

CONSTITUTION REVIEW 2024
SCHEDULE OF PROPOSED CHANGES

PART 1 - SUMMARY AND EXPLANATION

SUMMARY AND EXPLANATION

Section	Existing Wording	Proposed Wording	Reason/Comments
Elections and Councillors' Length of Office	6. The last Elections in Darlington were held in May 2015 and the next ones will be held in May 2019	6. The last Elections in Darlington were held in May 2023 and the next ones will be held in May 2027	Dates need updating
The Mayor	11. Further details on the role and responsibilities of The Mayor are available on the Council's website	11. Further details about The Mayor is available on the Council's website	Simpler wording
Roles and Functions of Councillors	15. Further details on the role and responsibilities of Members are available on the Council's website	15. Further details about Members is available on the Council's website	Simpler wording
Code of Conduct	n/a	New 18. Following their election to office, all Councillors are required to have a basic Disclosure and Barring check 50 members x £18 = £900	Response to Ministerial advice Criminal record checks for councillors: letters to local authorities and the Local Government Association - GOV.UK (www.gov.uk)
Rights and Responsibilities of the Public	46. The public can photograph, film, record and blog at meetings. Further details are set out in the Access to Information Procedure Rules.	46. The public can photograph, film record and blog at meetings so long as it does not disrupt the meeting. Further details are set out in the Access to Information	Clarification

		Procedure Rules.	
Rights and Responsibilities of the Public	53 In summary, citizens have the right to :-and submit a petition to the Council and to receive a response to the issues raised in that petition. Should the petition contain enough signatures (1,000 or more) it could trigger a debate at a Cabinet meeting.	Insert (1,000 or more)	Clarification

PART 2 - RESPONSIBILITY FOR FUNCTIONS

Section	Existing Wording	Proposed Wording	Reasons/Comments
Functions of the Full Council	<p>12. The Policy Framework comprises the following Plans and Strategies</p> <p>Mandatory Children and Young People Plan Corporate Plan Community Safety Plan Library Plan Licensing Authority Policy Statement Local Plan Core Strategy - plans and strategies that comprise the Development Plan Local Transport Pan Medium Term Financial Plan Youth Justice Plan</p> <p>Discretionary Child Poverty Strategy Economic Strategy</p>	<p>12. The Policy Framework comprises the following Plans and Strategies</p> <p>Mandatory Children and Young People Plan Council Plan Community Safety Plan Licensing Authority Policy Statement Local Plan Core Strategy - plans and strategies that comprise the Development Plan Local Transport Pan Medium Term Financial Plan Youth Justice Plan</p> <p>Discretionary Child Poverty Strategy Economic Strategy</p>	<p>Corporate Plan is now the Council Plan</p> <p>The Library Plan is no longer mandatory, so moved to Discretionary.</p>

	<p>Environment Strategy Health and Well Being Strategy Housing Strategy Leisure Strategy (Sport and Physical Recreation) Organisational Development Strategy Transport Strategy Treasury Management Strategy</p>	<p>Environment Strategy Health and Well Being Strategy Housing Strategy Leisure Strategy (Sport and Physical Recreation) Organisational Development Strategy Transport Strategy Treasury Management Strategy Library Plan</p>	
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SCHEDULE 1 – COUNCIL COMMITTEES

Section	Existing Wording	Proposed Wording	Reasons/Comments
<p>8. Audit Committee</p>	<p>Delete existing wording</p>	<p>AUDIT COMMITTEE PROTOCOLS The membership of the Audit Committee shall be restricted to two Members from the Executive (Cabinet). The Chair shall not be a Member of the Executive (Cabinet)</p> <p>The purpose of the Audit Committee is to provide independent assurance to the members of the adequacy of the risk management framework and to the internal control environment. It provides independent review of governance, risk management and control framework, oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p> <p>TERMS OF REFERENCE (a) To review the Council’s corporate governance arrangements against the good governance</p>	<p>To simplify text and align with format of other committees</p> <p>Based on Stockton on Tees Borough Council (the internal audit service is shared with Stockton BC)</p>

