

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	16 DECEMBER 2024
Heading:	CONSULTATION ON REMOTE ATTENDANCE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

Members of the Standards and Personnel Appeals Committee are asked to provide a response to the consultation published by the Ministry of Housing, Communities & Local Government (MHCLG) in relation to remote attendance and proxy voting at local authority meetings.

Recommendation(s)

Members of the Standards and Personnel Appeals Committee are recommended to:

- a. Formulate a response to the Ministry of Housing, Communities & Local Government open consultation in relation to remote attendance, hybrid meetings, and proxy voting at local authority meetings.

Reasons for Recommendation(s)

The MHCLG have launched an open consultation seeking feedback from a wide range of stakeholders on remote attendance and proxy voting at local authority meetings. The Standards and Personnel Appeals Committee have been asked to consider the consultation and contribute toward the Council's corporate response.

Alternative Options Considered

The Standards and Personnel Appeals Committee could choose not to respond to the open consultation on remote attendance and proxy voting at local authority meetings. However, this is not advised, as developments in this area could have significant implications for the Council and how Elected Members attend and vote at formal meetings.

Detailed Information

BACKGROUND

On 24 October 2024, the MHCLG launched an open consultation on enabling remote attendance and proxy voting at local authority meetings. MHCLG are seeking views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England.

The Government is consulting on introducing powers for local authority members to the relevant authority for a dispensation to attend formal council meetings remotely and vote by proxy in certain circumstances.

If any changes to legislation are made as a result of the open consultation, they would apply to local authorities in England, including but not limited to:

- County Councils
- Unitary Councils
- London Borough Councils
- District Councils
- Parish Councils
- Combined County Authorities

The Local Government Capability and Improvement Division of the MHCLG is responsible for conducting the open consultation.

CONSULTATION QUESTIONS

Below is an extract of the open consultation as published on the MHCLG website through the following link: <https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings>

The open consultation consists of 13 questions. See below the questions for the Standards and Personnel Appeals Committee to formulate a response to.

Please note that the narrative included before questions is taken directly from the consultation website.

Question 1: Are you responding to this consultation as:

Answer: A District Council.

(Narrative) The Proposal for Remote Attendance

The government intends to legislate to give local authorities the flexibility to allow elected members to attend formal council meetings remotely. We believe that this modernising measure of providing broad flexibility to enable remote attendance will have the dual positive impacts of diversifying the representation of those willing and able to stand for elected office and enhance the resilience of local authorities in the face of local or national emergencies.

The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely.

Question 2: Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?

Yes/No

If you answered No to the above question please go directly to question 4.

Question 3: If you answered Yes to the above question, do you think that there should be specific limitations on remote attendance?

Please tick all the options below that correspond with your view and use the free text box for any other comments.

- a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.
- b) Members should only be able to attend council meetings remotely in exceptional circumstances, such as those who are medically or physically unable to attend, or for reasons of local or national emergencies.
- c) There should be no limitations placed upon councils with regard to setting arrangements for remote attendance of council meetings, up to and including full remote attendance.
- d) [Free text box]

Question 4: If you are an elected member can you anticipate that you personally may seek to attend some of your council meetings remotely?

- yes
- no
- I am not an elected member

Question 4a: If you answered No please use the free text below

[Free text box]

Question 4b: If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

- very occasionally
- from time to time
- regularly but not always
- all the time

Question 5: If you are responding to this consultation on behalf of a council as a whole, what proportion of the council's current elected members are likely to seek to attend council meetings remotely over the course of a year?

- less than 10%
- more than 10% but less than 50%

- more than 50% but less than 90%
- most of them 90% to 100%

Question 6: The government recognises that there may be cases in which it is necessary for councils to hold meetings fully remotely. Do you think there should be limitations placed on the number of fully remote meetings councils should be able to hold?

- a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.
- b) Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances.
- c) Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence.
- d) [Free text box]

Question 7: Do you think there are any necessary procedural measures that would help to ensure a remote or hybrid attendance policy is workable and efficient?

Please tick all the options that correspond with your view and use the free text box for any other comments.

