



## Democratic Renewal Working Party 2 December 2013

### Amendments to the Constitution: (1) Filming of meetings and (2) Sealing Documents

#### 1. Summary and reasons for recommendation(s)

- 1.1 The purpose of this paper is to propose changes in respect of two constitutional matters – Filming of Meetings and Signing and Sealing Documents.
- 1.2 The change to permit filming of meetings is in response to modern requirements.
- 1.3 Rationalising the arrangements for sealing and signing documents is a response to the shared services agenda.

#### 2. Recommendation

- 2.1 Council approves the changes to the constitution set out in Appendices to this report in respect of the filming of meetings and the signing and sealing of documents.

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### **3. Corporate priorities**

3.1 The recommendation(s) meet the following, as contained within the Corporate Plan:

(a) Corporate priority: *'working together for an efficient council'*.

### **4. Key issues**

#### **4.1 Filming of Meetings**

4.1.1 In order to meet modern requirements, and be ready for any requests, proposed guidance has been issued on the filming of meetings to all Councillors and Chairmen indicating that this is permissible subject to conditions.

4.1.2 The conditions relate to not interfering with the meeting and protecting the public who are present. In addition notices advising that meetings may be filmed will be displayed. Councillors and officers should be aware that they can be filmed. This issue arises in response to recent government information that indicates a desire to see citizens and news organisations having the opportunity to record or broadcast meetings.

4.1.3 In addition to this measure we shall amend the constitution as it currently does not permit filming. This will proceed to Council in December 2013.

4.1.4 Details of the amendments to be made to the constitution are set out in Appendix 1.

#### **4.2 Signing and Sealing of Documents**

Standardising the arrangements for signing and sealing of documents across the authorities will enhance efficiency and reflect the shared service structure. It is proposed that the requirement at SEBC to have the Common Seal witnessed by two persons will be varied to one, as at FHDC, and the list of appointed witnesses amended to reflect the new structure. It will include the Monitoring Officer, The Deputy Monitoring Officer, the Chief Executive and Directors and a Head of Service or, alternatively, a Lawyer.

4.2.1 The Head of Legal and Democratic Services will be authorised to sign any document in the absence of the appropriate officer.

4.2.2 Details of the amendments to be made to the constitution are set out in Appendix 2.

### **5. Other options considered**

5.1 Leaving the constitution unchanged. This will have the disadvantage of not meeting modern requirements or recognising the benefits of shared service.

5.2 A different list of officers authorised to seal documents may reduce the flexibility that will be a benefit in progressing documentation.

## **6. Community impact**

### **6.1 Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 There is no Crime and Disorder impact

### **6.2 Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 There is no Diversity and Equality impact

### **6.3 Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 There is no sustainability impact

### **6.4 Other impact** *(any other impacts affecting this report)*

6.4.1 There is no other significant impact

## **7. Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 The Joint Leadership Team have been consulted and approve the changes

## **8. Financial and resource implications** *(including asset management implications)*

8.1 There are no significant financial implications

## **9. Risk/opportunity assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

<b>Risk area</b>	<b>Inherent level of risk</b> <i>(before controls)</i>	<b>Controls</b>	<b>Residual risk</b> <i>(after controls)</i>
Challenge to validity of Constitutional provisions	Low	Ensure provisions updated	Low

## **10. Legal and policy implications**

10.1 The Council has the power to amend its constitution

## **11. Ward(s) affected**

11.1 All Wards

## **12. Background papers**

12.1 None

### **13. Documents attached**

- 13.1 Appendix 1 – Amendment to St Edmundsbury Borough Council Constitution – Filming
- 13.2 Appendix 2 – Amendment to St Edmundsbury Borough Council Constitution – Signing and Sealing

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## **Amendments to St Edmundsbury Borough Council Constitution - Filming**

### **1. Part 4 Rules of Procedure - Council Procedure Rules**

#### **1.1 Sections from Constitution to be deleted.**

#### **10 RECORDING OF COUNCIL MEETINGS**

10.1 Subject to 10.3 below, people may photograph, film or record democracy in action at Council, Cabinet, Committee or Sub-Committee meetings (other than any part of such a meeting from which the public are excluded), subject to:

(a) the Head of Legal and Democratic Services being notified at least five working days in advance, except in exceptional circumstances where the Head of Legal and Democratic Services may agree to a shorter notice period;

(b) the person chairing the meeting giving permission (if the chairman is not known in advance, permission can be given by the Head of Legal and Democratic Services, or deputy);

(c) no flash or lighting being used without the prior agreement of the chairman; and

(d) it is not disruptive or distracting to the good order or conduct of the meeting and does not block viewing from the public seating area.

