

Committee(s): Policy & Resources Committee – For decision	Date: 12 December 2024
Subject: Government Consultation on enabling remote attendance and proxy voting at local authority meetings	Public report: For Decision
This proposal: <ul style="list-style-type: none"> delivers Corporate Plan 2024-29 outcomes 	Providing excellent services
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of:	Town Clerk
Report author:	Greg Moore

Summary

Government is currently consulting on introducing powers to allow for remote (virtual) participation and proxy voting at formal local authority meetings.

The consultation seeks views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting, and makes clear it would apply to meetings of the Court of Common Council (and meetings of its Committees and Sub-Committees where local authority duties are discharged).

This consultation will last for 8 weeks from 24 October 2024; the view of your Policy & Resources Committee is hereby sought to determine whether an organisational response on behalf of the City Corporation should be submitted and, if so, what that response should be. Proposed draft responses for consideration are set out within the report which, in broad terms, reflect the position that we would be supportive of their introduction provided that discretion is provided to local authorities to determine their own policies and arrangements for implementation, mindful of any particular local needs.

Recommendation(s)

Members are asked to:-

1. Determine whether a response should be submitted and, if so;
2. Consider the questions and proposed responses set out at paragraph 12;
3. Authorise the Town Clerk to complete the consultation form and submit a response reflecting the views of this Committee.

Main Report

Background

1. His Majesty's Government is currently consulting on introducing powers for local authority members to apply to the relevant authority for a dispensation to attend formal council meetings remotely and vote by proxy in certain circumstances.
2. The consultation seeks views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting, and makes clear it would apply to meetings of the Court of Common Council (and meetings of its Committees and Sub-Committees where local authority duties are discharged).
3. This consultation will last for 8 weeks from 24 October 2024; the view of your Policy & Resources Committee is hereby sought to determine whether an organisational response on behalf of the City Corporation should be submitted and, if so, what that response should be.
4. As highlighted to all Members by email and at the informal meeting of the Court of Common Council on 7 November 2024, Members are also entitled to submit individual responses.

Current Position

5. The provisions of the 1972 Local Government Act are such that meetings where local authority business is to be discharged must currently take place in-person, with physical attendance. The legislation pre-dates the concept of virtual or hybrid meetings and thus made no provision for the possibility of remote attendance.
6. During the COVID-19 pandemic, the Coronavirus Regulations 2020 did make temporary provision for virtual participation in meetings; however, this temporary measure was not made permanent, despite the objections of many councils. At that time, the Policy and Resources Committee also indicated its preference for some form of virtual participation to be retained.
7. In launching the current consultation around the permanent introduction of such provision, Government has indicated its recognition that there are circumstances in which it may not always be possible for Members to attend council meetings in person. It is with this in mind that they intend to amend the law to introduce provisions for remote attendance at local authority meetings.
8. The intent is that this increased flexibility will strike the balance between the principle that significant in-person engagement remains vitally important, and a recognition that there will sometimes be a need to accommodate Members' requirements to attend council meetings remotely. Their aim is that it will encourage a wider diversity of people willing and able to stand and actively participate in local democracy by creating improved conditions where meetings are accessible and inclusive.
9. In addition, they are seeking views on the possible introduction of proxy voting for those occasions when an elected Member, due to personal circumstances, may be unable to attend even remotely, for example during maternity, paternity or adoption leave.

10. 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. 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.
11. The Government welcomes individual responses from Members. However, in addition, affected bodies are invited to submit a collective response. Officers have considered the implications of the proposed changes and have set out proposed responses to the questions within the consultation as below; however, it is for Members to determine whether these responses reflect the Corporation's policy position and, indeed, whether a collected response on behalf of the organisation should be submitted.

Questions and Proposed Responses

12. For ease of review, the questions posed, together with draft responses, are set out below for Members' consideration. Question 1 (which simply asks respondents to identify themselves) is omitted, as is Question 4 (which is for individual Councillors).

Remote Participation

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

Proposed response: Yes, subject to relevant considerations in order to support the Government's ambition to balance flexibility with the benefits of in-person engagement. The City Corporation is in an atypical position whereby, due to the number of non-local authority functions we deliver, we already operate a system wherein virtual attendance is permitted for some (non-local authority) meetings, and we therefore recognise both the benefits and challenges that can arise.

- *Question 3: 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]*

Proposed response: We consider that a) would be challenging to manage on a practical basis, if a straight 2/3 rule were applied. Given our non-party political composition and the absence of party co-ordination, it might prove practically challenging to manage this and result in a number of inquorate meetings. We are supportive of b) as a sensible and pragmatic *de minimis* position, but consider that a greater degree of pragmatism could be applied. If c) implies permitting Councils to set their own policies with which Members must comply, we would be supportive, but we would not support a blanket proposal to allow for unfettered discretion as to attendance. We would generally observe that limitations should be in place for full Council meetings, as the nature of our Council meetings would make the operation of them on a hybrid basis very challenging. We would also highlight concerns with holding Planning meetings remotely or on a hybrid basis, given the imperative to ensure that voting Members are present for the entirety of debate on any application and the challenges that might arise through internet or other connection difficulties. Therefore, c) seems to be the most appropriate response provided it is supported by explanatory text using the free text box at d).

- *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?*
 - a) *less than 10%*
 - b) *more than 10% but less than 50%*
 - c) *more than 50% but less than 90%*
 - d) *most of them 90% to 100%*

Proposed response: It is Officers' view that, if circumstances allowed for it, nearly all Members would take the opportunity to attend at least one council meeting remotely throughout the course of a year, based on our experience in operating virtual and hybrid meetings for our non-local authority functions.

