

# Local Government and Elections (Wales) Bill

## Equality Impact Assessment

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.
  - 1.1 The Local Government and Elections (Wales) Bill (“the Bill”) seeks to create a more diverse, representative, transparent local government, which will positively and openly involve all members of the community. Principal councils will be required to involve people more in their decision making to ensure a consistently robust level of engagement across local government with all communities, improving equality of opportunity to impact upon decision making and service delivery.
  - 1.2 There is at present a lack of diversity amongst elected members. Provisions to make meetings more accessible and open will contribute to encouraging the culture and working practices within principal councils to be more open and diverse. Provisions to make remote attendance at principal council meetings easier should aid councillors with employment or caring responsibilities for example. The Bill will also provide more flexibility for the Welsh Ministers to specify maximum periods of family absence by councillors, enabling them to increase the current period in line with the statutory arrangements for employees. Empowering principal councils to appoint job-share members of the executive and councillors to assist the executive would also provide greater capacity and flexibility. If this also led to the composition of a council’s executive better reflecting the society it serves, that has the potential to improve a council’s decision-making processes. In turn, a council could also benefit from greater engagement and credibility with the communities it served. To further improve the diversity of councillors, employees of a principal council who wish to stand as candidates for election as members of the same principal council need only resign from their employment on the working day following the day on which they were elected and not, as previously, when they declare their candidacy.
  - 1.3 During the development of the 2015 White Paper *Reforming Local Government: Power to Local People*, the Welsh Government commissioned a number of reviews and specific pieces of research. This sought to provide evidence where the base was otherwise weak, including attitudes towards local government, diversity in local government, community governance, and co-production. The Welsh Government research also sought to review the effectiveness of its current policies, including those on audit, inspection and regulation; local government scrutiny; operation of the executive and scrutiny system in local government, and implementation of the Local Government (Wales) Measure 2011.
  - 1.4 Officials have held meetings with a number of stakeholders which have formed part of the evidence informing the current Bill.
  - 1.5 Following consultation on the green paper *Strengthening Local Government: Delivering for People*, a different policy option has been adopted and the Bill will now provide principal councils with the opportunity to consider voluntary mergers in the future. This is an option to be considered by principal councils themselves and there is no expectation or requirement for principal councils to volunteer to merge. The Bill will also provide a framework for consistent regional collaboration by

principal councils, through corporate joint committees, to support delivery of sustainable and effective public services. The Bill will provide the Welsh Ministers with enabling powers to create, through regulations, corporate joint committees. Ministers will be able to create a corporate joint committee in a limited number of specified functional areas. Principal councils will also be able to request Ministers to create a corporate joint committee for any functional area.

- 1.6 Of those who responded to the Green Paper, just under a quarter provided comment on any positive or adverse effects on the Equality Impact Assessment. Broadly, an equal number thought that the proposals would have a positive effect as negative. Of those who thought the proposals would be positive, they saw it as an opportunity to champion diversity within local government, pool expertise and to improve and enhance services to marginalised groups and as a positive way of addressing the changing needs of the population. Those who thought that the proposals would have a negative impact were concerned over any potential disruption of services, the potential for greater remoteness from local communities and a weakening of local representation and engagement.
- 1.7 The following suggestions were proposed by respondents on how the proposals could be reformulated so as to increase the positive effects or reduce any possible adverse effects on protected groups under the Equalities Act 2010:
- To place a duty on council leaders, group leaders and chief executives to ensure diversity is respected.
  - The Welsh Government must give a strong lead to any reconfigured Welsh public service to recognise the right of all citizens to live full and enriched lives.
  - Any negative effects could be mitigated by taking a more flexible approach to collaboration and new powers.
  - The need to provide ongoing security and consistency of funding to fulfil statutory duties effectively and improve services.
- 1.8 The Bill will contain a number of provisions aimed at addressing the first point, for example a duty will be placed on political group leaders to promote appropriate standards of conduct. The other matters do not require specific primary legislation, but will be considered during the implementation of the provisions contained in the Bill.
- 1.9 The Bill will also take forward the electoral reform proposals as well as a range of other important changes to local government legislation, including providing the general power of competence, provisions to improve public participation in local government and introduction of a new governance regime and will enable the Welsh Ministers to give effect to applications from principal councils for voluntary merger.
- 1.10 There is evidence to support the assumption that individuals with some protected characteristics are less likely to be registered to vote and less likely to exercise their

right to vote. For example, in August 2017, the House of Commons Library produced a briefing paper which indicated<sup>1</sup>:-

