



Department for  
Communities and  
Local Government

## Open and accountable local government

A guide for the press and public on attending and reporting  
meetings of local government

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# Part 1 Your rights to attend and report meetings

This part of the Guide applies to all the local government bodies listed at annex A.

## **Why are there new national rules?**

We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies. This will ensure we have strong, 21<sup>st</sup> century, local democracy where local government bodies are genuinely accountable to the local people whom they serve and to the local taxpayers who help fund them.

## **Who do these rules help?**

These rules help any members of the press and public who want to know about, view or report the work of local government bodies. The “press” is defined in the widest terms – including traditional print media, filming crews, hyper-local journalists and bloggers.

The new national rules<sup>v</sup> have increased your rights to film, audio-record, take photographs, and use social media such as tweeting and blogging to report the proceedings of all such meetings that are open to the public.

## **Are all meetings of a local government body open to the public?**

All meetings must be open to the public except in limited defined circumstances where the national rules require or allow the meeting to be closed to the public – see Part 2 for the rules for a council’s executive, Part 3 for the rules for other local government bodies, other than parish and town councils, and Part 4 for the rules for parish and town councils.

## **Can I film or audio-record the meeting?**

Yes, councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. While no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio-record a public meeting let their local government staff know so that all necessary arrangements can be made for the public meeting. This is important because the rules require local government bodies only to provide reasonable facilities for any member of the public to report on meetings.

There is no legal requirement for councils to webcast their meetings, but where councils and other local government bodies webcast any of their public meetings, they should, as a matter of good practice, notify the public.

### **Do I need to have advance permission to report the meeting?**

No. Whilst we would encourage people to contact staff in advance if they want to film or record, equally, we would discourage any system which “vetted” journalists or restricted reporting to “approved” journalists. Councils should support freedom of the press within the law and not seek to restrict those who may write critical comments.

### **Can I film or audio-record a private meeting<sup>vi</sup>?**

The rules on the use of communication methods, such as filming and audio-recording, only require local government bodies to allow the reporting of meetings open to the public. The relevant council or local government body may not allow you to film or audio-record its private meetings. You may also not be allowed to leave recording equipment in the room where a private meeting is held for the purpose of reporting on the meeting.

### **Can I tweet or blog a council or local government body meeting?**

Yes, the new rules<sup>vii</sup> allow for reporting of meetings via social media of any kind. Therefore bloggers, tweeters, and for example, Facebook, YouTube users and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for reporting.

### **If I am a councillor, can I tweet or blog during council meetings?**

The national rules do not prevent councillors from tweeting and blogging at meetings, so they should be able to do so provided it is not disruptive and does not detract from the proper conduct of the meeting. Whilst councillors are expected to comply with their body's code of conduct, this should not prevent councillors from tweeting or blogging when appropriate.

### **What sort of facilities will my council or local government body provide?**

Councils or local government bodies are required to provide “reasonable facilities” to facilitate reporting. This should include space to view and hear the meeting, seats, and ideally a desk. Councils and local government bodies should use their common sense to determine the range of reasonable facilities they can actively provide to support the free press in all its forms.

To facilitate public scrutiny and public reporting, local authorities should not conduct their meetings in foreign languages.

### **Will I be allowed to film, tweet, blog or audio-record the meetings of other bodies not listed in annex A?**

The Government message is that all public bodies should adopt maximum openness and transparency. This is also essential for bodies or groups making decisions for their local area because they are expected to be open and transparent in their decision-making. While the new national rules do not apply to some local groups such as neighbourhood forums and Local Enterprise Partnerships, such groups are encouraged, when having public meetings, to embrace the use of modern technology and should allow the same filming, audio-recording, taking of photographs, tweeting and blogging as applied to local government bodies, particularly if they are in receipt of public funds. This will give local people the opportunity to see how decisions are being made that affect their community.

### **Are there any limits to what I can say in a tweet or video I publish?**

The law of the land applies – including the law of defamation and the law on public order offences (see the Crown Prosecution Service guidance on social media<sup>viii</sup>).

Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.

### **Are there other limits that I should be aware of?**

The council or local government body should consider adopting a policy on the filming of members of the public, and ensure that they protect children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting.

### **Will I be able to provide commentary during the meeting?**

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. The new rules do not permit oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting.

