



East
Northamptonshire
Council

Policy and Resources Committee – 4 November 2013

Filming and Webcasting of Council and Committee Meetings

Purpose of report

This report highlights the recent high profile given to filming of council meetings and presents options for the council to record and/or webcast its meetings

Attachment(s)

Appendix A – Media Protocol agreed 26/4/10

1.0 Background

- 1.1 Members will be aware of recent statements by the Secretary of State for Communities and Local Government in relation to the desirability of the press and public being able to film and broadcast council meetings. It is anticipated that this will lead to an increase in requests to film by interested groups or the media, together with an increased level of actual filming or recording on mobile devices (which may or may not be evident or approved at the time).
- 1.2 There have also been a couple of incidents where a refusal to allow filming at other councils has led to negative press coverage. It is therefore considered timely to review a number of issues associated with this trend.

2.0 Filming

2.1 Current Policy

2.1.1 The council's current policy regarding filming at meetings is contained within the Media Protocol (Annex to the Council Constitution – see Appendix A). The key provisions are:

- *Requests to film or sound record a council meeting should be made at least 24 hours before the start of the meeting to the Communications Manager.*
- *The Chairman of the meeting will be advised of the request to film or photograph by the Communications Manager as soon as possible in advance of the meeting. The Chairman has the discretion to refuse or approve a request."*

2.1.2 In practice, requests are likely be approved (even without prior notice) as long as it does not interfere in any way with the conduct of the meeting, with the exception of media coverage of Development Control committee meetings where filming in the chamber has been limited to before the meeting or outside the council building. As yet the only formal requests to film meetings have come from the media.

2.1.3 It is proposed that the Media Policy be amended as follows:

- Requests to film or sound record a council meeting *from the public gallery* should be made at least 24 hours before the start of the meeting to the Communications Manager. *This is to allow appropriate support from the Communications Team to be organised to facilitate the filming and provide any supplementary information requested.*
- The Chairman of the meeting will be advised of the request to film or photograph

by the Communications Manager as soon as possible in advance of the meeting. ~~The Chairman has the discretion to refuse or approve a request."~~

- *"Filming or recording will not be permitted if a resolution has been passed under Schedule 12A of the Local Government Act 1972 to exclude the press and public.*
- *Filming from any other part of the meeting space is at the discretion of the Chairman*

2.1.4 It is also proposed that Part 4.2 (Access to Information) of the Constitution be amended to include reference to a requirement for the general public (and other non-media organisations) to inform the Chairman or Democratic Services Officer at least 15 minutes before the start of the meeting if they wish to film or record the meeting. This will enable the Chairman of the meeting to make those present aware that filming will be taking place. Notices to this effect will be displayed in meeting rooms.

2.2 *Filming – Current Equipment*

2.2.1 The above change in policy would address the potential demand for third parties to record and possibly transmit council discussions. However, it is also appropriate to consider whether or not the council should introduce its own webcasting arrangements as has happened at a number of other councils.

2.2.2 This council does not currently have the facility to webcast proceedings at its meetings. However, a fixed camera which shows a general picture of the whole of the floor of the council chamber and which links to the microphone output was installed some years ago. This is mainly used for Development Control committee meetings where the level of public interest is high, to enable proceedings to be streamed live to two other areas of the building to accommodate greater numbers of visitors. However, no video record is kept of the meeting.

2.2.3 Occasionally, an audio recording of proceedings has been made to assist minute taking. However, such recordings are deleted once the minutes have been produced. Minutes of council meetings are not intended to be verbatim records of meetings but to provide a brief record of key points to support the decisions that are made.

3.0 **Webcasting**

3.1 Webcasting of meetings involves live or 'real time' audio or video streaming the proceedings over the web so that the meeting can be experienced remotely. In addition, or as an alternative, a copy of the programme will also be made available after the event which is known as 'on demand' availability.

3.2 Council led webcasting usually involves either the use of at least one camera with pan and zoom facilities or the use of several fixed cameras focusing on different parts of the room linked to activation of microphones. Either approach allows a clear picture of whoever is speaking.

3.3 Whilst web-casts are generally considered to be positive in terms of increased transparency and understanding of the decision making process, viewing of such web-casts can vary considerably in scale:

3.3.1 *District/ Borough Councils*

- Cherwell District Council was an early adopter of webcasting and started public broadcasts in 2005 with Council and Executive meetings. Initial results indicated live viewer levels of under 15 for Executive meetings and under 25 for budget setting meetings of Council. They have also found that meetings are generally viewed for around five to six months after the event, resulting in for example 727 further viewings for the 2006 Budget Council webcast. Total viewing figures for the last six months of 2013 indicate live and later combined viewing numbers of 2900-4800 per month.
- South Oxfordshire Council attracts an average of 27 'live' views for planning

meetings but only 14 for Council and 10 for Scrutiny meetings. These viewing figures rise to 317, 387 and 302 for archive webcasts from meetings. Further analysis shows that the bulk of the archive views come from only a handful of locations, which includes the council itself. The only promotion the council gives webcasts is an automatic tweet beforehand.

- Basingstoke estimate that on average there are between 10 and 25 live viewers per meeting whilst the archive recording gets between 25 and 100 further views

3.3.2 *County/Unitary Councils*

- Northamptonshire County Council reports that up to 100 people have viewed live council meetings and 20-90 have viewed live Cabinet and Committee meetings. Archive viewing over the following six months has attracted a wide variation in viewing numbers from a few hundred to over 1000 per meeting. It has also been noted that they have had fewer members of the public at meetings since webcasting was introduced.
- Bristol City Council's webcast of the declaration of the election results for Bristol's first elected mayor in November 2012 had 14,071 views. However, in a similar situation to Cherwell, live online council meeting broadcasts in Bristol have been watched by as few as three people.
- Croydon Council is broadcasting meetings live on the borough's local internet radio station with every recording available as a downloadable podcast afterwards. A trial show in February 2013 saw 200 people tuning in for the live show and the podcast being downloaded nearly 14,000 times.

3.4 Webcasting of Development Control committee meetings is seen as potentially one of the most useful options as it would allow more interested parties to see and hear how individual applications are dealt with. This would be particularly useful to those that live some distance from Thrapston or have other evening commitments. In some cases webcasting could avoid contact with the council to follow up application decisions before they are formally notified to interested parties or posted on the website.

4.0 Important issues to consider

4.1 *Use of recordings*

4.1.1 Whilst webcasting meetings allows for greater public understanding of council decision making, it also allows greater opportunities for scrutiny of what is said than from the minutes alone. There is also the possibility of the recording being used as part of evidence in legal actions against the council. It is also possible for any sections or still images to be copied and widely distributed via the web, which could create risks for the reputation of the council. This could be a particular issue if such images are selected out of context or otherwise manipulated.

4.1.2 For these reasons, it is considered important that, as a minimum, this council has the ability to make its own video record of meetings to present its view of events if necessary. Such a record might also be used in evidence in defending any actions against the council, although it must be borne in mind that the minutes of the meeting are the statutory record of proceedings.

4.2 *Public Speaking and the Public Gallery*

4.2.1 Generally cameras used in web-casting do not include the public gallery areas. This is true of the current fixed camera in the council chamber. If it is decided to web-cast proceedings to include the public gallery then appropriate notices would have to be displayed in the chamber. It would probably be possible for a camera to include the lower public gallery in the council chamber to encompass public speaking but exclude the upper gallery. This choice could be explained on the notices when entering the chamber.

4.2.1 Consideration will also have to be given to the position of members of the public wishing to speak at meetings but being unwilling to be filmed. At present the fixed camera in the council chamber does not show the public gallery so public speakers are not shown.

4.3 *Confidential Matters*

4.3.1 Filming would only be allowed for any items for which the press or public were not excluded under Section 100A of the Local Government Act 1972. Once a resolution to exclude them has been passed all recording should cease. Procedures would be required to ensure that this is the case should web-casting take place.

5.0 Webcasting Options

5.1 *Live web casting (with recording available on website for a specified period afterwards)*

5.1.1 A quotation has been sought from a leading provider of webcasting services to local authorities who also provides the system for Northamptonshire County Council. They have quoted £35,611 for a three-year contract. This is based on 60 hours of recording and storage to cover approximately 22 meetings. This would cover, for, example, the budget-setting Council meeting, all Development Control committee meetings, plus selected Policy and Resources meetings. The system would be set to look at certain positions based on the room layout and automatically focus on those locations when someone is speaking. The recording would be broadcast live and available for six months afterwards on the council website.

