

<b>Subject:</b>	<b>Use of Mobile Phones, Audio Recording and Filming at Council Meetings</b>		
<b>Date of Meeting:</b>	20 September 2011 Governance Committee <b>20 October 2011</b> Council		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Abraham Ghebre-Ghiorghis</b>	<b>Tel: 29-1500</b>
	<b>Email:</b>	<b>abraham.ghebre-ghiorghis@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council's Standing Order prohibit the use of mobile phones completely. The recording of council proceedings is also prohibited unless the prior consent of the person presiding at the meeting is obtained. For the purposes of this report, the expression "council meeting or "council proceedings" means a meeting of the Council, the Cabinet, Committees, Sub-Committees or Cabinet Member Meetings.
- 1.2 The rules were introduced at a time when the state of communication technology and public expectation in terms of transparency, accessibility and use of council proceedings and information was different. The rules therefore require revision to bring them up to date and reflect the council's wishes to achieve more openness and transparency. This report proposes amendments to the Council's Standing Orders to reflect the above principles.

**2. RECOMMENDATIONS:**

- 2.1 That the Governance Committee agrees and recommends to Council:
- (i) that the existing rules relating to mobile phones and audio recording of council proceedings be amended as described in paragraphs 4 and 5 of the report; and
  - (ii) that the amended Council Procedure Rule 31, as set out in Appendix 2 to be approved to come into affect immediately after the conclusion of the Council meting on 20 October 2011.

**3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 The existing Council Procedure Rules (Standing Orders) regarding the use of mobile phones and recording of council proceedings are in similar terms to those adopted by most local authorities and date back to the 1980ies. Since then advances in communications technology mean that the way people use, for

example, mobile phones, and the increasing integration of information technology into peoples daily lives with the expectation that you should be able to access almost any information and transmit the same using the internet, means that the rules need reviewing to bring them up to date with the state of technology. There has also been significant changes in the law and in society's attitude generally regarding public access to and use of information held by public bodies as well as transparency of proceedings. These are reflected in the Human Rights Act 1998 (freedom of speech), the Freedom of Information Act 2000, various rulings of the Information Commissioner and guidance from Central Government. Local Authorities are beginning to question and review the restrictions in their Standing Orders to make them fit a 21<sup>st</sup> century society. This report considers three specific aspects of the rules: (1) use of mobile phones in council meetings (2) audio recording of council meetings, and (3) filming, video recording or photographing council meetings.

#### **4. MOBILE PHONES**

- 4.1 Council Procedure Rule 31.2 (attached) requires that mobile phones be switched off at all times during council meetings. The prohibition applies to members, Officers and anyone else who is present in the meeting chamber. The rule was introduced at a time when mobile phones were used mainly or exclusively for making telephone calls and was intended to stop mobiles going off during a meeting. In practice, with advances in technology (in particular text messaging, web browsing and other non-audio-based communication facilities) some of the rationale for the total ban is not as strong as it initially was and requires reconsideration. In practice, there is a growing tendency during meetings for individuals to use their mobile or Blackberry to check messages, twitter or browse the internet for quick checks. Much of this can be done discretely and, as long as it does not interfere with the proceedings, it would be disproportionate to ban it altogether. There is also an argument for saying that, as long as it is done responsibly and used proportionately, it enhances the democratic process.
- 4.2 Bearing in mind the above considerations, it is proposed that the use of mobile phones/blackberries during meetings is permitted, subject to the following:
- (a) the device should be kept on silent mode throughout the meeting.
  - (b) there should be no use of the voice facility to make calls, receive calls or check messages. Only text or non voice uses can be made of mobile phones.
  - (c) the person presiding at the meeting may require all mobile phones to be switched off at any time.
- 4.3 It is proposed that there be a general requirement that use of mobile phones at meetings be discrete, proportionate and appropriate to the circumstances. There will be an expectation and understanding that this requirement would be supported/enforced voluntarily mainly through the political group system so far as it relates to Members and through the Officer leadership in so far as it applies to Officers. The chair of the meeting will also have a key role in ensuring that any use is kept within acceptable limits and will have the power to ban mobile phones for the duration of the meeting.

## **5. AUDIO AND RECORDING OF COUNCIL MEETINGS**

- 5.1 Council Procedure Rule 31.1 prohibits the recording of Council meetings without the prior consent of the person presiding at the meeting.
- 5.2 Given that key meetings of the Council (Council, Cabinet, Planning, OSC) are now webcast, a blanket ban on recording of proceedings can seem inconsistent, especially if those attending are informed that the proceedings may be recorded.
- 5.3 It is proposed that Council Procedure Rules be amended to allow audio recording of council proceedings unless the person presiding at the meeting decides otherwise. The person presiding at the meeting could, for example, prohibit audio recording if a member of the public attending the meeting objects for good reason or if the chair considers that, in the particular circumstances of the case, audio recording would not be conducive to an efficient running of the proceedings.

## **6. FILMING, VIDEO RECORDING AND PHOTOGRAPHY**

- 6.1 Under the current rules, the filming of proceedings or the taking of photographs is prohibited unless the permission of the chair is obtained. There is good reason for this as, unlike audio recording, filming and the taking of photographs tend to be intrusive and more likely to distract attention or interfere with the proceedings. It is therefore proposed that the existing rules be retained so that there is a presumption against filming, video recording or taking of photographs, but that the chair be given the power to permit all or any of these at his/her discretion.
7. None of the proposals in this report will change the rules regarding the prohibition or recording or transmission of exempt proceedings (Part II meetings). The proceedings of the Licensing Committee are not affected by the proposals in this report.

## **8. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 8.1 The proposals in this report were discussed with the Leaders Group and their views incorporated.

## **9. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 9.1 The proposals deal with proposed changes to council procedures and there is no financial implications arising.

*Finance Officer Consulted: Anne Silley*

*Date: 19/08/11*

### Legal Implications:

- 9.2 It is within the powers of the council to regulate its proceedings and the proposals are consistent with the council's commitment to more openness and transparency.

*Lawyer Consulted:* Abraham Ghebre-Ghiorghis *Date:* 18/08/11

Equalities Implications:

- 9.3 The limited relaxation of the procedures will make council proceedings more accessible to a wider group of individuals, especially the young, and assist Members and others with family and other interests to discreetly check, for example child care arrangements, without fear of breaking the rules.

Sustainability Implications:

- 9.4 There are no adverse sustainability implications arising from this report.

Crime & Disorder Implications:

- 9.5 There are no adverse crime & disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 9.6 There is no legal or other risk arising from the proposals and they offer the opportunity to enhance the accessibility of council proceedings by bringing our practices in line with the state of technology.

Public Health Implications:

- 9.7 There are no public health implications of any significance arising from this report.

Corporate / Citywide Implications:

- 9.8 This initiative is in line with the council's desire to see greater openness, transparency and accessibility.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Existing Council Procedure Rule 31
2. Proposed amended Council Procedure Rule 31

### **Documents in Members' Rooms**

None

### **Background Documents**

None