****

**LIVE STREAMING AND RECORDING OF COUNCIL AND COMMITTEE MEETINGS AND WORKSHOPS PROTOCOLS (effective from 1 July 2024)**

# 1 PURPOSE

Protocols provide clarity in relation to the live streaming and recording of formal Council and Committee public meetings convened by Bay of Plenty Regional Council Toi Moana.

# 2 OBJECTIVE

To improve accessibility and community participation in relation to Council’s formal decision making processes, including the workshop components, and to reflect Council's commitment to transparent and accessible decision making processes.

It is envisaged that live streaming and publishing the video recordings of meetings and workshops on Council’s website will provide more flexible and convenient access to a wider audience, by allowing the public to watch meetings and workshops ‘in real time’ via the internet without the need to attend in person.

This provides the community greater access to viewing Council discussions, debate and decisions, eliminates geographic and time barriers which may prevent the public from attending meetings or workshops in person; thereby resulting in greater community awareness and confidence in the integrity and accountability of Council’s decision making processes.

For clarity, these protocols apply to public workshops and meetings only. Furthermore, they do not apply to Co-Governance Groups.

# 3 DEFINITIONS

|  |  |
| --- | --- |
| Appointed Member | Member other than a Council Member appointed to the committee |
| Administering Body | A body or group where Council is responsible for the administration of the committee/forum |
| Chair | The person presiding at the meeting |
| Core Committees | A standing committee established by the Council |
| Confidential Meeting | Also referred to as Public Excluded. A meeting which has been closed to members of the public as provided for in Local Government Official Information and Meetings Act 1987  |
| Co-Governance Entities | Co-Governance entities are established under Treaty of Waitangi Settlement legislation where the Council has partner membership with other councils and/or iwi in the Bay of Plenty |
| Council | Bay of Plenty Regional Council Toi Moana  |
| Defamation | False statement which was intended to damage the reputation of another. |
| Joint Committee | A committee established under clause 30A Schedule 7 of the Local Government Act 2002 of which Council is a partner member. |
| Public Meeting/Forum | A meeting that has been publicly advertised where members of the public are invited to observe the meeting. |
| Public Workshop | A forum of Council, Council Committee or joint Committee for the purposes of receiving information or undertaking deliberative (but non-decision making) discussion, and which is open to the public to observe. |
| Privacy Breach | Unauthorised access to, or collection, use or disclosure of personal information. |

# 4 APPLICATION

The protocols apply to any Public Workshop / Meeting that is live streamed or recorded, and those participating in such workshops / meetings, including:

* Council and committee workshops and meetings that are open to the public plus any other Public Meeting as authorised by the Chief Executive and where technology solutions can be applied.
* Joint Committees, Co-Governance Entities or other such groups where Council is a partner member, is the Administering Body, and where approval to live stream or record meetings has been resolved by the governing body and where the venue supports live streaming or recording technology.
* Councillors and staff of Council and other Appointed Members.
* Members of the public, both as visitors in the public gallery and as contributors to any Public Meetings / Workshops identified above.

# 5 PROCEDURES

## 5.1 Meetings to be live streamed and recorded

Public Council and committee meetings held in the Council Chambers will be live streamed on the internet via Council's website [www.boprc.govt.nz](http://www.boprc.govt.nz) or Council’s YouTube channel.

The recordings will be uploaded to Council's website within two working days of the meeting.

Public Council or committee meetings held at venues other than Council Chambers will be livestreamed only if the venue supports live streaming technology.

Other Public Meetings held in Council Chambers may also be live streamed as authorised by the Chief Executive in conjunction with the Chair.

The Chair and/or Chief Executive have the discretion and authority at any time to direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

There may be situations where, due to technical difficulties, a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, Council takes no responsibility for and cannot be held liable for, the live streaming or the Council website being temporarily unavailable due to technical issues, or otherwise.

Technical issues may include, but are not limited to, the availability of a stable internet connection (particularly where a meeting is held away from the Council’s offices), device failure or malfunction, unavailability of virtual platform or power outages.

## 5.2 Access to Archived Recordings

Meetings that are streamed live on the internet will later be archived on Council's website www.boprc.govt.nz and available to be viewed by the public free of charge.

A link to archived recordings of meetings will remain on the website for at least three years and after that will remain as a protected record in Council’s archives as required under the Public Records Act 2005.

## 5.3 Workshops can be Recorded and Made Publicly Available

Where a Public Council and committee workshop is held on a matter of significant interest to the public, or on matters that may eventually lead to a decision in a later formal meeting that is of a significant material impact to the services or operation of Council, the Chief Executive may direct that the Workshop be recorded and made available on the Council’s website following the conclusion of the workshop.