5.1.2	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Allows people to view proceedings from a wide range of locations rather than having to attend the meeting – this could be a benefit given the geographic spread of the district although ironically those in the more remote areas are likely to have the poorest broadband service at present. • Helps meet public expectations of council transparency and provides the potential for increased public understanding of decision making processes. • High quality pictures which focus on speakers available for a wide range of subsequent purposes including evidence. 	<ul style="list-style-type: none"> • Cost — There is currently no budgetary provision for webcasting. Given the current pressure on council budgets it is possible that the budget for other activities would have to be reduced to accommodate this new cost. • Ideally webcasting should be accompanied by information to help people understand what they're watching, the reasons it is relevant to them and what procedures the council is following. This is an additional workload, especially as further enquiries/questions may be raised. • Increased level of public speaking/media training may also be requested by members.
	Advantages	Disadvantages
		<ul style="list-style-type: none"> • Potentially low levels of 'live' viewing for most meetings based on experience of other councils • Existing print and broadcast media have steadily moved away from providing lengthy, verbatim reporting of what goes on in elected bodies because it's not what the public wants. • Webcast video quality can be affected by low bandwidth, either

	from the broadcast venue or through the user's internet connection. Many of the more rural parts of East Northamptonshire are not expected to get access to high speed broadband until 2017.
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5.2 *Recording via existing camera for subsequent editing and posting on the council website*

5.2.1 The main financial impact of this approach would be the additional staff resource required to edit and put the recording into a format for the website after the meeting. It is estimated that this would take about 4 hours per meeting. In addition about £2,500 would be required for additional network storage to retain the files for six months and provide the immediate recording media. This approach could not be implemented until after the current website upgrade has been completed as the current software on our website could not cope with this level of video streaming.

5.2.2	<p>Advantages</p> <ul style="list-style-type: none"> • Ability to view meetings, albeit after the event, still provides opportunity to increase public access to and understanding of decision making process. Archive viewings in other authorities are the most popular way of viewing. • Helps go some way to meet public expectations of council transparency. • May be sufficient to meet any possible future legislative requirements. • Would be publically available to complement any social media reporting of events. 	<p>Disadvantages</p> <ul style="list-style-type: none"> • Cost – Additional budgetary provision for staffing and storage would be required. This cannot be accommodated from within the current ICT resources without critical impact on other council ICT activities. • No live web-casting capability. • One view of the council chamber does not highlight speakers clearly and makes for less dynamic viewing. • Increased level of public speaking/media training may also be requested by members. • The issues of additional information to support webcasts, possible need for additional member training and potentially poor broadband speeds in part of the district raised in option 1 are also relevant. • Will only cover meetings held in the Council Chamber.
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5.3 *Recording via existing camera for internal record keeping purposes only*

5.3.1 Given the high probability of requests from members of the public to film council meetings it is considered that as a minimum this council should keep its own record of meetings. This can be achieved by using the existing camera and recording proceedings on SD Cards at an estimated cost of £500. We would require sufficient to hold recordings for 3 months after which they can be re-recorded if the need for extended retention has not be highlighted. Notices highlighting the fact that recording will be taking place will need to be placed in the council chamber.

5.3.2	<p>Advantages</p> <ul style="list-style-type: none"> • Retains evidence in council control in case required for any legal or reputational issues arising from 	<p>Disadvantages</p> <ul style="list-style-type: none"> • No general web-casting availability. • One view of general council chamber does not highlight speakers clearly.
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proceedings <ul style="list-style-type: none"> • Low Cost – Minimal additional costs (maximum £500) and staff resource required as no post-recording editorial activity generally required. 	<ul style="list-style-type: none"> • Will only cover meetings held in the Council Chamber. • May not meet any possible future legislative requirements. • Would be subject to FOI legislation.
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5.4 *Continue as now with no recording facility*

5.4.2	Advantages <ul style="list-style-type: none"> • No additional immediate resource implications. • Reduces possible future FOI request workloads. 	Disadvantages <ul style="list-style-type: none"> • No evidence in council control to support any reputational issues arising from proceedings on the basis of recordings of meetings made by third parties. • May not meet any possible future legislative requirements.
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6.0 Equality and Diversity Implications

6.1 Webcasting of meetings is generally seen as improving equality and social inclusion as it provides the opportunity for anyone to watch or listen at any location or time. It also makes information accessible to residents who are not confident with the written word.

