

Date: Friday 13th December 2024

Subject: Government Consultation - Remote Meeting Attendance and Proxy Voting

Report of: Gillian Duckworth, Group Solicitor and Monitoring Officer

Purpose

To inform the GMCA of the scope of the Government consultation on enabling remote meeting attendance and proxy voting with a view to submitting a GMCA response, to be submitted by the deadline of 19 December 2024.

Recommendations

The GMCA is recommended to:

1. Consider the experience of the Covid 19 Pandemic whereby all GMCA meetings were held remotely in considering the response to the Government Consultation.
2. Agree that meetings of the GMCA should normally be held in person but the right to determine whether it's meetings or meetings of its various committees are held in person or remotely should rest with the GMCA in order to consider local circumstances and retain flexibility and for this view to be fed back into the consultation.
3. Note the Consultation questions and draft responses based on feedback from Members as set out in appendix 1 and agree to delegate authority to the Group Solicitor and Monitoring Officer to finalise the submission, in consultation with the Mayor.

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1. Introduction

1.1 During the Covid Pandemic, legislation was amended temporarily to allow for remote attendance at meetings [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) (SI 2020/392), made under section 78 of the [Coronavirus Act 2020](#). Recently Government have announced that they are willing to reconsider whether this legislation should be amended permanently. In order to inform their decision, an online consultation is currently open for all interested stakeholders to submit their contributions.

1.2 Government intends to legislate to give local authorities the flexibility to allow elected members to attend formal meetings remotely. It is suggested 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.

1.3 The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely. In responding to the consultation, the GMCA may wish to specifically request that the legislation is open enough to allow for local determination. In this way, the GMCA could determine which of its meetings could be held remotely, and where it was appropriate to impose limitations.

2. Scope of the consultation

2.1 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 to vote by proxy in certain circumstances.

2.2 Responses are invited from local authority elected members, all types and tiers of authorities, and local authority sector representative organisations, plus those members of the public who have a 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.

Geographical scope

2.3 The questions in this consultation apply to all relevant local authorities in England. They do **not** apply to authorities in Wales, Scotland or Northern Ireland. For the avoidance of doubt the term Local Authorities included Combined Authorities in this instance.

Impact assessment

2.4 If any policy changes are made following this consultation, they will be subject to appropriate assessment. No impact assessment has been conducted at this time.

Basic information

2.5 This is an open consultation, with views sought from individual members of the public; prospective and current local authority members/representatives; all relevant local authorities defined above; and those bodies that represent the interests of local members/representatives at all levels.

Body/bodies responsible for the consultation

2.6 The Local Government Capability and Improvement Division in the Ministry of Housing, Communities and Local Government is responsible for conducting this consultation.

Duration

2.7 This consultation will last for 8 weeks from 24 October 2024 – 19 December 2024

3 Response to the consultation on behalf of the GMCA

Leaders have been canvassed for their views on the consultation and those received indicate that the GMCA should have the flexibility to determine which decision making meetings should meet in person and which meeting could be held remotely.

Other comments received:

- GMCA meetings should remain in person
- GMCA should be given the flexibility to hold decision making meetings virtually or hybrid, and supports the idea of proxy voting
- GMCA meetings specifically should be meetings and voting in person and that virtual attendance or proxy voting should be exceptional. Where people are attending virtually they should be required to keep their cameras live so that people are seen to be engaging with the meeting
- Hybrid meetings should have a minimum attendance in person of 2/3 of the membership and the Chair should be physically present
- Hybrid meeting are more difficult to manage
- Remote attendance should be in exceptional circumstances
- Remote meetings for informal meetings only
- Implement procedures, particularly for the consideration of restricted items, that would help to ensure a remote or hybrid attendance policy is workable and efficient
- Proxy voting to be considered, especially for elected members with Physical or medical conditions, Caring responsibilities or Parental leave or other responsibilities
- Legislative change to allow Councillors to attend local authority meetings remotely should be considered for the following reasons:
 - 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
- Legislative change to allow Councillors to attend local authority meetings remotely should not be considered for the following reasons:
 - Councillors should be physically present at all formal meetings
 - 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
- Cautious about jumping to a prescriptive model in favour of completely hybrid or remote arrangements. Impact of hybrid working yet to be properly evaluated in terms of public accountability, transparency of decision making, access to democracy and also impact on organisational culture and sociology, as well as individual health and wellbeing.

- Favour a facilitative approach – a system that allows for remote, hybrid as well as face to face, the balance of which to be determined locally.
- On balance believe all public facing decision making meetings should be held in person, with the option for the public to access digitally. Allow for exception to be determined locally.
- Favour parity – meaning equity between elected members and officers. If elected members are required to attend in person, then officers should have the same requirements; if officers can attend remotely, then so too should members.

Below are a selection of opportunities and risks associated with allowing remote attendance at formal meetings to aid your consideration of the matter.

Opportunities	Risks
Increased accessibility for those who cannot attend in person.	Not all members are present for the duration of the meeting and therefore the potential to become inquorate.
Provision for meetings when buildings are closed, poor weather etc.	Members are called away from their screen at the point of decision making which could impact transparent decision making.
May encourage members to put themselves forward for committee roles when previously they were unable to do so due to meeting times/locations.	Required officers are not present for the duration of the meeting, with potential legal implications.
Improved 'viewability' as you can clearly see the faces of all attendees.	Additional Local Authority tech support may be required to assist some elected members with access, voting etc.
More welcoming for viewers as a Teams meeting is more familiar to most than attending the Town Hall.	Ensuring confidential items are not overheard.
Improved participation for all attendees as each person has a dedicated 'turn' without interruptions.	Meeting Management and the potential to limit debate of elected members.

Chair has the ability to mute or remove a member from the meeting if required.	Different skills required of the Chair to manage a virtual meeting – potential for behaviour of members decline.
Move towards a positive modern approach.	Technology fails during meeting.
The number of apologies would reduce.	Members joining from abroad, creating data protection risk.

Appendix 1

Consultation Questions:

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

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 question 1, select 'Continue' and go directly to question 3.

3. If you answered 'Yes' to question 1, 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) Add any further comments 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

2. 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

4a. If you answered 'No' to question 3, please explain your answer below:

Explain your answer

4b. If you answered 'Yes' to question 3, please 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

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%

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 12-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) Add any other comments that you have
Councils should have the flexibility within the legislation to determine a local policy relating to the use of remote attendance at meetings

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?

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) Add any other comments that you have

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
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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.

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.

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

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) Add any other reasons

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

Add your comments

AGM, Budget setting and other meetings where agenda items voting requirements are fixed by legislation

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

Add your comments

Limited number of opportunities per municipal year to exercise the right/option -
Councils should have the flexibility within the legislation to determine a local policy regarding proxy voting