

Report on	Audio Recording of Committee Meetings
Reporting Officer	Claire McNally, Council Solicitor
Contact Officer	Claire McNally, Council Solicitor

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report												
1.1	To inform Members of the various issues arising in consideration of the audio recording of Committee meetings.												
2.0	Background												
2.1	<p>Requirements</p> <p>Section 47 of the Local Government Act (Northern Ireland) 2014 (“the 2014 Act”) states:- “So far as is reasonably practicable, a council must make an audio recording of so much of any meeting of the council as is open to the public and the recording must be available to the public at the offices of the council until the expiration of the period of six years from the date of the meeting and published on the council website until the expiration of the period of two years from the date of the meeting”.</p>												
2.2	<p>In short, the Act requires the Council to audio record the open business of council meetings and make same available to the public. This requirement does not apply to committee meetings. However, the question has been raised by members about the merits of audio recordings committees.</p>												
2.3	<p>Arrangements in Other Council Areas</p> <p>The following table is a summary of known current arrangements within the rest of Northern Ireland local government as provided by those councils.</p> <table><tr><th>Councils providing Webcasts of Councils Meetings</th><th>Councils providing Webcasts of Council Meetings and Audios of Committee Meetings</th><th>Councils providing Audio of Council only</th><th>Councils providing Audios of Council & Committee Meetings</th></tr><tr><td>Derry City and Strabane District Council</td><td>Belfast City Council</td><td>Armagh Banbridge & Craigavon Borough Council</td><td>Mid & East Antrim Borough Council (Planning Only)</td></tr><tr><td></td><td></td><td>Ards & North Down Borough Council</td><td>Antrim & Newtownabbey Borough Council (All meetings)</td></tr></table>	Councils providing Webcasts of Councils Meetings	Councils providing Webcasts of Council Meetings and Audios of Committee Meetings	Councils providing Audio of Council only	Councils providing Audios of Council & Committee Meetings	Derry City and Strabane District Council	Belfast City Council	Armagh Banbridge & Craigavon Borough Council	Mid & East Antrim Borough Council (Planning Only)			Ards & North Down Borough Council	Antrim & Newtownabbey Borough Council (All meetings)
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		Lisburn & Castlereagh City Council	Fermanagh & Omagh District Council (All meetings)
		Causeway Coast & Glens Borough Council	Newry, Mourne and Down District Council (All meetings)
2.4	<p>Objective of audio recording committees within Mid Ulster</p> <p>Officers understand that the question about audio recording being extended to committees has arisen mainly due to issues that members have about accuracy of minutes and it is hoped that audio recording could address those issues. Whilst it cannot be denied that audio recording could assist with some of these concerns, officers would be of the view that it might not be an appropriate or proportionate response to what appears to be a relatively small number of instances that may not be of such significance to warrant audio recording. The current system of noting discrepancies in the written record, with the amended minutes being returned to the relevant committee, is likely to serve the same purpose. Furthermore, as is explained below, there are a number of technical, operational, legal and resource matters that would arise and would need to be given careful consideration. For the avoidance of doubt, audio recording would not be the same or act as substitute for a transcription service.</p>		
3.0	Main Report		
3.1	<p>Audio Recording in Committee Rooms</p> <p>Committee meetings currently alternate between Cookstown and Magherafelt offices, both of which do not have the equipment to audio record.</p>		
3.2	<p>An estimate has been received for the provision of equipment in the Magherafelt and Cookstown Chambers to allow for the audio recording of Committee meetings. The estimated initial cost of the provision of this equipment is £29,200 excluding VAT. A breakdown of costs is provided at Section 4.1 of this Report. No specific budget has been set aside for these costs.</p>		
3.3	<p>Advantages and Disadvantages associated with audio recording</p> <p>There are a number of advantages and disadvantages in relation to the audio recording of Committee meetings and these have been summarised below:-</p> <p><u>Advantages associated with audio recording of Committee Meetings:</u></p> <ul style="list-style-type: none"> • Improves and increases openness and transparency; • Allows for greater public scrutiny; • Arguably it allows for different ways of engaging with stakeholders. <p><u>Challenges associated with audio recording of Committee Meetings:</u></p> <ul style="list-style-type: none"> • Recordings would be discoverable material, therefore they would have to be disclosed in any legal proceedings and may be used as evidence; • Potentially provides a mechanism for wider scope for public complaints; • Recordings may be considered in relation to complaints under the Code of Conduct for Councillors; • Recordings may be considered in relation to complaints to the Ombudsman regarding maladministration; • Recordings will be subject to FOI/EIR processes; 		