6.2 Whilst the recommended action not to webcast does not cause a negative impact in that we are not withdrawing a service, it could be argued that we could have missed an opportunity to advance equality of opportunity as part of our Public Sector Equality Duty. However, given the very low level of take-up where other councils have introduced webcasting, this is not considered a significant issue.

7.0 Legal Implications

7.1 Webcasting meetings allows more opportunities for scrutiny of what is said than the availability of the minutes alone which do not, and are not required to, provide a verbatim report. There is a need to consider the increased risk of recordings being used as evidence against the benefits of greater public engagement which the technology delivers. If it is decided to proceed with webcasting then further legal advice will be taken on the issues raised in paragraphs 5.1.2 or 5.2.2.

7.2 It should be noted that the approved minutes are the statutory record of the meeting and would have precedence over any audio/visual recording made in case of conflict.

8.0 Risk Management

8.1 The risks associated with webcasting are essentially reputational and arise from the conduct of the meeting or of individual members. The risk can take two main forms:

- The risk associated with the webcasting of quasi-judicial proceedings such as Development Control meetings and the consequences of having a “recording” of proceedings should a decision be questioned by a member of the public. Webcasting does not make a meeting any more “public” than it already is but it does provide a transcript which could allow for a greater level of challenge.
- The risk in live transmission that inappropriate words or gestures are broadcast, some of which could breach legislation. For ‘live’ webcasting this can be overcome by inclusion of a time delay of a few seconds before transmission to ensure that appropriate editing takes place. This does, however, require someone to monitor the meeting to ensure that intervention takes place when required. The risk of the

need to intervene in this way is generally considered low and might be resolved via post-transmission editing.

- 8.2 The risks of not moving to either live or on demand web-casting is that it may be required by future legislation and the opportunity of wider public access to the statements made at the meeting will be lost.

9.0 Financial Implications

- 9.1 The financial implications of the options (see Section 5) can be summarised as:
- Option 1 - Live web casting (with recording available on website for a specified period afterwards) – Estimated at £35,611. This budget cannot be found from existing resources and would have to be accommodated as a growth item in the MTFS if the option is accepted
 - Option 2 - Recording via existing camera for subsequent editing and posting on the council website – estimated at £2,500 plus associated staff costs. These resources cannot be found from existing resources and would have to be accommodated as a growth item in the MTFS if this option is accepted
 - Option 3 - Recording via existing camera for internal record keeping purposes only - estimated cost £500 which can be accommodated from within existing resources
 - Option 4 – No change – no recording as now – no additional cost

10.0 Constitutional Implications

- 10.1 As noted in section 2 it is proposed to change Part 4.2 of the Constitution and the Media Protocol.

11.0 Corporate Outcomes

- 11.1 Introduction of webcasting could contribute to greater public understanding of the council's community leadership role and decision making process. However, the low levels of live viewing at other councils suggests that introduction may not represent good value for money in terms of additional community engagement.

12.0 Recommendations

- 12.1 The Committee is requested to recommend to full Council that authority be delegated to the Monitoring Officer to amend the Media Protocol and Part 4.2 of the Constitution in accordance with section 2.3 of this report to recognise the emerging demand for public filming at meetings.

(Reason: to ensure that the council's governance arrangements make provision for emerging demand)

- 12.2 The Committee is recommended to approve option 5.3 to introduce internal recording only of meetings held in the council chamber.

[Reason: this option balances the benefits of having a record of proceedings for council use with minimal additional cost to the council at a time of budget pressures].

Legal	Power: Local Government Act 1972
	Other considerations: Constitution – Media protocol
Background Papers:	
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Date: 24 October 13	

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(Committee Report Normal Rev. 22)

Amended by Council - 26 April 2010 – Minute 472(c)

East Northamptonshire Council Media Protocol

A request to film a council meeting for a news item is, in effect, the same as a newspaper journalist attending and writing about it.

