

Agenda Item 10
Report NPA24/25-26

Report to **National Park Authority**
Date **10 December 2024**
By **Head of Governance and Monitoring Officer**
Title of Report **SDNPA Response to the Government’s consultations on “Enabling remote attendance and proxy voting at local authority meetings”**

Decision

Recommendation: The Authority is recommended to:

- 1. Receive and consider the draft response to the Government’s consultation on “Enabling remote attendance and proxy voting at local authority meetings” as set out at Appendix I; and,**
 - 2. Delegate authority to the Chief Executive, in consultation with the Chair of the Authority, to finalise the Authority’s response, taking into account any comments of the Authority, and to submit the response to the Ministry of Housing, Communities and Local Government.**
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1. Introduction

- 1.1 The Government is currently consulting on the introduction of powers to enable remote attendance at local authority meetings and to permit proxy voting at those meetings.
- 1.2 The consultation is seeking the view of local authorities, Members of those authorities, and of the general public. The consultation opened on 24 October and is open for 8 weeks, closing on 19 December.
- 1.3 The draft consultation response is set out at Appendix I. Members are asked to consider the draft response, make any comments on it, and delegate authority to the Chief Executive, in consultation with the Chair of the Authority, finalise the Authority’s response and submit the response.

2. Policy context

- 2.1 During the COVID-19 pandemic, in May 2020 the Government at that time introduced temporary regulation for 12 months which enable local authority meetings to be conducted remotely due to the exceptional circumstances at that time. When the temporary regulations expired in May 2021, they were not extended
- 2.2 The ministerial foreword to the consultation recognises “... the principle that significant in-person engagement remains vitally important ...” but that this is balanced with “... a recognition that there will sometimes be a need to accommodate members’ requirements to attend council meetings remotely.”
- 2.3 A remote meeting in the context of this consultation covers both hybrid meetings and wholly remote meetings. A hybrid meeting is one where some are attending the meeting in person in the meeting room and others are attending the meeting online from other locations using software such as Microsoft Teams or Zoom to participate. A wholly remote

meeting is one where there is no in person aspect to the meeting, all attendees are joining online from different locations.

2.4 Proxy voting is when a decision maker is unable to attend a meeting to vote and they, therefore, delegate their vote to a representative to vote on their behalf. The representative is only authorised to vote as instructed by the decision maker; they are not at liberty to take any discussions at the meeting into consideration when voting.

3. Issues for consideration

3.1 The proposed responses to the consultation questions are set out at **Appendix I** with the draft responses highlighted in yellow. Members’ attention is drawn, in particular to the following:

- In question 3, none of the options presented have been ticked. Comments have been added instead.
- The theme of allowing local authorities to make rules or standing orders to respond to their local circumstances is reflected in a number of the question responses.
- The responses to the question on proxy voting reflect that in the vast majority of circumstances, proxy voting is not considered appropriate.

4. Options and cost implications

4.1 The response to the consultation does not commit the Authority to undertaking any actions. Should new legislation be introduced which permits or requires the introduction of remote meetings or proxy voting, the Authority would at that time consider its response and subsequent actions. This would include a thorough consideration of the options for the Authority and the resource and cost implications of these.

4.2 The Authority is asked to receive and consider the draft response to the Government’s consultation on “Enabling remote attendance and proxy voting at local authority meetings” as set out at Appendix I and to delegate authority to the Chief Executive, in consultation with the Chair of the Authority, to finalise the Authority’s response, taking into account any comments of the Authority, and to submit the response to Ministry of Housing, Communities and Local Government.

5. Next steps

5.1 Once finalised, the response to the consultation will be submitted before the 19 December 2024 deadline.

6. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	None directly arising from this report, however, the implications of future legislation may have resource implication. These would be considered should new legislation come forward.
How does the proposal represent Value for Money?	The response aims to strike a balance between, and take advantage of, the benefits of both in person and remote meetings.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Effective decision making supports the Authority’s ability to deliver against all PMP Outcomes and Corporate Plan Objectives.

