

CONSTITUTION SUB-COMMITTEE – 6 JANUARY 2022

POLICY AND RESOURCES COMMITTEE – 24 JANUARY 2022

COUNCIL – 22 FEBRUARY 2022

PART I – NOT DELEGATED

8. COUNCIL/COMMITTEES/SUB-COMMITTEES RECORDINGS

(CED)

1. Summary

- 1.1 This report is being presented to the sub-committee with suggestions on the retention of audio meeting recordings and livestreaming recordings both past and in the future and follows Council's approval to livestream Part I business at Council/Committees and sub-committees at the meeting on 14 December 2021 subject to the installation of the required equipment.
- 1.2 The options are suggestions only for discussion by the sub-committee and are not proposals.

2. Detail

- 2.1 Members will be aware that in April 2014 the Council changed its Governance arrangements (from Executive to Committee) and at this time agreed to record all Full Council meetings only with the recordings to be retained for 10 years. This is detailed in the Council Constitution under Part 4 – Access to Information Procedure Rules with details provided below:

Section 8 - Access to Minutes etc. after the Meeting

8.2 Recording of Meetings

The Council will make audio recordings of full Council meetings and such recordings to be maintained until the minutes have been approved at the next meeting

- 2.2 The recordings are stored on the network and the file size is nearly 6GB. There are currently no cost implications in retaining the files.
- 2.3 **The Regulations** (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 made under the Coronavirus Act 2020 enabled Council/Committee meetings etc. to be held in a virtual format and enabled remote attendance. All the meetings held between 14 May 2020 and 6 May 2021 were livestreamed and all the recordings are currently available to view on the Council website.
- 2.4 Since 7 May 2021 we have had to hold physical meetings, as required by law, but have where possible made audio recordings of the meetings that are being held.
- 2.5 Following the making of the Regulations in April 2020 the Council provided a privacy notice on remote attendance at meetings which can be viewed using the link below:

<https://www.threerivers.gov.uk/egcl-page/privacy-notice>

- 2.6 The privacy notice provided details on how we would manage the data. It does not deal with the period for which the recording will be kept.
- 2.7 With regard to data protection, there appears to be little justification for retaining recordings of full Council meetings for 10 years, particularly where the recording contains personal data. All such recordings (with any necessary redaction for personal data) would be subject to FOI/EIR if not already in the public domain via the TRDC website.
- 2.8 Some advantages/disadvantages of keeping the recordings are provided below for the sub-committee:

Advantages

- Members/Officers and members of the public are able to easily access the recording to see how a report/application/item of business was discussed.
- A recording may assist in clarifying a query in the minutes that does not immediately arise

Disadvantages

- Keeping the recordings duplicates the minutes and often leads to concern that the minutes are not detailed enough
- Storage of the recordings on the network system and on the website takes up a lot of file space
- A recording can be used to undermine approved minutes (which are by their nature not a verbatim record) depending on the viewpoint a particular Member, Applicant or member of the public wishes to advance post the event. In extreme cases, this could bring the Council into disrepute.

3. Options and Reasons for Recommendations

- 3.1 The following suggestions are put forward to the sub-committee to discuss:

- Option 1

That all Full/Annual Council/Committee and sub-committee recordings are retained until the minutes of the meeting are formally approved and then the recording is deleted;

That all the virtual livestreaming recordings from May 2020 to April 2021 are removed from the website and all folders where they are stored as long as the minutes from the meetings have been agreed.

- Option 2

That all Committee and sub-committee recordings/livestreaming recordings be retained for 6 years in line with the retention of paper copies of the agenda and reports.

That all Full Council/Annual Council recordings/livestreaming recordings be retained for 6 years in line with Committee and sub-committees meetings and that

an amendment be made to the Constitution to state that all recordings of Annual/Full Council will be kept for 6 years.

- Option 3

That all Full/Annual Council/Committee and sub-committee recordings/livestreaming recordings are retained for 10 years as is currently provided for all Full/Annual Council meetings in the Council Constitution.

4 Policy/Budget Reference and Implications

4.1 The suggestions in this report are not within the Council's agreed policy and budgets.

5 Financial Implications

5.1 There are currently no financial implications in retaining the files.

6 Legal Implications

6.1 The Council are required to take one paper copy of the agenda and reports to every public meeting held and are also required to retain a paper copy of all agenda and reports for 6 years. We retain a paper copy of all our minutes which are bound every year. We have all our minutes since the Council was established in 1974.

6.2 There is no legal obligation to retain the recording of the meeting once the minutes have been agreed by the Annual/Full Council/Committee/Sub-Committee. Recordings will, from time to time, contain personal data. Information Commissioner Guidance is to the effect that any such recording should be retained for the minimum period necessary and only for reasons of lawful processing. In practical terms, this is not likely to be justified, so far as any personal data is concerned, beyond formal approval of the minutes, or resolution of any outstanding query. There are obvious practical difficulties in deleting simply a part of a recording that has personal data in it and retaining the rest.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact	Yes
Did the relevance test conclude a full impact assessment was required? Data will now be gathered and a full assessment undertaken in 3 years' time.	No

8 Staffing Implications

8.1 Training is to be provided to staff once the new equipment to be able to livestream meetings and hold hybrid meetings is installed which officers understand is scheduled for the end of March. There will be additional time required by Committee Team staff before and after the meeting to organise the livestreaming.

9 Environmental Implications

9.1 Livestreaming meetings and holding hybrid meetings will reduced travel by Councillors (non-committee members), Parish Councillors, County Councillors, members of the public, external organisations and officers to attend meetings as the option to watch live from a computer would be provided therefore this would have a positive benefit to the Council's Climate Change Strategy.

10 Community Safety, Public Health Implications

10.1 None specific.

11 Customer Services Centre Implications

11.1 The Customer Service Centre will be provided with details on the new policy once agreed.

12 Communications and Website Implications

12.1 All livestreaming recordings would be available to view on the website for the duration agreed by Full Council.

13. Risk and Health & Safety Implications

13.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

13.2 The subject of this report is covered by the Legal and Committee service plans. Any risks resulting from this report will be included in the risk register and, if necessary, managed within these plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Livestreaming /Recordings can contain personal data. Information Commissioner Guidance is recordings should be retained for the minimum period necessary and only for reasons of lawful processing.	There are practical difficulties in deleting a part of a recording/live-streaming that has personal data in it and retaining the rest.	Delete once the minutes are approved	Treat	2

Retaining recordings for more than the time period for getting minutes approved.	Recordings would be retained for long periods of time which may contain personal data	Retain just until the minutes are approved	Treat	4
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13.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low	-----▶		Unacceptable

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

13.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

14. Recommendation

14.1 That the sub-committee consider the suggested Options at Paragraph 3.1.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Council Constitution

Data checked by: James Baldwin, Solicitor to the Council

1	Poor	
2	Sufficient	
3	High	x

Background Papers - none

APPENDICES / ATTACHMENTS - none