



Management of Recording at Council, Committee and Sub-Committee Meetings

The right to record, film and to broadcast meetings of the council, its committees, sub committees and any joint committees is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Nelson Town Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of the council.

The council understands that some members of the public attending its meetings may not wish to be recorded and the Chairman of the meeting will facilitate this by ensuring that any such request will be respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

The rules that the council will apply are:

1. The council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website or on notice boards in the parish and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. The Chairman may verbally remind the meeting and all present of the freedom to record but that these rules **must** be observed when this is planned or taking place.
3. Any person wishing to record a meeting in any format whatsoever must contact the Clerk prior to the meeting. The Clerk’s details are set out in the public notice and agenda of the meeting; (or in his/her absence, the contact will be the Chairman of the council).
4. The council will define an area from which recording may be carried out and, if given advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record, eg provision of a table. However the council should point out that the physical layout of a room may restrict the council’s ability to make any provision.
5. The council prefers that all visual recording will be undertaken from a static point to avoid disruption at the meeting.
6. A person or persons recording the council meeting are reminded that the “Public Participation” period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.
7. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.

8. Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording, ie a medical professional, carer or legal guardian.
9. All those recording a meeting are requested to focus only on recording councillors, officers, and those members of the public who have not requested anonymity or have not been identified as under the age of 18 or a vulnerable adult.
10. The council may, at its own discretion, require members of the public who do not consent to being recorded to sit separately from those who are content to be recorded.
11. All recording must be overt (ie clearly visible to anyone at the meeting).
12. Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
13. A person or persons making a recording has no right to interrupt a council meeting by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
14. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
15. Persons who are recording must strive not to leave equipment unattended.
16. The recording and reporting on meetings of the council meeting, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the council's values or in a way that ridicules or shows a lack of respect for those in the recording. The council would expect any recording in breach of these rules to be removed from public view. The council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
17. The Clerk should be contacted in advance of the meeting if the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements eg to move around the room to record or film from different angles (note the council's preference for static recording). The use of lighting for filming/flash photography will usually be allowed if it is arranged via the Clerk prior to the meeting but the council will have regard to the impact of such lighting on the ability of others present to view the meeting, or for reasons of health, and may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting must not cause any other form of disruption.
18. The council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where a council proposes to record all of its own meetings it will be bound by this policy.
19. Where a council proposes to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The council will include such recordings within its Publication Scheme.

20. The council is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
21. The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.