

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council 23 November 2006
AUTHOR/S: Chief Executive/Democratic Services Manager

RECORDING OF MEETINGS

Purpose

1. To consider whether Council meetings should be recorded electronically. In accordance with the Local Government Act 1972 and Standing Order 21.4, a Council decision is required if Members wish to take this step. Having previously agreed to pursue the recording of meetings in 2004, Council is now requested to consider this matter further.

Executive Summary

2. This report reconsiders the issue of electronic recording of meetings following the introduction of the Freedom of Information Act and in the light of the severe resource pressures facing the Council.

Background

3. On a notice of motion from Councillor Robin Page, Council on 26 February 2004 agreed that the legal, financial and practical implications of recording meetings should be investigated and a report made to Council (Minute 13.1). On 26 August 2004 Council agreed that sound recording, in the form of an MP3 player attached to the microphone system, at a cost of up to £1,000, be pursued. Following discussions in light of the previous Council decision, neither Management Team nor the Information and Customer Services portfolio holder were prepared to implement a recording system without detailed consideration of all the legal implications. For this reason the recording system has not thus far been introduced.

Freedom of Information Act

4. The Freedom of Information (FOI) Act came into force in January 2005. The Act allows members of the public and organisations to request transcripts of recorded meetings, should recordings exist. Tape recordings of meetings are, for the purposes of FOI, "information held in a recorded format" and would therefore be disclosable unless one of the exemptions applies.
5. Information is exempt if it is intended for future publication (FOI Act Section 22) but this can only apply if the whole of the taped recording is to be published. As a Minute is not intended to be a transcript of the tape, this exemption would not apply. FOI does deal with information due for destruction but great care has to be exercised before destroying information in accordance with an internal policy when an FOI request has already been made. In other words, even if the Council agreed that recordings should only be kept to assist in drafting the Minutes before being destroyed, it would be obliged to disclose the transcript of all or part of the meeting if a request was received before the tape was destroyed. Such recordings would not have the exempt status of the clerk's notes, therefore would be disclosable.

6. If Council was to agree to record meetings, the recording from Council meetings would be disclosable under the FOI Act for as long a period as Council chose to keep the transcript – the likely implications of this in terms of Officer time are explored below.

Consultation

7. This issue was raised at the August 2006 meeting of the Member Support Officer Network, to which all the relevant sections of local authorities in the Eastern region were invited. The following responses were made:
 - a. St Edmundsbury Council: record Council and Planning for reference while preparing minutes. Once the minutes have been confirmed, the tape is deleted.
 - b. Bedfordshire County Council: Stopped recording its meetings when the FOI Act came into force.
 - c. Cambridgeshire County Council: currently web casts its Cabinet meetings.
 - d. Only Peterborough City Council, a Unitary Authority, records its meetings and keeps those recordings. Peterborough regularly receives requests for transcriptions of its meetings, but it has the capacity to provide them.

Options should meetings be recorded

8. There are a number of options for the Council regarding how it uses recordings of meetings. **In all of the options that follow, the recording of the meeting would be disclosable under the Freedom of Information Act:**
 - (a) Use the recording only to assist with compiling the Minutes and destroy the tape once the Minutes have been drafted or approved (given that the Council does not produce verbatim Minutes of any parts of its meetings the use of recordings would, in the view of Democratic Services, be of limited benefit).
 - (b) Make the tape recording available to Members on loan. Council would need to consider for how long it will keep the recording of each meeting.
 - (c) Make transcripts of the meeting or a specific part of it on request. As with (b) above, Council would need to consider for how long it will keep the recording of each meeting.
 - (d) Make a full transcript of every meeting as a matter of course and destroy the tape once the transcript has been made. This would have a huge resource implication, as explained in paragraph 10 below.

Considerations in favour of recording meetings

9. The following reasons may be cited in favour of recording meetings in line with each of the options identified in paragraph 8 above:
 - Recording meetings encourages open government
 - Recording is not expensive, is quick and easy and takes little storage space
 - Full transcripts would prevent misrepresentation (specifically option 8(d))
 - In practice there are likely to be few requests for transcripts of meetings (specifically options 8a, b and c);
 - Recording would give an opportunity to make a defence against accusations
 - Situations in which more detail was required than could be included in the Minutes, for example investigations of allegations of misconduct

- Recording could assist the conduct of a meeting
- The tape recording of parliamentary debate acts as a precedent;
- Recording meetings in the absence of a web-casting service allows proceedings to be accessed by hard-to-reach groups who would not normally have the opportunity e.g. those without the means to attend the Council Offices in person.

Considerations against recording meetings

10. There are several reasons which may be cited against recording meetings. The following paragraphs should be read in conjunction with the options for the use of recordings identified in paragraph 8 above.

