



# Andover Town Council

responses to questions received from members of the public in relation to the Christmas Mockumentary.

1. How many microphones were purchased?

- Two microphones were bought in a set.

2. Who placed the order, an ATC Officer or Cllr J Hughes?

- The Town Clerk placed the online order.

3. Who chose which microphones to purchase?

- The Town Clerk chose the microphones from the selection given in the agenda paper.

4. Were the microphones delivered to ATC or Cllr J Hughes?

- The microphones were delivered to the Town Clerk's home address as the Council Office is not constantly manned. This was the most secure method.

5. How were they paid for and by whom and can you show me the original supplier's receipt?

- The Town Clerk paid for the microphones and claimed the cost back as expenses. The Accounts Transaction no. is 2783. For £332.50+VAT. (£399.00)  
A copy of the receipt can of course be provided once I have redacted my address.

6. Where are the microphones normally & safely stored?

- The Microphones are locked away in the Council's office.

7. Are they insured, & are they insured when not kept on ATC property?

- No. They are not insured by the Council as the value is less than our policy excess. If they are temporarily in a Councillor's care, it will depend on the Councillor's home insurance policy, but if being used on Council business it is unlikely the home policy will cover the item.

8. For usage, how are they issued?

- Records are kept in the office of the dates and times of booking and usage. The microphones are signed in and out by the Town Clerk.

9. Do you keep a hard copy record of dates & times of issue and to whom they are issued?

- No. However we do have a soft copy record. This has been started after the return from Cllr J Hughes from the first usage.

10. If a resident of the Parish of Andover requested to use the microphones, would they be able to do so?

- This would be a question for Council, as there is no current policy for residents or organisations to borrow any council equipment. This will be added to the next Policy & Resources Agenda for Councillors to consider.

11. The report by Cllr J Hughes – Did you advise Cllr Hughes before the report was published to the Council?
<ul style="list-style-type: none"> <li>No. I said I didn't have time to write the report for September meeting and asked Cllr J Hughes to document his proposal if it was necessary to be considered at the next meeting.</li> </ul>
12. Why were no conditions of usage mentioned in the report, did you as Town Clerk, suggest that conditions of usage be attached before it was added to the agenda or at the meeting when the report was discussed, if not why not?
<ul style="list-style-type: none"> <li>Conditions of usage were not detailed, nor discussed. The motion was seeking permission to buy an asset for Council use for a particular project. Conditions of use are not normally discussed for an asset that is only to be used by Staff or Councillors for Council Business.</li> </ul>
13. Did any Council member propose conditions be attached to the use of the microphones, were any conditions ever discussed, if not, why not?
<ul style="list-style-type: none"> <li>It was not thought necessary, as above.</li> </ul>
14. Did the Council discuss or, suggest that any videos produced should carry a credit to the Town Council? If not, why not?
<ul style="list-style-type: none"> <li>The microphones were bought specifically to make mockumentaries on behalf of the Town Council and which were intended to be published by the Town Council.</li> </ul>
15. Did any member of the Council declare either a pecuniary or non-pecuniary interest in the report?
<ul style="list-style-type: none"> <li>No.</li> </ul>
16. Did you at any time advise the Mayor that he should take no part in the discussion or vote by Council members? If not, why not?
<ul style="list-style-type: none"> <li>No. It is not for Officers of the Council to advise Councillors to declare any interests, whether pecuniary or not. Members have the responsibility to do so without help or advice from Staff.</li> </ul>
17. It is my understanding that Cllr J Hughes holds no recognised degree, diploma or certificate in video production, is that the case?
<ul style="list-style-type: none"> <li>The Town Clerk is not aware of any Councillors' qualifications.</li> </ul>
18. Did you ask him directly to produce evidence that he is formally trained as a videographer?
<ul style="list-style-type: none"> <li>No. It is not important whether he is a professional or an amateur or someone with a particular skill set. He had offered in good faith to make the mockumentaries and the Council decided to approve the proposal for the development of the project. If Council felt it was important that only professional people get involved, this would have been discussed in the September Council meeting. In the same way, if someone offered to take photographs of Councillors for the Town Council's website, the Council may accept regardless of whether the volunteer was professional or not.</li> </ul> <p>However, the Council would in both cases have a say as to whether the output was acceptable or not.</p>

