

Community Council Guidance

Recording of Meetings

Background

Under the Highland Scheme of Establishment for Community Councils, all Community Council meetings are held in public. They are not public meetings but meetings that take place in public.

The following is guidance for Community Councils on the recording of their meetings; for their own purposes and also how to deal with any requests for recording of meetings.

Community Councils Recording their Meetings

Community Councils may decide that they wish to record their meetings for minute taking purposes. If a Community Council wishes to do this the advice would be:

1. The decision to record meetings for minute taking purposes should be agreed at a Community Council meeting and recorded as a decision.
2. It should state on every agenda that the meeting will be recorded for minute taking purposes.
3. Before the start of every meeting it should be announced that the meeting will be recorded for minute taking purposes.
4. The Community Council should decide at what point the recording will be destroyed. It would be advised that the recording should be deleted after the minute is agreed at the following meeting.
5. The record of the meeting is the written minute agreed by the Community Council and not any recording subsequently held.

It is important to ensure that anyone in attendance at a meeting of the Community Council is aware that recording is taking place.

Requests for Recording from the Press

The Local Government (Access to Information) Act 1985, gives the public and accredited reporters the right to attend certain Council meetings. However this does not extend to the taking of photographs or the recording of meetings, without specific permission.

It is advised that Community Councils adopt the same approach:

1. Members of the press are able to attend meetings.
2. Any reporter must request permission if they wish to record a meeting prior to the start of the meeting.
3. The decision whether or not to grant permission to record is a **decision for the Community Council**.
4. If permission is granted, then this should be announced at the start of the meeting.

Requests for Recording from the Public

Should a member of the public wish to record any meeting of the Community Council then they should request this in writing prior to the meeting with the reason for wanting to record. The Community Council should consider each request individually. In considering any request, the Community Council should remember its duties in relation to the Equality Act and the right of an individual to request a reasonable adjustment is made in order to participate in a meeting. Such requests should be handled sensitively and in confidence. That means any discussion should be in private although the applicant should be invited to attend. Once concluded the actual decision of the Community Council should be made public and recorded in the Minutes.

Should the request be granted, it should be announced to all present that the meeting is being recorded (without breaching confidentiality). As above, any recording taken is not an alternative record of the meeting. Community Councils granting permission to record may wish to consider placing restrictions upon any future use of the recording, for example, publication on social media.

The decision whether or not to grant permission to record is a **decision for the Community Council**. The Community Council is within its rights to refuse a request to record a meeting ensuring that it gives due regard to its duties under the Equality Act.

Copyright

Under the Copyright, Designs and Patents Act 1988 (section 58), a speaker may make it known that he/she does not wish it to be reported in any form, prior to speaking. The reporter who chooses to ignore this could be in breach of copyright. The speaker must make this clear beforehand, not after speaking. The person may specify that their words may be recorded for the minute, but not any other purposes.
