

## Agenda item 8

### To align Standing Orders on remote voting with current equality legislation

Author: Cllr Andy Jones & Peter Wheelhouse, Town Clerk

#### Summary (incl. recommendations)

This report recommends approval of an amendment to Standing Orders such that remote voting will be permitted at meetings in particular circumstances set out in the recommendations below. In doing so, our Standing Orders would be more closely aligned with the Equality Act 2010. Whilst it is understood that there is an intention on the part of the Government to introduce legislation that we expect will permit proxy and remote voting in local councils, legal advice has been sought from NALC regarding the amendment of our standing orders in the meantime and an update will be provided at the meeting if that advice is received in time.

#### Recommendations

1. To approve an amendment to Standing Orders to permit remote voting where a councillor is unable to attend in person due to:
  - disability or illness or some other protected characteristic as defined by the Equality Act 2010 for a period of 3 months or more
  - caring duties for a period of 3 months or more
2. This provision would be subject to advance notification of the Town Clerk and approval by a majority of councillors at the first meeting at which the councillor intends to vote remotely
3. This provision would also be subject to the councillor in question participating fully in debate and being visible on screen
4. There would be no eligibility for a casting vote on the basis that all meetings will be chaired in person
5. Enactment of these proposed changes to be subject to the outcome of a request for legal advice from NALC

#### Current position

The Local Government Act 1972 mandated that only councillors physically present at a meeting have the right to vote. This was temporarily amended during the Covid pandemic, to support remote voting, that was not extended after the emergency.

The Equality Act 2010 made it illegal to discriminate based on 9 protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation).

It's therefore impossible for Frome Town Council to comply with both Acts if someone is unable to attend a Council Meeting in person due to the constraints of one of those protected characteristics e.g. disability or a protracted period of illness that doesn't impact on their ability to participate in debate online.

## National Framework

In June 2025 the Government published the findings of its own consultation on remote participation in Local Government Meetings

<https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings/outcome/remote-attendance-and-proxy-voting-in-local-authorities-consultation-results-and-government-response>

“We have carefully considered arguments for and against remote attendance and proxy voting, and we plan to legislate to support permanent provision in relation to both policies, when parliamentary time allows. On remote attendance, we plan to permit local authorities to develop their own locally appropriate policies, if they decide to hold remote meetings.”

Both SALC and NALC’s Policy Team agree that the current restrictions are anachronistic, and discriminatory – NALC’s Policy team will continue to ‘push’ for Remote Participation in Council Meetings

## What can we do now?

Frome Town Council is regulated by our own Standing Orders and we can amend those such that a Councillor can either

1. Submit their Apologies for Absence as normal, or
2. Submit their Apology for physical non-attendance and request the meeting’s approval to participate remotely including the ability to vote

## Proposal

The proposal is to amend the Council’s standing orders to enable remote voting where a councillor is unable to attend in person due to:

- disability or illness or some other protected characteristic as defined by the Equality Act 2010 for a period of 3 months or more
- caring duties for a period of 3 months or more

In introducing this change it is suggested that the Town Clerk is notified in advance of the circumstances and that there is a vote at the beginning of the meeting at which the councillor first intends to vote remotely. It is also suggested that a councillor given the opportunity to vote online participates fully in debate and does not simply switch their camera on at the point at which voting occurs. It is also recommended that there would be no eligibility for a casting vote on the basis that all meetings would be chaired in person.

It is proposed that these proposed changes are enacted at a point at which we receive clear advice from NALC’s Legal Manager that the introduction of these changes would not be ultra vires in advance of the passing of legislation by the Government. Advice has been sought but not yet received.

## Other options considered

- Do nothing, which is contrary to our aim to be an inclusive Council

- Extend the options further to prepare for expected new rules around Proxy Voting, but this isn't an urgent priority and we can await further Government legislation

### Key considerations for the Council

Which takes precedence, LGA 1972 or the Equality Act 2010?

### Consultation and feedback

We have consulted with SALC, the CEO, Ewan Jones stated "I would advise that Frome Town Council might consider developing some temporary Standing Orders in the spirit of the '*direction of travel*'." However, as noted above, advice is awaited from NALC.

### Links to Council Plan and Medium-Term Financial Plan

Be a Bold & Effective Town Council

### Financial and Risk Implications

There's a theoretical reputational risk in contravening 50-year-old legislation but potentially far more risk of being seen as discriminating against a protected characteristic.

### Legal / HR Implications

Few ballots of Councillors are so closely balanced that one or two remote votes would impact the outcome. This change is about ensuring the ability to participate fully in local democracy

### Equalities Implications

Compliance with The Equality Act 2010

### Community Safety Implications

None

### Climate Change and Sustainability Implications

None

### Health and Safety Implications

None

### Health and Wellbeing Implications

None

### Constitutional Requirements

This paper relates to the amendment of Standing Orders

### Background Papers

None

### Report Sign-Off

Peter Wheelhouse, Town Clerk 16/04/26

### Recommendations

1. To approve an amendment to Standing Orders to permit remote voting where a councillor is unable to attend in person due to:
  - disability or illness or some other protected characteristic as defined by the Equality Act 2010 for a period of 3 months or more
  - caring duties for a period of 3 months or more
2. This provision would be subject to advance notification of the Town Clerk and approval by a majority of councillors at the first meeting at which the councillor intends to vote remotely.
3. This provision would also be subject to the councillor in question participating fully in debate and being visible on screen
4. There would be no eligibility for a casting vote on the basis that all meetings will be chaired in person
5. Enactment of these proposed changes to be subject to the outcome of a request for legal advice from NALC