

DATA LABEL: PUBLIC



PARTNERSHIP & RESOURCES POLICY DEVELOPMENT & SCRUTINY PANEL

REVIEW OF DECISION-MAKING ARRANGEMENTS – WEBCASTING AND RECORDING MEETINGS

REPORT BY GOVERNANCE MANAGER AND HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To consider proposed changes to Standing Orders in relation to recording and webcasting council and committee meetings.

B. RECOMMENDATIONS

To consider the following recommendations that will be reported to full council for determination:-

1. To note that Council Executive on 20 August 2019 instructed officers to bring forward proposals through Partnership & Resources PDSP in relation to extending the audio webcasting and recording of meetings
2. To note the present terms of Standing Order 24 on Public and Press – Access (Appendix 1)
3. To agree the proposed reworking of Standing Order 24 to extend the audio webcasting and recording to all meetings of bodies in the Scheme of Administration where technology allows (Appendix 3)
4. To agree a further change to Standing Order 24 to remove the current restriction on the audio recording of meetings by others (Appendix 3)

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making the best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Coronavirus (Scotland) Act 2020; Standing Orders
III	Implications for Scheme of Delegations to Officers	None at this stage
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome	N/a

Agreement

VI Resources - (Financial, Staffing and Property)	N/a
VII Consideration at PDSP	These issues were considered in general terms at Partnership & Resources PDSP on 24 August and 5 October, both 2018, and 1 February 2019
VIII Other consultations	Elected members; Committee Services

D. TERMS OF REPORT

1 Background

- 1.1 Part of council's decision on the revenue budget report on 13 February 2018 was "to review the economy, efficiency and effectiveness of its present decision-making arrangements and to report to Partnership and Resources PDSP for consideration of possible changes". Reports were considered at several PDSP meetings in 2018 and 2019. Council Executive on 20 August 2019 decided how officers should proceed. Several of the issues covered have been determined already at council or committee. One of the issues still to be considered is the extension of the current arrangements for webcasting and recording council and committee meetings. It was in Appendix 4 to that report, one of a list of issues which had not attracted any disagreement or political controversy throughout the process of consultation and discussion and consideration at PDSP and committee.
- 1.2 The council's decision-making arrangements are mainly, but not exclusively, found in Standing Orders. The element affected by these proposed changes is Standing Orders for the Regulation of Meetings. They can only be amended by full council.

2 Legal rules and Standing Order 24

2.1 Legislation provides as follows:-

- The public has a right of admission to meetings of council, committees and sub-committees unless lawfully excluded for private business (yellow paper reports)
- During the coronavirus emergency period the right to be admitted in the physical sense to meetings has been removed and no provision made requiring an alternative means of access
- The council does not have to allow photographs or video or audio broadcasting or recording but may choose to do so
- If it chooses to do so, the council may determine how that should be allowed to be done (e.g., for all meetings or some meetings; for committees but not PDSPs; by any or all of audio, video or still photography)

2.2 Standing Order 24 (Appendix 1) provides as follows:-

- For meetings of full council (which always take place in the council chamber if being held in a physical location) audio webcasting and recording are default provisions but video and photography are only allowed if the meeting agrees

- Recording or webcasting the meetings of other bodies is not allowed unless the meeting agrees
- Nothing is recorded or webcast when private business is being considered and the public has been excluded
- All is subject to any restrictions necessary in relation to confidential or exempt information, data protection, freedom of information, including environmental information, or offensive or defamatory conduct or language
- If the technology fails the meeting proceeds without it

3 Options and considerations

- 3.1 Only bodies in the council's Scheme of Administration should be covered by any extension. The council administers other bodies under partnership arrangements but they are not covered by Standing Orders and so are beyond the council's direct control. Within the Scheme, it would be possible to differentiate between committees and PDSPs. However, since PDSPs were established council's position has been that the same principles of public access that apply to committee meetings should apply to them as well.
- 3.2 Committee's instruction was to bring forward proposals about extending audio recording and webcasting, not video or photography. The cost of using video would be prohibitive. It would require capital investment in technology and revenue expenditure in contracting with a service provider and allocating staff resources. Effective video broadcasting from a round meeting room, for a physical meeting, is problematic and costly. Consideration of any form of video recording or webcasting will require a fresh committee or council decision and instruction to officers.
- 3.3 For physical meetings, a sound system of some sort is required to connect with the webcasting and recording technology. Other Civic Centre meeting rooms do not have that facility. Almost all the bodies in the Scheme of Administration meet in the chamber. The only regular exceptions are Licensing Committee and five of the nine LACs which hold some meetings away from the Civic Centre. It makes financial sense that only physical meetings in the chamber should be covered.
- 3.4 The technology currently used for full council meetings is now familiar and works well. It relies on a wifi connection but it is very close to being "plug and play". There has been an occasional issue with a live webcast but recordings of all meetings since the facility was introduced are available. Extending the coverage under the current provider will not require any additional technology or capital outlay. That would not be possible for physical meetings taking place in other locations since the necessary sound system would not be present.
- 3.5 The emergency coronavirus legislation removed the public right to be physically present at a meeting of any sort. It made no provision for any other form of access. After the resumption of meetings by remote participation, meetings were webcast, allowing the public to listen live through the council's website. That required the agreement of every meeting under the present version of Standing Order 24. Recordings were not made available because to do so would have contravened Standing Order 24. In order to facilitate public access during the coronavirus period, and after, it is proposed that the default position is that meetings of bodies in the Scheme of Administration, where conducted by remote participation, should be webcast and recorded with the recordings made available on the internet.

