

Item

PROXY VOTING AT COUNCIL MEETINGS

To:

Civic Affairs Committee 09/10/19

Report by:

Gary Clift, Democratic Services Manager

Tel: 01223 - 457011 Email: gary.clift@cambridge.gov.uk

Wards affected:

None directly affected

1. Introduction / Executive Summary

At the last Committee (19/23/CIV) Councillor Katie Porrer submitted a written request for officers to investigate this issue of proxy voting at local authority committee meetings. This report answers that request.

2. Recommendations

To ask the Chief Executive to write to the Local Government Association requesting that it raises with Government the equality issue raised in this report and whether it should consider introducing this for local government meetings.

3. Background

3.1 Cllr Porrer submitted a written request to the Committee requesting that officers investigate whether proxy voting for members on parental leave would be possible for council meetings. Her request stated that as a council committed to equality of opportunity and one which wishes to encourage a diversity of candidates and councillors, committee is asked

to investigate amending its own regulations to accommodate a similar procedure for voting at council when a member is on parental leave.

3.2 UK parliament passed a pilot scheme, running for twelve months, allowing members on parental leave to cast a proxy vote: <https://www.parliament.uk/business/publications/commons/proxy-voting-scheme/> (see also Appendix). It is understood that this has been done by a change to the House of Commons Standing Orders (not legislation).

3.3 Officers have investigated the matter and the relevant legislation is the Local Government Act 1972 schedule 12 which states:

“39(1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority **present and voting** thereon at a meeting of the authority.”

It is also the case, for the avoidance of doubt, that there is no common law right to vote by proxy (Harben v Philips 1883).

A local authority cannot alone create a procedure to allow proxy voting at any of its meetings, it would be unlawful to do so.

3.4 However, in the knowledge that the House of Commons is permitting a proxy system, albeit a trial, this Committee may wish to request that the Chief Executive raises the matter with the Local Government Association to highlight the equalities issue for Council meetings.

4. Implications

a) Financial Implications-none

b) Equality and Poverty Implications

There is an on-going debate about how the institutions of central and local government are geared up for a truly equal and diverse representative democracy.

c) Environmental Implications-none

d) Procurement Implications-none

e) Community Safety Implications-none

5. Appendix-UK Parliament trial proxy voting scheme.