



City of Westminster

## General Purposes Committee

**Date:** Wednesday 6 July 2011

**Classification:** For General Release

**Title:** Revisions to Standing Orders

**Report of:** Head of Legal and Democratic Services

**Wards Involved:** Not Applicable

**Policy Context:** High Ethical Standards/Transparency

**Financial Summary:** There are no financial implications

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### 1. Executive Summary

- 1.1 From time to time it is necessary to update the Council's Standing Orders in light of experience. As a result of changes to working practices some minor changes to Standing Orders are proposed. These are outlined in paragraph 3 of the report and shown in Appendix A.
- 1.2 Further changes are proposed in relation to those Standing Orders relating to the filming of meetings. These arise as a result of a letter from Bob Neill, MP, Under Secretary of State which set out the Government's expectations regarding filming at Council meetings. The proposed changes to Standing Orders are explained in paragraph 3 of the report. The changes are also shown in Appendix A.

### 2. Recommendations

- 2.1 That the changes to Standing Orders set out in Appendix A shown in bold text and track changes be recommended to the full Council for approval.
- 2.2 That the protocol relating to the use of modern media attached as Appendix B be approved for inclusion in the Code of Governance.

### **3. Background**

3.1 The changes proposed are explained, as follows:

#### **Council Questions**

- (a) The current process provides for the order in which questions are asked at the forthcoming ordinary Council meeting to be made and issued on the Tuesday of the week before the meeting. This requires the list to be issued separately from the main agenda. There is no reason why the draw could not be made earlier to allow the list to be issued as part of the main agenda. The change proposed reflects this minor change in process.
- (b) The question and answer session is recorded and has been transcribed. With reduced resources and improved technology this is no longer considered necessary. Accordingly, the proposed changes reflect that the recording of the question and answer session is placed on the Council's website shortly following the Council meeting. Again, this is reflected in proposed revised Standing Order.

#### **Filming of Council, Committee and Sub-Committee Meetings**

- (a) On 23 February 2011 Bob Neill MP, Parliamentary Under Secretary of State at DCLG wrote to all Council Leaders as part of the Government's transparency drive, highlighting the importance of the public being able to use modern communication methods to access and record meetings.
- (b) The Council already has a Standing Order which allows for the Chairman to allow filming of meetings. A revised form of words is proposed and this is set out in Appendix A. The essence of the change, whilst still retaining the Chairman's right to decline permission, is that approval will generally be forthcoming.
- (c) The intrusion caused by filming is now considerably less with much smaller equipment used for such purposes and, as such, the disruption which might previously be caused by filming should, in the main, no longer arise.
- (d) The public rightly expect that elected representatives who have put themselves up for public office to be prepared for their decisions to be as transparent as possible. The Parliamentary Under Secretary of State said that he recognised that there are obligations on whoever is filming or publishing information under the Data Protection Act 1998. He provided advice from the Information Commissioner, as follows:

"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”.

- (e) 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).
- (f) 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. The revised Standing Order has been drafted with the objective of being open and transparent whilst maintaining the power of the Chairman to have control of proceedings.

3.2 Alongside the revised Standing Order it is proposed to have a related protocol for inclusion in the Code of Governance. The protocol sets out useful advice for Members and Officers and is intended to be used as guidance when dealing with these issues at meetings.

#### **4. Legal Implications**

4.1 The Council has the power to make Standing Orders relating to the conduct of the proceedings at its meetings.

**5. Financial Implications: None.**

**6. Other Implications: None.**

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Mick Steward: 020 7641 3134  
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#### **BACKGROUND PAPERS**

- Constitution
- Letter from Bob Neill of 23 February 2011