		<p>framework and consider annual governance reports and assurances</p> <ul style="list-style-type: none"> (b) monitor the integrity of the Council's financial statements and review the Annual Statement of Accounts; (c) To review the Annual Governance Statement; (d) To oversee risk management and the Council's risk registers; (e) To review any proposed changes to accounting policies and procedure rules; (f) To review the performance of the Treasury Management Strategy and forward any comments to Cabinet and Council; (g) To approve the role and responsibilities of the Internal Audit Service (the Services' functions, aims and objectives); (h) To receive and consider the Council's External Auditor's Audit Results Report; (i) To approve the internal audit plans; (j) To receive external audit plans; (k) To review Internal Audit work on a quarterly basis; internal and external annual reports together with any management response and receive details of specific significant issues highlighted via audit work and refer Cabinet or Council, as appropriate, any issues arising which are key in nature; and 	
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		(l) To consider the arrangements for the promotion of high standards of conduct and wider corporate governance.	
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SCHEDULE 2 - CABINET

Section	Existing Wording	Proposed Wording	Agreed/Comments
Resources Portfolio	Communication and One Darlington Magazine	Corporate Communications and marketing	A broader definition is preferable (One Darlington is just one of a number of channels).

SCHEDULE 3 – SCRUTINY COMMITTEES

Section	Existing Wording	Proposed Wording	Reason/Comments
Economy and Resources Scrutiny Committee	Communication and One Darlington Magazine	Corporate Communications and marketing	A broader definition is preferable (One Darlington is just one of a number of channels).

SCHEDULE 4 – SCHEME OF DELEGATION TO OFFICERS

Section	Existing Wording	Proposed Wording	Reason/Comments
<p>Introduction Paragraph 1</p>	<p>The Council has adopted a vision expressed in the phrase One Darlington: Perfectly Placed Council Plan which aspires to provide fairness and prosperity for the people of Darlington To enable that vision managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council’s services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council’s management team.</p>	<p>The most important decisions will be taken by members, but on a day to day basis many decisions will need to be made by officers under delegated powers. This scheme of delegation is to be interpreted widely to enable staff to carry out their functions and deliver the Council’s services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council’s management team.</p>	<p>Simplification and clarity</p>
<p>Permissions (a) Powers in relation to staff</p>	<p>.....determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.</p>	<p>.....determination and application of all conditions of service, (including but not limited to allocation of leave, honorariums, ill health retirement) and determination of establishment except as detailed in the Staff and Employment Exceptions chart.</p>	<p>Clarification</p>

<p>Areas of Responsibility</p> <p>Assistant Director of Resources</p>	<p>Insurance and Treasury Management</p>	<p>VAT, insurance and Treasury Management</p>	<p>Omission</p>
<p>Assistant Director (Housing and Revenues)</p>	<p>Council Housing Management</p>	<p>Council Housing Management, including day to day repairs and maintenance</p>	<p>Movement of division</p>
<p>Head of Strategy, Performance and Communications</p>	<ul style="list-style-type: none"> • Systems Development and Support • Corporate Communications • Media Relations • Internal Communication • Web and Social Media • Design and Print • Marketing and Advertising • Council Plan • Corporate Performance 	<ul style="list-style-type: none"> • Council Plan • Corporate Communications and marketing • Equality and Inclusion • Corporate Strategy and policy • Corporate Performance • Corporate systems development, support and processes • Corporate web development and content 	<p>To reflect changed responsibilities.</p>
<p>Assistant Director Highways and Capital Projects</p>		<ul style="list-style-type: none"> • Delivery of Highways Construction and Maintenance Programme • Highways Maintenance Projects, Transport, Planning and Asset Management • Bridges and Highway Structures, Private Sector Works, Street Works, Highway Inspections, Insurance Claims, Asset Management and Street Lighting • Highway Network Management, Highway Development, Intelligent Transport System, Traffic Data Collection, Casualty Reduction Analysis, Traffic Management Projects, Traffic Signals, Highways Technical Support, School Crossing Patrol, 	<p>To reflect changed responsibilities.</p>

