

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

meeting date: TUESDAY, 12 NOVEMBER 2024
title: CONSULTATION ON REMOTE MEETINGS AND PROXY VOTING
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
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1 PURPOSE

1.1 To inform Committee about the Government’s consultation on remote meetings and proxy voting and seek approval on consultation response.

1.2 Relevance to the Council’s ambitions and priorities:

- Community Objectives – } The Council aims to be a well-managed Council. Providing a Council response to the consultation ensures that the Council’s views on remote meetings and proxy voting will be included when Government is making decisions on whether and how to implement this proposal.
- Corporate Priorities – }
- Other Considerations – }

2 BACKGROUND

2.1 Committee will recall that throughout the Covid period the Council was permitted to conduct remote meetings under the temporary coronavirus regulations. This ended on 6 May 2021. Ahead of that Lawyers in Local Government (LGG) and Association of Democratic Services Officers sought a judicial declaration that the Local Government Act 1972 (LGA72) in fact permitted remote meetings and that they could therefore continue. This position was rejected by the High Court. At the time, the Minister said that they were unable to secure primary legislation to extend the regulations but issued a call for evidence on the use of remote meetings. Since that time the LGA, LLG and ADSO have continued to campaign for this.

2.2 It is to be noted that the above does not apply to Licensing Sub-Committee meetings as these meetings are held pursuant to the Licensing Act 2003 and the Licensing Act hearing regulations and not the LGA72. This principle was recently confirmed by the High Court upholding remote licensing hearings as being lawful (Walk Safe Security Services Ltd v London Borough of Lewisham [2024] EWHC).

2.3 The Government announced at the recent LGA conference its plans to consult on a number of issues including:

- Allowing councillors to attend meetings remotely and/or allow proxy voting
- Changing the standards regime to allow Councils to suspend Members
- Allowing Councillors to keep their home address private

2.4 The consultation in respect of remote meetings and proxy voting has already been launched with a closing date of 19 December 2024. A copy of the consultation is enclosed as Appendix 1. In the forward to the consultation the Government describes the attendance of elected members at meetings as a “core part” of the democratic process, but notes that there are “circumstances in which it may not always be possible

for members to attend council meetings in person". It further states that the Government is seeking "to balance the principle that significant in-person engagement remains vitally important", with a recognition that there will sometimes be a need to accommodate members' requirements to attend council meetings remotely".

- 2.4 The Government is seeking responses from Councils at all levels (including Parish Councils) and from Councillors on an individual basis. The consultation document has been circulated to all Members of this authority, all Parish clerks and has been included on the next Parish Council Liaison to facilitate direct responses from Councillors. It is important however that the Council respond in a corporate capacity so that it can raise issues which it foresees with certain aspects of the proposals and to seek to ensure that it can manage attendance remotely or otherwise going forward.
- 2.5 The consultation has been considered by CMT and the proposed response is attached to the consultation questions is enclosed as Appendix 2. In order that the Council is able to respond to question 5, members will be collated and included prior to submission.

3 ISSUES

- 3.1 The Government is seeking responses from Councils at all levels of government (including Parish Councils) and from Councillors on an individual basis. The consultation document has been circulated to all Members of this authority, all Parish clerks and has been included on the next Parish Council Liaison to allow them to respond in an individual capacity.
- 3.2 It is important however that the Council also respond in a corporate capacity so that it can raise issues which it foresees with certain aspects of the proposals and to seek to ensure that it can manage attendance remotely or otherwise going forward.
- 3.3 The consultation has been considered by CMT and the proposed response is attached to the consultation questions is enclosed as Appendix 1. In order that the Council is able to respond to question 5, members responses will be collated by officers and included prior to submission.
- 3.4 At this stage the consultation is simply gathering information and there is no detail yet on how remote attendance at meetings would be administered in practice were it to be implemented. However, the Council's current AV equipment would not facilitate this and so an upgrade or replacement of the equipment would be required. The Council is however, in the process of considering a capital bid for replacement equipment and officers had ensured that this included both equipment and capacity to allow for remote meetings should this be required. Depending on any implementation date, the scheme if approved, may need to be brought forward.
- 3.5 The consultation also includes Proxy Voting. Officer's views are that this would present issues, particularly in regulatory committees such as Planning and Licensing, where members must ensure that they do not predetermine issues but must consider all of the information provided both in writing before a meeting and during the meeting before forming a view. This view is reflected in the consultation response.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Finance have been consulted and their comment are incorporated into the body of the report.
- Technical, Environmental and Legal – Legal Services comments are incorporated into the body of the report.
- Political – No implications identified.
- Reputation – A comprehensive response to the consultation will enhance the Council's reputation.
- Equality & Diversity – The Government will carry out a complete equality impact assessment once any legislative changes are finalised.

5 **IT IS RECOMMENDED THAT COMMITTEE:**

5.1 Approve a response being submitted to the consultation as proposed in this report.

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For further information please ask for Mair Hill, extension 4418.