Resource Implications

11. As described above any transcripts held by the Council would be disclosable under the Freedom of Information Act. The Council is therefore likely to receive requests for part or all of meetings which have taken place which, unless the public was excluded from that particular part of the meeting, it would be obliged to disclose. This may have significant resource implications in terms of Officer time. According to Peterborough City Council it takes an officer about a day to transcribe an hour of meeting. Due to time taken finding the relevant point in the recording, it takes an officer about half an hour to transcribe a specific point made by a member. This Council does not have the resources to respond to a significant number of transcription requests and if Council does decide to record meetings, serious consideration should be given to how the extra work will be carried out. This problem is exacerbated if the Council chose to transcribe every meeting as a matter of course. Even if transcripts were only provided in response to FOI requests, there is some likelihood that individuals and organisations, for example the local media, would increasingly choose to request a full transcript rather than attend the meeting.
12. There are also concerns regarding the way in which transcripts disclosed under the FOI Act could be used to the detriment of the organisation, for example:
- To allow requesters to quote selectively from officers and members in a misleading way;
 - To leave Members liable to intimidation from pressure groups arising from comments attributed to them, for example regarding controversial planning applications;
 - To lead to Members being selectively quoted by political opponents during election time;
 - To erode collective responsibility;
 - The possible misuse of recorded information, especially by appellants following a planning decision or by political opponents during election time.
13. There is no available budget to meet installation and associated set-up costs. The price for the installation of a sound recording system would be a one-off cost of approximately £1,000. The potential cost in terms of staff time is explained above. Given the Council's financial position, the employment of additional staff to deal with the number of requests could be prohibitively expensive. Members may consider that officer and financial resources could be better directed elsewhere.

Storage

14. Although neither disks nor CDs take up a large amount of room, space is not limitless. Councillors will need to decide how long these records should be kept. Alternatively the records could be sent to the County archives.
15. It is possible that recordings of meetings could be held on the website, however, the size of the files may mean that only the most recent meetings can be held there.

Practicalities

16. If agreed, Council will need to decide which meetings will be recorded. Following discussions with the engineer who oversees the audio system in the Council Chamber, the officer suggestion is that only public meetings that are held in the Council Chamber be recorded. Any recordings will rely on the existing microphone system and so only meetings that are held in the Chamber could be recorded. There is a hearing loop which allows the use of microphones in other meeting rooms, and a second set of microphones, currently used in the Swansley Room. These facilities are not connected to the computer in the Council Chamber, however, so could not be used to record meetings using the equipment previously agreed by Council (see paragraph 3 above).
17. The recording will pickup a lot more information than what would be contained in the Minutes which would make the process of transcription more difficult, e.g. background conversations and noises. The clerk would also have to stop the recording if the meeting resolved to exclude the press and public to consider information which is exempt from publication.
18. The recordings would be unable accurately to attribute particular comments to particular Members. Whilst Members are on the whole invited to speak by the Chairman, there are occasions when they may interject during the course of a debate, for example to raise a point of order. The engineer has confirmed that it is not possible for the voting cards to identify which Member has spoken – the system identifies only that a particular microphone has been used. For the microphones to identify the speaker, each Member would be required to sit in the same seat for every meeting, and use the same numbered microphone. Given that the layout of the Council Chamber is constantly altered and the microphones removed, this would be difficult to achieve and would further increase the workload for the Officers concerned.
19. Another issue would be the need for the Chief Executive to interrupt the meeting to correct factual inaccuracies occasionally made by Members during speeches. Whereas factual inaccuracies can do not always need to be picked up, given that the Minutes do not provide a verbatim account of the meeting, the introduction of full transcripts as a public record would require the correction of any inaccuracies immediately.

Quality of Recording

20. There have been recent problems with the microphones. The inclusion of a recording system could have a detrimental influence on the system.

Summary of Implications

19.	Financial	The price for the installation of a sound recording system would be a one-off cost of approximately £1,000. Members should note that a budget would have to be identified. The employment of additional staff to deal with the number of requests anticipated would probably be prohibitively expensive.
	Legal	The implications of the Freedom of Information Act are discussed in detail above. Section 100 of the 1972 Local Government Act states that Councils are not obliged to record meetings. Should they decide to do so, a Resolution to that effect is required. Council Standing Order 21.4 provides that, "unless specifically authorised by resolution, no audio and/or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet) or any committee or sub-committee of the Council or the Executive."
	Staffing	Additional officers may be required if the Council is required to deal with frequent requests for transcripts of meetings or resolves to make full transcriptions of every recorded meeting as a matter of course. Under the Freedom of Information Act there are only limited circumstances in which requests for the transcript of a public meeting could be refused.
	Risk Management	Recording meetings could aid appeals against decisions made by the Council. There is the risk that comments that had little influence on the meeting could be taken out of context.
	Equal Opportunities	Recording meetings gives residents the opportunity to hear proceedings when they might not otherwise get the chance

Effect on Annual Priorities and Corporate Objectives

20.	Affordable Homes	Not applicable
	Customer Service	Would allow customers to hear a meeting, which they were unable to attend.
	Northstowe and other growth areas	Not applicable
	Quality, Accessible Services	Would make Council business more accessible to residents.
	Village Life	Not applicable
	Sustainability	Not applicable
	Partnership	Not applicable

Conclusions/Summary

21. The benefits and drawbacks of recording meetings have been explored above. Since the matter was last considered by Council in August 2004 the circumstances have changed through the introduction of the Freedom of Information Act and the need for the Council to identify savings as part of its future financial strategy. It is considered on balance that the drawbacks of recording meetings outweigh the benefits, therefore Council is requested to rescind its previous decision that the recording of meetings be pursued.

Recommendation

22. It is recommended that Council rescind its previous decision that the recording of meetings be pursued for the following reasons:
- a. The requirement under the Freedom of Information Act that recordings would be disclosable for the periods during which they are held.
 - b. There is no available budget to meet installation costs; Officer and financial resources could be better directed elsewhere.

Background Papers: the following background papers were used in the preparation of this report: Report to Council, 26 August 2004.

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