



## **RECORDING MEETINGS POLICY**

---

### **1 INTRODUCTION**

- 1.1 Pontypool Community Council is committed to the principles of openness and transparency and encourages members and members of the public to attend all meetings of the Council, its Committees and Sub-committees.
- 1.2 It therefore embraces the rights to film, record, record and to broadcast meetings of the community as established under the Openness of Local Government Regulations 2014.
- 1.3 For the purpose of this policy the term “record” means any form of audio, visual or electronic recording.
- 1.4 Those who attend a public meeting should expect to be filmed unless they object.
- 1.5 This policy is applicable to meetings of this Council, its Committees and Sub-committees.

### **2 LIMITATIONS**

- 2.1 Although there is a statutory right to record and photograph council meetings the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.
- 2.2 Establishment Committee meetings remain confidential and may not be recorded or reported on outside the meeting.
- 2.3 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.

### **3 NOTICE OF RECORDINGS**

- 3.1 Notice of the recordings of meetings will be displayed in and outside the place of the meeting. Any member of the public who attends a meeting and objects to being recorded, photographed or filmed should advise the Clerk (in advance) who will instruct that they must not be included in the recording.

### **4 RECORDINGS BY MEMBERS OF THE PUBLIC**

- 4.1 The recording and reporting on meetings of the Community Council, 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 1998, the Data Protection Act 2018, the UK GDPR and the laws of libel and defamation.
- 4.2 The Council expects that the recording will not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Community Council's values or in a way that shows a lack of respect for or ridicules those in the recording.
- 4.3 The Community Council would expect any recording in breach of these rules to be removed from public view.
- 4.4 The Community Council will have no liability for material published by another person unless it is itself undertaking the publication through its offices.
- 4.5 The following rules apply to any member of the public or press who wish to report or record on a Council meeting:
- (i) Any person wishing to record a meeting in any format whatsoever is asked to contact the Clerk at least 3 days prior to the meeting with the following information:
- Which meeting the request refers to
  - The name, organisation (if applicable) and contact details of the person making the request
  - What equipment will be used (to determine what facilities might be required)
  - What the recording/photographs will be used for and/or where the information is to be published
- (ii) Discussing requirements with the Clerk beforehand will help to ensure that the Council provides reasonable facilities to meet the needs of the person that is recording.

- (iii) The Council will display a statement at each of its meetings, which says ***“This Council supports the rights of anyone to record this meeting but advises that anyone so recording cannot disrupt the meeting by means of the recording and expresses the hope that the person(s) carrying out the recording have obtained the necessary legal advice, for themselves, to ensure they understand the rights of any members of the public who may be present who do not wish to be recorded or filmed”.***
- (iv) The Clerk will define an area from which recording may be conducted 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 any room may restrict the Council’s ability to make any provision.
- (v) All recordings will be undertaken from a static point.
- (vi) All recordings shall be overt, ie clearly visible to anyone at the meeting.
- (vii) Any equipment required for recording purposes should be set up before the meeting starts to avoid disturbance.
- (viii) Persons who are recording are requested not to leave their equipment unattended and are responsible for their equipment at all times.
- (ix) The use of lighting for flash photography/filming will usually be allowed provided that it does not adversely impact on the ability of others present to view the meeting, or for reasons of health, whereby the Council may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting should not cause any other form of disruption.
- (x) Filming elsewhere in the building outside of the meeting room is not permitted.
- (xi) 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 the ability of any person present to follow the debate.
- (xii) A person or persons recording the meeting are reminded that the “Public Participation” period is not 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.

