


Non-Executive Report of the: General Purposes Committee Monday, 2 December 2024	 TOWER HAMLETS
Report of: Linda Walker, Interim Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Government Consultation on Enabling Remote Attendance and Proxy Voting	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

This report formally informs Members of the General Purposes Committee of an active government consultation on whether to enable remote attendance and/or proxy voting at local authority meetings.

The consultation asks a number of questions around these topics and the government will consider the responses before looking at whether to progress one or both ideas.

The consultation is requesting submissions from interested individual members of the public, Members, local authorities and similar.

This report asks General Purposes Committee to consider whether a formal Council response should be provided to the consultation exercise.

Recommendations:

The General Purposes Committee is recommended to:

1. Consider the content of the report and determine whether a formal council response should be provided to the consultation exercise.

1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee has day-to-day oversight of the Constitution, including meeting procedure rules and so is the appropriate body to consider this matter.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could determine that the Council should not provide a response but it be left to political groups or interested individuals to submit their own responses.

3. DETAILS OF THE REPORT

3.1 On 24th October 2024, the government opened a consultation seeking views on the detail and practical implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England.

3.2 Any changes to legislation that followed this consultation would apply to all local authorities in England (e.g. London Boroughs, County Councils, District Councils, combined authorities, National Parks, Fire and Rescue Authorities etc.).

3.3 This is an open consultation and the government state they particularly seek the views of 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.

3.4 The consultation runs until 19th December.

3.5 The link to the website is available here:
<https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings>

3.6 The text of the consultation is also reproduced below as Appendix 1 to this report.

3.7 The Consultation is split into two parts: remote attendance and proxy voting.

Remote Attendance

3.8 The government states that it intends to legislate to give local authorities the flexibility to allow elected Members to attend formal council meetings remotely as part of its modernising agenda. It considers this will support the diversification of those willing and able to stand for election and also enhance local authority resilience in the face of local or national emergencies. It would be for each local authority to determine whether it wished to allow this access for its own meetings.

3.9 The survey asks whether respondents consider that authorities should be given the power to allow remote access and whether there should be any restrictions on use of that power (for example, stating that the meetings must be held physically at least in part or limits on the total number of meetings allowed to be held virtually). Finally it asks if allowing access would benefit individuals from disadvantaged groups looking at becoming Members.

Proxy Voting

3.10 Secondly the survey asks whether Proxy Voting (the ability to ask another Member to vote on your behalf if you aren't able to attend the meeting) should

be introduced, for example for Members who are temporarily unable to attend Council meetings (e.g. because they are on parental leave). It also asks if there are circumstances where proxy voting would not be appropriate.

Consideration for General Purposes Committee

- 3.11 The political groups (and all councillors) have been alerted to the consultation exercise through the Member Bulletin but General Purposes Committee are asked if they consider a council response should also be provided.
- 3.12 If the Committee would like to produce a response this can either be developed at the meeting or through informal discussion afterwards and then submitted to the government by the Monitoring Officer.

4. EQUALITIES IMPLICATIONS

- 4.1 The government consultation is proposing changes which they consider will improve access to being an elected Member for disadvantaged groups. The Council are being asked to submit their views on this proposal.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

- 5.2 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications from responding to the government consultation on enabling remote attendance and proxy voting. Should changes be made by government following the consultation the financial impact of these would need to be assessed although it is likely the existing resources would be able to accommodate any changes.

7. COMMENTS OF LEGAL SERVICES

- 7.1 There are no specific legal implication arising from this report. However, it may be of assistance to Members to understand the background to the consultation.

- 7.2 It had long been accepted that meetings of local authorities conducted under the provisions of the Local Government Act 1972 (“the 1972 Act”) required the meeting to be conducted in person at a physical location. During the coronavirus pandemic, Parliament enacted the Coronavirus Act 2020. Section 78 of that Act allowed the Secretary of State to make regulations to make provision for (among other things), the manner in which people could attend, speak at and vote at 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 (“the Flexibility Regulations”) were subsequently made and these regulations allowed Council meetings to be conducted remotely and for decisions so made to be lawful.
- 7.3 The Flexibility Regulations were prescribed to expire on 7th May 2021. On so expiring, remote meetings would no longer be lawful. The Secretary of State was asked by various organisations, including the Local Government Association, to extend these powers beyond that deadline. The Secretary of State declined to do so.
- 7.4 As a result, a case was brought in the High Court (Hertfordshire County Council and Others v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1145 (Admin)). Essentially, the claim sought a declaration that the wording of Schedule 12 of the 1972 Act was not restricted to physical meetings where all parties and persons were present in the same physical location but could include remote meetings. Ultimately, the Court decided that the legislation could not be read in a way that allowed for this and that meetings under the 1972 Act needed to be in a physical location with participants attending in person.
- 7.5 The consultation therefore seeks views on whether or not to amend the law to allow for remote attendance and voting at meetings. In addition, it seeks views on whether or not to allow for proxy voting at meetings, which would be an entirely new provision.
- 7.6 Members should note that this would apply only to meetings conducted under the Local Government Act 1972 (and possibly under the Local Government Act 2000). Some other legislation e.g. the Licensing Act 2003, sets out its own statutory scheme for the conduct of meetings. Such meetings can lawfully be conducted remotely (Walk Safe Security Services Ltd. v London Borough of Lewisham [2024] EWHC 1787 (Admin)).

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – full content of government consultation

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A

Content of the government consultation on 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.

Scope of this consultation

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.

If any changes to legislation are made as a result of this consultation, they would only apply to local authorities in England, meaning:

- a county council
- a unitary authority
- a London borough council
- a district council
- the Common Council of the City of London
- the Greater London Authority
- the Council of the Isles of Scilly
- a parish council
- a joint board continued in being by virtue of section 263(1) of the 1972 Act
- a parish meeting constituted under section 13 of the Local Government Act 1972
- Transport for London, Para.5 of Schedule 10 of the GLA 1999 allows the GLA to regulate its own procedures and committees
- an authority established under section 10 of the Local Government Act 1985
- a joint authority established under Part 4 of the Local Government Act 1985
- a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004
- a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009
- a combined county authority established under section 9 of the Levelling Up and Regeneration Act 2023
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act
- a National Park authority as referenced at section 184 of the LGA 1972 and/or established under section 63 of the Environment Act 1995
- the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988
- a conservation board established under section 86 of the Countryside and Rights of Way Act 2000
- a police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011

Geographical scope

The questions in this consultation apply to all relevant local authorities in England as defined above.

They do **not** apply to authorities in Wales, Scotland or Northern Ireland.

Impact assessment

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

This is an open consultation. We particularly seek the views of 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

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

Duration

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

Enquiries

For any enquiries about the consultation please contact: remoteattendanceconsultation@communities.gov.uk

How to respond

You can only respond to this consultation through our online consultation platform, Citizen Space. [Respond via Citizen Space](#).

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.

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]

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?

- Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.
- Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances.
- Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence.
- [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.

- 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.
- Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings.
- 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.
- Other [Free text box]

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

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]

Question 13

If you think proxy voting is appropriate, are there any limitations you think should be placed upon it?
[Free text box]

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](#).

Annex A: Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

We use a third-party platform, Citizen Space, to collect consultation responses. In the first instance, your personal data will be stored on their secure UK-based servers.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record
- c) to ask to have all or some of your data deleted or corrected

d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored on a secure government IT system

Your data will be transferred to our secure government IT system as soon as possible after the consultation has closed, and it will be stored there for the standard 2 years of retention before it is deleted.