



## **MIDLOTHIAN COUNCIL**

### **Protocol for Audio Recording of Council Meetings**

Introduced with effect from 25 September 2013

#### **1. Background**

- 1.1 On 24 September 2013, Midlothian Council agreed to make audio recordings of business transacted in public at Council meetings, publicly available, i.e. via a link to a Midlothian YouTube Channel from the Council's website (alongside the corresponding electronic agenda and papers for each meeting). These recordings will be retained in line with the provisions of Schedule 7A to the Local Government (Scotland) Act 1973, i.e. for a period of 6 years from the date of the meeting.
- 1.2 Audio recording of meetings are made to improve accessibility to meetings and provide a greater transparency and accountability on how decisions are reached. While an audio recording of a meeting may be produced, the minutes of the meeting are still the formal legal record of the meeting and of any decisions taken. The aim is to ensure that the minutes are an accurate record of the proceedings and an audio recording of a meeting can assist in this regard.

#### **2. Provisions**

- 2.1 Due to technical limitations and cost implications it is not currently possible to record meetings outwith the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith.
- 2.2 Notices to the effect that the meeting may be recorded and subsequently published will be placed on the front of each agenda and on signs displayed inside and outside the Council Chambers.
- 2.3 At the commencement of each meeting the Chair will remind those present that the meeting will be recorded and published.
- 2.4 The meetings to be recorded shall be those agreed by the Council from time to time.
- 2.5 The Chief Executive or Monitoring Officer will have authority to request termination or suspension of the recording of a meeting if continuing the recording would prejudice the proceedings of the meeting. This would include:

- Public disturbance or other suspension of the meeting;
  - Exclusion of the public and press; and
  - Any other reason agreed by the Council as may be referred to in Standing Orders.
- 2.6 Exempt and confidential/private agenda items will be recorded whilst complying with the provisions of the Local Government (Scotland) Act 1973, as amended, and with appropriate employment legislation, however these will not be published or made available for public download.
- 2.7 Arrangements will however be made to give Councillors and Corporate Management Team full access to the exempt and confidential/private business on recordings. This access however will be subject to restriction in the case of any sensitive information which should clearly be withheld.
- 2.8 Meetings will be recorded in WAV or MP3 format on the Council's digital media recorder. A link will be provided to these (the public business only) on a Midlothian YouTube Channel and except in cases where it is necessary to meet disability access requirements, no transcriptions will be provided in view of the additional cost involved.
- 2.9 Recordings will be made available within 5 working days after the date of the meeting.
- 2.10 The Monitoring Officer can decide not to publish a recording or part thereof if considered necessary because all or part of the content of the recording is or is likely to be in breach of any statutory provision or if there is inappropriate language or defamation. It is anticipated that this need should only arise in exceptional circumstances.
- 2.11 In any correspondence notifying potential speakers of a forthcoming meeting the following advice should be included:
- “Please note that an audio recording of the meeting may be made and that the recording will be publicly available following the meeting including publication via the internet.”***
- 2.12 The recording system will only record from the Council's microphones in the Council Chamber. Elected members and public speakers should ensure that their microphone is activated and that they speak clearly into the microphone at all times. Speakers are also reminded to deactivate their microphone promptly upon finishing their contribution.
- 2.13 Whilst every effort will be made to ensure that this protocol is adhered to, in terms of recording and publishing as outlined, in the event that there are technical difficulties outwith the Council's control which affect its ability to record, the Council cannot be held responsible for provision of audio recording, as there is no backup/secondary recording facility.
- 2.14 Commercial organisations and the media (i.e. press, tv, radio, etc) could also access the recordings and where they wished to do so, publish or broadcast all or part of them.