

**From:** Gary Cooke, Cabinet Member, Corporate and Democratic Services  
Peter Sass, Head of Democratic Services

**To:** Selection and Member Services Committee – 4 September 2013

**Subject:** Audio and visual recordings of County Council meetings

**Classification:** Unrestricted

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**Summary:**

This report invites the Committee to consider recommending a revision to the Constitution to clarify the County Council's approach to audio or visual recordings made by members of the public or media organisations in light of recent guidance published by the Department for Communities and Local Government (DCLG). The Committee is also invited to extend the webcasting of formal meetings.

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**1. Recording of Meetings by public or media organisations**

(1) The Constitution<sup>1</sup> makes provision for audio and visual recordings at meetings, as follows:

“(1) No audio or visual recording shall be made at meetings except for the official recording made by the Clerk or recordings agreed by the Chairman to be made by a media organisation.

(2) Recordings of Council proceedings will be made available by the Clerk to any member who requests them.”

(2) DCLG has recently published non-statutory guidance entitled “Your council's cabinet – going to its meetings, seeing how it works”<sup>2</sup>, which contains the following under the heading “Can I film the meeting”:

*“Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.*

*The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken*

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<sup>1</sup> Procedure Rule 2.2 of Appendix 4 Part 2.

<sup>2</sup>

*in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.*

*The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.*

*Similarly under the new rules there can be social media reporting of meetings. Thus bloggers, tweeters, Facebook and YouTube users, and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for citizen journalists.”*

#### *Amendment to the Constitution*

(3) Although this guidance is primarily about meetings of the Council’s Executive (Cabinet), it would seem appropriate to have a consistent approach and to apply this in the same way to the public parts of all formal Council and Committee meetings. In order to manage expectations it would be helpful to have clarity within the Constitution of the rules around the recording of meetings by the public or media organisations.

(4) If the Committee is minded to recommend an amendment to Procedure Rule 2.2 of Appendix 4 Part 2 of the Constitution, some suggested wording is set out below for consideration. It should be emphasised that in all cases the Chairman will make the final decision in relation to the recording of the meeting by the public or media organisations. The effective operation of the meeting is paramount and there should be safeguards to avoid any disruptions.

“(1) While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings in any publicly available medium, including making audio or visual recordings, will be afforded reasonable facilities for so doing, subject to:

- (a) the Chairman's decision, which shall be final
- (b) prior notification to the Clerk
- (c) recordings not being made covertly
- (d) recordings not being disruptive or distracting to the good conduct of the meeting
- (e) attendees being advised at the start of the meeting that it is being recorded
- (f) reasonable objections from those not wishing to be recorded

(2) Official recordings of council proceedings will be made available by the Clerk to any Member who requests them.”

## 2. Extension of the Webcasting of Meetings

(1) The council currently webcasts the majority of its formal meetings (a list of these is attached at **Appendix A**) and has done so since 2007. Following the guidance referred to above, it is considered timely to extend this to other formal meetings of the Council. A list of formal meetings which are not currently webcast is attached at **Appendix B**. It should be emphasised that only the part of the meeting which is open to the press and public would be webcast. If the majority of the substantive business of the Committee was held in exempt session then a view could be taken to not webcast that particular meeting.

(2) The views of the Chairmen and lead officers for these non webcast meetings have been sought (attached as **Appendix C**). There is agreement in principle with the Committee Chairmen that the following meetings should be webcast.

- Electoral and Boundary Review Committee
- Governor Appointments Panel
- Governance and Audit Trading Sub Group
- Property Sub-Committee (although the majority of the business is likely to be held in exempt session and therefore not webcast)
- Selection and Member Services Committee
- Standards Committee

### *Quasi-judicial Committees*

(3) This Committee has discussed on at least two occasions whether the Planning Applications and Regulation Committees should be webcast. On 4 July 2008 this Committee expressed its support for them to be webcast, subject to the usual safeguards about disclosing exempt or confidential information. However, in January 2009, following representations by the chairmen of each of these committees and consideration of the views expressed by officers it was decided to defer consideration of the webcasting of these committees and review it within a period of no longer than two years; the review to incorporate (amongst other matters) the views of the two committees themselves, developments in training for quasi judicial committee members and any advances in the technology available. This review is now overdue.

(4) Although the content of these two committee meetings is varied and could be of interest to the wider public, reservations have been expressed by the Chairmen of these committees. The detailed comments of the relevant Chairmen and Officers are included in **Appendix C**. However, the key comments are as follows:

- the potential for business misalignment through imbalanced (stifled or unduly skewed or extended) debate;
- undermining the County Council’s jurisdiction by jeopardising (amongst other procedures) impending court proceedings on planning enforcement cases;

- risks to personal safety and security for officers tasked with reporting and recommending on contentious cases.

### *Planning Applications Committee*

(5) A number of other local authorities do webcast their Planning Committee meetings and the viewing figures show that there is an interest from the public in viewing these meetings. For example, Cheshire West & Chester Council (a unitary authority) has been webcasting its Planning Committee meetings since 2011 and has broadcast around 50 meetings with over 52,000 views. Its Planning and Strategic Planning Committees are consistently its most popular webcasts, regularly exceeding 600 live views and on occasion topping 1,000.

(6) It is acknowledged, however, that the type of planning applications considered by a unitary authority may generate more public interest than those considered by the County Council. Surrey County Council webcasts its Planning and Regulatory Committees, it has broadcast 7 meetings this year with a total of 1310 views, an average of 187 viewings per meeting. Lancashire County Council also webcasts its Development Control Committee, it has had 5451 viewings of 10 meetings between July 2012 and July 2013, an average of 545 viewings per meeting. East Sussex County Council has broadcast 5 meetings of its Planning Committee between February and July 2013 with an average of 15 viewings per meeting. West Sussex and Hampshire County Councils only webcast their County Council meetings due to resource issues. Essex County Council do not have a webcasting facility.

(7) This Committee is invited to consider whether the Planning Applications Committee, which is a Committee that considers the majority of its business in public session, should be webcast in the future. If this principle is accepted, a constructive way forward may be to produce a protocol for webcasting which can have specific sections to address the concerns about the effective working of the Committee.

### *Regulation Committee*

(8) The nature of the business conducted by the Regulation Committee is slightly different from the Planning Applications Committee in that exempt items crop up more frequently, although it should be noted that the number of exempt items does not normally exceed the number of public items. If this Committee accepts that the principle that the open part of the Regulation Committee should be webcast then the protocol referred to in paragraph 2(7) above would be worded to ensure the safeguarding of enforcement officers and the efficient operation of the Committee. The protocol would be drafted in consultation with the Chairmen and lead officers for the Planning Applications and Regulation Committees and could be brought back to this Committee for final approval or delegated to the Head of Democratic Services in consultation with Members.

### *Resource implications of webcasting additional meetings.*

(9) The current webcasting contract with Public-i costs £16,866 a year and contains provision for webcasting up to 250 hours of meetings. KCC currently webcasts approximately 200 hours of meetings per year. If it was decided to

webcast additional meetings there is a possibility that the number of contracted hours would be exceeded. Public-i would charge an additional £85 for every hour over our contracted hours but it would be possible to purchase additional blocks of webcasting hours at £1,875 per annum for each 50 hour block. There is no specific provision in the budget for Democratic Services to increase the cost of webcasting; however, it is considered that these fairly small sums could be accommodated without other services to Members being affected adversely.

(10) Currently, the majority of the webcasts are supported by the Business Support Officer in the Democratic Services Unit. However, the option of automating the webcasting of meetings by having camera-activated microphones is being explored. The possibility of using other officers to operate the webcast is also being explored as this exposure to meetings would be an ideal development opportunity for apprentices and other junior officers.

(11) One other issue that the Committee will need to be aware of in relation to webcasting is that the only rooms in Sessions House with fixed cameras for webcasting are the Council Chamber and the Darent Room. Any webcast meetings would need to be held in these rooms or use made of the mobile camera which could be used in the Swale Rooms, Waterton Lee and Pendragon Rooms. However, it is not currently possible to webcast live from these rooms but to record the meeting and to upload the webcast onto the web after the meeting has ended. The size of the Wantsum Room would make it difficult to use it for webcasting.

