



# Heybridge Parish Council

## Openness and Transparency Policy

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### 1. Legislation

The following list of legislation applies to the openness and transparency of Local Government.

- a) *The Openness of Local Government Bodies Regulations 2014*. These regulations took effect on 6 August 2014
- b) *Law of Defamation*
- c) *Law on Public Order Offences* [Crown Prosecution Service guidance on communication using social media.]
- d) *Localism Act 2011*
- e) *Accounts and Audit (England) Regulations 2011; Local Audit and Accountability Act 2014*
- f) *Freedom of Information Act 2008*
- g) *Public Bodies (Admission to Meetings) Act 1960*
- h) *Re-Use of Public Sector Information Regulations 2005*
- i) *Data Protection Act 1998*

### 2. Definition of Reporting

The Openness of Local Government Bodies Regulations 2014 define reporting to include:-

- a) filming, photographing or making an audio recording of proceedings at a meeting (e.g. using a mobile phone, tablet, filming for a TV broadcast, recording for a radio broadcast);
- b) using any other means for enabling people not present at a meeting to see or hear proceedings as it takes place or later (e.g. live streaming);
- c) written reporting or commentary on the proceedings during or after a meeting or oral reporting or commentary after the meeting. Examples of written reporting or commentary include e.g. blogging, posting comments on Facebook or tweeting.

### 3. Filming and recording of parish council meetings

Any member of the public may take photographs, film and audio-record the ***proceedings*** and report on all public meetings.

No prior permission is required to carry out this activity, however, it is advisable that any person wishing to film or audio-record a public meeting should inform the Clerk so that all necessary arrangements can be made for the public meeting.

Oral (running verbal) commentary is not allowed during a meeting as this would be disruptive to the meeting. Oral commentary by a person present at the meeting can be provided after the meeting. A person will need to ensure that their oral or written reporting of a meeting does not give rise to a libel claim (Law of Defamation.)

#### **4. Tweeting, Blogging and Social Media**

Any person may report meetings via social media of any kind. This includes bloggers, tweeters, and for example Facebook and Youtube.

Councillors may tweet or blog at meetings provided it is not disruptive and does not detract from the proper conduct of the meeting. Councillors are expected to comply with the adopted Code of Conduct.

#### **5. Facilities provided by the Parish Council**

Reasonable facilities will be provided to facilitate reporting/recording. This includes space to view and hear the meeting, seats, and a desk.

The Council will also provide facilities such to protect children, the vulnerable and other members of the public who actively object to being filmed, without undermining the broader transparency of the meeting.

#### **6. Limitations**

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

The legislation limits what can be reported on which is only the proceedings of a meeting. The Council expects that any reporting will focus on the proceedings and those that participate in the meeting rather than those who are simply attending the meeting. Those who participate in the meeting include councillors, members of the public who are permitted to speak during the meeting, those invited to by councillors to speak at a meeting and officers.

The Council will seek consent of reporting children and vulnerable adults who are present before the meeting commences. Consent will be sought from a child's parent, legal guardian or teacher. Consent will be sought from a vulnerable adult's medical professional, carer or legal guardian.

## **7. 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 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.

Anyone may be excluded from a meeting if they act in a disruptive manner.

Recording equipment must not be left in the room if the person has been excluded.

## **8. Start of the public Parish Council Meetings**

At the start of each meeting, the Chairman will remind everyone in attendance and who will be participating on the meeting that they may be filmed, recorded, photographed or otherwise reported about. The Chairman will remind everyone that reporting must be avoided in the separate sitting area of those who do not wish to be reported (as outlined above).

## **9. Status of Policy**

This policy will be considered for adoption at full Council meeting to be held on 18 September 2014. Adopted on 18 September 2014. Review April 2016. Reviewed and agreed 18 May 2017.

August 2014

Clerk