

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM 5

REPORT TO CABINET

18 OCTOBER 2018

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Bob Cook

OPENNESS OF LOCAL GOVERNMENT BODIES - AUDIO RECORDING OF COUNCIL/COMMITTEE MEETINGS

1. Summary

The purpose of the report is to consider the continued use of audio recording of all Council and committee meetings which was introduced in January 2016.

2. Recommendations

Recommended that Cabinet

1. Continue to permit the recording of public meetings (excluding exempt information).
2. Continue to provide a minute taking service and discontinue the use of smartpens.

1. Reasons for the Recommendation(s)/Decision(s)

To respond to the emergence of requests for copies of the audio recording taken at meetings.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or

- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

The purpose of the report is to consider the continued use of audio recording of all Council and committee meetings which was introduced in January 2016.

RECOMMENDATIONS

Recommended that Cabinet

1. Continue to permit the recording of public meetings (excluding exempt information).
2. Continue to provide a minute taking service and discontinue the use of smartpens.

DETAIL

Openness of Local Government Bodies Regulations

1. The Openness of Local Government Bodies Regulations 2014 assists any members of the press and public who want to know about, view or report the work of local government bodies. The “press” is defined in the widest terms – including traditional print media, filming crews, hyper-local journalists and bloggers. The national rules have increased the rights to film, audio-record, take photographs, and use social media such as tweeting and blogging to report the proceedings of all such meetings that are open to the public.
2. Stockton have indeed benefited from a proactive local media presence at the majority of our public meetings with the introduction of Local Democracy Reporters, who regularly report on local democracy issues.
3. It is acknowledged that we 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. In accordance with these regulations all Councils have to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. In addition we are required to provide reasonable facilities to facilitate reporting for any member of the public who may wish to do so.
4. It should be noted that the national rules similarly do not prevent councillors from tweeting and blogging at meetings, which they should be allowed to do provided it is not disruptive and does not detract from the proper conduct of the meeting. Whilst councillors are

expected to comply with their body's code of conduct, this should not prevent councillors from tweeting or blogging when appropriate.

5. These regulations support a strong, 21st century, local democracy where local government is genuinely accountable to the local people.

Smartpen

6. Stockton introduced the use of audio recording of all Council/Committee meetings in January 2016. The sole purpose for introducing the smartpens was to assist Governance Officers in the production of timely accurate minutes. Recordings are currently used to ensure the key points of the decision making process are effectively and accurately captured.
7. The smartpen has since been used at Council, Committee and other meetings with an announcement made by the Chair at the start of each meeting stating the reason why the recording was being made; e.g. to assist the Governance Officer at a later stage in compiling the minutes of the meeting.
8. It is acknowledged that the smartpens were introduced solely for the purpose of minute taking and that it was never the intention that the pens would act as recordings per se. However, in the time since the introduction of the smartpens, the availability of the audio recording has led to requests being made to obtain a copy of the recording, which has subsequently been provided on each occasion.
9. This has had a direct impact on the work of governance officers diverting resource away from the efficient and effective production of minutes to the consider requests for copies of recordings.
10. Requests can be received from different sources, in different ways and initially are discussed with the Council's Information Governance Team to understand the best way to deal with the request following which receipt of the enquiry is acknowledged. A decision is then subsequently made, often in consultation with the relevant service department, as to whether it is valid to provide the information requested. Should the request be regarded as valid, officers will respond to the enquiry, during which time consultation and approval of the release of the recording is obtained from the relevant Director and the reply sent out. In addition in some circumstances officers will need to advise the relevant committee members and officers of the release of the recording.
11. In the case of each of the audio recordings of Committee meetings provided to date, it has sometimes been necessary due to the size of memory of the recording, to provide a copy of the recording on disk rather than provide by e-mail. This has necessitated input from officers in Communications who have the appropriate software to convert the recording to disk. In all cases this inevitably diverts resource away from the preparation of the minutes.

12. CONCLUSION

13. It is recommended that the council continues to support local democracy by continuing to provide reasonable facilities for members of the press and public who wish to continue to record public meetings.
14. Governance officers will continue to prepare minutes of all meetings that reflect the proceedings and the decision making process in an accurate and timely way as is possible.

15. However as a consequence of people requesting copies of the councils audio recordings, resources required within the governance team for minute preparation have been diverted. Therefore given that the recordings have been used in a way contrary to the use intended i.e. to support the performance of Governance officers in the preparation of accurate and timely minutes, and that press, public and councillors are able to make their own recordings, Cabinet are invited to agree to discontinue the use of audio recording all Council/Committee meetings.

16. COMMUNITY IMPACT IMPLICATIONS

17. There are no Community Impact implications arising from this report.

18. FINANCIAL IMPLICATIONS

19. There are no financial implications arising directly from this report.

20. LEGAL IMPLICATIONS

21. There are no legal implications arising directly from this report.

22. RISK ASSESSMENT

23. Low risk.

24. COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

25. Ensure the Council uses its assets effectively.

26. CONSULTATION INCLUDING WARD/COUNCILLORS

27. None.

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Education related? No

Background Papers N/A

Ward(s) and Ward Councillors: All

Property

None