- Young people were less likely than other age groups to be on the electoral register and to vote
- Ethnic minorities were less likely to be on the electoral register, although this is likely to be explained by factors other than their ethnicity, and to vote
- Unskilled workers and the long-term unemployed were also less likely to be on the electoral register and to vote
- People with physical disabilities were more likely to be included on the electoral register than any other group, but are less likely to vote

1.11 In its publication *Is Wales Fairer?: The state of equality and human rights 2015*<sup>2</sup> the Equality and Human Rights Commission cites UK evidence which suggests that young people, people from some ethnic minorities and people from lower socioeconomic groups were less likely to register to vote than others.<sup>3</sup>

1.12 Similarly, in their report *Elections for everyone: Experiences of people with disabilities at the 8 June 2017 UK Parliamentary general election*, the Electoral Commission describe the difficulties faced by disabled people when exercising their right to vote and recommend that “the Government should look at different ways that people with disabilities can vote so that they have greater flexibility and choice”. Proposals for the piloting of new and innovative methods and locations for voting could help remove some of the barriers which older and disabled people face when voting.

1.13 Therefore, the evidence indicates that some people with protected characteristics are:

- Less likely to register to vote
- Less likely to vote
- More likely to experience difficulty when casting their vote

### **How the changes are likely to impact on those with protected characteristics**

1.14 It is anticipated that the proposed changes to the local government electoral process and franchise will have a positive impact on individuals with disabilities, people from BME groups and on young people between the ages of 16 and 17. These provisions which make it easier to register and easier to vote and participate in local democracy are, therefore, likely to impact more acutely in a positive way on these individuals.

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<sup>1</sup> (*Political disengagement in the UK: who is disengaged?* House of Commons Library: BRIEFING PAPER Number CBP7501: 3 August 2017)

<sup>2</sup> <https://www.equalityhumanrights.com/en/publication-download/wales-fairer-2015>

<sup>3</sup> *Electoral Commission (2011) Great Britain's electoral registers*. <http://www.electoralcommission.org.uk/Britains-electoral-registers-2011.pdf>

- 1.15 Enfranchising all resident foreign citizens legally resident in Wales and not just those who are currently enfranchised is likely to impact on individuals who are currently not able to participate in local democracy by voting or standing for election to their councils. As the franchise already includes people from Commonwealth countries, the Republic of Ireland and EU nationals, a large proportion of those who are to be enfranchised by the provisions of the Bill are likely to be from BME communities. This will help to make clear to those individuals that they are settled, respected members of communities who are able to exercise their democratic responsibilities.
- 1.16 Pilot options would include voting on more than one day which would allow more flexibility for disabled people or elderly people to arrange transport and support to attend a polling station. However, it should be noted that whilst provision to conduct pilots already exist, the Welsh Ministers will now be provided with a power to direct a pilot to be undertaken. Pilots will only be undertaken once further subordinate legislation is made.
- 1.17 The extension of the franchise to 16 and 17 year olds will, by definition, impact directly on one group with a protected characteristic, i.e. young people; 16 and 17 year olds will for the first time be able to vote in local government elections from 2022. Young people of this age will have access to political education in schools and the support structures to help them vote for the first time. At 18, first time voters can often be in unfamiliar surroundings such as university of a new job and the support around them is less familiar and so 16 is arguably a better age to begin participating in democracy. The Welsh Government will set in place a programme of education and information about registering to vote, voting and participation in political life for those whom the Bill proposes to enfranchise. For young people who are in education, schools and colleges will be vital delivery partners. However, we will need to work closely with principal councils and organisations who work with young people that are not in education, employment or training to ensure they are aware of their right to vote and engaged with the political process.
- 1.18 The success of the Welsh Government's proposals to extend the local government franchise will be measured in terms of the number of newly enfranchised individuals registering and then exercising their right to vote. Pilots of new methods of voting and counting of votes will be thoroughly evaluated by the Electoral Commission before they are considered for wider adoption across Wales.
- 1.19 Officials are, therefore, working with the Wales Institute of Social and Economic Research (WISERD), the interdisciplinary social science research centre and the Welsh Government's Knowledge and Analytic Services to determine the right combination of evaluation factors going forward.
- 1.20 In terms of performance and governance, it will be the responsibility of the principal council themselves to determine how to deliver their services and structure their workforces. As such, no changes to services are proposed directly by the Bill, although it is considered that creating a requirement for all principal councils to undertake a robust self-assessment process, supported by regular panel reviews for example will reinforce a culture of openness, transparency and engagement in service delivery.

