

CABINET

3 September 2003

COUNCIL AND COMMITTEE MEETINGS – AUDIO RECORDING OF PROCEEDINGS

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

At the Council meeting on 23 July 2003, a member of the press attempted to use a portable tape recorder to record proceedings related to the presentation of petitions. He was immediately required to stop recording in accordance with the Council's policy. Some Members later requested that the Council revisit the policy and so this report sets out the background and current position, together with a recommendation that the Council should adhere to its existing practice.

RECOMMENDATION:

That the current policy which prohibits the audio and/or visual recording of Council and committee proceedings be adhered to.

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DETAIL:

1 Introduction

- 1.1 For many years the City Council has operated a policy of no audio and/or visual recordings of meeting proceedings.
- 1.2 The only exception which can be recalled was once allowing a TV crew to film the first two minutes of a Planning Development Control Committee, at which a controversial application was to be considered. On that occasion, no sound recording was allowed and the reporter later used the footage simply as visual background to his voice-over.

2 Legal Position

- 2.1 The control over recording of proceedings is contained in the Access to Information Act 1985 (later incorporated into the Local Government Act 1972 - Section 100A (7)).
- 2.2 The Act states that 'nothing ... shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place'.
- 2.3 This provision not only affects press and other media representatives, but also Members and the public.

3 Policies of other Local Authorities

- 3.1 All 12 Hampshire authorities were canvassed and, of those, nine adopted the same stance as Winchester and allowed no recording of proceedings.
- 3.2 Basingstoke & Deane BC had a different approach to their meetings of Cabinet, because the proceedings are webcast and so can be downloaded by any individual, but the Council does not allow tape recording of any other meetings. Whilst this may appear somewhat inconsistent, they point out that whereas their webcasts are broadcast and archived without any editing, this may not be the case with private tape recordings, where certain people could 'manipulate' what was said for particular purposes.
- 3.3 Test Valley BC did not have a policy, because they could not recall ever having received a request. If they did, then they would refer the matter to Members for consideration, meaning that advance notice was essential.
- 3.4 Southampton City Council had once varied its policy of no recording, where the Mayor exercised his discretion and allowed audio recording of a particular debate.

4 Discussion

- 4.1 Currently, the City Council's policy is clear and accords with the majority of its neighbours.
- 4.2 It has been suggested that some flexibility should be introduced and that any specific request should be considered on its merits. Whilst that could be one approach, the Council would need to establish clear guidelines against which any request could be assessed, to avoid the accusation of making subjective judgements which may result in giving an advantage to any particular person or group.
- 4.3 Such a system would require advance notice, both to allow consideration and (if agreed) sufficient time to alert all participants that their remarks would be recorded. This last point is essential from the civil liberties viewpoint, as any person has the right to be made aware that what they say is being recorded. The Council would also need to consider any objections raised by those to be recorded, before permitting the recording to take place.
- 4.4 Another issue is the point raised by Basingstoke in 3.2 above about the scope for 'selective' editing of what was actually said, to provide quotes to further a particular campaign for example. The Council has never recorded discussions verbatim at any meeting, but it may become necessary if recording by the public was allowed, if only to provide a full copy of what was said for comparison with edited versions. The alternative would be to risk not having a full record if the matter later became contentious.
- 4.5 Finally, the circumstances surrounding the request at last Council were that the reporter was not able to do shorthand, but wished to have a full record of what the two petitioners said. He had made no advance enquiry or request about the possibility of using a tape recorder. It was explained to him after the meeting that nearly all petitioners prepare a written speech (in addition to the petition itself) and usually are only too happy to pass a copy to the press for publicity purposes. In this case, the two petitioners (Ms Edmondstone and Mr Weeks) both had full written statements which were later passed to the reporter concerned. Therefore, the main aim of the reporter's action could have been satisfied without any need for tape recording.

5 Conclusion

- 5.1 The policy of prohibiting audio recording of Council and committee proceedings has been in force for many years and requests to relax the controls have been very rare, and always refused. The vast majority of Hampshire authorities take the same approach as the City Council, recognising the difficulties which arise with such recording, especially the problems associated with making exceptions to allow recording, editing to suit the aims of particular parties and the possible infringement of civil liberties.
- 5.2 If the Council were to allow recording, officers would need to draft a set of guidelines against which requests could be tested, and a notification procedure would need to be agreed for all meetings where recording was proposed to take place. In addition, unless the Council was prepared to risk not having its own verbatim account of proceedings, a good quality recorder would need to be purchased which, because of the lack of permanent amplification equipment elsewhere in the Guildhall, could only be used for meetings in the Council Chamber at this time. To undertake this level of

work and expenditure to deal with what is an extremely rare request does not seem a justifiable use of resources. For all the above reasons, Members are advised to adhere to the current policy.

OTHER CONSIDERATIONS:

6 CORPORATE STRATEGY (RELEVANCE TO):

To be more open and democratic

7 RESOURCE IMPLICATIONS:

- 7.1 The only additional resource implication would be the need to purchase sound recording equipment, should the Council need to have full versions of meeting proceedings, to compare against any edited version.

BACKGROUND DOCUMENTS:

None.

APPENDICES:

None.