

## **Government Consultation – Enabling remote attendance and proxy voting at council meetings**

This report is to seek the views of the Governance Committee in relation to the recent government consultation on remote attendance and proxy voting at council meetings.

The consultation questions and the proposed response are set out below for members' consideration.

### **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.

## Draft consultation response for North Devon 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.

- 1) Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?

**Yes**

- 2) Do you think that there should be specific limitations on remote attendance?

Please highlight 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.***

- 3) 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%

- 4) 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) ***Do Members want any limitations?***

- 5) 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 highlight 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? Remote attendees should be required to have the same approach and professionalism as those attending in person i.e. the only difference is their location***

- 6) Do you think legislative change to allow councillors to attend local authority meetings remotely should or should not be considered for the following reasons?

Highlight all the statements below that apply to your point of view.

**Should be considered because:**

**Should not be considered because:**

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***It is a positive modernising measure.***

Councillors should be physically present at all formal meetings.

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***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.

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***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.

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***Others? In a rural area where Councillors represent a number of Parish Councils, which are often miles apart, it will allow more attendance at these meetings***

Free text box – please state any other reasons

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- 7) 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 highlight an option below:

- **it would benefit members**
- it would disadvantage members
- neither

**Any further views / comments?**

## **The Proposal for 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.

- 8) In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?
- yes
  - **no**
  - unsure

- 9) 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

- 10) Are there circumstances in which you feel proxy voting would not be appropriate?

***Proxy voting is not considered appropriate. If what is being suggested by the proposals on proxy voting is for a councillor to appoint another councillor to attend and vote in the way that he is instructed to do so by the original member then that would seem entirely inappropriate and go against the principles of councillors coming to the decision with an open mind.***

***If that isn't the case and the proxy would have free reign to vote as they see fit, then we already have a substitution scheme that allows members to appoint a fellow councillor to attend in their place and vote.***

***Consideration also needs to be given to those committees where specialist training is given to members to allow them to sit eg; planning, licensing. Any proxy/substitution scheme should not override the need for members who are sitting on those committees to be appropriately trained.***

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