HATFIELD BROAD OAK PARISH COUNCIL

Formally Adopted: 08.11.2023
Reviewed: 02.12.2024
Next Review date: December 2025

Recording Policy

Hatfield Broad Oak Parish Council will hereinto be known in this policy as 'the Council'

1. INTRODUCTION

i. This policy will cover the recording of Parish Meetings by members of the community as well as the Council itself recording the meeting.

ii. The term "recording" covers the audio, visual or any kind of electronic recording.

iii. The right to record, film and to broadcast meetings of the parish meeting is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

iv. The Council is committed to being open and transparent in the way it conducts its decision making.

v. The Council fully appreciates that any recording of meetings will need to be stored securely and will be covered by Freedom of Information (FoI) and General Data Protection Regulations (GDPR) legislation.

vi. All Council meetings will be recorded in either a visual, audible, or electronic manner unless there is an agreed motion to prohibit a full meeting or a section of a meeting (both of which the reason should be clearly noted in the minutes).

vii. The physical minutes of the meeting, which are usually taken by the Clerk and voted by the Full Council at the next Full Council meeting will remain the statutory and legally binding formal record of council decisions.

viii. In any discrepancy between any recordings and written minutes, the Council are steadfast in using the written minutes as the primary record.

2. COUNCIL RECORDING OBLIGATIONS AND DUTIES

i. The Parish Council may itself photograph, film, record or broadcast meetings and can retain, use, or dispose of such material in accordance with its retention and disposal policies.

ii. Where a council proposes to record its own meetings, it will be bound by this policy.

Recording Policy

iii. The Council will ensure that in all face-to-face meetings, there are clear signs of the fact that the meeting is being recorded.

iv. The Chair will propose a motion when recording is not appropriate for either a full meeting or a section of meeting – if agreed this will be clearly noted in the minutes.

v. If any Council meeting is held digitally, the Chair will ensure that it is clearly expressed by them that the meeting is being recorded.

vi. The Councillors, Clerks and Council officers have given their permission to be recorded as part of their role.

vii. Any members of the public or press who have attended any meeting (both face to face and digitally) will be warned by the Chair that by remaining at the meeting they have in effect given their expressed permission to be recorded. If any members of the public or press who do not want to be filmed should be given to leave the meeting before recording commences.

viii. The Council will ensure any notifications or signs detailing that recording will be taken place should be as clear and visible as possible.

ix. For any digital recordings, the Chair will express the fact the meeting is being recorded in a clear manner and ask any participants if they have any questions.

x. The Clerk shall ensure that for any meetings that are recorded, the act of the recording is made clear in the minutes.

xi. The Council will determine that how long the recordings are kept, and it will be detailed in the Retention and Disposal of Documents and Data Policy. The policy will have specific reference to the GDPR and best practice guidance from the Information Commissioners Office (ICO).

xii. The Council will not alter, amend or in any way change the format or chronology of the recordings.

Recording Policy

3. RULES OF MEMBERS OF THE PUBLIC RECORDING MEETINGS

i. The Council recognises that the general public have a right to record the meetings – this includes both face to face and digital meetings.

ii. In regard to agenda points when the public and press are excluded, no recording by the press or public will permitted.

iii. The Chair will remind all members of the public and press that any recording of any meetings (either in full or part) will not be permitted to cause any disruption of any part of the Council meeting.

iv. Any person wishing to record a meeting in any format whatsoever is encouraged to contact the Clerk prior to the start of the meeting. The Clerk's details are set out on website and the agenda of the meeting. Discussing requirements with the clerk beforehand will help to ensure that the council provides reasonable facilities to meet the needs of the person that is recording.

v. Any person making the recording may move around, however in doing so they must ensure that there is minimal or no disruption to the proceedings of the meeting.

vi. Any individual recording the meeting should be aware that portions of the meeting considered a 'public forum' are not necessarily part of the formal Council proceedings. As such, any recording of individuals who are not Councillors or Officers of the Council requires their explicit consent. The Parish Council does not record public participation in audio or visual format to ensure compliance with relevant data protection and privacy legislation, including GDPR."

vii. 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.

viii. Where the permission is given, filming of these people can take place.

ix. The council requests that all recording is overt (i.e. clearly visible to anyone at the meeting).

Recording Policy

x. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a nondisruptive way and only to the extent that it does not interfere with the ability of any person present to follow the debate.

xi. A person or persons making a recording has no right to interrupt the formal part of the Parish meeting by asking questions or making comments for the purpose of the recording.

xii. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.

xiii. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their reasonable opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.

xiv. Persons who are recording are requested not to leave their equipment unattended where possible and are responsible for their equipment at all times.

xv. 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, the Data Protection Act and the laws of libel and defamation.

xvi. The council expects 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.

xvii. The Parish Council would expect 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.

xviii. For the benefit for those who wish to record - where the recording device being used involves equipment which is larger than a smart phone, tablet, or compact camera or if the person recording has other special requirements,

they are requested to please contact the clerk prior to the meeting so that reasonable arrangements can be made.

xix. The use of lighting for filming/flash photography will usually be allowed provided that it does not adversely impact on the ability of others present to view the meeting, or for reasons of health, whereby the council may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting should not cause any other form of disruption.

xx. 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.

4. COPYRIGHT

i. Copyright is a means of protecting intellectual property rights in material. It covers the expression of original ideas and thoughts and includes literary works, music, sound recordings and things such as advertising jingles or TV themes.

ii. Copyright is governed by the Copyright, Designs and Patents Act 1988 (CDPA), and automatically applies to items such as, but not limited to, documents, policies, photographs, music and sound recordings. There is no requirement to apply for copyright protection – it applies automatically. The usual symbol for copyright is ©.

iii. Others e.g., local authorities, individuals, charities etc., might wish to use council copyright protected material. To comply with the CDPA they cannot use council copyright material unless they receive our permission.

iv. Where a request is made from a third party to use council copyrighted material the council will consider each case on its individual merits.

v. Permission to use will only be granted on the understanding that materials may be resized but must not be altered in any other way.

vi. Where the council has provided permission to a third party to use council copyright protected material appropriate wording must be used by the third party.

a. *With thanks to Hatfield Broad Oak Parish Council for allowing use of their ……*

vii. The council expressly reserves the right to take any appropriate action, including legal action against those who wilfully or recklessly breach its copyright or who publish copyright protected material where permission has been refused, irrespective of their sector or commercial status.