		<p>Highway/Transport Design, Road Safety Education, Sustainable Transport and Rights of Way</p> <ul style="list-style-type: none"> • Capital Project management, Capital Process Methodology, Capital Projects Technical Support and advice, Architectural Consultancy, Building Services Consultancy, Framework Consultancy Commissions, Cost Consultancy Services and Estimating and Tendering, Investment and Funding • Project/Programme Management and Development • Flood Risk Management • Council Property Services Management 	
Assistant Director Community Services		<ul style="list-style-type: none"> • Street Scene, Crematorium and Cemeteries, Arboriculture, Countryside, Allotments, Parks and Open Spaces and Play Area Ranger Service/Friends Groups, Waste Management, Fleet Management and Maintenance, Winter Maintenance Call Out, Environmental Campaigns, Nursery and Building Cleaning • Libraries, Dolphin Centre, Eastbourne Sports Complex, Hopetown, Hippodrome and Theatre Hullabaloo, Events and Programming, Town Centre Management, Sports and Physical Activity Programme, Schools and Community Catering • Rail Heritage 2025 	To reflect changed responsibilities.
Exceptions - Contracting			
Exceptions - Contracting	<p>Heading</p> <p>EU Threshold</p>	<p>Replace with:</p> <p>Procurement Act Threshold</p>	To reflect post Brexit arrangements

Exceptions – Contracting Waive Contract Procedure Rules	Strategic Procurement Council and the Procurement Board in accordance with Contract Procedure Rules	Strategic Procurement The Procurement Board in accordance with Contract Procedure Rules	Clarification – this role is not undertaken by Council
Exceptions – Contracting Waive Contract Procedure Rules	Over £100K Council and the Procurement Board in accordance with Contract Procedure Rules	Over £100K The Procurement Board in accordance with Contract Procedure Rules	Clarification – this role is not undertaken by Council
Exceptions – Contracting Extension of Fixed Term Contracts	Reference to Cabinet	Replace with Procurement Board	To reflect the Contract Procedure Rules
Exceptions – Finance			
Exceptions – Finance – Capital Expenditure	Director in consultation with the Group Director of Operations	Change across all headings to Assistant Director Resources	Current practice
Exceptions – Finance – Other	Write off Debts	Change from £500 to £1,000	Inflationary increase
Exceptions – Finance – Other	Submit bids for funding to the relevant body where the deadline occurs prior to the next meeting of Cabinet	Submit bids for funding to the relevant body	The requirement to get Cabinet approval before submitting a funding bid is an unnecessary step.

	Negotiate and manage leasing arrangements Group Director of Operations	Change across all headings to Assistant Director Resources	Current Practice
Include new	n/a	Agree the distribution and allocation of government grant funding as per the grant conditions when the Council is acting as the intermediary party Up to £100k Assistant Director in Consultation with the Assistant Director Resources Over £100k Group Director of Operations	Expediency of delivery of funding
	Write off any surplus or efficiencies in respect of one stock item	delete	No stores anymore
Exceptions – Staff and Employment			
Exceptions – Staff and Employment Dismissal of the S151 Officer (Group Director of Operations) and the Monitoring Officer (Assistant Director, Law and Governance)	Member Decision Human Resources Chief Officers Appointment Panel. An Independent report must be prepared before a decision can be made Council Decision Can be taken by Full Council	Member Decision Human Resources Committee. A report from the Human Resources Advisory Panel made by the Independent Person must be prepared before a decision can be made Council Decision Must be taken by Full Council	Clarification Ties up with Appendix 4 in the Officer Employment procedure rules

Determine Appeals against final written warnings	Group Director of Operations	All Directors	Clarification
	Directors Implement immediate action to ensure the safety of staff up to £1,000 from the existing revenue budget	Change to £2,000	Inflationary increase
To carry out the powers and duties under the Health and Safety at Work etc Act	As an employer – All Directors and otherwise than as an employer – Group Director of Services	As an employer – All Directors	Clarification
To carry out the powers and duties under the Health and Safety at Work etc Act		Add additional box Otherwise than as an employer, the Assistant Director Economic Growth	Clarification
Exceptions – Legal			
Exceptions – Legal	Institute criminal proceedings....., or which any of the Queen’s subjects may prosecute; and offences of common assault on behalf of an employee, if so required	Change to King’s	Update

