

RESPONSE FROM WEST LANCASHIRE BOROUGH COUNCIL

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] Individual Councils should be able to have the freedom to choose whether to allow remote attendance at meetings, or not.

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] N/A

Question 4b

If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

N/A

- 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] Councils should be able to allow full remote attendance, when it is appropriate to do so and as long as there are appropriate protocols and procedures in place in respect of conduct, access to the meeting by members of the public and Councillors and those exercising their right to speak, voting and excluding attendance for items that are confidential.

Question 7

Do you think there are 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] Usual requirements regarding notice of where and when meetings are held should continue, whether in person or remotely. Councils should continue to list those that attended the meeting via the minutes, indicating those attendees that attended remotely.

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 reduce the Council's carbon footprint as Councillors and officers would not need to drive into meetings and buildings wouldn't need to be opened, which in turn would reduce costs.

It would reduce the length of time Councillors needed to allocate to meetings, as there wouldn't be the need to travel to the Council offices and back and would

Should be considered because

Should not be considered because

allow meetings to go ahead even when there are adverse weather conditions.

It may attract individuals to become a Councillor if they could join meetings from anywhere, particularly those who have other jobs and are required to travel or those who have and also those with caring responsibilities

It could improve public engagement, if they could also attend remotely.

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] It would benefit those with physical or medical conditions, caring responsibilities, parental leave or other responsibilities.
-

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]

1. Proxy voting would not be appropriate in meetings that allow for substitute members.
2. Where the proxy voter has a pecuniary interest and is required to leave the room whilst the matter is being considered.

3. Proxy voting does imply pre-determination of decisions and could increase legal challenge.

Question 13

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

[Free text box]

1. Appointing a proxy can imply that the person delegating their vote has already made a decision on how they want their vote to be cast, therefore the use of proxies should only be as a last resort.
2. If the person appointing the proxy provides detailed instructions on how to vote, the proxy's role is more about execution rather than decision-making. Therefore, allow proxies some discretion to adapt their vote based on the debate, within agreed-upon guidelines.