

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Strengthening Local Government: Delivering for People – Green Paper
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Department:	Local Government Democracy
Date:	March 2018
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

This Equality Impact Assessment is being prepared to consider the impacts relating to proposals set out in the Green Paper Strengthening Local Government: Delivering for People (“the Green Paper”). The proposals within the Green Paper form part of a wider programme, which sets out a vision for the future of local government which has been developed through extensive engagement and consultation over the last 4 years. We want and need stronger, more resilient and sustainable local authorities empowered to lead, support and deliver for communities through efficient and effective use of public money. The changes in the demography in Wales combined with ongoing fiscal uncertainty are placing significant pressures on our local authorities and the services that they provide. These pressures are not new, but they have become more acute and will continue for the foreseeable future. There is an urgent need for radical change which can help bring about the transformation of our services and deliver the strong and capable local government we need to drive prosperity for all.

The Welsh Government is proposing a wide range of fundamental reforms in local government that will be delivered in partnership with local government and the people of Wales. The proposals have been consulted upon extensively and widely since July 2014, including three previous Equality Impact Assessments.

This Impact Assessment considers the impacts in the round of the reform programme, not only the proposals to create stronger, empowered local authorities. It is intended that a Bill will be introduced into the National Assembly for Wales later this year and a further Equalities Impact Assessment will be published at that point. The Welsh Government consulted separately on proposals for electoral reform in 2017 and a statement on the way forward was published on 30 January. Those proposals will be reflected in the Impact Assessment published alongside the Bill on introduction.

Following these reforms, a review of the local government funding system is being considered which would lead to further separate legislation. Local government finance is, therefore, not included in this Impact Assessment.

In considering the approach to creating fewer larger local authorities, the Green Paper presents a number of options for discussion.: In each of these options the Green Paper outlines the need for a clear future footprint for local government and proposes an indicative footprint for discussion. The impacts outlined within this Impact Assessment will also vary dependant on each of the options within the Green Paper.

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- Option 1 - Voluntary mergers
- Option 2 - A phased approach with early adopters merging first followed by other authorities
- Option 3 - A single comprehensive merger programme

The outcome of the consultation in the Green Paper will inform proposals for creating fewer, larger local authorities to be included in the Bill.

A summary of the wider elements of the Local Government (Wales) Bill proposals not included in the Green Paper proposals is set out below.

Constitutional reforms – governance, openness, transparency, engagement

- Merging local authorities and some community councils would be provided with a general power of competence, to allow them to become more innovative in their service delivery.
- Measures would be put in place to improve the diversity of elected members, so they mirror more closely the communities they serve and ensure that they would be able to effectively undertake their role as representatives of both the electorate and the local authority.
- New arrangements would be put in place to make council meetings more accessible and open.
- A range of measures would be put in place to strengthen public participation and the openness of local authorities.

Governance and Performance

- Local authorities would be required to undertake a robust self assessment process, supported by regular peer reviews.
- The role of newly-styled Corporate Governance and Audit Committees would be strengthened.
- The process by which the Welsh Ministers can provide support and/or intervention to local authorities would be simplified and strengthened.

Community and Town Councils

- Some community councils would be granted the general power of competence.
- Requirements relating to the preparation of training plans would be introduced.
- Community councils would also need to make their council meetings more accessible and open.

A review of the local government funding system is being considered which would lead to further separate legislation. Local government finance is therefore not included in this Impact Assessment.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

This Green Paper is part of the local government reform programme. It has been informed by previous extensive engagement and consultation with a range of stakeholders and the public since July 2014. During that period, four consultations have been held, one of which explored the option of systematic and mandatory regional working as an alternative to the previous Welsh Government's merger proposals.

Several versions of those consultations were published, including in plain English and a version for children and young people. The version for children and young people contained shorter and simpler survey questions focusing on the issues of greatest interest to a younger audience. All versions were available in English and Welsh.

Previous consultations have specifically asked for views on the potential impacts of the proposed changes on people with protected characteristics. The Welsh Government used its stakeholder networks, including those of the Equalities Division, to encourage a wide range of responses from different groups of people. A number of events were held across Wales specifically aimed at people with protected characteristics, with the content and format adapted according to the group.