Implication	Yes*/No
Links to other projects or partner organisations	MHCLG
How does this decision contribute to the Authority's climate change objectives	Effective decision making supports the Authority in the delivery of its climate change objectives.
Are there any Social Value implications arising from the proposal?	None directly arising from this report
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes. The introduction of remote meetings would likely be of benefit to persons with protected characteristics. This is reflected in the response to question 9 of the consultation.
Are there any Human Rights implications arising from the proposal?	None directly arising from this report
Are there any Crime & Disorder implications arising from the proposal?	None directly arising from this report
Are there any Health & Safety implications arising from the proposal?	None directly arising from this report
Are there any Data Protection implications?	None directly arising from this report

7. Risks Associated with the Proposed Decision

- 7.1 Failure to submit a response to the consultation would mean that the views of the Authority would not be taken into account by the Government.

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Appendix None

SDNPA Consultees Chief Executive Officer, Director of Landscape and Strategy, Director of Planning; Chief Finance Officer, Head of Finance and Corporate Services, Legal Services.

External Consultees None

Background Documents [MHCLG remote meetings and proxy voting at local authority meetings consultation](#)

Open consultation: Enabling remote attendance and proxy voting at local authority meetings

Topic of this consultation

This short consultation seeks views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England.

Duration

This consultation will last for 8 weeks from 24 October 2024.

Ministerial foreword

The government has set out its intention to reset the relationship between central and local government as partners in delivering better outcomes for the communities we collectively represent. Key to this is supporting the sector to modernise democratic engagement, raise standards and widen the range of candidates standing for council by removing unnecessary barriers.

The attendance of elected members at local authority meetings is a core part of the democratic process at the local level and is integral to members carrying out their functions effectively. In addition to the value of members coming together to debate and discuss the issues which impact the lives of the people they represent; it is also important that local residents have the opportunity to engage directly with the people they have elected to take key decisions on their behalf.

At the same time, the government recognises 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 the government intends to amend the law to introduce provisions for remote attendance at local authority meetings.

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. We hope 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.

In addition, we 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.

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.

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 – National Park Authority

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]

There are likely to be many benefits of enabling remote attendance at meetings as highlighted in question 8, however, some limitations should be set, not on circumstances of persons, but on local authorities themselves to ensure that not all Authority and committee meetings across the year are held remotely, which could otherwise mean Members might never meet in person. Also, a requirement should be placed on authorities to ensure that both Members and the public can engage with meetings remotely to avoid a 'postcode lottery' of both Member and public engagement with local authorities across the country. Individual authorities should be empowered to make specific rules based on their local circumstances and considerations (e.g. geographical area may be more of an issue for some than others) within the boundaries of appropriate overarching regulations.

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

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] Having selected "b" (above) it is also important to enable local authorities to make rules based on their local circumstances and in response to the requirements of the various committees of the authority. There may be some committees which would benefit from the ability to conduct fully remote meetings.

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]
 - The default position for all Members should remain attendance in person to promote high quality participation, debate, and transparency.
 - There are risks of Members habitually attending meetings remotely purely on the basis of preference, however, this could be mitigated through regulations and locally adopted standing orders which respond to local circumstances.
 - Unless a meeting is taking place wholly remotely, the Chair should be required to be in the room to chair the meeting.
 - Local authorities should be required to make standing orders to govern remote attendance and which cover what happens when technology fails.

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

It would likely increase public engagement / participation in local authority meetings and decision making.

If an urgent decision is required it would likely be easier to call a meeting of the Authority that would be quorate, thereby reducing the need to use powers under an urgent action provision.

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]

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]

Question 12

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

[Free text box]

It is important when entering a meeting to take decisions that they do so with an open mind and that, whilst Members may have their own views on matters, they will only make their decision after having considered all the facts and the points of view of their colleagues and of any public representations at the meeting. Proxy voting asks Members to predetermine their vote without having considered all matters or heard the debate and carries with it a significant risk of challenge, particularly when determining planning matters.

Question 13

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

[Free text box]

The only decision where a proxy vote may be appropriate is when Members are electing Chairs or Deputy Chairs as there is no need to consider matters presented at the meeting or debate.

