

CABINET
17 DECEMBER 2024

**RESPONSE TO GOVERNMENT CONSULTATION ON REMOTE MEETINGS AND
PROXY VOTING**

**Joint Report of Director of Public Affairs, Strategy and Partnerships
and Director of Law & Governance and Monitoring Officer**

RECOMMENDATION

1. **The Cabinet is RECOMMENDED to:**

Agree to the proposed consultation response outlined in Appendix 1.

Executive Summary

2. The Government has launched an eight-week consultation on enabling remote attendance, remote and hybrid meetings as well as proxy voting at Council meetings. The purpose of this report is to agree the responses to that consultation for submission on 19 December 2024.
3. The proposed consultation response, outlined in Appendix 1, is to support remote attendance and voting, but caution against proxy voting.

Background

4. The Government has set out its intention to reset the relationship between central and local government to deliver better outcomes for the communities it serves.
5. 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'.
6. During the Covid-19 pandemic, remote attendance at meetings was established via time limited regulations. Those regulations expired in May 2021 and since then organisations such as the Association of Democratic Service Officers, the Centre for Governance and Scrutiny and Lawyers in Local Government, have led campaigning efforts in which to place this on a statutory footing.

7. The Government is now seeking the views of relevant stakeholders as part of a short consultation on remote attendance and proxy voting with the intent on bringing both forward through legislation.
8. Remote attendance would give local authorities the flexibility to allow elected members to attend formal council meetings remotely. The Government believes that that this modernising measure would have the dual positive impacts of diversifying the representation of those to stand for elected office and enhance the resilience of local authorities in the face of local or national emergencies.
9. 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.
10. 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.
11. It should be noted that there are voices within the sector against both remote attendance and proxy voting for reasons such as tradition and disenfranchising Members who do not have internet access for example.
12. Many challenges exist in respect of proxy voting, especially in respect of complexities of declaring of interests and that provision for substitutes already exists in cases where Members cannot attend.
13. Given the Council's stated priorities in respect of a vibrant and participatory local democracy, the Council should contribute to the consultation based on supporting remote attendance and voting but exercise caution against proxy voting.
14. The response to the consultation is enclosed at Appendix 1 which features all relevant questions and answers based on supporting those principles outlined at paragraph 13.

Corporate Policies and Priorities

15. The Council has an agreed priority in which to play our part in a vibrant and participatory local democracy.

Financial Implications

16. None immediately arising as part of this report but if more Members chose to attend meetings remotely there would be a reduction in expenses as a result of travel and, in some cases, subsistence. To facilitate each elected Members

role, all Members are provided with a laptop and software such as MS Teams, Zoom and Mod.Gov are installed as standard. There would be no further costs incurred through additional meetings being held which Members could attend remotely for.

Comments checked by:

Lorna Baxter
Executive Director of Resources

Legal Implications

17. None immediately arising from this report, but if changes were to be made the Council would look to convene meetings of the Constitution Working Group in which to set out relevant protocols to govern and codify such changes in the Constitution.

Paul Grant
Head of Legal and Deputy Monitoring Officer
Paul.Grant@oxfordshire.gov.uk

Staff Implications

18. If changes are made, close attention will need to be given to any additional training needs of Officers, especially those in Democratic Services to support Members to lead and transact business remotely. Fully remote and hybrid meetings create differing demands on Officers and Members (including Chairs) and these need to be fully explored and support strategies put in place.

Equality & Inclusion Implications

19. None immediately arising from this report but the Government has made it clear that it believes that remote attendance would support different communities to come forward and stand for public office.

Sustainability Implications

20. None immediately arising from this report but as identified in paragraph 17 fewer journeys may be created if remote attendance were allowed through legislative change and Members took advantage of it.

Risk Management

21. None immediately arising from this report.

Consultations

22. Political Group Leaders, and via Political Group Leaders, all Members have had the opportunity to shape the detail of this consultation.
23. Discussions have taken place with officers in Law and Governance to ensure the ethical and constitutional needs of transacting council business and the ethical frameworks of the Council have been taken into consideration.

Susannah Wintersgill
Director of Public Affairs, Strategy and Partnerships

Annex: Draft consultation responses.

Background papers: None

Other Documents: None

Contact Officer: Helen Mitchell – Head of Public Affairs and Strategy

November
2024

Appendix 1

Response to Questions On The Remote Attendance and Proxy voting Consultation (answers set out in highlighted text)

Question 1

Are You Responding To This Question As:

Answer: Council Body, County Council

Question 2

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

Answer: Yes

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?

Answer - 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.

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

Answer – I am not an elected member

Question 4a

If you answered No please use the free text below

Answer– Not Applicable, as answering on behalf of a Council body

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

Answer – Not applicable, as answering on behalf of a Council body

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%

Answer: More than 50% but less than 90%

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 12-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

Further Comment: Oxfordshire County Council believes there should be no limitations provided. It should be for local authorities themselves to determine how best to transact business having regard for democratic participation from residents and businesses.

Question 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 options that correspond with your view and use the free text box for 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

Answer: Oxfordshire County Council would ensure that procedural measures exist within the Council's Constitution but no nationally mandated limitations / guidance should be applied. It should be for local authorities themselves to determine how best to transact business having regard for a range of local factors and democratic participation from residents and businesses.

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.

All the reasons above are relevant.

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:

- Answer - It would benefit members
- it would disadvantage members
- neither

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

Answer: Oxfordshire County Council is of the view that it would benefit a whole range of Members with such characteristics and those with wider responsibilities who may find travel challenging, especially in time pressured environments, to enable them to balance a range of competing responsibilities. It is however essential to test this with Members on each Committee to ensure that they can play a full and active part in Committee meetings.

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.

Question 10

In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?

- Answer - no

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?

Answer: Oxfordshire County Council The use of proxy voting in this way would remove a vital and visible symbol of each elected Member exercising their vote based on the consideration of issues at a particular meeting. If a Member cannot be present to ensure that a substitute can attend, substitutes can be sent in which to consider issues and vote on the matter. Proxy voting would incorporate an unnecessary level of administrative burden and a lack of democratic clarity on the overall decision-making process without any immediate benefits. In addition, there are clear complexities and risks in respect of understanding and declaring interests for Members you are offering to be a proxy for.

Question 13

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

[Free text box]