

## Annex 2

### New standing order & Section J to Part 5

#### SECTION J - RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA PROTOCOL AND GUIDANCE

##### Introduction

The Local Audit and Accountability Act 2014 and the “Openness of Local Government Bodies Regulations 2014” set out the statutory provisions that permit the recording of proceedings by any person attending the meeting.

Epsom and Ewell Borough Council recognises that it operates in a modern digital world where the use of filming and communication methods such as tweeting and blogging is commonplace. The Council has responded to the Government’s requirements to increase citizens’ rights to attend and report on meetings by adopting a “Standing Order” and this Protocol.

To ensure the work of a meeting is not interrupted and to safeguard the rights of others, any member of the public or of the media wishing to photograph and / or audio or visually record a meeting will be asked to sign the recording and filming protocol.

##### Procedure Prior to the Meeting for those Wishing to Record or Photograph a Meeting

Requests to take photographs or undertake audio or visual recordings of meetings open to the public, either by members of the public or by the media should wherever possible be made to **the Democratic Services Officer listed as a contact for that committee on the agenda for each meeting** at least two working days before the meeting.

The request should include the following information as this will assist the Council in making preparations for the meeting to avoid any disruption to the proceedings:

|   |   |
|---|---|
| 1 | the name, organisation (if applicable) and contact details of the person making the request                               |
| 2 | which meeting do you wish to record   |
| 3 | what equipment will you be (e.g. camera/audio recorder/video camera)  |
| 4 | What will the photographs, or audio / visual recording will be used for and / or where the information is to be published |

All recording and filming of Council meetings are subject to the following terms:

|   |  |
|---|--|
| 1 | Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chairman so as to minimise disruption to the proceedings;  |
| 2 | The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chairman, so as to minimise disruption to the proceedings;  |
| 3 | If the Mayor or Chairman feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop;  |
| 4 | If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;  |
| 5 | If the Mayor or Chairman adjourns the meeting, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;   |
| 6 | Those making audio or visual recordings must comply with any request made by the Mayor or Chairman regarding respecting the public's right to privacy;   |
| 7 | People seated in the public gallery / seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are seated in a "public seating area"; |
| 8 | Use must not be made of an image or recording if consent is refused by an individual;  |
| 9 | Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.  |

It should be noted that failure to comply with this Protocol may lead to the refusal of any future requests to photograph or audio or visually record any future Council meetings in view of the risk of future disruption to proceedings.

If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect may be displayed in the relevant meeting room.

To assist the public, the Chairman will, in accordance with the Council's FCR XX, make an announcement that the meeting will be photographed and /or recorded or filmed.

The Council may, on occasion, audio record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect and these recordings will not be made available to anyone outside the Council.

### **Audio and Visual Recording – the Public Rights**

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Committee Officer in attendance at the meeting, or the Mayor or Chairman of the relevant committee if notice that a request to photograph / record has been received is given.

### **Procedure at the Meeting**

Equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chairman. This will be communicated to all relevant parties. This is to minimise disruption to the proceedings.

If the Mayor or Chairman feels the photography/audio / visual recording is disrupting the proceedings, the operator of the equipment will be required to stop.

If use continues the Mayor or Chairman will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Mayor or Chairman's requests may be refused permission to photograph, record or film at future Epsom and Ewell Borough Council so as to minimise the risk of future disruption to the proceedings.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

If a meeting for which agreement is given to record or photograph is adjourned by the Mayor or Chairman then any recording or photography should stop at the point at which the meeting is adjourned.

### **Social Media**

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor or Chairman does not consider their actions are disrupting the proceedings of the meeting.

If the Mayor or Chairman feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, the Mayor or Chairman will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Councillors and members of the public are reminded that there are laws which apply to social media use – including the law of defamation and the law on public order offences.

Dated XX