

Council Meeting
26 June 2007

REPORT OF THE DEMOCRATIC SERVICES MANAGER
AGENDA ITEM 13.1

1. Amendment to the Constitution:

Under Article 12 of the Constitution, Revised Table of Chief Officers, paragraph 12.01 (b) it is stated that

“The Director of Corporate Governance will have reserve powers to exercise all or any of the power delegated to the Head of Legal under the Constitution”.

In order to cover absence or any other circumstance which may require the powers of the Democratic Services Manager to be exercised by another officer, it is proposed to amend this paragraph to include the Democratic Services Manager, alongside the Head of Legal. This will enable the Democratic Services Manager’s powers also to be exercised by the Director of Corporate Governance. It is also proposed that the Director of Corporate Governance be authorised to exercise certain statutory officer functions also granted to the Democratic Services Manager.

Recommend – That Article 12 of the Constitution, Paragraph 12.01 (b) be amended to include the Democratic Services Manager, alongside the Head of Legal, as an officer whose powers under the Constitution can be exercised by the Director of Corporate Governance, together with the following statutory officer powers:

- **Members' declarations of acceptance of office**
- **Members' notice of resignation**
- **Giving notice of casual vacancies**
- **Convening Council to fill Mayoral casual vacancy**
- **Signing summonses for council meetings and receiving notices as to Members' addresses for summonses**
- **Receiving notification of political groups for the calculation of political balance**
- **Returning Officer for election of parent governor representatives to Committee**
- **Deposit of documents**
- **Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.**

2. Filming at Council and Committee meetings

Introduction

The Council’s policy up until now has been not to permit any form of recording of Council or Committee meetings (other than the audio recording of Question Time

and Comments on the work of the Cabinet for the purpose of Council meeting minutes). The Policy and Resources Committee on 20 October 1993 in noting an earlier decision of the General Purposes Committee on 21 November 1983 were advised that unless a full report was considered by Committee the General Purposes Committee's decision would stand.

However, recently, the Council have been receiving requests from the media to film parts of meetings, including the request referred to below. Therefore, in view of the potential benefits to the Council, it is considered appropriate to request the Council to review the position.

Current Request

This request has been prompted by a documentary series commissioned by BBC 1 and produced by IWC Media following the planning process. Access to North London Business Park and on planning officers' site visits for the two-person crew has been agreed by the relevant directors and both the Leader and relevant Cabinet Member have been kept informed.

The producers' aim is to follow a range of planning applications through every stage, speaking to officers, applicants and objectors. Inevitably they are most interested in applications with a high public interest. These will frequently be the cases that go to committee so the company has requested permission to film meetings.

IWC is also working with Barking and Dagenham Council and is in talks with other London boroughs and councils within the "M25 circle".

Their intention is to highlight the breadth of cases that crop up, particularly focusing on the more high public interest applications received by the Local Planning Authority.

It is considered that the series offers the Council an excellent opportunity to portray local government, the council and the planning service, especially, in a very favourable light.

To take the specific case of filming for the BBC documentary, there are a number of points to make.

The Communications and Consultation Director is confident that there is no intention to show the council in a negative light. IWC are keen to film meetings because that is the logical conclusion to the planning process for applicants and objectors in many cases. Filming would be for this purpose only and the company have said that footage would not be used out of context.

It is impracticable for IWC to follow every application received by the Local Planning Authority. The company has indicated that they would only film the specific cases that they have been following and no others. Therefore, it is unlikely that they would film more than one case on any given Area Planning Sub-committee or Planning and Environment Committee agenda.

It is understood that a crew for this purpose would consist of no more than two people, with one hand-held camera, being as discreet as possible and would not be obtrusive in the Chamber or Committee Room.

As the company is not filming on an ad hoc basis, we would know in advance whether they planned to attend and film at any meeting. This gives an opportunity to brief members about their presence.

IWC have expressed a willingness to meet the chairmen and vice-chairmen of the Planning and Environment and Area Planning Sub - Committees to explain in more detail what they would be doing. If this proposal is adopted it is suggested that all Members and Substitute Members of these Committees are briefed.

