

17 December 2019**Agenda Item: 9****REPORT OF THE MONITORING OFFICER****RESPONSE TO COUNCIL MOTION REGARDING TRANSPARENCY AND
STREAMING OF MEETINGS****Purpose of the Report**

1. To consider a review by the Monitoring Officer of transparency of meetings, including members working groups and the potential for live streaming of meetings.

Information

2. At its meeting on 18 December 2018, a motion was presented to County Council and it was agreed that the Monitoring Officer would carry out a review into the following:
 - I. Any meetings including Council Members relating to Council functions and decision-making which are held in private.
 - II. Whether working groups of this County Council should be held in public.
 - III. Whether meetings should be streamed live on the Council's website and Facebook page to ensure maximum transparency and coverage.
3. Council agreed that the review would be reported back to Governance and Ethics Committee to decide if any action was necessary to ensure the maximum amount of business is held in public and that meetings are scheduled at times which enable the widest possible access to elected councillors. Each of the matters raised in the motion will be considered in turn below.

Any meetings including Council Members relating to Council functions and decision-making which are held in private.

4. Consideration has been given to the range of meetings involving elected members which take place at the Council which are held in private. These include
 - a. briefing meetings for elected members which are commonplace across the Local Government sector to ensure that members of all political parties are kept up to date with Council business and functions.
 - b. Pre-agenda and business management meetings also take place to ensure the efficiency and orderly conduct of Council business. This again is a common and accepted practice across Local Government.
 - c. Member Working Groups which are advisory groups established by Council or Committees (see further below)

5. The Monitoring Officer is satisfied that such meetings are appropriate and that decision making relating to Council functions which includes Members is carried out in the Council's properly constituted bodies for such decision making, namely: Full Council, Committees and Sub-Committees. These meetings as a matter of law have to be held in public unless specific exclusions apply as set out Schedule 12A of the Local Government Act 1972. If officers recommend that information meets one of the grounds for exemption from publication then Members have to agree this and also agree that it is in the public interest not to publish this information. Once agreed, that information can be deemed as 'exempt information'.
6. As explained in the Constitution, the Council is committed to the principles of openness and it is now extremely rare for a fully exempt report to be submitted to any meeting. Where there is exempt information, report authors are encouraged to make as much information as possible public, with the remaining exempt information included in a separate appendix.

Whether working groups of this Council should be held in public.

7. The Committees of the County Council all have power within Part 4 of the Constitution to set up working groups. They will generally have terms of reference which will make it clear that they are an advisory group and not a decision making body. This is common practice and exists in most authorities. They are typically set up to 'have a think about the best way of doing things' as advised in case law.
8. Under Part VA of the Local Government Act 1972, inserted by the Local Government (Access to Information) Act 1985 with effect from 1st April 1986, all council committees and sub-committees are required to be open to the public and also for various pieces of information to be available to the public and press in advance of the meeting. Such provisions, however, do not apply to working groups. One of the reasons for this is that it is important that working groups are able to engage and stimulate debate across the political spectrum whilst retaining confidentiality in developing thinking and documentation which are yet to reach maturity.
9. The notes of such meetings will reflect that dialogue, comments and recommendations are advisory only and that no decision-making has taken place. It is also worth noting that the outcome of these advisory working group discussions are later reported back to the relevant body which set up the working group and any relevant decisions are taken there or at the relevant body of Council for such decisions.
10. This reflects the Council's current approach.

Timing of meetings

11. The Council's meetings take place in daytime, which is long-established practice. Whilst recognising that this could impact on potential attendance from some members of the public, this approach prevents any conflicts with District and Borough Council meetings which generally take place in evenings. It is worth noting that 42 of the 66 County Councillors are also currently District or Borough Councillors.

Whether meetings should be streamed live on the Council's website and Facebook page to ensure maximum transparency and coverage.

12. There was a change in the law a few years ago which allowed members of the public to record proceedings and report public Council meetings. This was incorporated into the Council's Procedure Rules in the Constitution at paragraph 5.12 for Council meetings and paragraph 5.20 for committees and sub committees. There are restrictions on this permission, namely, oral commentary during meetings is not permitted as this would be disruptive. Mobile phones need to be switched to silent. Placards, banners, advertising materials and similar items are not permitted in any meetings.
13. As a result of these new provisions applicable to members of the public, some councils decided that they would record Council meetings open to the public. Practice has varied with some councils producing audio recordings, others video recordings and some live streaming meetings.
14. Providing video recordings/live streaming of council proceedings grants citizens immediate access to the council meetings without having to leave the comfort of their living room. It encourages a greater number of people to get involved, for example, those working long hours can catch up with proceedings on their tablet or smartphone.
15. The County Council currently has Communications Officers utilising Twitter to "tweet" updates live from Full Council and Policy Committee meetings on what is being debated. This approach has proved helpful in engaging audiences and developing an interest in the Council's decision-making meetings.
16. The experiences of a number of other Councils have been reviewed and the conclusion is that it is for a Council to assess for itself the benefits of recording/live streaming meetings by assessing the amount of interest there would be from the public weighed against the costs. The cost does vary depending upon how sophisticated the system is, so again, this would have to be explored with suitable providers. The main benefits appear to be such things as the local press finding it helpful because they don't have to physically attend each meeting. Officers find it helpful as it reduces disputes over minutes etc. Politicians use the recordings to review previous speeches and commitments etc. The take up from the public does vary from authority to authority and in some cases is very limited.
17. Officers gathered information from a number of other authorities regarding the possibilities for live streaming of meetings and the findings are set out in the table attached at Appendix 1 (it should be noted that the available information is historic and therefore may require updating). Based on this information, including the costs and likely audience sizes, Members are recommended to implement **Option 1** detailed below for a period of pilot testing to assess operational, technical and quality issues and to develop any necessary procedures.