### **3. Greater public interaction at meetings by the use of social media**

(1) During the previous Council, consideration was given to enabling greater interaction from the public during the public parts of certain formal meetings via social media, i.e. some form of facility for the public to email or tweet questions while a meeting was taking place, but no formal decision was made by Members. Given the DCLG guidance and the review of webcasting outlined in this report, it is considered appropriate to ask the Committee to re-consider its position on the use of these facilities.

(2) The Committee is advised that the webcast system has a facility called "Cover it Live", which would allow the integration of a message board on the Council's website to allow viewers to ask questions or make comments whilst meetings are taking place, by sending an email or tweet. This would enable interaction during the meeting for the public via social media. This facility is provided by Public-I at no additional cost. Such a system would enable the sort of public interaction with the democratic process that some Members wish to see introduced by KCC by utilisation of the functionality within existing IT systems and would be the most cost effective way of achieving these aims.

#### **4 Recommendations:** The Committee is invited consider:

- (a) recommending to the County Council the amendment to the Constitution proposed in paragraph 1.4 of this report in relation to the recording of meetings by the public and media organisations;
- (b) extending the webcasting of meetings of the bodies listed in paragraph

2(2) and also the Planning Applications and Regulation Committees.

(c) delegating to the Head of Democratic Services responsibility for drafting a protocol for webcasting meetings, to include specific means of addressing the issues related to webcasting the Planning Applications and Regulation Committees (this to be produced in consultation with the Chairmen and lead officers) and that the protocol be submitted to this Committee for approval;

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Background documents

[Your council's cabinet – going to its meetings, seeing how it works:](#) Department for Communities and Local Government, June 2013.

**Meetings currently webcast**

County Council  
Cabinet  
Communities Cabinet Committee  
Economic Development Cabinet Committee  
Education Cabinet Committee  
Environment Highways & Waste Cabinet Committee  
Governance and Audit Committee  
Health and Wellbeing Board  
Health Overview and Scrutiny Committee  
Kent & Medway NHS Joint Overview and Scrutiny Committee  
Kent & Medway Police & Crime Panel  
Policy & Resources Cabinet Committee  
Scrutiny Committee  
Social Care & Public Health Cabinet Committee

**APPENDIX B****Meetings not currently webcast**

<b>Meeting</b>	<b>Legal requirement for meeting to be open to the press and public, except for Exempt items</b>
Corporate Parenting Panel	No
Electoral & Boundary Committee	Yes
Governance & Audit Trading Standards Sub Group	Yes
Governor Appointments Panel	Yes
Kent Flood Risk Management Committee	Yes
Personnel Committee	Yes
Planning Applications Committee	Yes
Property Sub Committee	Yes
Regulation Committee	Yes
Regulation Committee Member Panel	Yes
Regulation Committee Mental Health Guardianship Sub Committee	Yes
Selection & Member Services Committee	Yes
Standards Committee	Yes
Superannuation Fund Committee	Yes



## Views/Comments from the Chairmen and lead officers

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
Corporate Parenting Panel	No	Not opposed to the meeting being webcast but feels that there should be some potential for part 2 of the meeting to be private (for the rare occasions that this may be required)	Agrees to open part of meeting being webcast
Electoral & Boundary Committee	Yes		I do not think we have any alternative but to allow video / filming of our meetings. The Electoral and Boundary Committee is no different to any other committee and in my view can be video / filmed. Obviously from time to time the committee does consider exempt items and filming then would not be appropriate.
Governance & Audit Trading Standards Sub Group	No		I was under the impression that G&A meetings were webcast anyway and I don't see any real problems with what is proposed.
Governor Appointment Panel	No		The GAP is a "niche" meeting that deals with the occasional proposed