- a) Councils should be required to publish a list of attendees joining the meeting remotely and give notice if a meeting is being held with full remote attendance.
- b) Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings.
- c) Councils should be required to make arrangements to ensure restricted items (where a council decision is taken in private to protect confidentiality) are managed appropriately and to require remotely attending members to join from a private location.
- e) Other [Free text box]

Question 8: Do you think legislative change to allow councillors to attend local authority meetings remotely should or should not be considered for the following reasons?

Tick all the statements below that apply to your point of view.

Should be considered because

Should not be considered because

It is a positive modernising measure.

Councillors should be physically present at all formal meetings.

It would likely increase the diversity of people willing and able to stand for election in their local area, making councils more

It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils.

Should be considered because

Should not be considered because

representative of the communities they serve.

Councils would be more resilient in the event of local or national emergencies which prevent in-person attendance.

It would be more difficult for councillors to build personal working relationships with colleagues, and engage with members of the public in attendance at meetings.

Free text box – please state any other reasons

Free text box – please state any other reasons

Question 9: In your view, would allowing councillors to attend formal local authority meetings remotely according to their needs particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit members
- it would disadvantage members
- neither

Please use the text box below to make any further comment on this question.
[Free text box]

(Narrative) Proxy Voting

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to another representative to enable a vote in their absence.

It is possible some members may find that, due to their personal circumstances, they are temporarily unable to participate in meetings even if remote attendance provisions are in place. Provisions for proxy voting could provide additional flexibility to those who really need it on a time-limited basis, allowing affected members to indirectly exercise their democratic duty, participate in their local authority's governance, and ensure that their views are taken into consideration. In the context of local authorities, the representative would have to be another elected member of the local authority.

Question 10: In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?

- yes
- no
- unsure

Question 11: If yes, for which of the following reasons which may prohibit a member's participation in council meetings do you consider it would be appropriate?

Please select all that apply:

- physical or medical conditions

- caring responsibilities
- parental leave or other responsibilities
- other [Free text box]

Question 12: Are there circumstances in which you feel proxy voting would not be appropriate?

[Free text box]

Question 13: If you think proxy voting is appropriate, are there any limitations you think should be placed upon it?

[Free text box]

END OF QUESTIONS.

RESPONDING TO THE CONSULTATION

The feedback from the Standards and Personnel Appeals Committee will contribute to the Council's corporate response to the open consultation.

As the consultation is open, individual members can also respond to the consultation if desired on the MHCLG website accessible through the following link

<https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings>.

OTHER CONSIDERATIONS

In considering the open consultation, and the potential for legislation to be introduced requiring Ashfield District Council to allow remote attendance, hybrid meetings, and proxy voting at local authority meetings, there are other factors that will need to be considered, including:

- The Council Chamber does not have the necessary equipment and functionality to facilitate hybrid meetings – if the Council is required to facilitate hybrid meetings investment will be required
- Member equipment and training – Members will need further training on how to utilise remote attendance/hybrid meeting attendance on the supplied IT equipment
- As stated in the narrative of the consultation, members would have to seek dispensation to attend meetings remotely – a process for this would need to be developed. Similarly with any proxy voting requirements

Implications

Corporate Plan:

Innovate and Improve is one of the Council's key corporate priorities as established in the Corporate Plan 2023 – 2027. This includes looking to increase accessibility to the Council's formal meetings.

Legal:

There are no direct legal implications resulting from the recommendations within this report. Depending on the outcomes of the open consultation, the Council may need to comply with new legislation for remote attendance, hybrid meetings, and proxy voting and the Constitution amended accordingly. [RLD 05/12/2024]

Finance:

There are no direct financial implications resulting from the recommendations within this report. Depending on the outcomes of the open consultation, the Council may need to invest in facilities to enable hybrid meetings.

Budget Area	Implication
General Fund – Revenue Budget	
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Legislation introduced requiring the Council to enable remote attendance, hybrid meetings, and proxy voting.	The Standards and Personnel Appeals Committee will contribute to the Council's corporate response to the open consultation. Appropriate steps will be taken to ensure the Council complies with any new requirements as a result of the consultation outcomes.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental/sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

Any other implications to be considered by the Standards and Personnel Appeals Committee and wider corporate response to the open consultation.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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