The Public Council or committee workshop recording will be uploaded to Council's website [www.boprc.govt.nz](http://www.boprc.govt.nz) or Council’s YouTube channel.

Public Council or committee workshops held at venues other than Council Chambers may be recorded only if the venue supports recording technology.

## 5.4 Notice to Public Gallery

As far as practically possible, it is not intended that there be either live or recorded footage of the public, however these Protocols recognise that there might be incidental capture of visitors in the public gallery. By remaining in the public gallery following notification of the recording, it is understood your consent is given if your image is inadvertently broadcast.

At the commencement of each meeting, the Chair (or Council Officer nominated by the Chair) shall read a statement notifying those present that the meeting will be live streamed on the internet or recorded and that the recording will be made publicly available on Council's website. [Refer Attachment 6.1]

Signage to this effect shall also be visibly displayed in the Council Chamber, on Council's website, and printed in the meeting agenda and workshop pack. [Refer Attachments 6.2 & 6.3]

## 5.5 Public Participation in Meetings

Members of the public may participate in meetings either by presenting at the Public Forum section prior to a meeting or as part of a submission process.

Person/s invited to speak at any Public Meeting will be invited to a designated location within the Council Chamber, from where they will be recorded.

In such circumstances, correspondence to person(s) invited to speak shall include notification that the meeting will be live streamed on the internet and that the recording will be made publicly available on Council's website. [refer Attachment 6.4]

By participating in a Public Meeting, it is understood those members of the public in attendance agree to being recorded.

Unless any objections are raised by the person/s speaking, he/she will be assumed to have given agreement.

If objections are raised by the person/s speaking, it is at the discretion of the Chair as to whether the recording will be continued for the duration of the speaker.

It is not usual practice for public to participate in Public Workshops, however the same requirement regarding notification of the recording of the workshops applies.

## 5.6 Identified Risks and Mitigation

Public Council and committee meetings and workshops are an open forum of statements, questions and responses. Occasionally, comments could be made which may be regarded as offensive, defamatory, inaccurate or contrary to law.

By live streaming/recording and publishing recordings of public meetings and workshops, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

During local government decision making, no protection is afforded to Councillors, employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be inaccurate or defamatory. This also extends to workshops.

Whilst Council may not be liable for any inaccurate or defamatory comments made by an individual at a meeting/workshop, it may, however, be liable if it publishes that material; albeit inadvertently.

Therefore:

* The Chair and/or Chief Executive have the discretion and authority at any time during a meeting/workshop to correct inaccuracies and/or direct the termination or interruption of live streaming/recording if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.
* Following any meeting/workshop, the Chief Executive has discretion to direct the exclusion of all or part of any meeting/workshop recording which is deemed to be inappropriate prior to making this available on Council’s website or YouTube channel.

Material considered as inappropriate may include, but is not limited to:

* Inaccuracies
* Misleading information
* Misinformation
* Defamation
* Infringement of copyright
* Breach of privacy / disclosure of personal information
* Offensive behaviour including discrimination
* Vilification or inciting hatred hostility or discrimination
* Confidential or privileged information.

## 5.7 Privacy

The audio-visual recording equipment will be configured to provide a wide angle of the room, rather than focus on an individual speaker and, where possible, will avoid coverage of the public gallery area. However, Council expressly provides no assurances to this effect and in the event that a member of the public’s image is webcast or recorded, by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast/record the image. Signage to this effect is visibly displayed in the room in which the Public Meeting / Workshops taking place, as well as on Council's website and printed in the meeting agenda / workshop pack. [Refer Attachment 6.5]

## 5.7 Defamation

The opinions or statements made during the meeting/workshop are those of the individuals speaking, and do not represent the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards, or information contained in the live streaming/ recording of the Public Meeting/Workshop.

Council does not accept any responsibility for the verbal comments made during Council meetings/workshops which are inaccurate, incorrect or defamatory and does not warrant nor represent that the material or statements made during the streamed meetings/workshops are complete, reliable, accurate or free from error. The Council does not accept any responsibility or liability for any loss, damage, cost, or expense you might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of any Public Meeting/Workshop.