- 3.6 The annual cost for full council meetings is currently £1,800. The additional cost for covering all and any meetings of council bodies taking place in the council chamber is approximately £2,100. The total annual cost for covering all meetings in the Chamber would therefore be approximately £3,900. In 2019/20 a total of 141 meetings of bodies in the Scheme of Administration, open to the public, took place in the council chamber. Full council meetings accounted for 7 of those so the additional annual cost would be spread over approximately 135 extra meetings.

4 Usage of the current facility

- 4.1 Statistics for 12 month period to March 2020 for webcast full council meetings are in Appendix 2. They show the number of live listeners and the total number of minutes the live listeners listened to. They show the total number of listeners to recordings (archive listeners) and the total number of minutes heard. They show the average live and the average archive duration. They show the peak number of live listeners and archive listeners and the relevant meeting dates. Appendix 2 also shows figures to date for live listeners to post-lockdown meetings conducted by remote participation.
- 4.2 Figures are significantly higher for budget-setting meetings which may reflect the significance and relevance to the public of the business being covered. It may be that figures will be higher for some committee business, such as Development Management Committee or Council Executive meetings. Figures may also increase if some publicity and awareness raising were to be carried out.
- 4.3 Comparisons with other councils are not straightforward due to differences in systems used, what is webcast, how it is webcast and due to population and geographic factors. In very broad terms experience elsewhere has been similar.

5 Recordings by others

- 5.1 Standing Orders currently prohibit the recording (audio, video and still photography) of meetings by the public unless the meeting is asked and agrees. That has been the position for many years. Policing that rule in relation to audio recording is almost impossible with the advent of mobile phones and tablets.
- 5.2 Since that cannot be regulated and enforced it is proposed to remove the prohibition on audio recording. The prohibition (unless expressly permitted) would remain in place for video and still photography since it is more obvious when those activities are underway, it can be more readily enforced, it is more distracting and it is potentially intrusive in relation to data protection issues.

6 Next steps

- 6.1 The proposal is therefore to retain the prohibition on video recording and webcasting but to extend audio webcasting and recording to all physical meetings of all bodies in the Scheme of Administration that take place in the council chamber and to all meetings conducted by remote participation. Those provisions will be subject always to a caveat in relation to the availability and reliability of the technology.
- 6.2 A revised version of Standing Order 24 is shown in Appendix 3, first with tracked changes and then as a clean copy. If PDSPs are included then a small addition will be required to Standing Order 50(4) to cover those. Additional definitions will be required, for example, of "physical meetings" and "remote participation". It is intended to report to full council seeking an amendment to Standing Orders in these terms.

E. CONCLUSION

- 1 Consideration by the Panel will enable the review instructed by council to be progressed towards conclusion. For this issue a report to full council is needed.

F. BACKGROUND REFERENCES

- 1 Local Government (Scotland) Act 1973
- 2 Coronavirus (Scotland) Act 2020
- 3 Council's Standing Orders - <http://intranet.westlothian.gov.uk/article/6941/Councils-Standing-Orders-and-Corporate-Governance>
- 4 Partnership & Resources PDSP, 24 August and 5 October 2018, and 1 February 2019
- 5 Council Executive, 26 March and 20 August 2019

Appendices/Attachments:

1. Existing Standing Order 24
2. Usage figures
3. Proposed new Standing Order 24

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Date of meeting: 18 September 2020

APPENDIX 1

EXISTING STANDING ORDER 24

24 PUBLIC AND PRESS - ACCESS

C S

- (1) Except where this Standing Order says otherwise, every meeting of the Council, its Committees, Sub-Committees and PDSPs shall be open to the public and press.
- (2) The public shall not be admitted to a meeting when an item of business is being dealt with if it is likely that they would hear:-
 - Confidential information
 - Exempt information
- (3) Meetings of full council shall be broadcast live (sound only) through the internet and sound recordings shall be made available on the council's website. Otherwise, no form of audio or visual recording, photography or transmission of the proceedings of any meeting will be allowed, unless the meeting so agrees.
- (4) No broadcast shall be made when the public is excluded under this Standing Order.
- (5) Broadcasts and the availability of recordings are subject to the controls and restrictions the Clerk deems necessary in relation to:-
 - confidential or exempt information
 - data protection
 - freedom of information, including environmental information
 - offensive or defamatory conduct or language
- (6) Where broadcasting and recording is permitted under these Standing Orders, meetings shall proceed even if recording or broadcasting equipment fails or is otherwise not available.

