

Title of Report	CONSULTATION ON ENABLING REMOTE ATTENDANCE AND PROXY VOTING AT LOCAL AUTHORITY MEETINGS	
Presented by	Councillor Keith Merrie MBE Infrastructure Portfolio Holder PH Briefed <input type="checkbox"/> Yes	
Background Papers	Enabling remote attendance and proxy voting at local authority meetings - GOV.UK Consultation on enabling remote attendance and proxy voting at local authority meetings report and minutes – Corporate Scrutiny Committee – 5 December 2024	Public Report: Yes Key Decision: Yes
Financial Implications	There are no financial implications arising directly from this report. Should the requirements for holding and attending meetings change in the future, the financial implications (if any) will be assessed at that time. Signed off by the Section 151 Officer: Yes	
Legal Implications	Currently paragraph 39 of Schedule 12 of the Local Government Act 1972 requires councillors to attend meetings in person in order to take part in the debate and vote. In response to the Covid-19 pandemic, the then government passed the Coronavirus Act 2020. Section 78 of the 2020 Act authorised the making of regulations to make provision for the way Members may attend, speak at, vote in, or otherwise participate in, local authority meetings. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 facilitated this and enabled formal council meetings to take place remotely. The regulations were limited in application to local authority meetings to be held or held before 7 May 2021. The 2020 Act was repealed on 24 March 2024. A change in the law would be required to enable remote attendance and proxy voting of Members at meetings. Signed off by the Monitoring Officer: Yes	

Staffing and Corporate Implications	There are no staffing implications arising directly from this report. Signed off by the Head of Paid Service: Yes
Purpose of Report	To ask that Cabinet considers and agrees the Council's response to the Government's consultation enabling remote meetings and proxy voting.
Reason for Decision	To enable the Council to submit a response to the Government's consultation on Enabling remote meetings and proxy voting at local authority meetings.
Recommendations	<p>THAT CABINET:</p> <ol style="list-style-type: none"> 1. CONSIDERS THE SCRUTINY COMMITTEE'S RECOMMENDATION TO NOT SUPPORT THE INTRODUCTION OF PROXY VOTING AND DETERMINES WHETHER IT WISHES TO INCLUDE THIS IN RESPONSE TO QUESTION 10 OF THE CONSULTATION 2. ENDORSES THE SUGGESTED RESPONSE TO THE GOVERNMENT'S CONSULTATION ON "ENABLING REMOTE MEETINGS AND PROXY VOTING AT LOCAL AUTHORITY MEETINGS", SUBJECT TO CABINET'S POSITION ON QUESTION 10 BEING INCORPORATED AND AUTHORISES THE CHIEF EXECUTIVE TO SUBMIT THE RESPONSE ON THE COUNCIL'S BEHALF 3. NOTES THAT THE CONSULTATION IS OPEN TO THE PUBLIC AND COUNCILLORS UNTIL 19 DECEMBER 2024.

1.0 BACKGROUND

- 1.1 Currently the law requires that councillors attend formal Council meetings in person in order to take part in the debate and vote (Schedule 12, Local Government Act 1972). Councillors are required to exercise their own votes and proxy voting is not allowed. During the Covid 19 Pandemic the then Government enacted temporary legislation which enabled formal council meetings to be held remotely with councillors being able to join the debate and vote (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020). Many councillors will recall meetings held during this period via Microsoft Teams. The Council successfully held a range of meetings which also included public participation, such as Planning Committee.
- 1.2 The regulations came to an end automatically on 7 May 2021 and the Council returned to full in person meetings in line with any social distancing restrictions in place at the time.

- 1.3 The return to in person meetings was challenged in Judicial Review proceedings by the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council in 2021. The Court refused to extend the emergency temporary regulations and determined that this was a policy matter to be considered by Parliament, requiring new legislation and not by the courts.

2.0 GOVERNMENT CONSULTATION

- 2.1 The Deputy Prime Minister's speech at the Local Government Association (LGA) conference included an announcement about the consultation on proposals for remote attendance and proxy voting at local authority meetings.
- 2.2 For ease of reference, find here the full text of the speech – [Local Government Association Conference - GOV.UK](#).
- 2.3 The consultation entitled "Enabling remote attendance and proxy voting at local authority meetings" can be found here [Enabling remote attendance and proxy voting at local authority meetings - GOV.UK](#). This consultation will close at 11.59pm on 19 December 2024. The consultation is open to individuals, councillors and councils.
- 2.4 Details of the consultation have been shared with all members via email, on the members hub and the Leader referred to it in his announcement at Council on 5 November 2024, encouraging Members to respond. The Leader requested that Corporate Scrutiny Committee consider the issue at its meeting on 5 December 2024 to enable Members to debate the issue before Cabinet.
- 2.5 As well as submitting their own consultation responses, Members were invited to share any views on the questions with the Democratic Services Team Manager before the Scrutiny Committee, to enable any comments to be considered at the meeting. No views were received from individual members.
- 2.6 A copy of the consultation and the Council's response is attached at Appendix A to this report.

3.0 COMMENTS FROM CORPORATE SCRUTINY COMMITTEE – 5 DECEMBER 2024

- 3.1 The Committee expressed broad support for the proposal of enabling remote meetings and felt that there should be limitations on the use of remote attendance, though the detail of those limitations would need further consideration, should the legislation change.
- 3.2 In relation to proxy voting at meetings, the Committee voted unanimously in favour of proxy voting not being introduced as part of any legislation changes. It was felt all Members should be able to listen and take full part in the debate, before making a decision on how to vote. It was proposed to recommend to Cabinet that the response to question 10 be stated to be 'no'. Cabinet is asked to consider this recommendation and make a decision as to whether this response to question 10 should be adopted. Subject to the response to this question being confirmed, Cabinet is being asked to endorse the response to the consultation as attached to this report.

Policies and other considerations, as appropriate	
Council Priorities:	A well-run council
Policy Considerations:	The Council's Constitution would need to be reviewed and amended to take account of remote meetings should the legislation change to allow them.
Safeguarding:	None
Equalities/Diversity:	An Equalities Impact Assessment would need to be completed should the legislation change, and the Council needs to consider how it implements any changes to the way it runs its formal council meetings.
Customer Impact:	None directly arising at this time. The impact on customers would need to be considered should the legislation change, and the Council needs to give thought to how it runs its formal council meetings.
Economic and Social Impact:	None directly arising at this time.
Environment, Climate Change and zero carbon:	None directly arising at this time.
Consultation/Community Engagement:	Public Government Consultation.
Risks:	None directly arising at this time.
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