- (xiii) Where the public and press 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.
- (xiv) The specific filming of children or young people under the age of 13 who are present cannot take place unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults whereby the consent of the responsible adult is required, ie a legal guardian, medical professional or carer. Where the permission is given, filming of these people can take place.
- (xv) People seated in the public seating area should not be filmed, recorded or photographed without the consent of the individuals concerned.
- (xvi) Use must not be made of an image or recording if consent is refused by a member of the public featured in that image or recording.
- (xvii) All those filming a meeting must only focus on recording, councillors, office and the public who are directly involved in the conduct of the meeting and who have given written explicit consent in advance.
- (xviii) For organisations that are recording a meeting, members of the public should be provided with that organisation's privacy policy. You should ensure that the public is informed that their image will be taken and the context in which their image will subsequently be used.
- (xix) The Community 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.
- (xx) A person or persons making a recording has no right to interrupt a Council/Committee meeting by asking questions or making comments for the purpose of the recording.
- (xxi) A person or persons recording has not 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.
- (xxii) The Chair of the meeting has absolute discretion to stop or suspend recording if, in his/her reasonable opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.

- (xxiii) If the Clerk of the meeting feels that any, photograph, 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 stop.
- (xxiv) If use contributes the Chair or Clerk will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to contribute without disruption.
- (xxv) If a meeting is adjourned by the Chair, then the operator of the equipment should stop any photography or recording at the point at which the meeting is adjourned.
- (xxvi) If during the meeting, a motion is passed to exclude the press and public, on the grounds that publicly would be prejudicial to the general interest by reason of the confidential nature of the business to be transacted, then all rights to record the meeting are removed and the operator of the equipment will be required to photograph and/or recording.
- (xxvii) Regarding filming officers of the Council, the Council is obliged to comply with the Health and Safety Regulations to provide a safe workplace. If the Council received a complaint from their employees that the recordings were being used to harass or threaten staff (or members) then the Council may take action by warning those recording, not to allow recording and potential involve the Police.

## **5 RECORDINGS BY THE COUNCIL**

- 5.1 The Council may itself film, record, photograph or broadcast meetings and can retain, use or dispose of such material in accordance with its data retention policy.
- 5.2 However, the minutes of a Council meeting remain the statutory and legally binding formal record of Council decisions.
- 5.3 The Chair of the meeting will make an announcement at the beginning of the meeting to make sure everyone understands that the meeting will be recorded and will ask if any members of the public object to being recorded.
- 5.4 The Chair of the meeting has the discretion to request the termination of suspension or the recording if continuing to record would prejudice the proceedings of the meeting. This would include:
  - (i) Public disruption, disturbance or suspension of the meeting.

- (ii) The meeting agreeing to formally exclude the press and public from the meeting due to the exempt/confidential nature of the business being discussed, in accordance with statutory procedures.
  - (iii) Where it is considered that continued recording/filming/webcasting/photography may infringe the rights or privacy of any individual (including staff members) or intimidate them.
  - (iv) For any other reason which the Chair considers reasonable in the circumstances.
- 5.5 The specific filming of children or young people under the age of 13 who are present cannot take place 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, it a legal guardian, carer or medical profession. Where the permission is given, filming of these people can take place.
- 5.6 People seated in the public seating area will not be filmed, recorded or photographed without the consent of the individuals concerned.
- 5.7 Use will not be made of a recording or image if consent is refused by a member of the public featured in that recording or image.
- 5.8 Where the Council records its own meetings, it does not prevent any other person or persons from also recording.
- 5.9 Recordings made by the Council of any council meetings will be available on the Council's website for the period as set out in the Data Retention Policy.
- 5.10 Recordings may be removed from the Council's website before the minimum retention period if it is deemed all or part of the content of the recording is, or is likely to be, in breach of any statutory provision or common law rule, for example Human Rights legislation or Data Protection or provisions relating to confidential or exempt information. It is anticipated, however, that meetings will be conducted lawfully and that the need to remove recordings will occur only on an exceptional basis.
- 5.11 Unless given permission by the Chair, councillors should not film, photograph or record other councillors, staff or members of the public during a meeting.

## **6 COUNCIL RECORDING AT MEETINGS NOTICE**

- 6.1 The notice below will be placed in a conspicuous place outside the meeting room for each meeting that is being recorded:

***“The Council, members of the public and the press may record/photograph/film for live and/or subsequent broadcast this meeting only when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being recorded/photographed/ filmed should advise the Clerk (in advance) who will instruct that they are not to be included in the recording/ photographing/filming.”***