

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