

7. **NOTICE OF MOTION - AMENDMENT TO STANDING ORDERS - RECORDING OF MEETINGS (JS)**

1. **Purpose of the report**

At the meeting of the Authority held on 2 December 2016 Cllr Chris Furness moved a motion, seconded by Cllr Andrew McCloy, proposing that all Authority and Committee meeting recordings be archived and made accessible for at least 3 years from the date of the recording. As the motion would require an amendment to Standing Orders if it was approved discussion on the matter was adjourned until this meeting.

This report sets out issues Members should consider before making a decision.

Key Issues

- **A Notice of Motion was submitted by Councillor Chris Furness for the meeting of the Authority held on 2 December 2016 proposing to extend the retention period for meetings of the Authority and its Committees.**
- **If approved this motion would require an amendment to Standing Order 1.5(8) to implement it. So, in accordance with Standing Order 1.25, once proposed and seconded, further discussion on the motion was adjourned until this meeting of the Authority.**
- **The adjournment provides an opportunity for Officers to consider the implications of an amendment and report back to the Authority before they make a decision.**
- **This report sets out additional background information that Members should consider before making a decision.**
- **The normal rules of debate apply during consideration of the motion so valid amendments can be proposed and debated in the usual way. If, following a vote, the substantive motion is lost, the motion has been dealt with and the Authority may move on to the next item of business.**

2. **Recommendations(s)**

1. **To consider the following Motion moved by Councillor Chris Furness and seconded by Councillor Andrew McCloy at the meeting of the Authority held on 2 December 2016:**

“That all Authority and Committee meeting recordings be archived and made accessible for at least 3 years from the date of the recording.”

How does this contribute to our policies and legal obligations?

3. Having procedural Standing Orders in place which include the facility for Members to raise issues at meetings of the Authority along with provisions for Officers to respond on the implications of the motions contributes to Cornerstone C3 in the 2016/17 Business Plan and in the Corporate Strategy as it contributes to the evidence given to the Auditors when they assess the effectiveness of our governance arrangements.
4. Providing access to recordings of our meetings also contributes to this Cornerstone as it demonstrates that the Authority and its decision making processes are open and transparent.

Background Information

5. On 6 July 2012 the Authority approved an amendment to Standing Orders to add the following new Standing Order 1.5(6) :

“While the Local Government Act 1972 does not require an authority to record its meetings, subject to the availability of suitable recording equipment, the Authority will make a digital audio recording of all Part A discussions and decisions at meetings of the Authority and its Committees. The recordings will be held by the Monitoring Officer until the minutes of the meeting have been agreed by Authority or the relevant committee and then deleted. All requests from members of the public for copies of recordings will be dealt with in accordance with the provisions of the Freedom of Information/Environmental Information legislation.”

Due to further changes to Standing Orders since 2012 this is now Standing Order 1.5(8)

6. The new Standing Order was introduced in anticipation of the delivery of new sound equipment for the Boardroom which had been purchased to improve access to meetings. One of the consequences of purchasing the new equipment was that it provided an opportunity for us to make audio recordings of meetings. However as Part 1 of Standing Orders did not permit anyone to record discussions a new Standing Order was approved so the Authority could make regular use of the facility.
7. As initial trials of suitable equipment had demonstrated that there was a good business need for sound equipment Resources Management Team had recommended to Authority that:
1. All Part A meetings of the Authority and its Committees be recorded as a matter of course.
 2. Recordings would not normally be published but under the Freedom of Information Act (FOIA) they would be available to members of the public on request.
 3. Recordings would only be edited to take out gaps at the start and end of the meetings and if a FOIA request was received sensitive personal data would be removed.
 4. Recordings would be held by the Monitoring Officer until the minutes of the meeting had been approved and then deleted.
8. Members agreed to the recommended approach subject to an additional paragraph which allowed the Monitoring Officer or the Chair of the meeting to agree to a recording being kept for a longer period than required.

Proposals

9. The motion from Councillor Furness is timely as it is now almost 12 months since the Authority started to trail the audio webcasting of meetings. We were able to introduce a trail without amending Standing Orders because the Local Audit and Accountability Act 2014 had required the Authority to allow the recording and reporting of meetings by members of the public and the Authority itself. The introduction of audio webcasting did provide the option of making recordings available for a longer period but it was agreed by RMT that during the trial the Authority should continue to comply with time limit set out in Standing Orders.
10. Through the introduction of audio webcasting, the Authority has been able to

demonstrate its commitment to openness and transparency by providing live broadcasts of meetings and providing a “listen again” facility. The listening figures for each meeting varies and is very dependent upon the items on the Agenda but the initiative has generally been well received both internally and externally and the general trend is that listening figures are on the increase. For this reason we intend to continue audio webcasting for a further twelve months with the revenue costs of providing the service met from existing budgets.