Filming committee meetings – general

There is an increasing drive in local government actively to engage with residents on a wider basis than traditional methods allow. This is evidenced by the number of councils that film and broadcast council meetings online. In London alone this includes Camden, Croydon, Enfield, Haringey and Hounslow.

Should this Council wish to take advantage of opportunities further advances in technology will allow, then the current rules around filming meetings would need to be relaxed.

Under the Local Government legislation, local authorities are required to make provision for members of the public and the press to attend meetings, subject to certain provisos, which are set out in the Council's Constitution. However, this requirement does not extend to other media, although the Council may permit filming and recording if it so wishes.

It is therefore proposed that this Council permits reputable broadcast organisations to film council and committee meetings. If this is agreed, it is further proposed that these organisations would be subject to the same provisos as members of the press.

Permission would not extend to members of the public wishing to record meetings.

It is not anticipated that a large volume of requests would be received. Analysis of media enquiries received by the Communications Service for each month of 2007 shows that the proportion from TV, Radio and online outlets has yet to exceed 10%, with printed press typically being responsible for 90% of enquiries.

Furthermore, despite having dealt with many enquiries from broadcasters in the past 18 months, no requests for permission have been sought to film council meetings for news programmes.

Risks and Risk Management

(i) While one potential pitfall that must be considered is that the Council will have no ultimate control over what footage is used, if, as is suggested, only reputable broadcast organisations are permitted to film, the credentials of the organisation will be verified by the Communications and Consultation Director.

(ii) There are potential concerns if the filming, or questioning of applicants and objectors/members of the public in particular, causes disruption to the meeting. To mitigate this risk, protocols would be drawn up and a member of the Communications and Consultation Director's staff would be on duty at all times filming was being carried out. Additionally, signs would be put up advising the public that filming was taking place as, on occasions, children and persons under 18 years of age attend meetings.

(iii) Members may have concerns over the filming and its potential disruption, although a potential drawback of not allowing filming is that viewers draw the conclusion that decisions are being taken behind closed doors. All Members will be able to be briefed generally on the principles of the proposals. However, it must be noted that filming could only be undertaken in those parts of a meeting which are normally open to the public and will not be allowed during consideration of exempt business.

Process

Protocols would be drawn up whereby

- (i) there would be clear indications as to deadlines for receipt of applications to film at Council, Committee and Executive meetings
- (ii) It is suggested that the Chief Executive be authorised to approve applications on advice from the Communications and Consultation Director and following consultation with the Leader in the case of meetings of the Executive and the Chairmen of the relevant Committees and Sub- Committees in the case of other decision making bodies.

Way forward

In conclusion, providing chairmen are properly briefed and committee members are advised in advance, the potential risks can be minimised to a significant degree. The gains associated with transparently demonstrating the democratic principles underpinning the planning process will benefit not just Barnet, but local government as a whole, and significantly outweigh the risks.

However, as the proposals would represent a significant departure from their policies and practices, it is suggested that Council approves the request made by IWC as a test case with the outcome reported to the General Functions Committee at their meeting in November 2007.

RECOMMEND –

(1) That subject to

- (i) the Chairmen of the Planning and Environment and the relevant Area Planning Sub – Committees having no objection to the filming of proceedings during the public part of the meetings;**
- (ii) all members of those committees being offered the opportunity of being briefed on the filming proposals;**
- (iii) the Company being clearly advised that they must not cause any disruption to or disturbance of proceedings;**
- (iv) notices being erected advising the public that committee proceedings are being filmed for the purpose of a television documentary;**
- (v) staff from the Communications and Consultation Director’s Service being on duty at all times that filming is taking place; and**
- (vi) provision of all necessary indemnities to the Council from the Company**

permission be granted to IWC on a pilot arrangement basis to film meetings of the Planning and Environment Committee and the Area Planning Sub – Committees for the purposes of the BBC television documentary.

(2) That the Chief Executive be instructed to report to the November 2007 meeting of the General Functions Committee on the outcome of the pilot

arrangement to enable the Committee to decide whether or not the Council's policy relating to the filming and audio recording of Council and Committee meetings should be varied permanently, and, if so, the protocols, etc, to be applied.

(3) That The Chief Executive be instructed to report separately to the Leader with regard to meetings of the Executive

Janet Rawlings
Democratic Services Manager