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>appointment to a governing body that would contravene the published guidelines, which are centred on the relationships between governors, schools and their employees. Very occasionally the panel might be asked to consider removing a governor, although I can recall this happening only once while I have been chair.</p> <p>I was not aware that GAP is a public meeting.</p> <p>Meetings seldom last longer than 20/30 minutes. I would have no objection to the Panel's proceedings being webcast, although as no member of the public has ever attended that I can recall, the online audience is unlikely to be large."</p>
Kent Flood Risk Management Committee	Yes	This is of course a decision for Elected Members experience at Maidstone Borough Council suggests that regulatory committees, akin to KCC's Flood Risk Management	

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
		<p>Committee, have attracted some public interest and have been especially effective in engaging parish councils and residents associations. This has had the result of increasing awareness of largely unsung but important council functions.</p> <p>This proposal chimes with Member debate at the last meeting where incorporation of minutes into full County Council papers was recommended.</p> <p>In relation to safeguards, this should be taken care of under provisions of Part II guidance. `3</p>	
Personnel Committee	Yes		Agrees in principle but suggests that the Personnel Committee be asked their views.

<b>Meeting</b>	<b>Legal requirement for meeting to be open to the press and public, except for Exempt items</b>	<b>Lead Officer</b>	<b>Chairman</b>
Planning Applications Committee	Yes	Response to form additional appendix if required	<p>I am totally opposed to the web casting of the Planning Applications Committee meeting. I do not allow the filming of the meeting at anytime even when it has been requested by the media. I have allowed filming to place before the meeting commences to allow some background for a news item over a controversial issue. I have allowed the recording and filming of a public meeting held to hear the views regarding a Planning Application. No decisions are taken at these public meetings and apart from the Local Members the Members of my Committee do not voice any opinions. I am concerned that as a quasi judicial committee we should not have filmed evidence of the meeting. I believe it could inhibit debate and any filming could be used as evidence for or against a Member or an Officer at any subsequent public enquiry. Members whilst trained in Planning matters are not experts but are there as "knowledgeable laymen". I am also concerned that individuals and particularly Officers</p>

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>handling controversial applications can be more easily identified from such web footage and be linked to their comments on an application thus possibly endangering the safety of the individual. This is particularly relevant where Officers are dealing with applications concerning enforcement issues.</p> <p>My Committee and Chairman of the Regulation Committee have strongly resisted the filming previously but if the decision is to web cast meetings of my Committee then I consider a Solicitor and a Member of the Communications team should be present throughout the meeting to give advice when required.</p>
Property Sub Committee	Yes	In principle I don't have a problem with webcasting the non exempt parts of the meeting	I agree BUT we will have to be much more rigorous in determining what items are exempt
Regulation Committee	Yes	Response to form additional appendix if required	I feel just as the Chairman of the Planning Committee about the filming of the Regulatory Committee, we fought long and hard for this not to happen and nothing new has taken place with the work that my committee in particular

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>undertakes. We made it quite clear that along with very delicate cases undertaken by our officers (and the enforcement) the last thing that they or we needed was to have all this info broadcast to the world before some serious enforcement etc was undertaken.</p> <p>As the Chairman of this committee I feel it is my duty to support the Planning Cttee Chairman in his objection the mere thought of filming my committee.</p>
Regulation Committee Member Panel	No		
Regulation Committee Mental Health Guardianship Sub Committee	Yes		
Selection & Member Services Committee	Yes		Agrees to the meeting being webcast
Standards Committee	Yes		Agrees to public parts of the meeting being webcast
Superannuation Fund Committee	Yes	There will always be a substantial amount of the business of this committee which is commercially sensitive and therefore exempt. The	<p>The more I think about it the more it seems impractical and costly. We spend only a limited amount of time not in confidential.</p> <p>I am all for openness</p>

<b>Meeting</b>	<b>Legal requirement for meeting to be open to the press and public, except for Exempt items</b>	<b>Lead Officer</b>	<b>Chairman</b>
		<p>meetings are highly pressured as it is and we need to remember that the key issue here is how we manage £4bn of assets, pensions issues for 400 employers and the pensions of 100,000 scheme members. I think the webcasting of this meeting would not help the committee achieve these objectives and it would be a complete waste of time and public money.</p>	