

Proposed North East Derbyshire District Council response to the Ministry of Housing, Communities & Local Government Open consultation on

Enabling remote attendance and proxy voting at local authority meetings

PROPOSED RESPONSES ARE HIGHLIGHTED IN YELLOW

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?

Answer - Yes

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]

It is a privilege to be an Elected Member on any Council. Members commit to the meetings being wholly in person currently and commit the time and effort into attending and participating. There will however always be exceptional reasons why an Elected Member cannot attend in person and it is helpful to have a way to allow this to ensure that the electorate for the area concerned continues to have representation chosen at the election wherever possible.

It is necessary to draw a line between these two competing points. That compromise would be to require the majority to attend (the two thirds in person attendance in a) above and the restriction in b). Additional safeguards should include a requirement to ask for approval at Standards Committee giving the reasons for virtual attendance and how long it would last and requiring that the Elected Member's camera is switched on at all times during the formal part of the meeting. These safeguards should be regularly reviewed during the virtual attendance.

As with dispensations, it should be possible to extend the time period or number of meetings for good reason.

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

Answer – this for an individual response by 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]

Attendance in person should continue to be the norm.

Full virtual attendance should only occur where there is a national or local emergency. The latter could be for example where the venue for the meeting is destroyed by fire immediately before the meeting.

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]

As suggested above, if an Elected Member is attending remotely, their camera should be on at all times during the meeting, and this should be enshrined in the constitutional rules.

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 representative of the communities they serve.

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

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

All the reasons in both columns are potentially applicable. These are the reasons why a balance

Should be considered because

Should not be considered because

has to be drawn between allowing some virtual attendance and requiring an in person attendance.

Attendance should be the norm, but with adjustments possible for the difficulties that occur in everyday life.

In terms of increasing the diversity of Elected Members to be more inclusive of those who work full time, it is the legislation around employers obligations to allow time off that should reviewed. This is the potential difficulty faces by working Elected Members.

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.

Allowing some virtual attendance would help. However the individual needs to take into account whether they are able to commit the time to the role including in person attendance at meetings, when they decide whether or not they should stand. Virtual attendance should be used in relation to exceptional circumstances and as an alternative to a dispensation under section 85, not as a way of having fully remote attendance.

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]

Democratically, it is not right for proxy voting to be available. There is a danger it will become relied upon too much and that it will deter some Elected Members having decreasing attendance - even virtually. This may also have an affect on the amount of debate and involvement in the debate.

There should be a high bar for non attendance. If allowed, it should only be exercisable in very limited circumstances. It should be limited to exceptional circumstances or emergencies only and should have a limit to how often it can be used.

Question 12

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

[Free text box]

As outlined above in answer to Question 11. This should be a last resort not something which is used regularly.

Question 13

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

[Free text box]

As outlined above it should be used only in exceptional and/or emergency situations where virtual attendance is not possible. It should be limited as to the number of times it can be used in any corporate year and also consideration should be given to limiting the number of Elected Members who can have a proxy vote at a meeting. Rather like the limitations in place in electoral law for proxies and the delivery of postal votes.

About this consultation

This consultation has been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all

circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).