- 1.21 As major employers, principal councils play an important part in the economies of the areas in which their headquarters and other offices are located. In rural areas of Wales for example, the existence of such places of work provide an important piece of the jigsaw in the local economy which provides opportunities for people of all age and background to remain in, or return to, their local areas – something which is vitally important for the future sustainability of our communities. Related to this, the Bill contains provisions enabling employees of a principal council who wish to stand as candidates for election as members of the same principal council to only resign from their employment on the working day following the day on which they are elected and not, as previously, when they declare their candidacy. It is hoped this will encourage more principal council staff to stand as candidates, increasing diversity within the membership of principal councils.
- 1.22 The findings identified through the process of consultation have shaped the Welsh Government’s policy development in relation to diversity, the involvement of service users, and corporate governance and improvement.
- 1.23 The evidence outlined previously has found that local government could consider doing more and working differently to involve service users, vulnerable groups, their families and front line staff in the design, commissioning, delivery, assessment, and improvement of services and support diversity amongst their elected members. Given the future financial and demographic challenges facing local government, it should aim to involve residents more extensively in shaping the communities they live in, so that communities have greater say over how services and facilities are run, and how they can contribute to their running. The Bill seeks to promote public participation such as:
- Principal councils would be expected to involve people more in their decision making. This is likely to ensure a consistently robust level of engagement across local government with all communities, improving equality of opportunity to have views and opinions taken into account. It is considered that vulnerable groups and groups with protected characteristics are particularly likely to benefit from this formalised engagement.
  - Principal councils would be required to broadcast certain meetings such as full council. This would support local government in becoming more open, equal, and accessible to all.
  - Political group leaders will be required to promote appropriate standards of conduct amongst their elected members.
- 1.24 Performance and Governance - the Welsh Ministers believe that visionary and focused leadership is the most important factor in ensuring principal councils are able to provide sustainable outcomes for local areas. Leadership must be supported by capable and consistent management. Strengthening principal councils’ corporate governance procedures would better support leadership and management, in order to deliver effective decisions and services. As well as supporting local government to fulfil its core functions effectively, strengthened leadership would better support local strategies for equalities and diversity, the Welsh language, and engagement with communities. Therefore, it is proposed to:

- Extend the role of Audit Committees and rename them Governance and Audit Committees. The proposal also aims to increase the number and role of the lay members. In addition to their existing functions, they would be required to scrutinise a principal council's performance and governance arrangements, considering and making recommendations about a principal council's self-assessment report, and its response to panel performance assessment and special inspection reports.
- The Welsh Ministers would be able to provide a wider range of options for supporting principal councils to include directing another principal council to provide support and assistance, based on governance as well as service-based concerns, and upon the advice of an independent governance review. Appropriate, timely, and justified support would be more likely to enable long-term improvement, resulting in better governance and service-delivery amongst principal councils.

1.25 The proposals identified above should enable principal councils to deliver strong positive impacts on diversity and equality of opportunity (including for vulnerable groups and those with protected characteristics) and on service delivery and community cohesion. In addition, principal councils will be able to consider opportunities for collaboration through more streamlined and consistent arrangements which will enable them to look beyond the narrow interests of their own authority and may facilitate the pooling of knowledge, expertise and scarce resources.

#### Record of Impacts by protected characteristic

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
a) Younger people b) Older people	Young people having the freedom to cast their vote Making it easier to vote	<b>Electoral</b> The proposed reforms could have a positive impact on people of all ages, making it easier for individuals to register their vote  The Welsh Ministers want electors and communities to be able to closely identify with their elected representatives. This is helped when the membership of elected bodies reflects, as far as possible, its electorate. This suggests an equal gender split, a balanced age profile and a fairer representation of black, Asian and minority ethnic people. This is not simply a desire to achieve greater equality, important though that is. It is far more likely that a council will make decisions which meet the	The Bill would, therefore, widen diversity within local government and ensure local government is more open and involving of its local communities. Several areas of the Bill, identified below, will have a positive impact on people because of their age.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>needs of the whole community if all interests are represented in the council chamber.</p> <p><b>Diversity</b> The Expert Group on Diversity in Local Government, in its report “On Balance”, produced in March 2014 revealed a significant diversity deficit in local government. The body of elected members does not reflect the communities they represent, with notable weaknesses in relation to age. This severe imbalance is also reflected in the make-up of local authority leadership. The Bill will, therefore, include provisions to encourage the membership of elected local government to reflect its electorate. It strengthens guidance-making powers in the Local Government Act 2000 to encompass council leaders and to allow reference to equality and diversity.</p> <p><b>Involving people</b> Preparation work for the Bill found that local government could do more to involve service users, vulnerable groups, their families and front line staff sufficiently in the design, commissioning, delivery and assessment of services. Given the future financial and demographic challenges facing local government it needs to involve residents more extensively in shaping the communities they live in, so that communities have a much greater say over how services and facilities are run, and how they can contribute to the running of them.</p> <p><b>Performance and Governance</b></p>	<p>The Welsh Government intends to use these enhanced powers to encourage leaders to consider the interests of promoting diversity when appointing their Cabinets and assistants to the executive— a new category provided for in the Bill.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>The Bill would enable community councils which meet certain criteria to exercise a general power of competence; the criteria are intended to encourage improved and more consistent standards of governance and financial management, professional capacity and capability, and democratic accountability.</p> <p>These measures could mean that local government is more likely to make the most of opportunities to transform and sustain services. This would benefit people of all ages, both should there be any particular shortcoming, and by improving decision-making and service-delivery more generally.</p>	
Disability (think about different types of disability)	Making it easier for people with physical difficulties, visual impairments and learning disabilities to vote	<p>Making it easier for individuals to register and the piloting of alternative voting processes and locations.</p> <p>The specific elements of the Bill identified as having a positive impact on people because of their age will also impact positively on people with disabilities, in particular the proposals to increase community engagement and address equalities and diversity in local government.</p>	None of the other reform proposals relate only to people with disabilities, and no negative impacts on people with disabilities have been identified.
Gender Reassignment (the act of transitioning and Transgender people)	No specific impact on this group	<p>None of the reform proposals relate only to people who are transgender, and no negative impacts upon people who are transgender have been identified.</p> <p>All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable</p>	



Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		them to make robust decisions and deliver effective services.	
Pregnancy and maternity	Providing increased flexibility for the Welsh Ministers to extend the maximum periods of family absence for councillors.	<p>Removing current barriers in primary legislation will ensure councillors are treated no less fairly than local government employees.</p> <p>All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services.</p>	
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	Extending the local government franchise and candidacy to all foreign citizens who are legally resident in Wales	Enfranchising foreign citizens and extending candidacy will enable voting and participation in local government	People of all races are likely to benefit from the Bill's general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services. The 'assistants to the executive' proposal could specifically support under-represented groups.
Religion, belief and non-belief	No specific impact on this group	None of the reform proposals relate only to people of any particular religion, belief, or non-belief and no negative impacts have been identified.	However, the proposals which seek to encourage diversity in local government, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services would positively impact on all citizens.
Sex / Gender	No specific impact on this group	None of the reform proposals relate only to people of a particular gender, and no negative impacts upon people of a particular gender have been identified.	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services.	
Sexual orientation (Lesbian, Gay and Bisexual)	No specific impact on this group	<p>None of the reform proposals relate only to people of any particular sexual orientation and no negative impacts have been identified.</p> <p>All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services.</p>	
Marriage and civil partnership	No specific impact on this group	<p>None of the reform proposals relate only to people who are married or in a civil partnership and no negative impacts upon married people or people in a civil partnership have been identified.</p> <p>All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services.</p>	
Children and young people up to the age of 18	Young people aged 16 and 17 will be able to vote	Extension of the franchise to 16 and 17 year olds	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Low-income households	No specific impact on this group	<p>None of the reform proposals relate only to low income households and no negative impacts have been identified.</p> <p>All citizens are likely to benefit from the general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government so as to enable them to make robust decisions and deliver effective services.</p>	

### Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions).

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
	No negative impacts have been identified.	<p>The Welsh Government's proposals around local government electoral reform are based on the following fundamental objectives:</p> <ul style="list-style-type: none"> <li>• Making the local government electoral system fairer and more transparent.</li> <li>• The enfranchisement of 16 and 17 year olds and certain foreign citizens who have previously not been able to vote.</li> </ul> <p>Making it easier to register to vote and making the process of voting easier and more accessible.</p>	No impacts identified

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