

**Councillor Jason Kitcat**

Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

Cllr Brian Oxley  
Chair, Governance Committee  
Brighton & Hove City Council  
Kings House, Grand Avenue  
Hove BN3 2LS

**Date:** 17 January 2011

**Our Ref:** JK/

**Your Ref:**

Dear Cllr Oxley

**WEBCASTING PROTOCOL & ARRANGEMENTS**

I am writing to ask that the committee review the protocol and arrangements associated with the council's webcasting systems.

Specifically section 4.5 of the current webcasting protocol is excessively restrictive. As the findings of the First-Tier Tribunal (Local Government Standards in England) in my appeal of November 2010 state on para 71:

*A finding of a breach on the facts of this case would have been disproportionate and would effectively lead to discrimination against elected members by imposing restrictions on their use of certain publicly available Council resources which the general public would be under no obligation to observe, but without any objective justification for the discrimination.*

Since the date of the complaint from which this appeal arose, the webcasting protocol has been modified to create what the Tribunal judged to be unreasonable restrictions, namely that permission must be requested and certain uses forbidden, restricting Members' freedom of political expression.

Given the growing support for openness and transparency in government, I believe the protocol should be reviewed. I ask that, as the Leader of the Council has indicated a willingness to use the Open Government Licence, such a licence is used for council webcasts.

I am also aware that the Council's contract with webcast supplier Public-i restricts how the video captured may be used. Section 3.6 of Annex 7 from the contract renewal states in part:

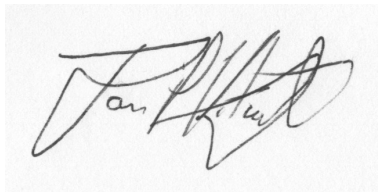
*You will not copy or reproduce the Content or the Webcast Data on to any other server or location for further reproduction without our prior consent, which will not be unreasonably withheld.*

Such a requirement would clearly prevent a Member from placing a clip on YouTube without having first sought permission from the supplier, Public-i. Again this would be deemed unreasonable by the Tribunal.

Thus the protocol and contractual arrangements should be reviewed so that elected Members and members of the public are free to use the tax-payer funded webcasts. Any abuse to misrepresent would be covered by existing laws including libel and should not be cause for adding restrictions.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jason Kitcat', is written over a light grey rectangular background.

Councillor Jason Kitcat