	<ul style="list-style-type: none"> • Audio recordings might be used to make claims that the Committee or a Member of the Committee, by comments made at a meeting, might be in breach of the Council's equality or good relations policies; • Members are individually responsible for what they say; • Costs for the provision of equipment in all Committee rooms for the purposes of audio recording of Committee meetings on media; • Costs and officer time required to edit recordings, trawl through same to comply with requests/court orders and potentially make publically available. This has the potential to be significant and difficult to quantify; • Planning Committee acts in a quasi-judicial manner for the majority of the decisions which it takes and those decisions are not subject to ratification at full Council but are subject to separate appeal and/or review mechanisms through the PAC or court respectively. This committee, because of the type of business it transacts, receives numerous representations from individuals and third parties. This would be a similar situation for the Licensing applications being heard by the Environment Committee. All of the Committees, albeit some more so than others, would be dealing with personal data. This raises significant challenges in relation to the General Data Protection Regulations ("GDPR") which come in to effect in May 2018 (see below).
3.4	<p>GDPR</p> <p>GDPR compliant audio recording is likely to be a significant challenge for the council. The introduction of GDPR marks a change to what grounds local government can rely on for processing personal data, i.e., for audio recording of personal data during committees. Consent is not likely to be an option for the council and the other grounds for processing are not likely to be applicable either. Therefore, I would be of the view that it is unlikely that the council could justify audio recording personal data in the first instance, which in itself raises significant operational and resource issues.</p>
3.5	<p>A possible option, although not without risk, is that an audio recording is kept/used solely for the purposes of checking accuracy of minutes and for no longer than is necessary (i.e., 60 days), after which time it is permanently deleted. Alternatively, and again not a risk free option, is that the audio recording is immediately checked and personal data permanently wiped from the record that is to be retained and/or made available. In both of these situations, all of the other challenges noted above all still apply.</p>
3.6	<p>Issues for Consideration</p> <p>In the event that members are minded to consider implementing audio recording of committees, further consideration would need to be given to the following prior to such a decision:-</p> <ul style="list-style-type: none"> • What committee meeting(s) should be subject to audio recording? ; • Should Confidential Business be recorded?; • There is likely to be a requirement for editorial control of audio recordings. E.g., to prevent unlawful processing of personal data or the publication of defamatory content/other material which it would be unlawful to publish. If so, who would be tasked with this? • Logistical issues on audio recording in terms of activating, deactivating and operating audio recording in relation to confidential/open business, personal data; • An Operating Protocol for Audio Recordings at Committee Meetings would have to be drafted; • GDPR needs to be given careful consideration, including ensuring that any audio recording system has data protection "by design and default" built in to same, including undertaking Data Protection Impact Assessment before any processing occurs;

	<ul style="list-style-type: none">Does the Council require additional resources, in particular staff that have the appropriate training, to effectively implement audio recording procedures and processes?;Does audio recording of committees actually fulfil the aim(s) that it is hoped can be achieved? Or is there another way to address the concerns, including reflecting on the current practice of asking for minutes to be amended to accurately reflect the discussion and business of the particular meeting?									
4.0	Other Considerations									
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: The Council would be responsible for the costs for the installation of the audio recording equipment in both Cookstown and Magherafelt Council offices. An estimated cost has been received and is as follows:-</p> <table><tr><th>Room</th><th>Indicative Cost (as provided by VP Bastion Ltd)</th><th>Equipment</th></tr><tr><td>Magherafelt Chamber</td><td>£1,700 ex VAT</td><td>Recorder supplied and installation</td></tr><tr><td>Cookstown Chamber</td><td>£27,500 ex VAT</td><td>23 delegate units, recorder and installation</td></tr></table> <p>No specific budget has been set aside for these costs.</p> <p>Human: Significant officer time in editing, reviewing records to comply with requests/court orders, formatting, making audios or parts thereof available etc. It is envisaged that this would be difficult to quantify, but depending on the work required, it could equate to approximately 2+ days per committee recorded.</p>	Room	Indicative Cost (as provided by VP Bastion Ltd)	Equipment	Magherafelt Chamber	£1,700 ex VAT	Recorder supplied and installation	Cookstown Chamber	£27,500 ex VAT	23 delegate units, recorder and installation
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4.2	<p><u>Equality and Good Relations Implications</u></p> <p>The provision of audio recordings may assist the council, to some extent, in promoting equality of opportunity between persons with a disability and persons without. There is a draft Translation and Interpretation policy that is due to be brought through council and so equality and good relations implications are likely to be considered then.</p>									
4.3	<p><u>Risk Management Implications</u></p> <p>Refer to Section 3.3 above.</p>									
5.0	Recommendation(s)									
5.1	That Members recommend that the council does not proceed with the audio recording of committees;									
5.2	In the alternative, that if members are minded to recommend that the council proceeds with the audio recording of committees, that the issues raised in this report and in particular section 3.5 of same are fully explored and addressed prior to implementation.									

6.0	Documents Attached & References
6.1	N/A