

## Briefing for the Public Petitions Committee

**Petition Number:** [PE1731](#)

**Main Petitioner:** Tom Taylor

**Subject:** Permit recording of local government meetings

Calls on the Parliament to urge the Scottish Government to amend the Local Government (Scotland) Act 1973 to permit audio recording of all public council meetings by members of the public.

### Background

Councillors are accountable to their electorates; however, it is not always possible for the public to hear or read what their elected representatives are saying on their behalf. Although most council meetings are open to the public, few people ever attend these and those that do cannot record, photograph or broadcast proceedings without first seeking the agreement of councillors.

The legislation governing this area is the [Local Government \(Scotland\) Act 1973](#). Section 50A of the Act sets out that local authorities are not required to:

“...permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.”

It is worth noting that the Act *does* permit “duly accredited representatives of newspapers” to report on proceedings. So, there appears to be one rule for journalists and another for everyone else. With the increase in use of social media the division between these two groups is becoming blurred. Some reporters, for example [David Bol of Edinburgh’s Evening News](#), regularly Tweet from council meetings. This way of reporting often captures comments, actions or behaviour that is not audible or visible in the official broadcasts.

Although permitted by Edinburgh City Council, it is not clear if live Tweeting by members of the public is tolerated in council chambers across the country.

#### *The situation across Scotland’s local authorities*

It is up to individual councils to decide whether to provide live webcasts of their meetings. In addition, council standing orders will usually set out the rules regulating the behaviour of audiences.

The standing orders of Glasgow City Council (GCC) forbids sound, film or photographic recording of proceedings of any council meeting without the prior approval of the Council or the committee concerned. However, GCC does provide a comprehensive [webcast of most council and committee meetings](#). Likewise, Edinburgh City Council broadcasts and records most meetings and hosts these on its [webcast site](#).

It is not the same story across the country. For example, the [standing orders for West Lothian Council](#) state that sound-only broadcasts will be provided by the Council, and then only for full council meetings. Other than that, no audio or visual recording, photography or transmission of proceedings of meetings is allowed, unless the meeting so agrees. [Clackmannanshire Council](#) also forbids the taking of photographs, the use of mobile phones or music players, and audio or video recordings during meetings “unless with the express permission of the Provost”.

From a search of Scotland’s 32 local authority websites, it appears that ten councils already broadcast all public proceedings – i.e. full council and committee meetings - either in video or audio format (with archived footage available). Eight councils broadcast full council meetings only, and thirteen councils provide no broadcasts at all.

#### *Cost barriers*

Many of those councils that do not currently webcast may have considered the issue in the past. Cost is often cited as a potential barrier. [In a paper submitted to Angus Council](#) last year, a council official estimated that webcasting could cost the Council between £72,000 and £82,000 over a four-year period, and:

“No specific provision for the costs of webcasting Council meetings has been provided in the 2018/19 revenue or capital budgets. If members are minded to proceed to implementation a suitable funding source would need to be found both in the current year and then on an ongoing basis”.

Likewise, Stirling Council has been debating the issue for some time. The [Stirling Observer reported](#) on the most recent discussion, with an opposition Conservative councillor quoted as saying: “I hope in the coming budget they prioritise schools, roads, reliable bin collections and other important council services before this nonsense.”

#### *The situation in England*

The petition under consideration highlights the different situation in England. Provisions forbidding the recording of meetings in England by the public (the Local Government Act 1972, section 100A) were removed in 2014 by the [Openness of Local Government Bodies Regulations](#). These changes were made by the Conservative/Liberal Democrat coalition government and permit

members of the public in England to film, tweet and blog from all public council meetings. The reason for these changes was provided in a [guide for the press and public](#) published by the then Department for Communities and Local Government:

“We now live in a modern, digital world where the use of modern communication methods such as filming, tweeting and blogging should be embraced for enhancing the openness and transparency of local government bodies.”

Please see the [House of Commons Library blog](#) for more information on the situation in England..

### **Scottish Government position**

The Scottish Government is committed to openness, transparency, and citizen participation across government, as demonstrated in its [Open Government Partnership Action Plans](#). However, there has been no ministerial discussion of this specific issue in recent years.

**Greig Liddell**  
**Senior Researcher**  
**20 August 2019**

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP