

Ward: [N/A]

Digital Recording of Council Meetings

Report by the Director for Communities and Solicitor to the Council

1.0 Summary

- 1.1 To review the effectiveness of the digital voice recording trial of Worthing Borough Council's Council meetings and to consider the future digital voice recording of all Adur and Worthing Councils' Council and Committee meetings.
- 1.2 To review the Openness of Local Government Bodies Regulations 2014 and the impact on the public's right to film, record and blog from Council and Committee meetings.

2.0 Background

- 2.1 In 2012 the Joint Governance and Audit Committee recommended to both Councils the digital voice recording of Council meetings on a trial basis.
- 2.2 Worthing Borough Council resolved on the 18th December 2012 *that the Council authorise the Executive Head of Corporate & Cultural Services to arrange for the digital voice recording of meetings of the Full Council on a trial basis from the 1st January 2013, to include publication onto the internet.*
- 2.3 Adur District Council did not support the recommendations of the Joint Governance and Audit Committee as its Members were unconvinced of the need to record meetings of Full Council at the time.
- 2.4 The digital voice recording trial of Worthing Borough Council's Council meetings commenced on the 19th February 2013. Each meeting since that date has been digitally voice recorded and the recording has been uploaded onto the Council's website. There have been a number of hits on the Council's website pages where the recordings are included, but it is not possible to identify how frequently the recordings themselves have been listened to. The hits on the relevant website pages for a particular meeting range from one meeting having 68 visits to the page, viewing 140 documents relating to that meeting, to 232 visits to the page, viewing 535 documents. It is not possible to say how many of these visits were made by the same users or whether they were made before or after the voice recordings were uploaded.

- 2.5 Recording of meetings during this period has been carried out using existing technology at little cost to the Council. However, Officers have experienced a number of difficulties with both the setting up of and the usage of the existing sound equipment within the Town Hall. The process required to convert the recording of the meeting into a format that can be published onto the internet has proved to be labour-intensive and unreliable.
- 2.6 The 'Open and Accountable Local Government Guide for the Press and Public on Attending and reporting meetings of local government' was published in August 2014 by the Department for Communities and Local Government and sets out new rights. These rights allow members of the public, including citizens and professional journalists, to use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of their Councils and other local government bodies.
- 2.7 The Constitutions of Adur and Worthing Councils have been amended to reflect these new rights for the public. Council Procedure Rule 28.2 deals with Recording by the Public. It provides that a member of the public may make sound or visual recordings at any meeting of the Council and may make such arrangements as they wish to broadcast the recordings, subject to the following:
- No visual recording should be made of persons in the public gallery;
 - No visual recording should be made of any person under 18;
 - No recording shall be made of any meeting or part of a meeting which is considering matters that the Members have agreed are exempt under the Access to Information Rules or which are confidential;
 - No recording shall be carried out in a manner that causes disruption to the meeting or distracts the attention of the public from the content of the meeting.

Council Procedure Rule 28.2 is supported by the Protocol for Public/Press Recording of Public Council Meetings which provides further guidance and appropriate arrangements.

- 2.8 In respect of the Council recording meetings, the revised Constitutions state at Council Procedure Rule 28.1 that they may make such arrangements as they decide are appropriate to record, broadcast and publish meetings.
- 2.9 At a meeting of the Councils' Joint Standards Sub-Committee meeting held on the 24th July 2014, Members made the following recommendation that '*all meetings should be sound recorded to avoid doubt in regards to the conduct of those present*'.

3.0 Proposals

Council recordings of Council Meetings

- 3.1 As a result of the new guidance, and the trial of digital voice recording of full Council meetings at Worthing Borough Council, the Joint Governance Committee is asked to consider recommending to both Adur and Worthing Councils that digital audio recording of all full Council meetings commence from January

2016 and the sharing of such recordings be uploaded to the Councils' website.

