming or recording of meetings by the public or press

The press and public are entitled to film, photograph, audio-record or broadcast any public meetings of the council. Those undertaking these activities may do so via social media of any kind. Therefore, users of blogs, Twitter, Facebook, YouTube etc. and individuals with their own website are able to record and stream meetings.

There is no requirement to ask permission to record a meeting. However, any person wishing to carry out this activity is requested to let Democratic Services (contact details below) know in advance so that all necessary arrangements can be made for the meeting.

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. It is not permitted for oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting.

The majority of Cheltenham Borough Council's meetings are open to members of the public. However, meetings cannot be filmed or recorded when it is agreed to formally exclude the press and public from the meeting due to the confidential/exempt nature of the business to be discussed.

Those undertaking these activities must not act in a disruptive manner; this could result in expulsion from the meeting. Essentially, this could be any action or activity which disrupts the conduct of the meeting. Examples can include:-

- Moving to areas outside the areas designated for the public/press without the consent of the Chair;
- Excessive noise in recording or setting up or re-setting equipment during the debate/discussion
- Intrusive lighting and use of photography; and
- Asking people to repeat statements for the purposes of filming or recording.

More generally the law of the land applies – including the law of defamation and the law on public order offences (see the Crown Prosecution Service guidance on social media). Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.

Those filming or recording proceedings shall not edit the recording in 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 those being filmed/recorded.

Recording equipment can be left in a public meeting room without the person recording being present; however, recording will be suspended if a resolution is passed to exclude the public or if the Chair suspends the meeting due to disorderly conduct. It is therefore suggested that the person doing the recording remains in the meeting. Cheltenham Borough Council takes no responsibility for any unsupervised equipment.

Further questions & contact details

If you have any questions on the issue of filming/recording of meetings please contact Democratic Services on 01242 264246 or email democratic.services@cheltenham.gov.uk