11. As a consequence of this the Motion would not immediately incur any additional costs as the editing, publication and archiving of recordings is included within the cost of webcasting. If in the longer term webcasting is not continued there would be an additional impact on resources as we would need to introduce new arrangements to prepare and publish all recordings or handle additional Freedom of Information requests.
12. If the motion moved by Councillor Furness and seconded by Councillor McCloy is supported by a majority of Members the motion would need to be amended to make the following changes to Standing Order 1.5(8):

“While the Local Government Act 1972 does not require an authority to record its meetings, subject to the availability of suitable recording equipment, the Authority will make **and publish** a digital audio recording of all Part A discussions and decisions at meetings of the Authority and its Committees. The recordings will be held by the Monitoring Officer **for a period of three years from the date of the meeting until the minutes of the meeting have been agreed by Authority or the relevant committee** and then deleted. However the Chair of the meeting or the Monitoring Officer may agree that the recording may be retained for a longer period if required. ~~All requests from members of the public for copies of recordings will be dealt with in accordance with the provisions of the Freedom of Information/Environmental Information legislation.~~”

Choice of Retention Period

13. This is a potentially complex issue, looking at the practice of other Local Authorities there is no standard approach and, although legislation now requires the Authority to facilitate the recording and reporting of meetings, there is still no legal requirement for us to make or keep a recording of our meetings.
14. The motion as it stands suggests that we should retain recordings for a period of three years. Although Councillor Furness may wish to expand on his preference in introducing his motion, from an Officer perspective, there is no specific reason for choosing this time frame so, if Members are minded to make a change, the Authority could amend the motion to make the time period longer or shorter.
15. In July 2012 RMT specifically considered the issue of retaining recordings and concluded that the Authority should adopt the current arrangement by retaining the recordings until the minutes of the meeting are approved. The main reason for this was that once decisions had been made and the minutes of the meeting confirmed the minutes should then be the only record of the meeting. At that time it was the view of Management Team and Members that there were risks around it holding more than one record of the meeting and therefore adopted the approach of deleting recordings following approval of the written minutes as suggested by the Records Management Society in their general disposal guidelines for local authorities.
16. In making the decision in 2012 it was recognised that even if the Authority did make recordings available to members of the public for a short period of time, it was relatively easy for an individual to copy and retain a file or its contents before it is removed. There was therefore still the possibility that there would be copies of the deleted recordings in

circulation over which the Authority would have no control. It follows that there are risks that if this information was subsequently used by a third party against the Authority, and it had deleted our original copy of the file, it would then have no ability to demonstrate whether the file had been edited or tampered with for the purposes of the person holding the file. While this is a relatively low risk it does need to be considered as the potential impact could be high. In 2012 RMT agreed that the facility for the Monitoring Officer or the Chair of the meeting to request that a recording be retained for a longer period helped to mitigate against this risk.

17. For information the Local Government (Access to Information) Act 1985 requires the Authority to retain reports and unpublished background papers for at least 6 years after the date of the meeting but Audio recordings of the meeting are not covered by this legislation.

Are there any corporate implications members should be concerned about?

Financial:

18. If the trial of Audio Webcasting is extended for a further 12 months as planned there would not be any additional costs incurred to implement the motion.

Risk Management:

19. The main risks identified in this report relate to the period of retaining recordings it identifies that there are reputational and operational risks around options to extend the retention period or keep the existing arrangements as they are. In 2012 Members and Officers concluded that, although there were good arguments for both of the options, the risks of retaining the documents for a longer period were greater than those of retaining the recordings until the minutes of the meeting were approved.

Sustainability:

20. There are no significant sustainability issues.

Equality:

21. There are no significant equality issues however publishing live and archived recordings of Authority meetings does open up access to individuals and groups that would have difficulty in getting to daytime meetings at Aldern House.

22. Background papers (not previously published)

Amplification and Recording of Authority Meetings – Business Case Report – Resource Management Team 1/6/2012

23. Appendices

None

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