PART 3 – PROCEDURE RULES**3.1 - COUNCIL PROCEDURE RULES**

Section	Existing Wording	Proposed Wording	Reason/Comments
Timing and Business	1(f) appoint the Cabinet , Scrutiny Committees, Quasi-Judicial Committees....	Delete	The Leader has sole responsibility to appoint members to Cabinet
Order of Business	4(p) Questions to the Police, Crime and Victims Commissioner in accordance with the Police Reform and Social Responsibility Act 2011	Delete Add (p) Membership Changes	Dealt with at a separate meeting
Notice of and Summons to Meetings	10. The Council will give at least five days notice	add Notice will also be posted on the Council's Website	To reflect current practice
Scope of Questions	16(b) is defamatory, frivolous or offensive;	16(b) is defamatory (or potentially so), frivolous or offensive;	Clarification
Record of Questions	17. The Assistant Director Law and Governance will keep a record of questions asked (available for public inspection) and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting	17. The Assistant Director Law and Governance will keep a record of all questions received (available for public inspection) other than those rejected under rule 16 and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions to be asked , will be circulated to all Members and will be made available to the public attending the meeting and on the Council's Website.	Clarification

3.2 - ACCESS TO INFORMATION PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Rights to Photograph, Film, Record, Blog etc at Meetings	n/a	After para 8 insert: a new paragraph 9 and renumber subsequently 9. Your attention is drawn to the Council's Protocol on photography, filming, recording and broadcasting at the Council meeting	Clarification It is suggested that the Protocol is included in the Protocols section of the Constitution. See 4.12 below
Access to Agenda and Reports at the Meeting	13. Unless the Proper Officer (Assistant Director Law and Governance), decides otherwise, all Members of the Council shall be provided with full copies of the agenda and reports to be presented to meetings, including those containing exempt and/or confidential information. The Council will make copies of the agenda and reports open to the public available for inspection at the public office of the Council (Town Hall, Darlington) at least five clear days before the meeting.	13. Unless the Proper Officer (Assistant Director Law and Governance), decides otherwise, all Members of the Council shall be provided with full copies of the agenda and reports to be presented to meetings, including those containing exempt and/or confidential information. The Council will make copies of the agenda and reports open to the public available for inspection at the public office of the Council (Town Hall, Darlington) at least five clear days before the meeting and on and on its website www.darlington.gov.uk .	

3.3 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Process for Developing	2(a) Details of Cabinet's consultation process shall be included in relation to each of these	2(a) Details of Cabinet's consultation process shall be included in relation to each of these	Updating

Policy Framework	matters in the Forward Plan and published at the Town Hall, Darlington.	matters in the Forward Plan and published on the Council's website.	
Process for Developing Policy Framework (Brett)	2(q) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by Cabinet, in accordance with these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council	2q. In approving the budget and policy framework, the Council will also specify the extent of variation within the budget and degree of in-year changes to the policy framework which may be undertaken by Cabinet, in accordance with these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council	

3.6 - FINANCIAL PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Agreed/Comments
Budgets - Capital	39(a) the actual or projected final costs of a scheme increase by the lesser of 10 % or £100,000 and the increase in costs is required to be met from the Council's own capital resources or have an impact on the availability of resources for other schemes	39(a) the actual or projected final costs of a scheme increase by the lesser of 10 % or £150,000 and the increase in costs is required to be met from the Council's own capital resources or have an impact on the availability of resources for other schemes	Inflationary increase
Control of Income	74. The Group Director of Operations shall write off sums up to £500 on debts which he/she considers that further action would be inappropriate after all appropriate recovery procedures have been attempted. Any other sums shall not be written off	74. The Group Director of Operations shall write off sums up to £1,000 on debts which he/she considers that further action would be inappropriate after all appropriate recovery procedures have been attempted. Any other sums shall not be written off	Inflationary increase

	in the Council's records without the authority of Cabinet	in the Council's records without the authority of Cabinet	
Certification and Payments of Accounts	81. Any amendment to an account shall be made in ink and initialled by the Officer making it, stating briefly the reasons where they are not self evident	delete	All electronic now
Stores and Accounts	89 - 94	Delete	We no longer have stores.
Inventories	95. Inventories of furniture, equipment, computer hardware, plant and machinery shall be maintained by the Director of the department concerned and kept up to date. The form and extent of such inventories shall be approved by the Assistant Director Resources	Change to 95. Inventories of plant and machinery shall be maintained by the Director of the department concerned. The form and extent of such inventories shall be approved by the Assistant Director Resources	Update ICT devices are maintained by Xentrall and logged automatically when in use.