The online consultation for previous White Papers asked a series of questions on the potential effects of the proposals on equalities. Relatively few public respondents answered these questions, which was likely due to the fact that few proposals in the White Papers related specifically to equalities. Many responses commented on equalities issues more generally, rather than in relation to the impacts of these proposals. The strongest emerging theme was that the proposed reforms were likely to encourage a greater diversity of representation in local government, and that more transparent and open local government would be likely to benefit equalities generally. A small number of respondents explicitly suggested equalities had not been discussed sufficiently by the proposals, although a similar number suggested that there was an over-emphasis on equalities.

The Green Paper presents three potential options for mergers. Any positive or negative impacts arising as a result of mergers specifically, may not be accrued by non merging authorities or deferred under option 2 for authorities that are not early adopters.

We will seek further responses to potential effects of the proposals on equalities within this Green Paper.

A communications plan is currently being developed and will involve an awareness campaign through social media and stakeholder engagement events.

The Green Paper is published in English and Welsh. Large print, Braille and alternative language versions will be available on request as well as an easy read version and a young persons and hearing impaired version. A summary and analysis of the consultation responses will be published on the Welsh Government website and all responses will be available to view. The views expressed through the consultation will form part of the evidence used by the Welsh Ministers to inform the proposals and will be assessed and monitored continuously leading up to the Local Government (Wales) Bill being introduced into the National Assembly later this year.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

As already noted, this Green Paper has been informed by extensive engagement and consultation with a range of stakeholders and the public since July 2014 when the Report of the Commission on Public Service Governance and Delivery (“the Williams Commission”) was published, noting public services in Wales faced severe and prolonged challenges.

The Williams Commission made the case for structural reform of local authorities in order to ensure the continued delivery of high quality and sustainable public services. The Williams Commission identified that smaller council areas were significantly challenged in delivering consistently, securing the resilience, expertise and leadership capable of transforming their organisations and supporting their communities in a complex and changing world. The Commission also believed that smaller local authorities are further limited by proportionally greater administrative overheads.

Continuing with 22 authorities often doing the same things in different ways 22 times over is no longer sustainable. These issues are not new, neither is the fact that funding for public services will continue to be challenging for the foreseeable future.

The Williams Commission considered policy options throughout its report and final recommendations, which the Welsh Government broadly accepted. The Welsh Government has presented these recommendations as both legislative and non-legislative proposals, and consulted widely through four previous White Papers. Responses to these consultations have generally expressed support for the proposals, and have been influential in refining the policy options. Some of the options considered, but ultimately not pursued, include:

- A range of different configurations for merging local authorities

- Term limits for elected members of local authorities
- Community area committees
- Some of the requirements which were to be met for community councils to be eligible for the general power of competence
- Combined regulator assessments
- Member recall
- Voting rights for members of overview and scrutiny committees

Although the reform programme contains no provisions specifically relating to equality, the provisions should benefit all communities in Wales. However, through the measures included in the Electoral Reform proposals, provisions would be in place that would directly affect 16-17 year olds voting rights. These proposals have been recently consulted upon and are therefore not covered within this impact assessment. A separate consultation and statement on the way forward was published on 30 January and the proposals will be reflected in this IA on introduction of the Bill.

The evidence base for the Bill

The Welsh Government is proposing options for possible reforms in local government that could strengthen performance, offer a robust democracy, good governance, and effective delivery for communities.

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.

Officials also held meetings with a number of stakeholders during the development of the draft Bill, which have formed part of the evidence informing the Bill.

Further workshops will be held with stakeholders to discuss the current Green Paper and will include; leaders, Chief Executives and senior management of Local Authorities, WLGA, WCVA, UK Government officials, One Voice Wales, Society for Local Council Clerks, Wales Audit Office, Estyn, Care and Social Services Inspectorate Wales, Centre for Public Scrutiny and others. Briefing meetings will also be held with the Welsh Language Commissioner, the Children's Commissioner, the Older People's Commissioner for Wales, and the Equalities and Human Rights Commissioner for Wales.

