

**PE1731/R**

South Ayrshire Council submission of 5 November 2019

On behalf of South Ayrshire Council I would make the following comments:-

1. Parliament could set minimum standards for Council proceedings but 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 applies in relation to 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- what use can be made of material how do those being recorded consent of this use. It can surely not be expected that they have to accept that any use can be made of the recording and for 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 and for any purpose and in perpetuity? 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? Would this not interfere with everyone's entitlement to be heard where there are strongly held competing views on matters.
3. Transparency- as detailed in the petition. Webcasting and audio recording is in principle a good thing if the audio recording can be trusted as a fair and true record of the proceedings.
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 whether any recording is a true and fair record of the meeting. 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. However, it should be noted 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. There are issues in relation to the recording of copyrighted material that may appear or be referenced at a meeting that would need to be overcome.
9. 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.
10. Audio recording is most likely to be attractive to planning agents or others who can gain evidence to substantiate appeals or other legal processes. While Councillors require to adhere to legislation and guidance at all times, the danger is that the threat of audio recording might have the effect of inhibiting robust discussion on any matter that might be the subject of a legal hearing.
11. Why is there a 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?

### **South Ayrshire do not currently webcast meetings**

- 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

- 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.**

**The issue of webcasting has been considered at South Ayrshire and in the past discounted because of cost and staff constraints. It may be reviewed and considered again in the future particularly where financial constraints are not as challenging.**