

Hampshire Fire and Rescue Authority

10 September 2014

Item 8

Openness of Local Government Bodies Regulations 2014

Reported by the Chief Officer

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1 Summary

1.1 This report seeks approval to the adoption of a Protocol on filming, photographing and audio-recording of all public meetings of Hampshire Fire and Rescue Authority (“the Authority”), and the reporting on all its public meetings, including meetings of its committees and sub-committees. The Protocol is attached at Appendix A. It has been developed to assist the Authority in its openness and transparency duties in accordance with the Openness of Local Government Bodies Regulations 2014 (the Regulations), which came into force on 6th August 2014. The Authority has a legal duty to follow the new requirements as set out in the Regulations.

2 Recommendations

2.1 It is recommended that:

2.1.1 The Protocol is adopted with immediate effect.

2.1.2 Authority is given to the Clerk to make the necessary amendments to the Authority’s Standing Orders (Standing Order 29) to reflect the requirements of the Regulations and the Protocol.

2.1.3 Authority is given to the Chief Officer, in conjunction with the Chairman to arrange for the recording of HFRA public meetings as described in section 5.

3 Introduction and background

The Regulations came into force on 6th August 2014. The Regulations give the public and press new legal rights to film, photograph and audio-record at public meetings, and report at public meetings of the Authority and/or its committees and/or sub-committees, including the use of digital and social media. The current Authority’s Standing Orders on this issue prohibit this new legal right. Therefore this paper and the attached Protocol addresses the requirements of the Regulations.

4. Current Position

- 4.1 At present, the Authority's Standing Order 29 prohibits the use of audio or visual recording equipment during meetings without the prior permission of the Chairman of the meeting. This aspect of the Authority's Standing Orders has now been superseded by the implementation of the Regulations which came into force on 6th August 2014. The Clerk is to be tasked with making the appropriate changes to the Authority's Standing Orders.

5. Proposal

- 5.1 It is proposed that the Protocol (Appendix A) is adopted by the Authority with immediate effect. The right to record and report at public meetings is now a legal right. Adopting the Protocol would provide practical information about what the Regulations mean to assist members of the public when considering recording and reporting at this and all future public meetings of the Authority, including meetings of its committees and/or sub-committees. The nature of these reports may include social media of any kind, such as blogs, tweets, Facebook, YouTube.
- 5.2 The Protocol makes allowance for those members of the public who actively object to being filmed, without undermining the broader transparency of the meeting. Further, as a matter of courtesy, it requests that anyone intending to film or audio record a meeting of the Authority and/or its committees to contact the Committee Clerk for advice and guidance within 48 hours of the meeting. Reasonable advance notice will enable practical arrangements to be made and special requirements to be discussed, such as space to view and hear the meetings, seats and a desk. There is no requirements for this within the regulations but is provided as an assistance to both the public and the Authority. Any person taking photographs, filming and/or audio-recording a meeting, and reporting shall bear all of the costs of doing so themselves.
- 5.3 The Protocol also allows for the Authority to maintain its own audio/visual record of the meetings to ensure a comparison copy is available. It is proposed that all future HFRA meetings are filmed (audio and visual recording) and that all Committee meetings will be recorded (audio recording only). No copies or transcripts of these recordings will be made available. However, the HFRA may choose to publish the recordings via its web pages. The recordings would be retained on a suitable medium electronic platform for a period of four months. The official record of the meeting remains the minutes that are already published via the Authority's web pages.

- 5.4 The Chief officer is tasked with identifying and implementing suitable filming and recording to meet the requirements of section 5.3 above. This will be done in conjunction with the Chairman.
- 5.5 It is important to note the Protocol refers to the power of the Chairman to terminate or suspend the meeting if the recording or reporting distracts or disrupts any of the meetings. This power derives from the Authority's Standing Order 17, relating to general disturbances during the proceedings at meetings. It is not proposed that the wording of this Standing Order 17 requires any amendment.

6.0 Risk Analysis

- 6.1 As the public and press have new legal rights to film, photograph and audio-record, and report at public meetings of the HFRA and/or its committees and/or sub-committees, including the use of digital and social media, there may be situations where these recordings and/or reports may be misrepresented. If this happens then HFRA's own recording may be used as supporting documentation.

7.0 People Impact assessment

- 7.1 The proposals in this report are considered compatible with the provisions of the equality and human rights legislation

8.0 Resource implications

8.1 Human Resources

- 8.1.1 Dependant upon the filming and recording options adopted, there may be an additional requirement for HFRS staff to set up, operate and take down the equipment and to then to prepare and publish the recordings to the identified media platform. A commercial option would remove this requirement.

- 8.1.2 The pre-notification by a member of the public who wishes to record a meeting will require staff time to explain the process or direct them to the Protocol on the relevant place on the web-site. All such commitments would be contained within existing staff levels.

8.2 Physical Resources

- 8.2.1 If dedicated recording equipment was required for self-recording, this would need to be purchased, stored and maintained.

8.3 Information and Communications Technology Resources

- 8.3.1 If dedicated recording equipment was required for self-recording, the associated software, storage and public access software would need to be placed on a suitable storage medium.

8.4 Financial Implications

8.4.1 There are no cost implications associated with the change of the regulations allowing members for the public to record HFRA public meetings.

