

Recording, photography and use of social media at meetings open to the public – The Openness of Local Government Bodies Regulations 2014

The Openness of Local Government Bodies Regulations came into effect on 6 August 2014. Broadly, the regulations give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

If you are planning to record/film a meeting

You do not need permission to record meetings but, because we need to provide reasonable facilities for filming, we ask that you let us know in advance if you wish to record the meeting.

You can contact the Democratic Services Manager, on 07876 217751 or email democratic.services@eastleigh.gov.uk

What behaviour should be followed

- The filming, photographing or audio recordings should only be made from the designated public seating area and with the knowledge of the Chair of the meeting. Filming or recording must not be intrusive. Do not use a zoom lens.
- Filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode.
- If filming at a public meeting the camera should remain in one fixed position throughout the meeting. No flash or additional lighting is permitted, nor excessive movement allowed that might disrupt the meeting.
- Attendees will be advised at the start of the meeting that it is being filmed, photographed or audio recorded. Notices will also be placed on the doors of the meeting room.
- The public is not allowed to make oral commentary (i.e., commentate on proceedings) during a meeting.

The Chair of the meeting has the absolute discretion to stop or suspend filming, recording and use of social media during a meeting if, in their opinion, the activity:

- is disrupting the meeting and impeding good decision making
- is infringing the rights of any members of the public
- is in danger of repeating a defamatory statement that has been made

Use of recordings by third parties

The Council will expect those filming or audio recording the proceedings to abide by (a) and (b) below:

- a) Any published filming or audio recording should be accompanied by a statement of when and where the filming and audio recording was made, the context of the discussion that took place and a clear identification of the main speakers and their role or title.
- b) Those undertaking the filming or recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.

Any misrepresentation of a recording, photographic or audio put in the public domain may necessitate the Council in taking action to have it removed. Any recording photographic or audio put in the public domain with inappropriate text may necessitate the Council in taking action to have it removed.

What if participants do not want to be filmed?

The notice on the agenda and displayed in meeting rooms explains to members of the public that they may be filmed, especially if they participate in any way during the meeting (e.g. deputations, questions, heckling), and although we ask those filming/recording to refrain from covering the public seating area, we cannot guarantee that members of the public will not be filmed.

We ask those filming/recording meetings to avoid vulnerable people and/or children, but we cannot guarantee this will happen. Those responsible for children/vulnerable people must decide whether it is appropriate for them to attend or remain in meetings in these circumstances.

If you stay at a meeting after the Chair has announced that the meeting may be recorded we will assume that you have agreed to any potential broadcast of your image.

Private sessions

Where a meeting goes into private session, for example where confidential or exempt information is to be discussed, the public are excluded and any filming/recording equipment remaining in the room must be turned off before the person responsible for it leaves the room.

Can councillors use social media/record during meetings?

The national rules do not prevent Councillors from recording or tweeting and blogging during meetings. However, Councillors need to consider their role at meetings and ensure that nothing stops them making good and effective decisions.

Councillors are able to record meetings open to the public but are asked to follow this guidance and ensure that those in attendance are aware.

Keeping the public informed

On the front sheet of each meeting agenda; on signs displayed at the meeting and by announcement of the Chair there will be the following notice.

"Please note that the filming, taking photographs or recording is allowed in any meeting that is open to the public using any communication method. The use of social media is also permitted. However, we would ask that you advise the Chair if you intend to film the meeting so that members of the public can be advised. We will provide a designated seating area for filming and would ask you to use this to protect members of the public who may not wish to be filmed."

Although we ask those recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that you will not be filmed or recorded by others attending the meeting.

Members of the public participating in the meeting (e.g. making deputations, asking questions making oral protests) should be aware that they may be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in their opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council."