



REPORT TO:	COUNCIL
DATE:	8 MARCH 2012
REPORT OF THE:	HEAD OF ORGANISATIONAL DEVELOPMENT LOUISE SANDALL
TITLE OF REPORT:	AMENDMENTS TO THE CONSTITUTION - FORM OF MINUTES AND RECORDING OF MEETINGS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks approval to amend Council Procedure Rule 24 in the Constitution, so that Council Procedure Rule 16.3, regarding the form of minutes, does not apply to Committees.
- 1.2 The report also seeks approval to replace Council Procedure Rule 21, regarding recording and other equipment, to allow members of the public to record, photograph or film meetings without requiring the prior consent of the proper officer.

2.0 RECOMMENDATIONS

- 2.1 (i) That Council approve the following change to Council Procedure Rule 24 (Application of Council Procedure Rules to Committees), so that Council Procedure Rule 16.3 (Form of Minutes) does not apply to Committees:

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5–13 (with the exception of Rule 7 not applying to the Standards Committee, Rule 9 and subject to Rule 13 being extended to allow a Member to speak more than once on a matter at the discretion of the Chairman), and 14–23 (but not Rule **16.3 and** 19.1) apply to meetings of committees. The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of committees, panels etc of the Council but separate proceedings will apply to the hearings of its sub committees.

- (ii) That Council approves the deletion of Council Procedure Rule 21 and replaces it with the following:

Anyone who wishes to use an electronic device to record, photograph, film or make live text based communications of public meetings of Council or any Committee or sub-committee may do so provided:

- (i) they notify the chairman of the meeting in advance and all those present at the meeting are made aware that recording is taking place;
- (ii) the electronic device is set to silent mode;
- (iii) there is no interference with the proceedings of Council or Committee (including the use of flash photography);
- (iv) there is no interference with the sound system used for meetings of Council or a Committee.

Permission to use electronic devices may be withdrawn by the chairman of the meeting at any time, if it is causing disturbance or disruption to the meeting, and use of the electronic device in the meeting must cease.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To allow the implementation of a new style of minutes for Committees, thereby supporting the introduction of service improvements including making audio-recordings of meetings available on the website and publication of the minutes online more promptly. This delivers significant benefits to the public, Members and officers, supporting timely access to information and encouraging engagement with the Council. This includes members of the public who are not able to attend evening meetings and or who do not wish to travel across the large geographical area to Ryedale House, and or whose preference is to make use of electronic means of communication. It also ensures that best use is made of the staff and the systems available, delivering an efficient and effective service.
- 3.2 To remove restrictions on the recording of meetings by members of the public, thereby increasing transparency and allowing them to access local democracy using modern communication methods.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks relating to this decision.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 This report relates to corporate aim 5, to transform the Council, and to strategic objectives 9, to know our communities and meet their needs, and 10, to develop the leadership, capacity and capability to deliver future improvements.

REPORT

6.0 REPORT DETAILS

- 6.1 Council Procedure Rule 16.3 (Form of Minutes) reads:

Minutes will contain all motions and amendments in the form and order the Chairman put them. (The minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information may not be made available to the public but a summary of the proceedings will be made available where the minutes open to inspection do not provide a reasonably fair and coherent record - See the Access to Information Procedure Rules - Page 129).

- 6.2 Council Procedure Rule 24 applies this to Committees as well as Full Council.

- 6.3 It is proposed to amend Council Procedure Rule 24 so that this requirement no longer applies to Committees. In practice the text in brackets regarding exempt or confidential information would still apply to Committees through the Access to Information Procedure Rules. It is only the first sentence regarding the actual content of minutes that would cease to apply to Committees.
- 6.4 A draft of the proposed format is attached as Annex A of the report. Part B minutes going to Full Council will continue to be accompanied by the officer report.
- 6.5 As part of the refurbishment of the Civic Suite, the Council purchased an audio-visual system which has an audio-recording facility. This facility is currently used at Council and Committee meetings. There is the potential to post these audio-recordings on the website for access by Members and members of the public. This would provide a significant benefit in allowing those people who are not able to attend a meeting in person to hear the full discussion on items of interest, as well as allowing those present to revisit a discussion after the event.
- 6.6 It is intended to publish minutes more quickly online following meetings, making information available more promptly about decisions made, for Members, officers and members of the public, and removing the need to publish a separate decision list for calling-in purposes.
- 6.7 To facilitate these changes, a new style of minutes is required, principally focused around the recording of the decisions, in line with legal requirements.
- 6.8 Owing to the greater complexity of Council proceedings, no changes are proposed to the form of minutes for meetings of Full Council. As the new format of committee minutes would essentially be a record of decisions taken on officer reports, it would not transfer to the more varied business of Full Council, which includes public questions, questions on notice, statements from the Council Leader and motions on notice. It is however intended to make audio-recordings of Council meetings available on the website.
- 6.9 Members are asked to note that Council Procedure Rule 23.2 provides that any motion to amend the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of Council. This means that changes to the form of minutes could not be implemented until the start of the 2012/13 municipal year at the earliest.
- 6.10 Local Authorities are being encouraged to engage with the public and to promote local democracy. The Council will seek to respond with a broad package of measures, which will include consideration of how to make Council meetings more accessible to the public. There has been a view expressed by the government on the recording of meetings, attached as Annex B of the report.
- 6.11 Those people listening to recordings of meetings would be able to pick up the flavour of the debate and hear all of the points made. Once a decision has been taken at a meeting, it should stand. Such recordings therefore would be intended to help the public understand why decisions have been made, rather than continue a debate over their merits.
- 6.12 The Secretary of State for Communities and Local Government has written to all Councils encouraging them to be more open in their decision making and stated "Opening the door to new media costs nothing and will help improve public scrutiny."

The greater powers and freedoms that we are giving local councils must be accompanied by stronger local accountability.”

6.13 Council Procedure Rule 21 (Recording and Other Equipment) reads:

With the exception of equipment being used by officers of the Council for the purposes of conducting the business of the Council, or for providing assistance for people with a disability, anyone who wishes to record, photograph or film meetings must receive the prior consent of the proper officer.

Any person acting in breach of this provision can be required to leave the meeting.

6.14 By replacing this Procedure Rule and thereby removing the current restrictions on recording, bloggers, tweeters, residents with their own websites and users of Facebook and YouTube could contribute to transparency and democratic debate. The new Procedure Rule still includes provisions for the chairman of the meeting to prevent recording should it cause a disturbance or disruption to the meeting.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

There are no direct financial implications arising from this report. One of the reasons for the recommended change to the form of minutes is to make better use of staffing and equipment resources.

b) Legal

The change proposed complies with all legal requirements relating to the form of Committee minutes.

In relation to legal implications of the public recording meetings, the Department of Communities and Local Government gave the following advice:

“I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for a council seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner’s Office has told us that:

‘In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections.’

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to the processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).”

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

Staffing: The necessary learning and development to support the recommended change will be undertaken.

Equalities: The provision of audio-recordings of Council and Committee meetings on the website will improve access to information for those not able to attend the meetings in person. Those without IT access at home would be able to access the web at a library.

Louise Sandall
Head of Organisational Development

Author: Simon Copley, Democratic Services Manager
Telephone No: 01653 600666 ext: 277
E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:

The Council's Constitution – Part 4: Rules of Procedure

Background Papers are available for inspection at:

http://www.ryedale.gov.uk/council_and_democracy/councillors_democracy_and_ele/policies_and_plans.aspx