8.4.2 There will be costs associated with the self recording of HFRA meetings. These will be met from within existing resources.

9.0 Conclusion

The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. The Regulations give the public and press new rights to film, record and report at meetings of the HFRA and/or its committees or sub-committees. HFRA will need to adjust its Standing Orders to reflect these new regulations. A draft Protocol has been drawn up to help ensure that these new rights can be exercised by members of the public whilst the meetings of the HFRA can continue to progress effectively. HFRA can elect to self-record future meetings. The optimum way to do this will be assessed and put in place.

10.0 Background papers

10.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

Open and accountable local government - A guide for the press and public on attending and reporting meetings of local government.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341312/140805_Openness_Guide.pdf

Appendix A:

DRAFT Hampshire Fire and Rescue Authority: Protocol for the filming, photographing and audio-recording of all public meetings, and reporting on all public meetings

1. The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. The new Regulations give the public and press new legal rights to record and report at public meetings of Hampshire Fire and Rescue Authority (“the Authority”) and/or its committees and/or sub-committees, including the use of digital and social media.
2. The Authority is committed to being open and transparent in the way it conducts its business. Any persons, including professional, citizen journalists or members of the public, are welcome to take photographs, film and audio-record the proceedings, and report on the proceedings at any meetings of the Authority and its committees and sub-committees, that are open to the public. The Authority also welcomes the use of social media (such as Twitter, YouTube and Facebook) and micro blogging to communicate with people about what is happening, as it happens.
3. This Protocol provides practical information to assist anyone considering filming, photographing or making audio recordings of public meetings, and reporting of those meetings, including the use of digital and social media.
4. Whilst no prior permission is required to carry out the recording and reporting, as a courtesy to the public, officers and members, we encourage anyone intending to film, photograph or audio record, or report a public meeting of the Authority and/or its committees/sub-committees to contact the Committee Clerk for advice and guidance within 48 hours of the meeting. Reasonable advance notice will enable practical arrangements to be made and special requirements to be discussed, such as space to view and hear the meetings, seats, and a desk. In addition the Committee Clerk can inform the relevant Chair of what is to take place on the day.
5. Flash photography, additional lightning or large equipment will not be permitted, unless 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 rooms. Anyone filming, photographing and/or audio-recording, or reporting a meeting of the Authority shall bear all the costs of doing so themselves.
6. The Chair of the meeting will be informed of any intention to film, photograph and/or audio-record, or report and s/he will, at the beginning of each meeting, make an announcement that the meeting will be filmed, audio-recorded or photographed, or reported and will ask if anyone actively objects to this. Anyone who remains at the meeting after the Chair’s announcement will be deemed to have consented to the broadcast of their image and anything they say.

7. A note will also be posted on the door of the meeting room advising anyone who attends the public meeting that they may be filmed, photographed and audio-recorded, and reported and that by attending the public meeting they are consenting to the broadcast of their image and anything they say. Meeting agendas will also include the following statement:-

“The Openness of Local Government Bodies Regulations are in force, giving a legal right to members of the public to record (film, photograph and audio-record) and report on proceedings at meetings of the Authority, and its committees and/or its sub-committees. The Authority has a protocol on filming, photographing and audio-recording, and reporting at public meetings of the Authority which is available on our website. At the start of the meeting the Chair will make an announcement that the meeting may be recorded and reported. Anyone who remains at the meeting after the Chair’s announcement will be deemed to have consented to the broadcast of their image and anything they say.”

8. It should be noted that the Chair of a meeting will have absolute discretion to terminate or suspend the meeting for a period not exceeding 30 minutes, if, in their opinion, continuing to exercise any of the above activities would distract or disrupt the meeting, and this could result in expulsion of the person. Essentially, disruptive behaviour can, for the purposes of this protocol, include:-
 - a. Moving to areas outside the areas designated for the public without the consent of the Chair;
 - b. Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
 - c. Intrusive lightning and the use of flash photography;
 - d. Asking for people to repeat statements for the purpose of recording.
9. In allowing filming, photography or audio-recording, or reporting to take place, the Authority requires those participating not to edit the film, photograph or audio-recordings, and reportings in a way that could lead to misinterpretation of the proceedings of the meeting. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed, filmed or recorded. When published or broadcast, recordings and reportings to be accompanied by information including when and where the recording and/or reporting was made and the context in which the discussion took place.
10. Deputations will be invited to declare their names before speaking. In making a deputation individuals will by doing so, give their consent to be filmed, photographed, audio-recorded, or reported.
11. The Authority may wish to maintain its own record of proceedings to ensure a comparison copy is available. It may choose to publish this via its own web-site. No copies or transcripts will, however, be made available from the Authority’s own records.

12. Written minutes of meetings, once confirmed, will remain the formal record of all decisions taken.
13. All meetings of the Authority, committees and sub-committees are open to the public except in limited circumstances where the Authority is legally required, or allowed, to close the meeting to the public. Any recording or reporting of such meetings should cease immediately if and when the Chair of the meeting agrees to formally exclude the Press and public due to the business of an Exempt or confidential nature.
14. Recording and reporting of the Authority's meetings 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 Data Protection Act and the laws of libel and defamation. The Authority accepts no liability whatsoever for such breaches.