
RECORDING OF COUNCIL MEETINGS

Report by Director Finance & Corporate Governance

SCOTTISH BORDERS COUNCIL

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that public Council committee meetings which are livestreamed are recorded and such a recording is kept for 180 days before being deleted.**
- 1.2 At its meeting on 30 July 2020, in response to continuing public health concerns around the pandemic, Scottish Borders Council agreed that online meetings would be available to view via a livestream. From 10 August 2020, the public parts of Council and all committee meetings have been livestreamed at the time of the meeting. However, no recording of the meeting is made and is not therefore available to view after the meeting has finished. In order to promote democratic engagement with the Borders community, officers have been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with GDPR Regulations. Confidential business is not livestreamed and it is not intended that this part of a meeting will be recorded.
- 1.3 It is now proposed that when public business is being considered at any Council committee meeting which is livestreamed, these meetings will be recorded and made available to the public after the meeting through the link to the event livestream. This link will remain live for 180 days after the meeting and will then be automatically deleted. A notice to this effect will be placed on the agenda for the meeting. At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded. The Chair will also have the discretion to terminate or suspend livestreaming and recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings will only be available at Council Headquarters for the foreseeable future, once work to install the technology is completed. Therefore any meetings which take place elsewhere will not be livestreamed or recorded unless they take place wholly online.
- 1.4 The Council is a Data Controller under the GDPR and Data Protection Act 2018. Data collected during the livestream will be retained in accordance

with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website. Members of the public will need access to devices to enable them to access the Council's website and recordings of meetings. These devices can be smart phones, I pads or other tablets, laptops or pcs. Contact centres and libraries have public pcs available with internet access or access to SBC websites, which members of the public can use to view meetings.

2 RECOMMENDATIONS

3.1 I recommend that Scottish Borders Council:

- (a) approves the recording of livestreamed Council committee meetings which will be available to view for 180 days after the meeting and thereafter be deleted;**
- (b) agrees that a notice will be placed on agendas advising when a meeting is being recorded and at the start of such a meeting the Chair will announce whether the meeting is being livestreamed and recorded and by participating in the meeting, attendees give consent for this;**
- (c) agrees that the Chair will have the discretion to terminate or suspend livestreaming or recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting and this is added to Standing Order No. 16 (duties of Chairman); and**
- (d) notes that under the GDPR and Data Protection Act 2018, data collected during the livestream will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website.**

3 BACKGROUND

- 3.1 Section 50A of the Local Government (Scotland) Act 1973 governs admission to meetings of local authorities. Paragraph 7 states that “Nothing in this section shall require a local authority 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.”
- 3.2 At its meeting on 30 July 2020, in response to continuing public health concerns around the pandemic, Members agreed to an amendment to Standing Order 49(a) which included that meetings would be available to view via a livestream. From 10 August 2020, the public part of Council and all online committee meetings have been livestreamed at the time of the meeting. However, no recording of the meeting is made and is not therefore available to view after the meeting has finished.
- 3.3 In order to promote democratic engagement with the Borders community, officers have been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with GDPR Regulations. Confidential business is not livestreamed and it is not intended that this part of a meeting will be recorded.

4 RECORDING COMMITTEE MEETINGS

- 4.1 It is now proposed that when public business is being considered at any Council committee meeting which is livestreamed, these meetings will be recorded and made available to the public after the meeting through the link to the event livestream. This link will remain live for 180 days after the meeting and will then be automatically deleted. This does not permit any person other than the Council from recording, photographing or filming any committee proceedings.
- 4.2 There is a current project underway to install technology in the Council Chamber which will allow blended meetings to take place. It is therefore intended that once this is available, when Council committees return to physical meetings in the Chamber at Council Headquarters, either fully or in a blended manner, that any members of the public entering the room need to be aware that they may be filmed and those images and sound recordings may be used for webcasting. In this respect, signs will be displayed at the entrance to all Council meetings which are being webcast and recorded to tell attendees that this is happening. There will also be a notice on the agenda for the meeting. At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded and the Chair will also have the discretion to terminate or suspend recording if in their opinion allowing recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings will only be available in the Chamber at Council Headquarters for the foreseeable future. Therefore any meetings which take place elsewhere will not be livestreamed or recorded unless they take place wholly online.

- 4.3 The Council is a Data Controller under the GDPR and Data Protection Act 2018. Data collected during the livestream will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website. Anyone participating in an online, blended or physical committee meeting may be filmed and that any information pertaining to an individual contained in the video and oral recording of the meeting will be used for livestreaming and making those records available to the public. In making use of this information the Council will be processing data which is necessary for the performance of a task carried out in the public interest. If anyone - be it Councillor, officer, Community representative or member of the public - speaks at the meeting then that submission to the committee will be captured as part of the livestream and recorded.
- 4.4 Members of the public will need access to devices to enable them to access the Council's website and recordings of meetings. These devices can be smart phones, iPads or other tablets, laptops or pcs. Contact centres and libraries have public pcs available with internet access or access to SBC websites, which members of the public can use to view meetings. Five of the sites (Council HQ, Galashiels, Hawick, Peebles and Eyemouth) also have public wifi supplied via BT Openreach which will allow members of the public free access to the meeting/recording using their own devices.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report. For the recording of physical or blended meetings, there are costs associated with the installation of the technology to allow this to happen and this is accounted for within a separate budget.

5.2 Risk and Mitigations

Should the Council choose not to record committee meetings for viewing after a meeting has ended, there is a risk that the Council decision making process could be seen as non-transparent. With more members of the public now having access to online devices, it will mean that they can view committee meetings at a time convenient to them and in this way will be able to have more of an insight into the work of Elected Members.

5.3 Integrated Impact Assessment

An Integrated Impact Assessment has been completed. It is reasoned that by making recordings of committee meetings available to view after the event, this will have a positive impact as people will be able to view committee meetings at a time convenient to them, assuming they have access to technology to do so, but this technology is also available in Council Contact Centres and Libraries for free use by the public.

5.4 Sustainable Development Goals

It is felt that by recording committee meetings for viewing after the event by the public this will make a difference to UN Sustainable Development Goals No. 5 (Achieve gender equality and empower all women and girls, by ensuring non-discriminatory service provision to citizens and No. 16

(Promote peaceful and inclusive societies, by increasing public access to information).

5.5 **Climate Change**

By recording committee meetings and making these available to view after the meeting has finished, it is hoped that this will mitigate car journeys to attend physical meetings both by those participating in the meeting and by those attending to view proceedings. This should reduce reliance on fossil fuels.

5.6 **Rural Proofing**

Recordings of committee meetings will be available to view by all with access to sufficient IT facilities and for those in most rural areas, dependent on broadband speeds.

5.7 **Data Protection Impact Statement**

A Data Protection Impact Assessment has been completed and is attached to this report.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

It is proposed that the following addition is added to Standing Orders for Duties of the Chairman –

“16. (k) the discretion to terminate or suspend livestreaming or recording of a committee meeting, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting.”

6 **CONSULTATION**

- 6.1 The Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Corporate Equalities & Diversity Officer, and Corporate Communications have been consulted and any comments received incorporated into the final report.

Approved by

David Robertson

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