

PE1731/D

East Renfrewshire Council submission of 16 October 2019

The Council's responses to the questions are as set out below.

- **What is your policy on the audio recording of public council meetings?**

The Council does not have a specific policy on audio recording of meetings.

The Council complies with admission rights as set out in Section 50A of the Local Government (Scotland) Act 1973

As you will be aware subsection 7 of Section 50A states

“Nothing in this section shall require a local authority 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”.

Receipt of requests to audio record meetings is something that has happened only relatively recently. Requests are dealt with on an ad-hoc basis. If a request is received it is submitted to the relevant meeting for the Elected Members to take a view on whether or not audio recording should be permitted.

- **If your council does not permit audio recordings of public meetings, what is the rationale for this?**

Following a decision in 2015, meetings of the full Council are webcast by the Council and copies of the webcast archived for future viewing. On those occasions since the introduction of webcasting to date when a request to audio record a meeting of the full Council has been made, agreement has been given.

The Council does not make recordings of any other meetings either in video or audio format. In such cases, the record of the meetings will be the Minutes that are taken by staff. These are not verbatim accounts of discussions that take place.

The view taken by the full Council in respect of a request to audio record a meeting has been that if the Council is already making the proceedings available, although there is no need for them to do so, if a member of the public still wishes to record the proceedings then that is permitted.

With regards to those meetings the Council does not itself record, Elected Members at different meetings have taken different approaches. At some meetings the view has been taken that there is no reason for the meetings not to be recorded. At other meetings however a different view has been taken and Elected Members have decided that as the Council does not itself audio record meetings then giving permission to members of the public to do so would be inappropriate.

- **What are considered to be the concerns of allowing members of the public to audio record public council meetings?**

As mentioned above the Council does not itself record meetings other than the meeting of the full Council which is webcast. Concerns have been expressed that allowing recordings of meetings could lead to the inappropriate manipulation of the recorded material and to the publication of such material. In such circumstances the absence of an unadulterated original version being held by the Council would significantly impact the Council's ability to challenge the veracity of any information that was published. This could lead to such published information quickly being perceived as the accurate version of events/what was said.

- **With regards to the actions being called for in the petition, are there any constraints faced by local authorities on what has been proposed?**

The petition calls "...on the Scottish 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."

If the legislation were amended to remove the Council's ability to restrict the recording of meetings and make it a requirement to allow meetings to be recorded as a matter of course without the need to obtain permission, then the Council would need to consider the introduction of, at a minimum, the audio recording of meetings itself. This would be required as a precaution to the potential publication of altered recordings as referred to above.

A technical solution to enable the meetings to be audio recorded would require to be introduced and would have some associated expense.

The Council would also need to consider what restrictions if any it would place on any recording equipment used by members of the public, and what mechanisms would be required in relation to the publication of the Council's recordings and/or responding to requests for information submitted in terms of Freedom of Information legislation. There would be some additional staff associated with the publication of the recordings but this would not be significant.

One other possible solution would be to extend webcasting to cover all public meetings, not just meetings of the full Council. However this was considered and rejected by the Council in December 2018, one of the factors being the increased costs, both in terms of the contract cost, and additional staffing resources required.