



Direct Dial/Ext: 03000416892
e-mail: joel.cook@kent.gov.uk

Date: 17/12/2024

Dear Member

COUNTY COUNCIL - THURSDAY, 19 DECEMBER 2024

Please find enclosed the report for an additional time-sensitive item which has been added to the agenda with the agreement of the Chairman of the Council.

Agenda Item No

13

Remote meetings and proxy voting consultation (Pages 1 - 10)

Added to the agenda as an urgent matter to meet relevant response deadlines.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Watts', is positioned above the printed name.

Benjamin Watts
General Counsel

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From: Ben Watts, General Counsel
To: County Council – 19th December 2024
Subject: Remote Attendance and Proxy Voting: Government Consultation
Status: Unrestricted

1. Introduction

- a) On 24 October 2024, the Ministry of Housing, Communities and Local Government opened a consultation on “Enabling remote attendance and proxy voting at local authority meetings.” This runs until the end of 19 December 2024.
- b) The formal questions of the consultation are set out in the Appendix.
- c) The consultation and how the Council might respond were discussed at Selection and Member Services Committee on Friday 13 December 2024, where the Committee resolved on a majority basis to refer the matter to full Council.
- d) In addition to any response that the Council may provide, Members (and indeed readers of this paper) are able to respond to the consultation before it closes on 19 December.

2. The Consultation

- a) The consultation covers some of the same ground as the “Local authority remote meetings: call for evidence” held by the previous government in March to June 2021. On remote attendance, the government consultation page says the following:
 - a. 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.
 - b. The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely.¹
- b) In addition, the current consultation also asks about proxy voting. The government consultation page sets out the following on this subject.

¹ [Enabling remote attendance and proxy voting at local authority meetings - GOV.UK](#)

- a. 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.
 - b. 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.²
- c) The Council response to the previous consultation is set out in the papers for the meeting of the Selection and Member Services Committee, 1 July 2021³. The approach taken at the time, in common with many authorities, was to support local authorities having the flexibility to allow remote meetings across the board, in limited cases, or not at all. At that time, it was asserted that the flexibility should be granted to the County Council in law and that it should be a matter for Members in Kent to decide how and where that flexibility should be applied.
- d) The subject is also discussed in the English Devolution White Paper, published by Government on Monday 16 December which states:
- “To encourage a greater diversity of people to stand as councillors and ensure better scrutiny of council decisions, this government is formally seeking views on proposals to enable elected members to remotely attend formal council meetings, the intent being that an elected member who needs to attend a meeting virtually will have the option and flexibility to do so. This reform will also enable sitting councillors who are not able to physically attend meetings on an on-going or temporary basis to represent the communities they serve.”
- e) Following the consultation and white paper, the Government may introduce relevant arrangements. In the event that flexibilities around remote attendance or proxy voting to be introduced, the appropriate legal / governance advice would be provided on the options then available to the Council, along with any relevant risks. Should the Government introduce the flexibilities with the detailed arrangements to be determined by the relevant authorities, appropriate local decision-making would take place at that point, allowing for substantive exploration of the particular concerns or positive aspects that may be relevant for different committees or Council function areas.
- f) At present, the Government has presented broad proposals for consideration, however detailed arrangements for the operation of remote meetings or proxy voting are not set out. Therefore, any response from the Council may focus on the key principles and whether the flexibility and powers to make local decisions

² Ibid.

³ [Agenda for Selection and Member Services Committee on Thursday, 1st July, 2021, 2.30 pm](#)

about the use of remote meetings or proxy voting is to be welcomed or supported.

- g) It is recognised that there are a range of different views regarding this subject that have already been expressed by Members. The discussion at County Council will be captured in the development of a submission before the consultation closes which it is recommended is delegated to the Monitoring Officer, in consultation with the Leader.

3. Recommendation

The County Council is asked to:

- a) **NOTE** the report;
- b) **COMMENT** on the key points for a response to the government consultation;
- c) **DELEGATE** to the Monitoring Officer the submission of the response to the Consultation in consultation with the Leader of the Council.

4. Background Documents

None.

5. Report Author and Relevant Director

Ben Watts, General Counsel
03000 416814
benjamin.watts@kent.gov.uk

Tristan Godfrey, Senior Governance Manager
03000 411704
tristan.godfrey@kent.gov.uk

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Appendix – Consultation Questions: Enabling remote attendance and proxy voting at local authority meetings

Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council body – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a member of the public

d) a local government sector body – please state

Question 2

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

Yes/No

If you answered No to the above question please go directly to question 4.

Question 3

If you answered Yes to the above question, 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.

- 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.
- d) [Free text box]

Question 4

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

- yes
- no
- I am not an elected member

Question 4a

If you answered No please use the free text below

[Free text box]

Question 4b

If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

- very occasionally
- from time to time
- regularly but not always
- all the time

Question 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%

Question 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?

- 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) [Free text box]

Question 7

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 tick 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 [Free text box]

Question 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

Should not be considered because

It is a positive modernising measure.

Councillors should be physically present at all formal meetings.

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.

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.

Should be considered because

Should not be considered because

Free text box – please state any other reasons

Free text box – please state any other reasons

Question 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?

Please tick an option below:

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

Please use the text box below to make any further comment on this question.

[Free text box]

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

Question 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
- other [Free text box]

Question 12

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

[Free text box]

Question 13

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

[Free text box]

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