A wide range of published research has also contributed to this and previous consultations, including Welsh Government-commissioned research which are listed below.

Strengthening Local Government

1. *British local government reform: the nineteenth century and after*, J.P.D.Dunbabin, The English Historical Review, Vol.92, No.365, 1977

2. *Paving the way: Helping Councils Prepare for the Future*, Local Government Reorganisation Bulletin No 2, Audit Commission, 1996
3. *All Change: Managing reorganisation and beyond*, Local Government Reorganisation Bulletin No 4, Audit Commission, 1996
4. *Local Voices: Modernising Local Government in Wales*, Welsh Office, 1998
5. *A new partnership? The National Assembly for Wales and Local Government*, Laffin, Taylor and Thomas, Joseph Rowntree Foundation, 2002
6. [*The Lyons Inquiry into Local Government*](#), 2007
7. [*The Relational State*](#), IPPR, 2012
8. [*Learning to Improve: An Independent Assessment of the Welsh Government's Policies for Local Government, 2007-2011*](#), Cardiff Business School, Welsh Government Social Research, 2013
9. [*Making Sense of the Future*](#), INLOGOV, University of Birmingham, 2013
10. [*Moving beyond the market: a new agenda for public services*](#), NEF, 2014
11. [*The Condition of Britain*](#), IPPR, 2014

Local Government Governance and Performance

1. [*Report into How the Local Government Act 2000 is Working*](#), The Transport, Local Government and the Regions Committee, 2002
2. [*The Operation of New Political Management Structures in Local Government*](#), Local Government and Public Services Committee, National Assembly for Wales, 2004,
3. [*Frontline councillors and decision making*](#), Tracy Gardiner, Joseph Rowntree Foundation, 2006
4. [*A Shared Responsibility*](#), Welsh Assembly Government, 2007
5. [*Joint inspectorates' review of inter-agency arrangements and practice to safeguard and protect children in Pembrokeshire*](#), CSSIW, 2011
6. [*A report on the quality of local authority education services for children and young people in Pembrokeshire County Council*](#), Estyn, 2012
7. [*Special Inspection – Implementation of Safeguarding Arrangements, Pembrokeshire County Council*](#), WAO, 2012
8. [*Peer Review of Merthyr Tydfil County Borough Council*](#), WLGA, 2012
9. [*Promoting Local Democracy*](#), Welsh Government, 2012
10. [*Do Outcome Based Approaches to Service Delivery Work? Local Authority Outcome Agreements in Wales*](#), Dr Jennifer Law, University of South Wales, 2013
11. [*Corporate peer challenge adding value*](#), Local Government Association, 2013
12. [*Review of Future Delivery of Education Services in Wales*](#), Welsh Government, 2013
13. [*Peer Review of Carmarthenshire County Council*](#), WLGA, 2014
14. [*Supporting Councils to succeed: Independent evaluation of the LGA's corporate peer challenge programme*](#), Local Government Association, 2014
15. [*The way forward: an independent review of the governance and organisational capabilities of Birmingham City Council*](#), Sir Bob Kerlake, 2014
16. [*An Evaluation of Welsh Local Government Executive and Scrutiny Arrangements*](#), Downe et al, Welsh Government, 2015

17. Independent Review of Anglesey County Council 2015 <http://gov.wales/statistics-and-research/road-recovery-evaluation-anglesey-intervention/?lang=en>
18. Peer Review of Swansea, Neath Port Talbot and Torfaen 2015 <http://www.wlga.gov.uk/previous-peer-reviews/>

