



Birchington Parish Council

Recording and Filming of Public Meetings Policy

1. Introduction

Birchington Parish Council is committed to the principles of openness and transparency and encourages members of the public to attend all meetings of the council and its committees.

It therefore supports the rights to record, film and to broadcast meetings of the Parish Council as established under the Openness of Local Government Regulations 2014.

Any person who attends a meeting of a relevant local government body for the purpose of recording and reporting on the meeting may use any communication method - including the internet - to publish, post or otherwise share the results of their reporting activities, provided it doesn't disrupt the conduct of the meeting.

2. Scope

For the purpose of this policy the term "record" means any form of audio, visual or electronic recording.

This policy is applicable to meetings of Birchington Parish Council, and its committees.

This policy applies to the live streaming, recording, storage and distribution of recorded meetings held in the Council Office or elsewhere.

This policy applies to the live streaming, recording, storage and distribution of recorded meetings held in the Council Office or elsewhere.

This policy applies to all persons attending Parish Council Meetings including Councillors, staff, invited speakers, observers, presenters and members of the public, both as visitors in the public seating and as contributors to the meeting.

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

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.

Notice of the recording of meetings will be read out at the beginning of the meeting.

The adopted Minutes of the Public Council Meetings remain the official record of the meeting. The recordings are to promote broader access to meetings only and for information purposes only.

3. Aims

This policy aims to provide guidance for the live streaming and transparent management of recordings of Council meetings by both members of the public and the Council itself.

4. Recordings by the Council

Parish Council Meetings are usually held in the Parish Council Office or Birchington Library.

At the commencement of each meeting the Chair shall notify those present, including members of the public, that the meeting is being recorded in accordance with this policy.

The Chairman has the discretion and authority at any time to direct the termination or interruption of the recording of the meeting if he or she considers it prudent or advisable to do so.

Opinions and statements expressed and made during a Parish Council Meeting are those of the individuals making them.

Birchington Parish Council does not accept any responsibility for any verbal statements made by the public during meetings which may be inaccurate, incorrect, or defamatory.

This policy does not extend to confidential meetings closed to the public. Confidential Meetings shall not be recorded. Should a meeting be adjourned for a confidential session, a motion of Council is required.

The Chairman 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 or
- iii. any other reason which the Chairman considers reasonable in the circumstances.

5. Recordings by members of the public and individual Councillors

The recording and reporting on meetings of the Parish 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 1998,
- the UK General Data Protection Regulations (GDPR)
- the Data Protection Act 2018 and
- the laws of libel and defamation

All recording must be overt (clearly visible).

The start of the Council meeting will not be delayed to enable setting up or activation of personal recording equipment.

The Parish 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

The council requires that the recording will not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Parish Council's values or in a way that ridicules or shows a lack of respect for those in the recording.

The Council members and staff do not consent to their images being used for any purpose other than to accurately reflect the meeting in which the filming took place.

The regulations allow individuals to film and record all those taking part in the meeting including officers and any members of the public invited to address the meeting/make representations etc. However, if any such filming and recording apparently focusses on an individual, the chair may conclude that such action exceeds article 8 of the Human Rights Act 1998 and may rule that this is not permissible.

The Parish Council requires any recording in breach of these rules to be removed from public view.

The Parish Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

The specific filming of children or young people under the age of 18 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.

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

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.

All those filming a meeting must only focus on recording councillors who are directly involved in the conduct of the meeting.

The Parish 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.

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 including a request to repeat their statement for the purpose of the recording.

A person or persons recording the meeting are reminded that the "Public Participation" period is not 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.

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

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.

If the Clerk of the meeting feels that any photography, audio or visual recording is disrupting the meeting in any way then the operator of the equipment will stop.

If use continues the Chairman or Clerk 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 in accordance with Standing Orders.

If a meeting is adjourned by the Chairman, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned.

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.

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.

The Council will allocate an area for film equipment to be placed. Operation of film equipment outside of this area will not be permitted.

Only Static filming, without lighting equipment will be permitted. Roving cameras are not permitted under any circumstances.

Flash photography is not permitted.

The Council do not accept any liability for equipment not owned by the Council

The Council reserve the right to seek compensation from the equipment owner/operator for any damage to council property resulting from the use of personal property.

February 2025

Minute Ref: Adopted: Next Review Date: