

Council Meeting
12 July 2011

REPORT OF THE HEAD OF GOVERNANCE
AGENDA ITEM 4.4

**4.4.1. REPORT EXEMPT FROM CALL-IN: NORTH LONDON SUB-REGION: 2011-12
RE:NEW PROGRAMME**

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decision has been implemented.

In the case listed below, the Chairman of the Business Management Overview and Scrutiny Committee agreed that the decision proposed was reasonable in all the circumstances, was urgent and therefore had consented to the proposed decisions being exempted from call-in:

1. The Leader of the Council, Councillor Richard Cornelius on 25 June 2011 approved authorisation for the Council to (i) enter into a grant agreement with the London Development Agency (LDA) to set up a North London RE:NEW Programme and, (ii) to commence the tender process for the appointment of managing agents for the scheme.
The decisions to enter into the LDA's Grant Agreement and to commence the tender process for the appointment of the managing agents for the scheme were considered to be urgent. A delay involved in awaiting call-in to the Business Management Overview and Scrutiny Committee whose next meeting was not due to take place until 11 July 2011, would mean that the procurement process could not commence until after this time, which in turn, would prejudice the spending of the LDA allocation by 31 March 2012.

4.4.2 FILMING AND RECORDING OF COUNCIL AND COMMITTEE MEETINGS

At their meeting of 30 March 2011, the General Functions Committee received a report considering the Council's current position on the filming and recording of meetings. This report is enclosed at Annex 1.

The General Functions Committee requested that the financial implications of various options for introducing a webcasting system be reported to this Council meeting. This information is set out below.

Installing a webcasting system in the Council Chamber and/or Committee Rooms at Hendon Town Hall or other meeting venue(s) will have a financial implication for the Authority. Officers have made initial enquiries with a number of webcasting providers and ascertained that the minimum annual revenue cost to the Authority would be approximately £14,000 to £16,000 per annum. This figure would cover a fixed 'off the shelf' solution which would include installation, equipment hire, support services and up to 80 hours of content streaming per annum, which equates to the webcast of approximately 25 to 30 formal meetings. This solution would provide a basic level of webcasting provision in the Council Chamber and Committee Room One. The above figures do not include the staffing costs of operating the system and it is likely that the

requirements of the Authority and the layout of the Town Hall would increase the annual revenue cost significantly above the figures quoted above.

Additional functionality, such as webcasting for other meeting rooms at Hendon Town Hall or a mobile system for use in external venues would incur additional cost implications. Different providers also offer a number of further options in terms of functionality such as additional cameras, post-meeting editing facilities and staff training programmes. Additional functionalities could proportionately raise the annual revenue cost to as much as £50,000 to £60,000 for a full set of additional services.

Council is asked whether to agree in principle to proceed with a webcasting project in light of the financial information given above. Officers would then prepare a scoping report for consideration by the General Functions Committee setting out recommendations for implementing webcasting for the Authority.

Members are also asked to consider the Council's current position on permitting the public to film and record meetings as set out in the General Functions report, in light of the letter sent to all Council Leaders from Bob Neill MP, Parliamentary Under Secretary of State at the Department of Communities and Local Government, on 23 February 2011.

RECOMMEND:

- (1) That Council consider whether to agree in principle to proceed with a project to webcast Council and Committee meetings.**
- (2) That Council consider the current position of filming and recording of meetings by members of the public.**

4.4.3 ADULTS IN-HOUSE SERVICES (MORE CHOICES) – APPOINTMENTS TO THE SHADOW BOARDS

- 4.1 On 29 November 2010 Cabinet approved the decision to develop a business case for the implementation of a Local Authority Trading Company (LATC), which would result in the transfer of Learning Disability Services, Physical and Sensory Impairment Disability Services and Mental Health in-house provider Services to the LATC.
- 4.2 On 24 May 2011, Cabinet Resources Committee resolved to approve the Adults In House Services Business Case, in order that the Council can:
 - Appoint a LATC Shadow Board to begin contract negotiation between the Council and LATC
 - Set up a holding company in the form of LATC, of which Barnet Homes (BH) would be a subsidiary
 - Set up a subsidiary LATC for the management of those Adults Social Services currently provided in-house
 - Transfer the adult social care service provision from the management of the Council to the LATC following approval of the business plan.
- 4.3 Council is asked to confirm the LATC Holding Company Shadow Board, the Adult Social Care LATC Subsidiary Shadow Board and the Membership of these Shadow Boards.

4.4 The Membership of the Shadow Boards are outlined below –

LATC Holding Company Shadow Board

Membership	Position
Independent Chairman	BH Board Member
Council Representative	LBB Cabinet Member for Adults
LATC Chief Executive	BH Chief Executive Officer
Financial Director	BH Business Director
Council shareholder representation	LBB Director for Adult Social Services and Health

Adult Social Care LATC Subsidiary Shadow Board

Membership	Position
Chief Executive	BH Chief Executive Officer
Operational Director	LBB LD Service Manager
Financial Director	BH Business Director
Non-Executive Director	LBB Assistant Director for Strategic Finance
Non-Executive Director	LBB Head of Strategic Commissioning and Supply Management for Adult Social Care and Health

- 4.5 Council is also asked to confirm the appointment of the Cabinet Member for Adults as the Council Representative on the LATC Holding Company Shadow Board and the LBB Director for Adult Social Services and Health as the Council shareholder representation on the LATC Holding Company Shadow Board.
- 4.6 Council is further asked to confirm the appointment of the Assistant Director for Strategic Finance and the Head of Strategic Commissioning and Supply Management for Adult Social Care and Health as Non-Executive Directors to the Adult Social Care LATC Subsidiary Shadow Board.
- 4.7 Council is asked to note that non-Council members of the LATC Holding Company Shadow Board and the Adult Social Care LATC Subsidiary Shadow Board will be bound by confidentiality agreements and that all members will be representing the Local Authority Trading Company.

RECOMMEND

That Council confirms –

- (1) The LATC Holding Company Shadow Board and the Membership of this Shadow Board.**

(2) The Adult Social Care LATC Subsidiary Shadow Board and the Membership of the subsidiary Shadow Board.

(3) That Council confirms the Memberships as below-

LATC Holding Company Shadow Board

- **Cabinet Member for Adults as the Council Representative**
- **LBB Director for Adult Social Services and Health as the Council shareholder representation**

Adult Social Care LATC Subsidiary Shadow Board.

- **Assistant Director for Strategic Finance as a Non-Executive Director**
- **Head of Strategic Commissioning and Supply Management for Adult Social Care and Health as Non-Executive Director**

4.4.4 COUNCILLOR LYNNE HILLAN – LEAVE OF ABSENCE

Due to ill health, Councillor Lynne Hillan had not been able to attend any meetings of the Authority since 1 March 2011. The Leader of the Council, Councillor Richard Cornelius has requested that, pursuant to Section 85 (1) of the Local Government Act 1972, Council be asked to approve Councillor Hillan's absence from meetings of the Authority during the current municipal year on grounds of her ill health.

RESOLVED – That Council approve Councillor Lynne Hillan's absence from meetings of the Authority for the current municipal year.

**Aysen Giritli
Head of Governance**

ANNEX 1

Meeting	General Functions Committee
Date	30 March 2011
Subject	Filming and Recording of Council and Committee Meetings
Report of	Director of Corporate Governance
Summary	The Committee are requested to consider the Council's current position on filming and recording of meetings and whether this should be revisited in light of guidance recently issued by the Department for Communities and Local Government.

Officer Contributors	Zina Etheridge, Assistant Chief Executive Andrew Charlwood, Democratic Services
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A – Letter to local authority leaders on access to meetings, Department for Communities and Local Government
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information:

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1. RECOMMENDATIONS

- 1.1 That the Committee review the Council's current position on filming and recording of meetings in light of the letter to local authority leaders on access to meetings (Department for Communities and Local Government, 23 February 2011), as set out at Appendix A.**
- 1.2 That the Committee considers whether to amend the Council's current position on filming and recording to allow the public to film or otherwise record Council and committee meetings; or to amend the position to allow webcasting of Council and committee meetings.**
- 1.3 That the Committee indicate whether a report should be brought to a future meeting on the detailed financial implications of the various options for introducing a webcasting system to record Council and committee meetings.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 General Purposes Committee, 21 November 1983 – the Committee decided to take no action on a Member's proposal that proceedings at Council meetings be fully recorded.
- 2.2 Policy & Resources Committee, 20 October 1993 – in response to a Member's item on the Committee agenda, the Chief Executive advised the Committee that unless a full report was prepared and a formal arrangement agreed, filming/recording at meetings would continue to not be permitted. The Committee noted this position.
- 2.3 Council, 26 June 2007 – granted permission to a media organisation to film proceedings at the Planning & Environment Committee and/or Area Planning Sub-Committees and agreed that a report should be presented to the General Functions Committee on the Council's policy relating to filming and audio recording council/committee meetings.
- 2.4 General Functions Committee, 16 January 2008 – considered a report on a six-month pilot scheme whereby media organisations were permitted to record specified committee meetings. The committee resolved to:
 - (i) permit filming of Council function committees meetings by reputable broadcast organisations;
 - (ii) that requests to film council, committee or sub-committee meetings be considered by the on a case by case basis at the discretion of the chairman and that the Communication Director be instructed to produce a protocol for media organisations to follow; and
 - (iii) that where requests for filming are agreed, communications staff be present at all times when filming is taking place.
- 2.5 Council, 8 September 2009 – considered a policy item, proposed by Councillor Jack Cohen, which requested that Cabinet develop a strategy for

providing webcams at council and committee meetings. The policy item was amended at the meeting as follows:

“Council notes that other local authorities have begun webcasting meetings at considerable cost. In way of comparison, for the neighbouring Borough of Camden, the cost is £38,000 per annum with number of live audience viewings ranging from just 15 to 40 per meeting.

Council believes that the democratic process should be as open as possible, but that methods of communication must be justifiable in terms of reach in relation to cost.

Council therefore asks Cabinet to ensure that public attendance at, and participation in, meetings is encouraged through cost effective means.”

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 The three priority outcomes set out in the 2010/13 Corporate Plan are:-

- Better services with less money
- A successful London suburb
- Sharing opportunities and sharing responsibilities

3.2 Under the priority of ‘Sharing opportunities and sharing responsibilities’, a strategic objective is to ‘develop a new relationship with residents so they are able to more effectively contribute to making Barnet and its residents successful’ and a top improvement initiative is to ‘develop tools to support our new relationship with citizens’.

4. RISK MANAGEMENT ISSUES

4.1 On 23 February 2011, a letter was issued to all Council Leaders by Bob Neil MP on the subject of access to meetings, urging councils to embrace the Government’s transparency drive and give “citizens the opportunity to access and experience their local democracy using modern communication methods.”

4.2 Barnet’s current position is that it does not generally permit the recording of meetings (as set out in decisions taken by the responsible bodies of the Council between 1983 and 2008).

4.3 The Committee are requested to review the current position on filming and recording of meetings as failure to take into consideration government guidance carries a reputational risk for the authority.

4.4 Enforcing the Council’s current policy carries a risk that formal meetings of the Council could be disrupted if the Chairman or council officers seek to prevent members of the public from filming or recording proceedings. Enforcement is also problematic given the capabilities of mobile devices to film and record.

4.5 Permitting members of the public to film and record meeting carries a minor risk that comments made by Members or officers during meetings could be

taken out of context and used to suit particular purposes. This risk could be mitigated by the Council using a webcasting system to film and record meetings in their entirety and making this content available online.

- 4.6 Whilst webcasting of meetings is an option that the Committee are being requested to consider as part of this report, procuring and installing a system will take time. Members are, therefore, requested to make a decision regarding whether the Council's current position on filming and recording of meetings should be amended to accord with the guidance issued by the Department of Communities and Local Government.
- 4.7 In order to ensure that the Council complies with its obligations under the Data Protection Act 1998, any webcasting should be conducted in accordance with best practice and any guidance from the Information Commissioner.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Permitting members of the public to film/record meetings or the Council itself filming or recording meetings would enable a greater number of residents to access the democratic process, including those who find physical attendance at committee meetings difficult due to reduced mobility or caring responsibilities.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Permitting members of the public to film and record council or committee meetings carries no direct financial implications for the authority.
- 6.2 Installing a webcasting system in the council chamber and/or committee rooms at Hendon Town Hall or other meeting venue(s) will result have financial implications for the authority. Indicative costings have been obtained from a leading provider of webcasting equipment for local authorities. The Council has been advised that the annual revenue cost to the authority would be approximately £14-16K per annum, including: installation; equipment hire; support services (including live monitoring, content hosting, streaming, project management, licence cost, equipment installation and hire); and 80 hours of content streaming.
- 6.3 Should the Committee wish to pursue webcasting as an option, detailed costings would need to be obtained from a number of different providers in accordance with the Council's Contract Procedure Rules to ensure that the authority are receiving best value. Accordingly, a further report would need to come before the Committee:
- detailing the full capital/revenue costs of the alternate options; and
 - identifying an appropriate departmental budget to meet the capital and/or revenue costs.

7. LEGAL ISSUES

- 7.1 Section 100A(7) of the Local Government Act 1972 (as amended), empowers the Council to 'permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.'
- 7.2 On 1 March 2011, the Council received a letter from Bindmans solicitors, instructed by Barnet Trade Union Council, on the position relating to filming, recording and using social media at the Council meeting on 1 March 2011. The challenge alleged that the Council's current stance breached the European Convention on Human Rights and recently issued guidance from the Department for Communities and Local Government.
- 7.3 A response was sent to Bindmans, on the basis that grant of permission to film and record at the Council meeting was at the discretion of the Mayor and that the Mayor would consider this request prior to the meeting. The response also confirmed that the Council was presently in the process of considering, in light of the recent letter from the Department of Communities and Local Government, the adoption of an appropriate policy on filming, blogging and tweeting. Bindmans were informed that the process should be allowed to take its normal course which would involve consultation with appropriate persons. The response also stated that there would be a report to a future meeting of the General Functions Committee on the subject and this report is pursuant to that undertaking.

8. CONSTITUTIONAL POWERS

- 8.1 Part 3, Section 2 of the Council's Constitution details the responsibilities of the General Functions Committee.

9 BACKGROUND INFORMATION

- 9.1 The Committee are requested to consider whether the Council's current position on the filming and recording of meetings should be revisited in light of the recent guidance issued by the Department of Communities and Local Government and the letter received from Bindmans Solicitors. The Committee will also wish to take note of technological developments which mean that filming can take place in an unobtrusive fashion, for instance using a mobile phone. This means that filming can be carried out in a non-disruptive fashion. It also means that it may be difficult to detect that filming is being conducted. Prohibiting such filming is also extremely difficult to enforce.
- 9.2 If the Committee agrees that the existing position on filming and recording should be re-considered, there are two main options (although there are, of course, variations on these options):
- (i) Filming could be permitted by anyone in any Council or committee meeting, subject to it being non-disruptive; or

- (ii) Webcasting of Council, Cabinet and other key committee meetings, with the public not permitted to film separately.

9.3 The Committee are also requested to determine whether work should be undertaken to determine the detailed financial and practical implications of the various options for introducing a webcasting system to record Council and committee meetings.

10. LIST OF BACKGROUND PAPERS

10.1 None

Finance: JH/MC

Legal: MM



To All Council Leaders
cc Monitoring Officers

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**

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23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council

seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections'.

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council's procedures and decision-making arrangements.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized initial 'B' and a long, sweeping tail.

BOB NEILL MP