NORWICH
City Council

Committee name: Standards

Committee date: 26/11/2024

Report title: Norwich City Council's response to the Government consultation on remote meetings

Portfolio: Councillor Kendrick, Cabinet member for an open and modern council

Report from: Head of legal and governance

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

This report asks the Standards Committee to consider a response to the Government's consultation on enabling remote attendance and proxy voting local authority meetings.

Recommendation:

It is recommended that Standards Committee considers a response to the Government's consultation for this to be submitted on behalf of the city council.

Policy framework

The council has five corporate priorities, which are:

- A prosperous Norwich.
- A fairer Norwich.
- A climate responsive Norwich.
- A future-proof Norwich.
- An open and modern council.

This report meets the "An open and modern council" corporate priority

Report details

1. The Local Government Act 1972 (the 1972 Act) specifies that elected members must attend a meeting of the local authority in person to be counted as being present and able to vote on an item.

2. At the start of the pandemic section 78 of the Coronavirus Act 2020 allowed secondary legislation to be made which enabled remote meetings until 7 May 2021.

3. Meetings of local authorities in England then returned to being held in person.

4. In order for meetings to comply with social distancing requirements Norwich City Council held meetings such as Planning Applications Committee and Scrutiny Committee in the Council Chamber. As the Council Chamber did not allow a full council meeting to take place with all members present, the City Council held informal meetings remotely with indicative voting followed by a politically balanced quorate meeting to ratify the decisions of the informal meeting.

5. Before the legislation allowing meetings to be held remotely expired Hertfordshire County Council, Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) jointly applied to the High Court for a declaration that remote meetings in England could be held under the existing legislation[1].

6. The High Court judgement determined that meetings held under the 1972 Act required physical presence of elected members at a specified location, changes to enable remote attendance would require primary legislation.

7. The Local Government Association (LGA) conducted research in 2021 to better understand the impact of returning to in-person meetings in England. This research showed that the majority of respondents felt that attendance had reduced since the return to in-person meetings[2].

8. At the LGA conference on 24 October 2024 the Deputy Prime Minister Angela Rayner announced that the Government would consult on changes to allow councillors to attend meetings remotely. The consultation also seeks views on the possibility of proxy voting for councillors who are unable to attend.

9. The Standards Committee is asked to consider what the response from Norwich City Council's members should be against each question of the consultation (attached at appendix A). The consultation can also be accessed here.

10. The consultation closes on Thursday 19 December 2024.

Consultation

11. This report is seeking consultation with members.

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[1] Guidance on Remote Meetings: What next for Local Authorities (LLG and ADSO) (2021).
[2] Impact of in-person council meetings 2021 (LGA) (2021)

Implications

Financial and resources

12. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its community-led plan "We are Norwich" and budget.

13. There are no proposals in this report that would reduce or increase resources. If legislation changes to enable remote or hybrid meetings then any changes to enable this would need to be accommodated within existing resources.

Legal

14. Meetings of a local authority are generally held under the 1972 Act, the consultation results may lead to changes to the Act and the Council would need to, if it so chose, make arrangements for standing orders in respect of remote or hybrid meetings.

Statutory considerations

Consideration	**Details of any implications and proposed measures to address:**
Equality and diversity	There is no specific implications to responding to the consultation, however enabling remote attendance at meetings of elected members and the public may have a positive impact by allowing more elected members or members of the public with disabilities to attend. It could also enable elected members and members of the public with caring responsibilities to attend more meetings.
Health, social and economic impact	No specific implication of this report.
Crime and disorder	No specific implication of this report.
Children and adults safeguarding	No specific implication of this report.
Environmental impact	No specific implication of this report but remote attendance could reduce travel by elected members and members of the public to attend meetings, particularly if no public transport is available.

Risk management

Risk	**Consequence**	**Controls required**
No specific risks	N/A	N/A

Other options considered

15. The Standards Committee could opt not to respond to the consultation.

Reasons for the decision/recommendation

16. By responding to the consultation the Council could have an influence on changes made to legislation to enable remote meetings.

Background papers: None

Appendices: Appendix A – Consultation on remote meetings question overview

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IN TRAN communication for all	If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Appendix A – Consultation on remote meetings question overview

The consultation proposes legislating to give flexibility to allow elected members to attend formal council meetings remotely, to diversify representation and enhance resilience during emergencies. Questions include:

1. Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?
2. If yes, do you think there should be specific limitations on remote attendance? For example:
    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, e.g. those who are medically or physically unable to attend, or for reasons of local and 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.
3. 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? For example:
    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.
4. Do you think there are any necessary procedural measures that would help to ensure a remote or hybrid attendance policy is workable or efficient? For example:
    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 are managed appropriately and to require remotely attending members to join from a private location.
5. What are your reasons for thinking remote attendance at meetings should or should not be enabled?

6. Would enabling remote attendance have particular benefits or disadvantages for individuals with protected characteristics?