



# **BEXHILL-ON-SEA TOWN COUNCIL**

## **DRAFT RECORDING POLICY**

**Adopted 12<sup>th</sup> October 2022**

### **1 Introduction**

1.1 Bexhill-on-Sea Town Council (the council) is committed to the principles of openness and transparency and encourages members of the public to attend all meetings of the council, its committees and sub-committees.

1.2 The council supports the rights to record, film and to broadcast meetings 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 photograph and record 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 HR Sub-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 recording**

3.1 Notice of the recording of meetings will be displayed on the agenda for that meeting. Any member of the public who attends a meeting and objects to being filmed, recorded or photographed 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 Town 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, the General Data Protection Regulations, the Data Protection Act 2018 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 Town Council's values or in a way that ridicules or shows a lack of respect for those in the recording.

4.3 The council would expect any recording in breach of these rules to be removed from public view. The council may take legal steps to have a recording removed.

4.4 The council will have no liability for material published by any other person.

4.5 The following rules apply to any member of the public, or press, who wish to record or report on a council meeting:

- a) Any person wishing to record a meeting in any format whatsoever is asked to contact the clerk at least three days prior to the meeting with the following information:
  1. Which meeting the request refers to
  2. The name, organisation (if applicable) and contact details of the person making the request
  3. What equipment it is intended to be used (to determine what facilities might be required)
  4. What the photographs/recording will be used for and/or where the information is to be published.
- b) 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.
- c) The Chair will read aloud the statement published on the agenda 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 (or persons) 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 filmed or recorded".
- d) The clerk 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, e.g. 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.
- e) All recording will be undertaken from a static point.
- f) All recording shall be overt, i.e. clearly visible to anyone at the meeting.
- g) Any equipment required for recording purposes should be set up before the meeting starts to avoid disturbance.
- h) Persons who are recording are requested not to leave their equipment unattended and are responsible for their equipment at all times.
- i) The use of lighting for filming/flash photography 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.

- j) Filming elsewhere in any building outside of the meeting room is not permitted without permission.
- k) 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 nondisruptive way and only to the extent that it does not interfere with the ability of any person present to follow the debate.
- l) A person or persons recording the meeting are reminded that the “Public Participation” period is 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.
- m) 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.
- n) 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, i.e. a medical professional, carer or legal guardian. Where the permission is given, filming of these people can take place.
- o) People seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned.
- p) Use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image.
- q) For organisations that are recording a meeting, members of the public should be provided with that organisations 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.
- r) 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.
- s) 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.
- t) A person or persons 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.
- u) 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.
- v) If the clerk of the meeting feels that any photography, audio or visual recording is disrupting the meeting in any way, or any pre-meeting agreement has been breached, this will be reported to the Chair immediately who will call for the operator of the equipment to stop.
- w) If use continues the Chair 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 continue without disruption.

- x) If a meeting is adjourned by the Chair then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned.
- y) If during the meeting, a motion is passed to exclude the press and public, on the grounds that publicity 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 stop recording and /or photography.
- z) 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 allow recording and potentially involve the Police.

## **5 Recordings by the council**

5.1 The council may itself photograph, film, record 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 or suspension of the recording if continuing to record would prejudice the proceedings of the meeting. This would include:

- i. Public disturbance, disruption 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/photography/filming/ webcasting might 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, i.e. a medical professional, carer or legal guardian. Where the permission is given, filming of these people can take place.

5.6 People seated in the public seating area will not be photographed, filmed or recorded without the consent of the individuals concerned.

5.7 Use will not be made of an image or recording 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 of council meetings will be the available on the council's dedicated YouTube channel for the period as set out in the Data Retention Policy.

5.10 Recordings may be removed from the Council's YouTube Channel 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 Data Protection and/or Human Rights legislation 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 record, photograph or film 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 film/record/photograph 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 filmed/recorded/photographed should advise the Clerk (in advance) who will instruct that they are not to be included in the filming/recording/photographing.**

## **7 The Public's Rights**

7.1 If, as a member of the public, you do not wish to be photographed, filmed or recorded please inform the Clerk in attendance at the meeting or the Chair of the meeting when notice is given that a request to photograph / record has been received.

7.2 The Council requires your written consent to include the recording of you at the meeting.

7.3 Where a meeting is being recorded, members of the public shall be provided with the Recording/Broadcasting of Council Meetings Privacy Policy