

Appendix 3 - SOMERSET COUNCIL PROTOCOL: COUNCIL AND THIRD-PARTY RECORDING AND WEBCASTING OF COMMITTEE MEETINGS:

1. Introduction

Somerset Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record at any meeting that is open to the public and to use social media platforms such as Twitter, Facebook and Instagram. This is in line with the Government's 'Openness of Local Bodies Regulations' (the 2014 Regulations) which afford members of the public such rights to report

The Council has also put in place arrangements so that the majority of their public meetings including Executive and Full Council should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. However, the minutes of a council meeting remain the statutory and legally binding formal record of council decisions.

This Protocol aims to assist the conduct of meetings that are being recorded and/or broadcast and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 2018 and the Human Rights Act 1998. It also provides practical information to assist anyone considering recording meetings and anyone speaking at meetings which may be recorded.

In accordance with the Openness of Local Government Bodies Regulations 2014 recording is allowed at all formal meetings of the authority to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.

In this Protocol references to:

- 'Recording' covers any means used to record the proceedings including filming, audio-recording and the use of photography.
- 'Reporting' covers the reporting of the business of the meeting via any social media.
- 'Council meetings' covers all formal Full Council, Executive and Committee meetings which are open to the press and public to attend and other meetings as agreed at the time by the Council.

2. General

A notice will be included on the agenda and also be displayed on the door and inside the meeting room advising everyone who attends that the meeting may be webcast or recorded and that by attending the meeting they are consenting to the broadcast of their image.

Those wishing to record proceedings (including elected members) should, as a courtesy, inform the chair (or clerk) of the committee of their intentions prior to the beginning of the meeting.

The Chair will make an announcement to attendees at the start of the meeting informing them that the meeting may be webcast or recorded and that the Chair may terminate or suspend the webcast or recording should they consider this desirable to maintain the proper running of the meeting. If objections are raised by members of the public regarding their inclusion in any recording, then the person responsible for the recording must take all reasonable steps to ensure that an individual request not to be recorded is complied with. If, however, a member of the public is actively participating in the meeting e.g. under a public speaking agenda item then this is unlikely to be possible.

Elected members and officers attending a formal public meeting and in an official capacity cannot object to being recorded or filmed. Anyone who has not objected and remains at the meeting after the Chair's announcement will be deemed to have consented to the broadcast of their image.

Recording must be non-intrusive and the Chair may order the removal of a member of the public from a meeting should that person, having been warned, continue to interrupt proceedings as a result of their recording activity. The Chair may also call for any part of the meeting room to be cleared in the event of a general disturbance.

PLEASE NOTE: Any person or organisation choosing to record or broadcast any meeting is responsible for any claims or other liability from them so doing and by choosing to record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

3. Before the meeting

Anyone intending to record or webcast a meeting should contact the Democratic Services Team on 01823 357628 for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.

Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to

the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting venue.

4. During the meeting

Recordings taken by press representatives, members of the public and elected members may only be taken from the area designated for the press/public, and:

- Recording devices must be in silent mode
- No flash or additional lighting is permitted

Recordings must be taken from one fixed position and must not obstruct others from observing proceedings. Other than in accordance with this provision, members must not record, photograph or film other elected members, staff or members of the public during a meeting.

Any person can provide a written commentary during the course of a meeting that falls under this Protocol, however oral commentaries are not permitted within the meeting room.

Recording of meetings should:

- Not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chair has discretion to suspend or stop recording at any time if and to take appropriate action if anyone is, in their opinion, doing so in a disruptive manner.
- Not seek to 'overview' sensitive information such as close ups of confidential papers or private notes
- Not obstruct others from observing and participating in the proceedings.
- Cease immediately if and when the meeting resolves to formally exclude the Press and public due to business of an Exempt or Confidential nature.
- Not be edited in a way that could lead to misinterpretation of the proceedings or the comments made, or that ridicules those being recorded.
- When published or broadcast, be accompanied by information including when and where the recording was made and the context in which the discussion took place.
- Be overt (i.e. clearly visible to anyone at the meeting).
- Cease, unless continued recording has been explicitly agreed by the Chair, when the meeting is formally concluded.

The Chair can require recording to be stopped where:

- The requirements of section 4 above are not met by the person doing the recording.

- The press and public are excluded from the meeting due to the nature of (exempt or confidential) business being discussed.
- There is public disturbance or a suspension/adjournment of a meeting.
- The recording has become disruptive or distracting to the good order and conduct of the meeting.
- Where it is considered that continuing the recording might infringe the rights of an individual or intimidate them.

5. Exempt or confidential business

No part of any meeting will be webcast or recorded by the third party after members have passed a resolution excluding the press and public because there is likely to be disclosure of exempt or confidential information. The Democratic Services officer will ensure that the third party recording and broadcasting of the meeting has ceased and will confirm this to the Chair before any discussion of exempt or confidential matters is commenced. If the person doing the recording is not present then the clerk shall remove the equipment from the meeting room for the consideration of confidential or exempt business.

6. Practical advice

1. Speaking at a meeting

Firstly and most importantly remember to speak into the microphone each time to ensure that your words can be clearly heard.

Try to avoid moving unduly whilst speaking and using expansive hand gestures; because the video stream is highly compressed all movement causes temporary pixilation and leads to a diminution of picture quality. In addition the camera operator will struggle to keep a moving person in shot. For the same reason if giving a presentation please try to stand in the same area rather than walking around the room.

When other people near you are speaking please bear in mind that you may still be on camera. Remember that even when there is no audience in the room members of the public can still be watching the meeting or a recording.

2. Microphone noise

Meeting attendees should avoid taping pencils and rings against microphones or touching the cable. When speaking, do not place objects inbetween yourself and the microphone or covering the microphone with papers as this may distort what you are saying.

3. Clothing

It is advisable to avoid bright colours which tend to cause exposure problems when webcast.

Stripes and checked clothes are best avoided as they can cause a strobe effect, especially when the subject is moving.

7. Rules for use of Recordings by Third Parties

- A. The law applies to any information recorded and transmitted including the laws on defamation, public order, Human Rights and Data Protection and intellectual property rights. Freedom of speech within the law should also be exercised with personal and social responsibility.
- B. Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion, and a clear identification of the main speakers and their role or title.
- C. Those making recordings must not edit the recording in a way that appears to have a clear aim to distort the truth or could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts.
- D. Those making recordings will be responsible for any breaches of the law resulting from their use of recorded material. The Council takes no responsibility for any recording carried out by a third party or its subsequent use.