

PE1731/H

North Ayrshire council submission of 22 October 2019

There are a number of competing issues which the Committee might wish to consider, namely:-

1. Subsidiarity- the role of Parliament should be to set minimum standards for Council proceedings, not to tell Councils how to run their meetings. The decision on whether the public can audio record meetings should be a matter for Councils to determine. If the UK Government imposed such requirements on the Scottish Parliament it would understandably be viewed as central interference in the running of a democratically elected body, and the same goes for this petition.
2. Data Protection- If members of the public are to be entitled to audio record meetings, have those present (including other members of the public) agreed to their data being recorded? How can this data be used- can it be downloaded to the web, thus making personal information available in all time coming? Would Chairs be required at the start of every meeting to state that as the public have the right to audio record meetings, those attending accept their data may be shared outside the meeting? Otherwise should they remain silent? Alternatively should there be a requirement to give advance notification of a request to audio record, in order that those present are made aware they are being recorded and give their consent?
3. Transparency- as detailed in the petition. Webcasting and audio recording is in principle a good thing if the veracity of what is recorded can be trusted
4. The extent to which uncontrolled audio recording might interfere with the running of a meeting
5. The fact that audio recording is easily altered through digital, means that unregulated recordings are no guarantee of the veracity of what was said. Similarly, selective recording may give a misleading impression of the whole debate.
6. While it would be better that meetings are officially recorded by a Council, and the whole of a meeting is made available, unaltered, there are significant financial and staffing costs incurred in webcasting in particular.
7. Certain items are exempt in terms of Schedule 7A to the Local Government (Scotland) Act 1973 and could not be recorded.

8. Many meetings proceed on the basis that Councillors have read the reports and an audio recording, like webcasting does not give the full story. Reports also need to be looked at. Unlike webcasting, with audio recording it is sometimes difficult to determine who is saying what. Therefore it is difficult to see an overwhelming public interest for the right to record, as at best it gives a selective view of a meeting
9. Audio recording is most likely to be attractive to planning agents anxious to gain evidence to substantiate an appeal. While Councillors require to adhere to planning legislation and guidance at all times, the danger is that the threat of audio recording might have the effect of inhibiting robust discussion
10. Why the focus on Council meetings rather than those of other public bodies, such as NHS Boards? Arguably Councils are already more transparent than almost all other public bodies

In relation to the specific information sought I would comment as follows:-

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

The Council's Standing Orders state:-

“No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Council itself, shall be made without the prior approval of the Council. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Provost and does not interfere with the business of the meeting. “

North Ayrshire webcasts meetings of Council, Cabinet and the Integration Joint Board. These are live and unaltered.

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

It is primarily to avoid interference with the running of the meeting and to ensure that the meeting is not misrepresented- Prior to the introduction of webcasting the Council received and agreed to specific requests from local papers to live stream meetings and agreed to this on the basis that it did not interfere with the running of the meeting and the whole meeting was streamed

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

See general comments above

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

See general comments above. In light of the data protection issue, the selective nature of audio recording, and the potential for digitally altering records, it is difficult to see an overriding public interest in allowing ad-hoc and selective public audio recordings. It would be better that Councils webcast where possible to provide a true record of proceedings, albeit there is a significant staff and financial cost involved. At the end of the day, it should be a matter for Councils to determine whether their priority is to invest in webcasting or other priorities. Given the budget cuts which Councils have faced, this has to be a local decision.