- 3.2 The proposal outlined in 3.1 above would provide both Councils with a verbatim record of all of its meetings, acting as a safeguard against edited versions of proceedings being put into the public domain, whilst further promoting Adur and Worthing Councils' openness and transparency of decision making.
- 3.3 The proposals also seek to address the recommendation of the Joint Standards Sub-Committee at its meeting held on the 24th July 2014.
- 3.4 The Joint Governance Committee is also requested to consider whether digital voice recordings of meetings held in closed session should be recorded and retained by the Councils' Democratic Services Team.
- 3.5 The sound equipment in the Town Hall is dated and needs to be replaced with more modern, reliable and transportable equipment to enable the continued recording of Full Council meetings in Worthing and any further recording of Council meetings in other venues agreed by both Councils. It is proposed that Officers research the most cost-effective method of delivery of the digital voice recording and update equipment accordingly, using their delegated authority.
- 3.6 The Joint Governance Committee is also requested to consider whether they would like Officers to review and assess the viability and cost of digital voice recording of all Committee meetings, and to receive a report back on this issue.

The public's right to use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of Council meetings

- 3.7 Following new rights for the press and public, a protocol has been adopted by both Councils as part of their Constitutions; 'Protocol for Public/Press Recording of Public Council Meetings'. This has been effective since 1st May 2015.

4.0 Legal

- 4.1 Paragraph 41 of Schedule 12 of the Local Government Act 1972 provides that the minutes of proceedings of a meeting of a Local Authority shall be entered in a book or a series of loose leaves consecutively numbered, and signed by the person presiding at the meeting or subsequent meeting of the Council.
- 4.2 Part VA of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 govern when meetings or parts of meetings of a Local Authority can be held in the absence of the public and press.
- 4.3 The Data Protection Act (DPA) 1998 sets out the rules with regard to how Local Authorities should handle personal data. Any Council recording of meetings must comply with the (DPA), including the conditions for processing as set out in DPA Schedule 2 and 3, fair processing notices of the recording being taken and published online, retention and disposal arrangements, security arrangements, dealing with those at a Council meeting that do not consent to

being recorded.

- 4.4 The Freedom of Information Act (FOIA) 2000 sets out the Council's obligations regarding access to recorded information. Any Council recording of meetings must comply with the FOIA , including requests for recordings of meetings held in private.
- 4.5 Openness of Local Government Bodies Regulations 2014 sets out the public's new rights for filming, recording and blogging from Council meetings. The DCLG [Open and Accountable local government guide](#) provides advice of what arrangements need to be put in place.

5.0 Financial implications

- 5.1 There is no budget provision for the purchase of any new audio recording equipment, however it is likely that it could be funded from existing budgets, in both Councils, to enable a device to be purchased for the Town Hall and the Shoreham Centre.

6.0 Recommendations

That the Joint Governance Committee is recommended to:-

- 6.1 Note the outcome of the trial of digital voice recording of the Full Council meetings of Worthing Borough Council and recommend to Worthing Borough Council the approval of digital voice recording of Full Council meetings, and uploading of such recordings onto the website, on a permanent basis.
- 6.2 Recommend to Adur District Council the approval of digital voice recording of Full Council meetings, and uploading of such recordings onto the website, from January 2016.
- 6.3 Determine whether or not digital recordings of exempt items of business at full Council meetings should be made and retained by Council Officers, and recommend to Adur and Worthing Council accordingly.

Local Government Act 1972

Background Papers:

Digital Recording of Council Meetings Report to JGAC – November 2012

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Schedule of Other Matters

1.0 Council Priority

1.1 No specific Council priority.

2.0 Specific Action Plans

2.1 (A) Matter considered and no issues identified.

(B) Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 There are no specific Human Rights issues, as the proceedings that are being recorded and broadcast will be public proceedings.

7.0 Reputation

7.1 The increased transparency, which should arise from the proposal in this report, will enhance the Councils' reputation.

8.0 Consultations

8.1 (A) Matter considered and no issues identified.

(B) Matter considered and no issues identified.

9.0 Risk Assessment

9.1 The risks associated with not progressing this proposal are with regard to the damage to reputation.

9.2 Members need to be aware that there is a risk that the existence of a verbatim record of meetings which is not the agreed minutes may lead to disputes at a subsequent time.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.