### **Can I be asked to leave a meeting because I'm taking photographs, filming or audio-recording the meeting or using social media?**

Generally, people attending public meetings must be readily able to film, audio-record, take photographs or use social media. Councils and other local government bodies must take steps to ensure this is the case. However, those undertaking these activities must not act in a disruptive manner, which could result in being excluded from the meeting.

## **What is disruptive behaviour?**

Essentially, this could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc the proceedings.

Examples can include:

- moving to areas outside the areas designated for the public<sup>ix</sup> without the consent of the Chairman,
- excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; and
- asking for people to repeat statements for the purposes of recording.

You may be excluded from a meeting if you act in a disruptive manner.

## **Can I leave recording equipment in a public meeting room and record without being present?**

There is no legal prohibition, however, under the national rules, the local government body may require any such recording to stop if at any stage the meeting becomes a private meeting.

## **But the local authority says reporting is a breach of its Standing Orders?**

It is a legal duty for the local government body to follow the new provisions. If a local government body's existing Standing Orders are not fully in line with the new legislation, in the short-term, we recommend they simply waive the relevant provisions of those old Standing Orders which could be taken to inhibit the new reporting rules, and then take steps to update formally its Standing Orders.

## **Draft - Policy and protocol on recording, photography and use of social media at meetings of the Council**

### **1. Policy statement**

- 1.1 Swanage Town Council is committed to being open and transparent in the way it carries out its business whenever possible. It will therefore seek to provide reasonable facilities to allow anyone who wishes to do so to record meetings of the Council and its committees that are open to the public. Anyone can therefore film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public.
- 1.2 The Council does, however, expect that anyone filming, audio-recording, taking photographs, or using social media will do so in a way that does not disrupt the meeting or does not involve filming children, vulnerable adults or those members of the public who have actively objected to being filmed. The use of flash photography is not permitted due to it being likely to become a distraction and annoyance.
- 1.3 As oral reporting or commentary on a meeting as it takes place by anyone who is present at the meeting would be disruptive the Council does not allow this. Anyone can however provide an oral report or commentary outside or after the meeting.
- 1.4 The Council does not permit anyone to report on a meeting using methods which can be used without that person being present at the meeting and which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

### **2. Protocol**

- 2.1 The purpose of this protocol is to provide guidance, particularly, for members of the press and the public on the filming, taking of photographs and the audio recording of any Council meeting which is held in public.
- 2.2 The protocol also refers to the use of "social media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chairman does not consider their actions are disrupting the meeting.
- 2.3 The Council will not vet those who want to film, audio-record, take photographs, or use social media to report the meeting. It would help us however in providing reasonable facilities if anyone wanting to film, audio-record, take photographs, or use social media to report the meeting were to notify the Town Clerk of their intention 24 hours before the meeting.

- 2.4 Irrespective of whether the Town Clerk has been notified, anyone wanting to film, audio-record, take photographs, or use social media to report the meeting should on arrival at the meeting inform the Town Council Officer who is present at the meeting.
- 2.5 The Town Council Officer will then tell the person what facilities the Council can make available for them to use. This will usually mean that they are provided with space to view and hear the meeting, a seat, and possibly a desk, although the latter cannot be guaranteed due to the size of the Council Chamber.
- 2.6 If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect will be prominently displayed inside and outside of the Council Chamber advising members of the public that other members of the public and the press may be recording the meeting and if they do not wish to be filmed or be photographed, they should inform the Town Council Officer present. Failure to register an objection will be taken to indicate their consent to being filmed or photographed. The Town Council Officer will advise those wanting to film, or take photographs of the objection.
- 2.7 In accordance with Standing Order 71, the Chairman may require anyone who is filming, taking photographs, audio recording or using social media to record the meeting to leave the meeting if they act or if their activities disrupt the meeting. Examples of acts or activities that are likely to disrupt a meeting include:
- (a) moving to areas outside the areas designated for the public without the consent of the Chairman;
  - (b) excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
  - (c) intrusive lighting;
  - (d) asking for people to repeat statements for the purposes of recording; and
  - (e) filming or taking photographs of members of the public who have actively objected to being filmed or photographed.

### 3. Further information

- 3.1 Please contact the Town Council ([admin@swanage.gov.uk](mailto:admin@swanage.gov.uk)).
- 3.2 The Government has also published a [plain English guide](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf) for the press and public on attending and reporting meetings of local government – see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)