APPENDIX 2

WEBCAST AND RECORDED COUNCIL MEETINGS FOR 12 MONTHS TO MARCH 2020

Month	4/19	5/19	6/19	7/19	8/19	9/19	10/19	11/19	12/19	1/20	2/20	3/20
Live Minutes	20	898	9	9	0	0	0	0	0	0	3460	0
Archive Minutes	93	341	95	49	6	223	145	121	27	45	874	407
Total Minutes	113	1239	104	58	6	223	145	121	27	45	4334	407
Live Listeners	4	357	3	3	0	0	0	0	0	0	87	0
Archive Listeners	42	50	15	17	4	70	89	10	27	50	142	87
Total Listeners	46	407	18	20	4	70	89	10	27	50	229	87
Average Live Duration	5.00	2.52	3.00	3.00	0	0	0	0	0	0	39.77	0
Average Archive Duration	2.21	6.82	6.33	2.88	1.50	3.19	1.63	12.10	1.00	0.90	6.15	4.68

Peak Live Listeners	349	West Lothian Council	14-05-2019
Most Listeners to recorded meeting	169	West Lothian Council	24-09-2019

- Live Minutes - the number of minutes streamed live to listeners during meeting webcast
- Archive Minutes - the number of minutes of audio played from the meeting archive
- Total Minutes - the sum of the above
- Live Listeners - the number of listeners connected to live webcasts
- Archive Listeners - the number of listeners connected to the meeting archive
- Total Listeners - the sum of the above
- Average Live Duration - the average time spent listening to live meetings
- Average Archive Duration - the average time spent listening to audio from the meeting archive

Month	6/20	7/20	8/20
Live Minutes	3387	825	2633
Archive Minutes	308	20	7
Total Minutes	3695	845	2640
Live Listeners	140	88	79
Archive Listeners	70	5	9
Total Listeners	210	93	88
Average Live Duration	24.19	9.38	33.33
Average Archive Duration	4.40	4.00	0.78

Peak Live Listeners	88	Development Management Committee	08-07-2020
Most Listeners to recorded meeting	N/A	N/A	N/A

- Live Minutes - the number of minutes streamed live to listeners during meeting webcast
- Archive Minutes - the number of minutes of audio played from the meeting archive
- Total Minutes - the sum of the above
- Live Listeners - the number of listeners connected to live webcasts
- Archive Listeners - the number of listeners connected to the meeting archive
- Total Listeners - the sum of the above
- Average Live Duration - the average time spent listening to live meetings
- Average Archive Duration - the average time spent listening to audio from the meeting archive

APPENDIX 3

PROPOSED NEW STANDING ORDER 24

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- (1) Except where legislation or this Standing Order says otherwise, every meeting of the Council, its Committees, Sub-Committees and PDSPs shall be open to the public and media. press.
- (2) However, The public and media shall not be admitted to a meeting when an item of business is being dealt with if it is likely that they would hear:-
- Confidential information
 - Exempt information and the meeting so agrees
- (3) Meetings of ~~full council~~ Council, Committees, Sub-Committees and Policy Development & Scrutiny Panels held physically in the council chamber shall be broadcast live (sound only) through the internet and sound recordings shall be made available on the council's website. ~~Otherwise, n~~No form of ~~audio or~~ visual recording, photography or transmission of the proceedings of any such meeting will be allowed, unless the meeting so agrees.
- (4) Meetings of Council, Committees, Sub-Committees and Policy Development & Scrutiny Panels conducted by remote participation shall be broadcast live (sound only) through the internet and sound recordings shall be made available on the council's website. No form of visual recording, photography or transmission of the proceedings of any such meeting will be allowed, unless the meeting so agrees.
- (45) No broadcast or recording shall be made when the admission of the public is excluded by law or under this Standing Order.
- (56) Broadcasts and the availability of recordings are subject to the controls and restrictions the Clerk deems necessary in relation to to ensure compliance with the law and Standing Orders, including:-
- confidential or exempt information
 - data protection
 - freedom of information, including environmental information
 - offensive or defamatory conduct or language
- (6) Where broadcasting and recording is permitted under these Standing Orders, meetings shall proceed even if recording or broadcasting equipment fails or is otherwise not available.

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 - confidential or exempt information
 - data protection
 - freedom of information, including environmental information
 - offensive or defamatory conduct or language
- (7) Where broadcasting and recording is permitted under these Standing Orders, meetings shall proceed even if recording or broadcasting equipment fails or is otherwise not available.