19. Were elected members at any time shown any examples of videography by Cllr J Hughes?	<ul style="list-style-type: none"> <li>No, not that the Town Clerk is aware of.</li> </ul>
20. Why does the report by Cllr J Hughes contain no indication of where any videos produced would be published?	<ul style="list-style-type: none"> <li>The paper mentions. <i>"which can then be uploaded to various media platforms (Andover Town Council's website and Facebook page to begin with)."</i> The decision as to where the episodes would be finally published would be discussed after the episodes had been reviewed.</li> </ul>
21. Is it the intention that the video is to be published on the Council's own website? If not, why not?	<ul style="list-style-type: none"> <li>The video was sent to all Councillors prior to its release. Some concerns were raised. Although Full Council have not considered the subject formally, Officers were not comfortable to load the episode to the Council's website if there were any concerns as to the suitability.</li> </ul>
22. Were you advised of the date(s) the video was to be filmed?	<ul style="list-style-type: none"> <li>Yes. Councillor J Hughes asked prior to the Christmas Festival on 17<sup>th</sup> November if it would be a good idea to have a "trial run" using the camera and microphones at the Christmas Lights switch on. Both the Town Clerk and Deputy Town Clerk thought "Why not?" as it was anticipated that footage taken could be used for promotional materials for next year. This is essentially approval to use the equipment on behalf of the Council.</li> </ul>
23. Were you ever shown a script or plan, did you ask for one?	<ul style="list-style-type: none"> <li>No. I don't think a plan or script had been drafted at the time of Cllr Hughes asking the question. Filming at the Festival to test the equipment or become familiar with using it, did not require a script. We were not aware that a full episode may be the outcome of the exercise. Merely that some footage would be taken which may be used in the future. Anything produced would still need Council approval before publishing on the Council's website or on the Council's Facebook page.</li> </ul>
24. Did elected members ask to see such information before the video was produced? If not, why not?	<ul style="list-style-type: none"> <li>I don't believe Full Council were formally advised that Cllr J Hughes was using the equipment for a trial run at the Christmas Festival. The Town Clerk and Deputy Town Clerk may have mentioned it in passing to a couple of Councillors, but equally it was not a secret. As stated above, given that any output from the trial run would need Council approval to be published on the Council's social media platforms there was no need for Full Council approval of a script.</li> </ul>
25. If yes, who approved it and how was approval given? Verbally or in writing?	<ul style="list-style-type: none"> <li>The Deputy Clerk was asked for an opinion verbally by Cllr J Hughes. She responded that she thought it was a good idea, but referred the Councillor to the Town Clerk. The Town Clerk responded verbally "why not? It's a good opportunity".</li> </ul>

26. Did you, or any Council member ask that the Council meet formally as a corporate body to approve release of the video? If not, why not?
<ul style="list-style-type: none"> <li>No, nobody formally asked for an Extraordinary Meeting (EM). Councillors suggested an EM via email on 17<sup>th</sup> Dec. The Town Clerk re-iterated this as an option on 18<sup>th</sup> Dec which was echoed by Cllr H Neate the same day. However, no formal request for one was made.</li> </ul>
27. Or did you just discuss the matter directly with the Mayor?
<ul style="list-style-type: none"> <li>The Town Clerk did not discuss the matter directly with the Mayor, emails were sent to all Councillors to ensure everyone was informed.</li> </ul>
28. If the Mayor dismissed your suggestion, what action did you take or have taken since?
<ul style="list-style-type: none"> <li>The Mayor stated on 17<sup>th</sup> December that:  <i>"I have not been requested by any councillors to call an EM . I see no reason to call an EM as Chair. I don't believe that if two Councillors did call an EM that it would prevent publication, I think that is Joe's decision. The meeting in September did not give full council any editorial authority over the mockumentary.</i>  <i>It was resolved that; Andover Town Council develop a series of mockumentaries, in collaboration with various organisations within Andover, which can be uploaded to various media platforms. Action: Town Clerk and Councillor J Hughes</i>  <i>SOs "If a person or persons decide to call an extraordinary meeting, the Responsible Officer must be informed of that decision with <b>clear description of the important business</b>. The Responsible Officer will then make sure that the notices and summonses, giving three clear working days' notice of the extraordinary meeting is published and sent as soon as practical".</i>  <i>The issue I think would be to instruct Joe to remove the mockumentary from You Tube and social media.</i>  <i>However, if some councillors are so minded and have really strong feelings against the mockumentary, they can call for EM. I have no desire to prevent them."</i> </li> </ul> <p>The Town Clerk sent a copy of the video to the Council's legal advisors for comment.</p>
29. Did you allow the BID manager and TVBC to see a copy of the video before it was published, if so, what was their response?
<ul style="list-style-type: none"> <li>The BiD manager was sent a copy, and an abridged version of her response was circulated to Councillors on 19<sup>th</sup> Dec at 19:00hrs.  The response from our legal advisor was also passed to Councillors at the same time. TVBC were not contacted due to the nature of the responses from the above two consultees. It had become clear that the Council were not in favour of publishing, so there was no need to contact TVBC for comment.</li> </ul>
30. Was the prospect of reputational damage discussed or suggested by either yourself, the BID Manager or TVBC and what was their response?
<ul style="list-style-type: none"> <li>Yes. The Town Clerk had raised this as a concern in the email of 18<sup>th</sup> Dec. The BiD manager also raised this as a concern.</li> </ul>
31. Is the video now the property of the Council? If not, why not?
<ul style="list-style-type: none"> <li>The video has not been electronically transferred to the Council. We are waiting to hear from our legal advisors if the either or both videos can be considered intellectual property of the Council. The digital recording is stored on a private device owned by Cllr J Hughes.</li> </ul>

32. If I suggested to you that if the Council does not 'own' the video and has no control over where it is published, by whom it is used, what would be your response?
<ul style="list-style-type: none"> <li>I wouldn't know at this stage whether the Council or the Councillor in question would have ownership. Our legal advisors will let us know shortly on this question.</li> </ul>
33. Have you raised the prospect that there is potentially a question of who has ownership of the Intellectual Property Rights of the video, have you discussed or raised this issue with elected members. If so, what has been their response?
<ul style="list-style-type: none"> <li>Some members have asked the same question and support the Town Clerk seeking legal opinion.</li> </ul>
34. What are you intending to do about the matter of Copyright of the video?
<ul style="list-style-type: none"> <li>Nothing until the legal position is known.</li> </ul>
35. What are you now going to do before any further videos are produced?
<ul style="list-style-type: none"> <li>Scripts will be requested for a Working Group review prior to any filming starting and the Town Clerk and Cllr J Hughes have discussed how the project will continue with the students of Andover College.</li> </ul> <p>It has been agreed that scripts for all the episodes need to be prepared by the students and staff, and ready for Council approval (via a Working Group) by the 2<sup>nd</sup> day of the project with the college. This is in order that filming time will not be wasted if it includes footage with dialogue that may later be considered inappropriate. The total project will run over 2 weeks, and all episodes produced will need to be reviewed and approved by Full Council prior to publication. Consent forms have been drawn up for all participants to sign agreeing that the intellectual property and copyright to the videos remains with the Council for all recordings whether in full or part.</p>
36. It is my understanding that the video was sent to elected members on Saturday 16th December, is that true?
<ul style="list-style-type: none"> <li>Yes.</li> </ul>
37. Who sent the video out, was it you or Cllr J Hughes?
<ul style="list-style-type: none"> <li>Cllr J Hughes.</li> </ul>
38. What input did you have or did you only see sight of the video at the same time as elected members?
<ul style="list-style-type: none"> <li>The Town Clerk and Deputy Town Clerk were shown the video via a Zoom call with Cllr J Hughes on Friday 15<sup>th</sup> December. Officers stated they could not approve the publication and that Full Council approval would be needed to publish on behalf of the Council.</li> </ul>
39. At what time were you informed that the video would be published on 17th December?
<ul style="list-style-type: none"> <li>On Saturday 16<sup>th</sup> December at 12:24, Cllr J Hughes emailed all Councillors and the Town Clerk and Deputy Town Clerk to say he intended to publish at Sunday 17<sup>th</sup> at 7pm.</li> </ul>
40. Did you seek legal advice on the content of the video prior to its publication?
<ul style="list-style-type: none"> <li>Yes. The advice was sent to all Councillors on Tuesday 19<sup>th</sup> December at 19:00.</li> </ul>

41. What response did you get and from whom?
<ul style="list-style-type: none"> <li>• Eight members of the public contacted the Town Clerk by telephone to complain and ask questions.</li> </ul>
42. If I requested a copy of all non-redacted emails between yourself, elected members including the Mayor and Cllr J Hughes, would you agree to my request? If not, why not?
<ul style="list-style-type: none"> <li>• I am bound by law to provide you with information that the Council hold unless there are specific exemptions to doing so. If you provide me a concise list of the emails you wish to see I will do so. However, if I have good reason to redact anything, I will exercise that right.</li> </ul>
43. Have you, as Town Clerk, received any comments from residents of Andover Parish concerning the content or style of the published video and can you supply me with those comments?
<ul style="list-style-type: none"> <li>• All comments received by the Council so far have been verbal. The Town Clerk additionally received a message on her personal Facebook messenger account. This can be provided if absolutely necessary, but it should be noted that this is not official correspondence with the Council, and the name of the complainer will be redacted.</li> </ul>
44. Were elected members informed of which platforms would be used for publication of the video, was that question asked by elected members or yourself, if so, what answer was given.
<ul style="list-style-type: none"> <li>• The original proposal (in September) was for Facebook and Website. (see question 20). When the 2<sup>nd</sup> version of the video was produced it was proposed to be published on YouTube by Cllr J Hughes as there were concerns about publishing in the name of the Council. Therefore the Council's website and Facebook pages were therefore not appropriate.</li> </ul>