A disclaimer will be visibly displayed on Council’s website from which the live streaming and archived recordings are accessed by the public to this effect. [Refer Attachment 6.5]

6 ATTACHMENTS

## 6.1 Live Streaming and Publishing Recordings of Council/Committee Meeting/Workshop Chair’s Statement

(To be read at the commencement of each meeting to be live streamed )

***Meeting***:

***I remind Councillors and staff that this meeting is being livestreamed and recorded and that the recording will be made available on the Bay of Plenty Regional Council website following the meeting.***

***The recording will be archived and made publicly available on Council's website within two working days after each meeting for a period of three years.***

***I further remind all present that Local Government decision making affords no protection to Councillors, Council officers and the public for comments made during meetings that are subsequently challenged in a court of law and determined to be slanderous.***

***Workshop:***

***I remind Councillors that Council has introduced recording of some Public Council Workshops, other than the confidential sections.***

***The recording will be archived and made publicly available on Council's website within two working days of each workshop for a period of three years.***

***Our purpose is to provide greater access to Council discussions and encourage openness and transparency. However, Council accepts no liability for any individual opinions or statements.***

***I also remind all present that Local Government decision making affords no protection to Councillors, Council officers and the public for comments made during workshops that are subsequently challenged in a court of law and determined to be slanderous.***

## 6.2 Public Notice Poster

(To display inside the Council Chamber)

***WEBCASTING/RECORDING OF MEETING/WORKSHOP IN COUNCIL CHAMBERS TAKING PLACE TODAY***

***Today’s meeting will be live streamed on Council’s YouTube channel.***

***For workshops, some will be recorded and uploaded to the Council website afterwards.***

***The recording will be archived and made available for public viewing via Council’s website.***

***By remaining in the public gallery, or by participating in this meeting/workshop, it is understood your consent is given if your image is inadvertently broadcast.***

***Please ensure your mobile is switched to silent or turned off.***

## 6.3 Meeting Agenda / Workshop Pack

*(To be noted on front page)*

***Meeting:***

***Please note the Public section of this meeting is being recorded and live streamed on Bay of Plenty Regional Council’s website in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council’s website. The recording will be archived and made publicly available on Council's website within two working days of the meeting on www.boprc.govt.nz for a period of three years (or as otherwise agreed to by Council).***

***All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the meeting, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.***

***Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.***

***Workshop:***

***Please note the Public section of this workshop is being recorded and will be uploaded to the Bay of Plenty Regional Council’s web site in accordance with Council's Live Streaming and Recording of Meetings and Workshops Protocols which can be viewed on Council’s website. The recording will be archived and made publicly available on Council's website within two working days of the workshop on*** [***www.boprc.govt.nz***](http://www.boprc.govt.nz) ***for a period of three years (or as otherwise agreed to by Council).***

***All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the workshop, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.***

***Opinions expressed or statements made by individual persons during a workshop are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.***

## 6.4 Public Participation in Public Forum/Submission Hearing Process or Presenters Disclaimer

(For telephone or email/letter response)

***Thank you for confirming your intention to speak/present at the Bay of Plenty Regional Council / \_\_\_\_\_\_\_\_\_\_\_Committee meeting***

***Please note that the meeting will be recorded and live streamed on the Bay of Plenty Regional Council’s website in accordance with Council's Live Streaming and Recording of Meetings Protocols. A copy of the protocols is attached or can be viewed on Council’s website.***

***By attending or presenting at this meeting, it is understood you give your consent should your image be broadcast. Please Note: The camera is positioned behind the presenters’ table, so it is intended that only the back of the head is seen when you are presenting.***

***The recording will also be archived and made publicly available on Council's website within two working days of the meeting for a period of three years or as otherwise agreed to by Council. For further details information can be found on our website under ‘Council Meetings’.***

## 6.5 Website Disclaimer

(To be displayed on Council’s website)

***All public meetings of Council and its Core Committees are live streamed, recorded and made available to the public after the meeting on Council’s website. Public Workshops may also be recorded and uploaded to the website afterwards.***

***Live streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.***

***Every care is taken to maintain individuals’ privacy and attendees are advised they may be recorded.***

***There may be situations where, due to technical difficulties, a live stream/recording may not be available. Technical issues may include but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages. While every effort will be made to ensure the live streaming and website are available, Bay of Plenty Regional Council takes no responsibility for, and cannot be held liable for the live streaming/recording, if Council’s website is temporarily unavailable due to technical issues.***

***Opinions expressed or statements made by individual persons during a meeting or workshop are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.***

***Access to live streams and recordings of Council meetings/workshops is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of Council.***

***In addition, Council’s standard website terms of use continue to apply to your use of Council’s website. These can be found on Council’s website*** [***https://www.boprc.govt.nz/website-terms-of-use***](https://www.boprc.govt.nz/website-terms-of-use)

***Council will not be liable to you (the individual(s) watching this recording), or to any third party for any loss or damage that might result from:***

* ***Watching the recording;***
* ***Any statement made on the recording;***
* ***Reliance on any statement made on the recording;***
* ***Infringement of intellectual property or privacy rights (other than those covered by our Privacy Policy and the reference to privacy procedures in the Protocols)***