3.7 - CONTRACT PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
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Throughout - where referenced	European Union, EU Rules ED Procedure EU Threshold Official Journal of the European Union (OJEU)	Delete reference and replace with reference to UK legislation/arrangements, as appropriate. Reference further changes awaiting the implementation of the Procurement Act 2023	To reflect post Brexit position
138.	Where contracts are completed by each side adding their formal seal, such contracts shall be signed by the Assistant Director Law and Governance or Authorised Signatory i.e. person authorised by Assistant Director Law and Governance together with the fixing of Council's seal.	Include at the end: The seals and the signature may be electronic.	Flexibility and efficiency
139	Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.	Include at the end: The seals and the signature may be electronic.	Flexibility and efficiency

3.9 - OFFICER EMPLOYMENT PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reasons/Comments
Appointment of Head of Paid Service	2(1). A shortlist of applicants qualified for the post shall be selected by the Group Director of Operations in consultation with	A shortlist of applicants qualified for the post shall be selected by the Group Director of Operations (or their representative) in consultation with	
Appendix 1	12. Whenever provision is made for a notice to be sent, such notice must be in writing and may be sent by post, by e-mail or fax but in any event must be received by the recipient within the relevant period specified	12. Whenever provision is made for a notice to be sent, such notice must be in writing and may be sent by post or by e-mail but in any event must be received by the recipient within the relevant period specified	Reference to fax omitted

Appendix 2	7. A Cabinet Member objects to the appointment of a prospective Director on the grounds that he/she has a conviction for an offence involving dishonesty. The objection, would, clearly, be material and well-founded.	7. A Cabinet Member objects to the appointment of a prospective Assistant Director on the grounds that he/she has a conviction for an offence involving dishonesty. The objection, would, clearly, be material and well-founded.	
Appendix 4	2. A special meeting of Full Council will be summoned by the Assistant Director Law and Governance giving five clear working days notice, unless the matter can conveniently be dealt with at an ordinary meeting of the Full Council.	2. A special meeting of Full Council will be summoned by the Assistant Director Law and Governance (or their representative) , giving five clear working days notice, unless the matter can conveniently be dealt with at an ordinary meeting of the Full Council.	
	10. However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.	10.However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant dismissal . This is seen as being very much an exceptional circumstance.	
Appendix 5	6. However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.	6.However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant dismissal . This is seen as being very much an exceptional circumstance.	
Appendix 6	Protocol for Dismissal of Head of Service	Protocol for the Dismissal of Deputy Chief Officers	
	6. However, that is not enough in itself. It must also be material, i.e., it must be relevant to	6.However, that is not enough in itself. It must also be material, i.e., it must be relevant to	

	<p>the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.</p>	<p>the process and the post and sufficient to warrant dismissal. This is seen as being very much an exceptional circumstance.</p>	
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PART 4 – CODES AND PROTOCOLS

4.4 - WHISTLEBLOWING POLICY

Section	Existing Wording	Proposed Wording	Reasons/Comments
46.	<p>You may at any stage want to obtain help or advice from outside the Council and this can be obtained from a charitable organisation called ‘Public Concern at Work’. They can be contacted through their website www.pcaw.co.uk or via their helpline at: helpline@pcaw.co.uk</p>	<p>You may at any stage want to obtain help or advice from outside the Council and this can be obtained from a charitable organisation called ‘Protect, speak up, stop harm’. They can be contacted through their website Protect - Speak up stop harm - Whistleblowing Homepage (protect-advice.org.uk) or via their helpline at: 020 3117 2520</p>	<p>Change of name and contact details clarification</p>

4.6 - PROTOCOL FOR COUNCILLORS AND OFFICER DEALING WITH PLANNING MATTERS

Section	Existing Wording	Proposed Wording	Reasons/Comments
Conduct of Officers	<p>9(c) in all their professional activities, Officers shall not discriminate for any reason, but particularly on the grounds of age, gender, sexual orientation, disability, race, ethnicity, religion, or belief and</p>	<p>9(c) in all their professional activities, Officers shall not discriminate for any reason, but particularly legally recognised protected characteristics along with locally agreed protected characteristics and</p>	<p>Language used in relation to the types of protected characteristics can change (e.g. gender and sex). Suggested we</p>

	shall seek to eliminate such discriminations by others and to promote equality of opportunity	shall seek to eliminate such discriminations by others and to promote equality of opportunity	don't list each characteristic.
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4.7 - PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH LICENSING MATTERS

