

**Petition Request:**

Alteration to the relevant legislation (Local Government (Scotland) Act, 1973) on permitting audio recording of local government public meetings. The petition calls for 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.

**Response to questions from the Petitions Committee**

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

Argyll and Bute Council does not currently have a policy or arrangements on audio-recording public council meetings. It has previously considered this matter however was constrained by the cost of implementation and operation balanced against requirements to make budget cuts. The position with regards to audio recording is under review at this time.

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

Argyll and Bute Council covers a large geographic area and holds public meetings in a wide range of venues. As advised above it has previously considered this matter however was constrained by the associated cost of implementation balanced against the requirement to make budget savings.

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

While it is recognised that Council meetings are open to the Public and the arrangements for meetings are underpinned by good governance and transparency key concerns associated with allowing members of the public to audio-record public council meetings relate to the following:

- Context – concerns that a recording may not be presented in its entirety and/or taken out of context of the wider debate and discussions at meetings with the consequent risk that it may not present a complete or even accurate picture of the meeting and the agreed decisions.
- Timelag – potential for someone to immediately present decisions of Council to a wider audience *prior* to publication of minutes/formal record of the meeting, which could be misleading or confusing.
- Substitution – potential for an audio recording to be considered as equivalent to a minute of the meeting and to undermine the importance of the minute as a formal record which is binding on the council.
- Disruption – concerns that audio recordings by members of the public, if not controlled, may be undertaken in such a way that they disrupt the proceedings of the committee.
- Unintentional Recording – there is a risk that recordings may be picked up of conversations or matters which do not form part of the decision-making processes of the council.

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

Aside from the constraint presented by cost, the constraints associated with the operation of quasi-judicial meetings would require more detailed consideration. The request is to permit audio recording of **all** public council meetings, by members of the public. Whilst it is recognised that meetings are open to the Public, unless determined otherwise in accordance with exemptions under Schedule 7A of the Local Government (Scotland) Act 1973, it would be preferable to ensure there is no entitlement for the public to audio-record meetings of a quasi-judicial nature i.e. Civic Government Hearings, Planning Hearings. The reason for this request is to ensure parity with arrangements in judicial settings, to recognise the wider range of sensitivities associated with such hearings and to ensure that participants, especially those attending in a personal rather than professional capacity, are fully able and confident in engaging in a controlled process with no fear of a recording being taken out of context.

**Additional Comments**

If the Petition Committee having considered the petition was so minded to recommend a change to the legislation with regards to public audio-recording Argyll and Bute Council would seek to encourage the adoption of a standardized approach across all councils through the development of the necessary protocols under the auspices of COSLA.