#### **10.2 Use of Social Media**

10.2.1 People attending Council, Cabinet, Committee or Sub-Committee meetings may use social media during the meetings (other than any part of such a meeting from which the public are excluded), subject to:

(a) phones or other equipment being silent during operation; and

(b) the use of equipment not distracting those involved in the democratic process or impinging on decision making.

**2. Part 4 Rules of Procedure – Access to Information Procedure Rules****2.1 Sections from Constitution to be inserted.****7A RECORDING OF COUNCIL MEETINGS AND USE OF SOCIAL MEDIA**

7A.1 People may photograph, film, record and/or broadcast those attending Council, Cabinet, Committee or Sub-Committee meetings (other than any part of such a meeting from which the public are excluded), subject to:

- (a) the Council being notified in advance so that everyone attending can be notified
- (b) no flash or lighting being used, or noise created, without the prior agreement of the chairman;
- (c) fixed points or areas for cameras or recording equipment being agreed in advance so they do not distract those involved in the democratic process or impinge on the decision-making or block viewing from the public seating area; and
- (d) Members of the public speaking at, or attending, the meeting must not be filmed if they have indicated they do not wish to be included.

7A.2 Notice of the photographing, filming, recording and/or broadcasting of meetings is to be displayed in and outside the place of meeting and included on any literature handed to persons attending a meeting as follows:

“The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.”

7A.3 People may use social media at Council, Cabinet, Committee or Sub-Committee meetings (other than any part of such a meeting from which the public are excluded), subject to:

- (a) equipment used being silent during operation; and
- (b) the use of equipment not distracting those involved in the democratic process or impinging on decision making or block viewing from the public seating area.

## **Amendments to St Edmundsbury Borough Council Constitution - Signing and Sealing**

### **1. Part 3 - Responsibility for Functions – Scheme of Delegation to Officers**

#### **D. All Chief Officers (including Joint Chief Executive)**

##### **Head of Legal and Democratic Services**

##### **(a) Head of Legal and Democratic Services**

##### **(1) Legal Services**

#### **1.1 Sections from Constitution to be deleted**

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| 4. In the absence of delegation to the contrary, to execute documents on behalf of the Council. |
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#### **1.2 Sections from Constitution to be inserted**

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| 4. Authority to make, execute or attest all documents, deeds, contracts, instruments and notices for or on behalf of the Council in the absence of delegation to the contrary or in circumstances where the Officer to whom specific delegation has been given is absent or otherwise unavailable or unable to act. |
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## **2 Part 4 – Rules of Procedure – Council Procedure Rules**

### **2.1 Sections from St Edmundsbury Borough Council Constitution to be deleted**

#### **27. SEALING AND SIGNING OF DOCUMENTS**

##### *Authority to seal*

27.1 The Common Seal will not be affixed to any documents unless duly authorised by the Council. A resolution of the Council, the Cabinet or of a Committee or Sub-Committee authorising anything which should or may be acted upon by means of a document under the seal will be sufficient authority for such sealing.

##### *Attestation*

27.2 The affixing of the Common Seal to any document must be attested by any two of the following persons, namely:-

- Mayor
- Any elected Member of the Council
- Chief Executive and any Chief Officer
- Head of Legal and Democratic Services (monitoring and proper officer).

##### *Registration*

27.3 An entry of every sealing of documents will be made and consecutively numbered in a Sealing Register and be initialled by the persons who attested the seal.



## 2.2 Sections from St Edmundsbury Borough Council Constitution to be inserted

### **27. SEALING AND SIGNING OF DOCUMENTS**

#### *Authority to seal*

- 27.1 The Common Seal will not be affixed to any documents unless duly authorised by the Council, the Cabinet, a Committee, a Sub-Committee or an officer to whom the Council has delegated powers for that purpose . A resolution of the Council, the Cabinet or of a Committee or Sub-Committee authorising anything which should or may be acted upon by means of a document under the seal will be sufficient authority for such sealing.
- 27.2 The Common Seal may also be affixed in the course of any act, course or transaction which the Council is required to undertake by law regardless of whether there is a resolution authorising the Act, matter or transaction concerned.

#### *Attestation*

- 27.3 The affixing of the Common Seal to any document must be attested by
- 27.3.1 The Monitoring Officer; or
  - 27.3.2 The Chief Executive; or
  - 27.3.3 The Deputy Monitoring Officer; or
  - 27.3.4 A Director; or
  - 27.3.5 A Head of Service; or
  - 27.3.6 A Lawyer.

#### *Registration*

- 27.4 An entry of every sealing of documents will be made and consecutively numbered in a Sealing Register and be initialled by the person who attested the seal.