Section	Existing Wording	Proposed Wording	Reasons/Comments
Conduct of Officers	14(a) not discriminate in all their professional activities on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discriminations by others and to promote equality of opportunity	14(a) not discriminate in all their professional activities, particularly in terms of legally recognised protected characteristics along with locally agreed protected characteristics and shall seek to eliminate such discriminations by others and to promote equality of opportunity	Language used in relation to the types of protected characteristics can change (e.g. gender and sex). Suggested we don't list each characteristic.

4.9 - CORPORATE GOVERNANCE

Section	Existing Wording	Proposed Wording	Reasons/Comments
10. Arrangements for Ensuring On-going Application and Effectiveness	The Corporate Group of officers will consist of the: - Chief Executive Group Director of Operations (S151 Officer) Assistant Director Law and Governance (Monitoring Officer) Head of Strategy, Performance and Communications	The Corporate Group of officers will consist of the: - Chief Executive Group Director of Operations (S151 Officer) Assistant Director Law and Governance (Monitoring Officer) Head of Strategy, Performance and Communications Complaints and Information Governance Manager	Updating

11. Further Information	(c) External Auditor Ernst & Young LLP Citygate, St James' Boulevard, Newcastle-upon-Tyne. NE1 4JD Tel. (0191) 2694887	(b) Forvis Mazars LLP. The Corner, Bank Chambers 26 Mosley Street Newcastle Upon Tyne, NE1 1DF www.mazars.co.uk	Updating
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4.12 – PROTOCOL ON PHOTOGRAPHY, FILMING, RECORDING AND BROADCASTING AT THE COUNCIL MEETINGS

Section	Existing Wording	Proposed Wording	Reasons/Comments
4.12	n/a – this is a new protocol	See the below text	Clarification

Protocol on photography, filming, recording and broadcasting at the Council meetings

1. Darlington Borough Council supports the principles of openness and transparency.
2. The purpose of this protocol is to provide guidance to Chairs of council meetings, Committees, Cabinet and elected Members and to the press or public on the taking of photographs, filming, recording and broadcasting of any of the Council's public meetings, including by digital and social media.

NOTE – Film Crews with more complex equipment should contact the Communications Team at least one working day prior to the meeting to allow appropriate arrangements to be made

3. If the press or a member of the public proposes to film, photograph or record a meeting, it is advisable that they contact the Democratic Services Officer before the start of the meeting to ensure the necessary arrangements can be made and those participating in the meeting can be advised accordingly.
4. When appropriate, the Chair of the Committee will make an announcement that the meeting is being filmed, photographed or recorded at the start of the meeting. They will also advise members of the public that they will not be filmed, photographed or recorded unless they have a role in the meeting, such as asking a question or making a representation, in which case they will be deemed to have given their consent.
5. Filming, recording or photographing of any public meeting must take place from a designated fixed position in the meeting room. Equipment must not block access routes, no trailing cables are allowed and equipment cannot be plugged into mains sockets.
6. Filming, recording or photographing must not include the public gallery/public seating area to avoid members of the public being filmed, photographed or recorded without their consent. No person under the age of 16 can be filmed, photographed or recorded without written permissions given by parent or guardian in advance.
7. Filming, recording or photographing will only commence at the beginning of the meeting when the Chair opens the meeting and will finish when the meeting closes (or goes into private session). Anything that is outside the scope of the meeting itself cannot be filmed.
8. No exempt or confidential agenda items will be filmed, recorded or photographed and equipment cannot be left in any room where a private meeting is held.
9. Audible commentary cannot be made during the meetings.
10. The use of flash photography or additional lighting is not permitted.

Appendix

11. If the Chair of the meeting considers that the filming, recording or photographing is disrupting the meeting, or if the person conducting it does not abide by the protocol, the operator of the equipment will be required to stop filming, recording or photographing the meeting for the remainder of the session.