Obviously, a camera crew or photographer will have equipment that may need to be accommodated and agreement should be reached between the crew and the Democratic Services Manager as to what is acceptable for the meeting room / available space.

The following information sets out how to deal with a request for television, sound recording and still photography of meetings by the media. It should be used as a guide rather than an exhaustive list of instructions.

Prior to the meeting

Requests to film or sound record a council meeting should be made at least 24 hours before the start of the meeting to the Communications Manager.

The Chairman of the meeting will be advised of the request to film or photograph by the Communications Manager as soon as possible in advance of the meeting. The Chairman has the authority to refuse a request.

The Democratic Services Manager will liaise with the Chairman of the meeting on any practical matters.

Filming and sound recording will only be permitted if it is to be used for a news bulletin unless prior agreement has been reached with the Communications Manager and the relevant Chairman.

Television crews, photographers or journalists undertaking sound recording must comply with any requests made by the Chairman, Communications Manager or Democratic Services Manager.

Unless there is another meeting being held in the room where the committee meeting is to be held, the media will be admitted to the room at least 30 minutes before the start time.

All media representatives with sound and recording equipment must be in situ at least 15 minutes prior to the meeting start time to allow the setting up of equipment beforehand. Media representatives with recording equipment who arrive after this time may be refused admission.

The option to come in for one section of the meeting may be allowed when prior agreement has been reached between the Chairman and the Democratic Services Manager.

Cameras must be set up in a fixed position – camera crews will not be permitted to walk around during the meeting.

No setting up or dismantling of equipment will take place during the meeting unless prior agreement has been reached with the Chairman and the Democratic Services Manager. Therefore, camera crews will be expected to stay for the whole of the meeting or until a natural break occurs.

Amended by Council - 26 April 2010 – Minute 472(c)

Filming of members of the public will only be allowed with their consent. It is the media representative's responsibility to gain any necessary permission from the public they film during a meeting.

During the meeting

The Chairman will announce the presence of cameras / sound recording equipment at the start of the meeting.

Should the filming or sound recording of any meeting cause interference with or nuisance to other electronic equipment being used or the conduct of the meeting, or facilities to improve hearing for the hearing impaired, the operator of the equipment will be required to stop recording.

All photography must take place from positions approved by the Chairman to ensure the view of Members, officers, public and media representatives is not obstructed.

Use of flash photography will not be permitted, nor will close-up photography requiring the photographer being closer than 3 metres to the subject.

Use of additional lighting in connection with filming will be restricted as for flash photography to minimise inconvenience.

If these guidelines are breached, the Chairman may, at his or her discretion, and only after a warning, order that no further sound recording or filming shall take place during the meeting.

When will media be excluded?

The media may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The media will be told of the nature of the exclusion relating to the business to be discussed. No filming or recording will be permitted during this exclusion and cameras and sound equipment should be removed from the room.

The Chairman has the authority to control the meeting and to rule on the acceptability of the behaviour of media representatives in the interests of the efficient conduct of a meeting. In exercising this authority, the Chairman will regard the following principles:

- the Chairman's authority will not be used for the purpose of seeking to limit or restrict the right of the media to fairly report the business of the Council
- regulation of the media's behaviour shall be to enable the business of the meeting to be conducted by the members and to enable the public and media to see and hear the business being conducted

Declaration

Persons wishing to film or make a recording or take photographs will be asked to sign a declaration to adhere to the conditions of this Protocol and to undertake not to give a false impression of the proceedings

Amended by Council - 26 April 2010 – Minute 472(c)

Form of Declaration

'I confirm that, in attending the Meeting of the Council/Council's x Committee Meeting to be held on x, I will comply with the terms of the Council's Media Protocol, a copy of which is attached hereto. I also confirm that I will direct anyone who is acting under my authority, who is also attending that meeting, to comply with the terms of the Media Protocol.

I also undertake that any visual and/or sound recordings so made shall not be published in a manner, (whether in whole or by way of an extract), that is designed to mislead the public as to the true essence of any statements (verbally made or otherwise) that were so recorded and in that regard, any extract so published shall be of sufficient duration so as to avoid any misleading impression being so made. I shall also ensure that anyone acting under my authority shall comply with this requirement and that if the recordings are passed to a third party that that third party shall also comply with this requirement.

Signed.....'