

Report to: Cabinet



Date of Meeting 27 November 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Government consultation on remote attendance and proxy voting at Council meetings

Report summary:

The government is currently conducting an eight-week consultation on the detail and implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England. This report seeks Cabinet approval to a response to that consultation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Cabinet agree the proposed response to the consultation and agree its submission to the Government.
- (2) That the Monitoring Officer share the response with all Town and Parish Councils in East Devon and encourage them to respond to the consultation by the 19 December 2024 deadline.

Reason for recommendation:

To ensure that the Council has the opportunity to respond to the consultation.

Officer: Melanie Wellman, Director of Governance and Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; There are reputational and organisational risks if we do not ensure that we review and learn lessons from elections.

Links to background information

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy
- Quality Services

Report in full

1. The Government is currently consulting on introducing powers for local authority members to apply to the relevant authority for a dispensation to attend formal council meetings remotely and vote by proxy in certain circumstances. The consultation will last for 8 weeks from 24 October 2024, closing on 19 December 2024.
2. If any changes to legislation are made as a result of this consultation, they would apply to England only local authorities including County, District and Town/Parish Councils.
3. The government wishes to reset the relationship between central and local government as partners in delivering better outcomes for the communities we collectively represent. They state that 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.
4. 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.
5. 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.
6. Their 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. They 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.
7. In addition, they 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.
8. The consultation seeks views on the detail and practical implications of this proposition to inform the Government's ongoing policy development. The questions raised in the consultation, together with a proposed response are set out below:-

1. In what capacity are you responding to this consultation?

A council body

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

Yes

3. If you answered 'Yes' to question 2, 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.

~~Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance~~

~~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~~

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

Add any further comments

4. If you are an elected member, can you anticipate that you personally may seek to attend some of your council meetings remotely?

N/A

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%~~

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?

Councils should be able to allow full remote attendance at up to half of council meetings within a 12-month calendar period

~~Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances~~

~~Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence~~

Add any other comments that you have

The need for a fully remote meeting will depend upon the nature of the meeting and the circumstances e.g. an extreme weather event

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?

Tick all the options that correspond with your view and use the free text box for any other comments.

~~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~~

Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings

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

Add any other comments that you have

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:

- It is a positive modernising measure
- 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
- Councils would be more resilient in the event of local or national emergencies which prevent in-person attendance

Add any other reasons that it should be considered

- It is likely to increase engagement in Council meetings
- Accessibility for the public, members and staff.
- Carbon Reduction

Should not be considered because:

- ~~Councillors should be physically present at all formal meetings~~
- ~~It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils~~
- ~~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~~

Add any other reasons that it should be considered

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.

- It would benefit members
- ~~It would disadvantage members~~
- Neither

Add any further comments you have on this 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

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

N/A

12. Are there circumstances in which you feel proxy voting would not be appropriate?

The Council is not supportive of proxy voting. The introduction of remote meetings should negate the need for proxy voting.

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

N/A. However, if proxy voting were introduced there should be a cap on the number of times it can be used in a year and the wish to appoint a proxy should be in writing and must be withdrawn in writing. There should also be sufficient notice of the wish to appoint a proxy.

Add your comments

Conclusion;

Members are invited to consider and approve the proposed responses to the consultation and suggest any changes. It is proposed that the response is also submitted to all Town and Parishes in East Devon to encourage them to submit a response.

Financial implications:

To be completed by finance.

Legal implications:

The proposed changes will require a change in legislation.