- *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]*

Proposed response: of the options above, on the assumption that Councils will have discretion to set their own policies within a broader permissive

framework, then it would seem to be most pragmatic and transparent for the format advertised on the publication of the agenda to be stuck to other than where there are unforeseen or exceptional circumstances. Therefore, we would propose b) with the use of the free text box at d) to expand on the position.

- *Question 7: Do you think there are there 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.

d) Other [Free text box]

Proposed response: all of a), b), and c) seem reasonable and would be supported, although presumably a) requires the publication of names after the event, to cater for changes in circumstances. Our other observations at d) would be that full Council meetings and Planning meetings, given the greater public interest and (in the latter case) the prospective challenges around managing the obligation to be present for full consideration of items, may warrant being reserved as fully in-person meetings, although this should be for the local authority to determine taking into account all factors, once the terms of any legislation are known.

- *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.*

<i>Should be considered because</i>	<i>Should not be considered because</i>
<i>It is a positive modernising measure.</i>	<i>Councillors should be physically present at all formal meetings.</i>
<i>It would likely increase the diversity of people willing and able to stand for election in their local area, making councils more representative of the communities they serve.</i>	<i>It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils.</i>

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.

Proposed response: all seem valid to varying degrees, with the exception of “Councillors should be physically present at all formal meetings”, where it is reasonable to say that there would be material benefits to facilitating at least some virtual participation. The comments around potentially reduced attendance and the challenge of building working relationships have previously been raised by the Policy & Resources Committee when expressing support for virtual participation, so would need to be taken into account in formulating a balanced policy.

- *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:*
 - a) *it would benefit members*
 - b) *it would disadvantage members*
 - c) *neither*

Proposed response: a) It would benefit Members.

Proxy voting

- *Question 10: In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?*
 - a) *yes*
 - b) *no*
 - c) *unsure*

Proposed response: c), unsure (albeit leaning towards yes). In certain circumstances and provided appropriate procedures were in place to manage this clearly and transparently, it could be beneficial; however, with a large number of independent Members and no party politics, there is a potential for misunderstanding if robust processes or limitations are not in place. There may also be some concern as to whether this breaks the direct line of accountability between voters and an individual Member.

- *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:*
 - a) *physical or medical conditions*
 - b) *caring responsibilities*
 - c) *parental leave or other responsibilities*
 - d) *other [Free text box]*

Proposed response: Ultimately, provided arrangements are communicated clearly and transparently, in good time, we would consider it best a matter to be determined by policy at a local level, with local authorities empowered to agree their own arrangements (and so a response provided using the free text box at d). Given that the Corporation's extant policies provide for costs associated with caring responsibilities to be met, and that it is unclear what is meant by "other responsibilities" at c), there would need to be a greater understanding of proposals and opportunity to develop an inclusive and sensible local policy.

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

Proposed response: For items where there is a requirement for full participation in an item (e.g., Planning meetings), proxy voting may be felt to be inconsistent with that requirement. Short notice changes may also present administrative challenges which would need to be considered carefully.

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

Proposed response: For the sake of administrative management and public transparency, we suggest that consideration may be prudent as to whether proxy voting might be limited to well-defined and time-limited areas, with the arrangements listed publicly and communicated clearly in advance of relevant meetings, so as to provide for transparency and mitigate against the risk of confusion.

Proposals

13. It is proposed that Members consider whether a response should be submitted to the Government consultation and, if so, Members are asked to review, reflect on, and determine positions on the questions set out above.

Corporate & Strategic Implications

14. Strategic implications – Increased flexibility offered through remote attendance at City Corporation Committee meetings could allow greater access to decision making in support of the Corporate Plan where it was not always possible for a Member to attend a meeting in person.
15. Risk Implications – The risks of any potential changes would need to be assessed once the nature of any formal proposals are known. As indicated within the report, there may well be risks associated with challenges in managing a meetings on a practical basis, but these would be assessed and responded to once clarity was available.
16. Financial implications – There are no immediate financial implications given the City Corporation already holds Committee meetings with an element of remote attendance allowing Members to observe a meeting, with City Corporation non-local meetings already operating with virtual participation.

17. Resource implications – There are no immediate resource implications given this would be an extension of remote attendance already available to Members to observe its local authority meetings.

18. Legal Implications – The City Corporation has continued to comply within the confines of current legislation around its local authority meetings and this requiring in person attendance on the part of a Member for them to be able to participate during any part of the meeting. Any further legislation that may follow will be implemented accordingly.

19. Equalities Implications – All public bodies have a duty to ensure that when exercising their functions they have due regard to the need to advance equality of opportunity between people who share protected characteristics and to take steps to meet the needs of people with certain protected characteristics where these are different from other people; encouraging and allowing all the maximum opportunity to be able to participate in public life. The impact of any changes would be dependent on the form of the final proposals from Government; however, the opening up of remote participation in meetings could arguably advance the opportunity for greater participation in meetings.

20. Climate Implications – The responses proposed within the paper do not carry any significant climate implications as outlined in the Climate Action Strategy.

21. Security Implications - none

Conclusion

22. In response to the Government's current consultation on the introduction of virtual attendance and proxy voting at local authority meetings, this report asks Members to consider whether an organisational response should be required and, if so, the format this should take. Mindful of the views previously expressed by this Committee and the desire to operate an inclusive and accessible decision-making system, proposed responses have been articulated reflecting support for the proposals but with it being left to individual authorities to determine local arrangements as suit best, within a framework.

Appendices

23. None.

Background Papers

24. None.