

**North East Derbyshire District Council**

**Standards Committee**

**13th November 2024**

**Consultation on virtual attendance of Members at Meetings**

**Report of the Assistant Director of Governance and Monitoring Officer**

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

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**PURPOSE / SUMMARY**

To inform Members of the launch of consultation on the virtual attendance of Members at formal meetings and on the use of Proxy Votes.

In addition to seek Members' views on responses to recommend to Council for submission in response to the consultation.

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**RECOMMENDATIONS**

1. That Members agree a response to the consultation.
2. That Members recommend to Council the response to the consultation for approval.

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**IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes  No

**Details:** If the consultation results in change there is a need for new or amended legislation to allow the change.

On Behalf of the Solicitor to the Council

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Staffing: Yes  No

Details:

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000</b> <input type="checkbox"/> <b>Capital - £310,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None directly
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"><li>Completed EIA stage 1 to be appended if not required to do a stage 2</li></ul>	This would be dealt with as part of the change in legislation if this were to proceed.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"><li>Completed EIA stage 2 needs to be appended to the report</li></ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details:

**Links to Council Plan priorities;**

- **A great place that cares for the environment**
- **A great place to live well**
- **A great place to work**
- **A great place to access good public services**

All indirectly

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

1.1 On 24<sup>th</sup> October 2024 the Government launched an 8 week consultation in relation to the virtual attendance at meetings by Elected Members. The scope of the consultation was described as:

Government is 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.

1.2 The views that are particularly sought are those of Councils, Elected Members, the public and local government organisations.

1.3 Responses can only be made online through the Government online consultation platform, Citizen Space. The link to the consultation is [Enabling remote attendance and proxy voting at local authority meetings - GOV.UK](#) and the link to the online response is [Respond via Citizen Space](#).

1.4 The Government has stated a number of times that it wishes to reset the relationship with Local Government and in this case wishes to support the sector to modernise democratic engagement. However it sees attendance and debate as a core part of and integral to the Members' role. It is also an opportunity for local residents to engage.

1.5 However there is a recognition that an Elected Member may not always be able to attend in person but could attend virtually. The Government wants to balance these competing demands in any changes made to the attendance rules and believes this will encourage wider diversity.

1.6 In addition, the consultation concerns the possibility of introducing a proxy voting regime for where due to personal circumstances the Elected Member cannot attend.

1.7 The consultation states in relation to 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.

1.9 The consultation states the following in relation to the consultation as a whole:

In line with the government's commitment to working with local government to establish partnerships built on mutual respect, genuine collaboration, and meaningful engagement, this short consultation seeks your views on the detail and practical implications of this proposition to inform our ongoing policy development.

## 2. Details of Proposal or Information

2.1 The questions in the consultation and proposed responses are set out in Appendix1.

## 3 Reasons for Recommendation

3.1 The Council should consider what response it intends to make. This enables Members of this Committee to consider responses to recommend to Council for submission.

3.2 In addition it allows individual Members to consider a personal response.

## 4 Alternative Options and Reasons for Rejection

4.1 There is no alternative to Members considering whether the Council should respond.

## DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	List of questions from the consultation.
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
None	

## Who we would like to hear from

Responses are invited from local authority elected members, all types and tiers of authorities, and local authority sector representative organisations. We are also particularly keen to hear from those members of the public who have point of view based on their interest in accessing local democracy in their area or standing as a candidate for local government at any tier to represent their local community at some future point.

### Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council body – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a member of the public

d) a local government sector body – please state

# 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]

**Proposed Answer - yes**

**Proposed answer:** yes there should be specific limitations and a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.  
For the free text box – how would the two thirds physical attendance be enforced? Would a meeting be inquorate unless two thirds of the Membership were physically present?

**Question 4**

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

**Proposed answer:** this is a question for an individual Member.

- 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?

**Proposed answer:** Less than 10%

- 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?

**Proposed answer:** Yes there should be limitations along the following lines. a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.

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 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 answer:** a), b) and c) should all apply.



**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.

**Proposed answer:** Tick the items in the “should be considered because” column.

Free text box – Elected Members are subject to illness, family issues and emergencies just as employees are. There should therefore be some accommodation for this and allowing virtual attendance allows this.

In addition it should be possible to put adequate controls on the arrangements for the disadvantages in the second column not to occur.

**Should be considered because**

**Should not be considered because**

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It is a positive modernising measure.

Councillors should be physically present at all formal meetings.

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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 community

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

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**Should  
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because**

**Should  
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because**

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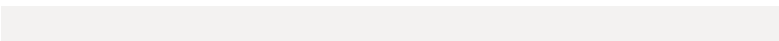
It would  
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### Question 9

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]

**Proposed answer:** It would benefit individuals.

Free text: there is currently a lack in the legislation to allow reasonable adjustments to be made to enable attendance in these groups. Adjustments can be made in terms of sight and hearing but not in terms of attendance physically. This is one way of making such an adjustment and encouraging more diversity.

## 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

**Proposed answer:** yes

- 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]

**Proposed answer:** all the following:

- physical or medical conditions
- caring responsibilities
- parental leave or other responsibilities
- plus any other circumstances identified by Members

### Question 12

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

[Free text box]

**Proposed answer:** For an extended period. For example longer than 6 months. Proxy voting means that the Elected Member is not active in the debate. This is different from hybrid attendance where an Elected Member can still take part in what is happening

### Question 13

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

[Free text box]

**Proposed answer:** Yes. As stated in relation to Q12, proxy voting should be available in the short term and for exceptional and emergency situations. The power should be framed in that way. Regular non physical attendance could be dealt with by way of virtual attendance.