A protocol and training will be developed to ensure that Committee Chairmen, Members and officers are fully aware of the approach being taken. Advice will be sought from peers at other Councils who are using a similar approach to share any lessons learnt and best practice. This will enable officers to fully support Councillors in this new approach. Following the development of this protocol it is proposed to have a phased implementation as follows:-

Phase 1 – audio record relevant meetings and publish subsequently;

Phase 2 – live audio streaming of relevant meetings;

Phase 3 – consideration of a possible move to live video streaming of meetings.

Option 1 – audio (and possible video) - as Full Council meetings are currently audio recorded it would be relatively straight forward to use the existing equipment to post such audio recordings after the meeting to the Council's website at minimal cost and officer impact. Some software providers offer this service whereby it can be linked in with the Council's Committee Management Information System (CMIS). Such software has the added benefit of breaking down the recordings alongside each agenda item on the same page of the website where the agenda and reports are published, offering a more transparent and accessible solution for the public.

18. The Council is able to access a three month trial on a no-cost basis of such software and it is recommended that this be pursued as a means of assessing the system's suitability. For the audio-only phases 1 and 2, this is likely to involve some low-level technology requirements and officer training but could be implemented relatively quickly, as an interim measure pending further exploration of the costs and benefits of a more advanced option. Taking this approach could also help to cost-effectively assess how much of an audience there is for any form of broadcasting of meetings and to iron out any technical issues.
19. It is proposed that the approach be trialled initially at a meeting of Governance and Ethics Committee.
20. The estimated annual cost for Phase 1 and 2 would be £3,000 - £5,000 plus some additional one-off hardware costs estimated at £2,000.
21. Phase 3 will look to build on the lessons learnt from Phase 1 and 2 in order to assess the benefits of any possible move to live video streaming. Any such move will need to be appropriately managed, with the likely increased costs and staffing resources, further technological requirements and data protection issues given due consideration.

Other Options Considered

22. The other main options considered by officers were:-

Option 2 – Recording of meetings using simple mobile phone technology and posting the recording to the Council's website after the meeting. Alternatively, meetings could be broadcast live using the same kind of technology and social media sites such as Facebook. This would involve the need for someone to operate the phone during the meeting so there would be an additional staff cost impact. The estimated cost would be between £5,000 - £10,000 with potential ongoing staffing costs. This option is not recommended as, based on the experience of other Councils, issues with sound and image quality can result in complaints from users.

Option 3 – Recording of Council meetings using Council owned camera equipment which would require the purchase of specialist equipment, training of officers and dedicated officer attendance at the meetings to operate it – this option may require additional officer capacity within either Democratic Services or Corporate Communications to manage and operate the system. This system could be operated by (a) posting after the meeting or (b) as live streaming.

The estimated cost would be between £30,000 - £60,000 with potential ongoing staffing costs. There may be issues to resolve with regard to linking up sound from the microphone system to the imagery from the video camera recordings as well as potential issues regarding intrusive works to the fabric of the Council Chamber. For these reasons and the additional costs, this option is not recommended.

Option 4 - The purchase of a fully serviced, bespoke audio-visual system to live stream all meetings with ongoing maintenance and licence costs to the relevant service company. This would have an estimated one off cost up to £150,000, with ongoing annual costs of up to £15,000 plus any additional staffing costs required to manage and operate the system during and after meetings. Due to the significant costs, this option is not recommended.

23. Any more costly longer-term options chosen would require more detailed work to set out the proposal in a business case. This would require consideration of:

- the timetable for any necessary procurement exercise,
- scope of technology requirements including cameras, sound and possibly big screens as well as any improved cabling and broadband requirements
- assessment of any additional regulatory requirements around broadcasting and content management
- impact on the Council chamber/other parts of the County Hall and how that might tie in with other works already scheduled
- impact on staffing resources
- estimated costs and benefits analysis
- development of any appropriate policy and procedure documentation.

Reason/s for Recommendation/s

24. To consider the Monitoring Officer's review into the issues raised by the Motion agreed by Council and to ensure the most cost-effective and appropriate openness and transparency of meetings.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Where appropriate, consultation has been undertaken and advice sought on these issues as required.

Data Protection Implications

A Data Protection Impact Assessment will need to be completed ahead of the new approach of meetings being recorded or streamed as this will involve the processing of personal data.

Implications for Service Users

The review considered the accessibility and transparency of meetings which may be attended by members of the public.

RECOMMENDATION/S

- 1) That the phased implementation of Option 1 be approved with an appropriate protocol and training developed as appropriate.
- 2) That, following Phase 1 and 2 of the implementation, a further report be submitted to this Committee on the proposed next steps.

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Constitutional Comments (HD – 23/11/2019)

26. Governance and Ethics Committee is the body responsible for considering the review as resolved by Full Council.

Financial Comments [RWK 05/12/2019]

27. The report proposes the implementation of measures to enable council meetings to be more transparent and accessible solution for the public . The proposed measures are estimated to cost £3,000 to £5,000 per annum together with estimated one-off additional hardware costs of £2,000. These costs can be contained within the committee's existing revenue budget of £7.305 million.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Motion to County Council 13 December 2018 and minutes of that meeting ([published](#))

Electoral Division(s) and Member(s) Affected

- All