Diversity

1. *The Political and Institutional Effects of Term Limits*, Sarbaugh-Thompson et al, 2004
2. [Representing the future: The report of the Councillors Commission](#), Councillors Commission, 2007
3. [The 2008 Survey of Local Election Candidates](#), IdeA, 2008
4. [Are we being served? The Report of the Councillor Commission Expert Panel Wales](#), 2009
5. [Women's' leadership, employment and participation in the third sector and social enterprises](#), Third Sector Research Centre, Briefing Paper 40, 2010.
6. [Close to Parity](#), Rowena Lewis, Clore Duffield Foundation, 2010
7. *Legislative Term Limits and State Aid to Local Governments*, Yakovle et al, 2012
8. [Local Government Candidates Survey 2012](#), Welsh Government, 2013
9. *Long CEO Tenure Can Hurt Performance*, Luo, Kanuri & Andrews, Harvard Business Review, March 2013
10. *Last in, first out – Gendered patterns of local councillor dropout*, Allen, P. A., 2013, *British Politics* 8(2) pp.207-224
11. [Senior management pay across the Welsh public sector](#), Wales Audit Office, February 2014.
12. [Inquiry into Local Government Chief Officer Remuneration](#), Communities and Local Government Select Committee, 2014
13. [On Balance: Diversifying Democracy in Local Government in Wales](#), Report of the Expert Group on Diversity in Local Government, 2014
14. [Standing for election in the United Kingdom](#), Report and Recommendations, Electoral Commission, 2015

Community Governance

1. [Research Study into the Role, Functions and Future Potential of Community Councils in Wales](#), University of Wales Aberystwyth for Welsh Government, 2003
2. [People, Plans and Partnerships: A National Evaluation of Community Strategies in Wales](#), Welsh Assembly Government, 2006
3. [Neighbourhood Management Pathfinders: Final Evaluation Report](#), Department for Communities and Local Government, 2008
4. *The Limits of Co-ordination: Community Strategies as Multi-purpose Vehicles in Wales*, Sullivan & Williams, Local Government Studies, Vol.35, No. 2, pp.161-180, April 2009
5. [Community and Town Councils Survey 2010: Findings report](#), Welsh Government, 2011
6. [Developing a Comprehensive Understanding of Community and Town Councils in Wales: Evidence review for the Welsh Government](#), Woods, Aberystwyth University, 2013

7. [Improving Financial Management and Governance: issues from the Audit of Community Council Accounts 2011-12](#), WAO, 2013
8. [Putting people at the centre](#), WCVA, 2014
9. [Financial Management and Governance in Local Councils 2012-13](#), WAO, 2014
10. [Bringing the Power of the Citizen into Local Public Services – an Evidence Review](#), Tony Bovaird and Elke Loeffler, Welsh Government Social Research, 2014
11. [Community Democratic Governance: Evidence Synthesis and Advice](#), Tony Bovaird, INLOGOV, University of Birmingham, Welsh Government Social Research, 2014.
12. [Community and Town Councils in Wales](#), IFF Research for Welsh Government, 2014
13. [Report of the Welsh Co-operative and Mutuals Commission](#), Welsh Government, 2014

Scrutiny and Accountability

1. [A Scoping Study of Complaints](#), Susan Lambert for the Older People's Commissioner for Wales, 2010
2. [Measuring what matters](#), Cabinet Office, 2011
3. [Chief Inspector's Annual Report 2010-11](#), Care and Social Services Inspectorate Wales, 2011
4. [Annual Report 2009-10](#), Estyn, 2011
5. [A cunning plan? Devising a scrutiny work programme](#), Centre for Public Scrutiny, 2011
6. [Tipping the Scales](#), Centre for Public Scrutiny, 2012
7. [Valuing Inclusion](#), Centre for Public Scrutiny, 2012
8. [Joining Up the Dots: Overview and Scrutiny in Local Government Since 2003](#), Centre for Public Scrutiny, 2012
9. [A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture](#), Ann Clwyd MP and Prof. Tricia Hart, October 2013
10. [A local Public Accounts Committee for every place: a CfPS proposal](#), Centre for Public Scrutiny, 2013
11. [Good Scrutiny? Good Question!](#), Wales Audit Office, 2014
12. [Annual Survey of Overview and Scrutiny in Local Government, 2013-14](#), Centre for Public Scrutiny, 2014
13. [Practice guide 2: Pre-decision scrutiny](#), Centre for Public Scrutiny, 2014
14. [Phase 1 – Draft Report: Review of Audit, Inspection and Regulation](#), Shared Intelligence for Welsh Government, 2014 and the *Additional Concluding Section* (to be published early 2015)
15. Effectiveness of local authority overview and scrutiny committees, House of Commons, Communities and Local Government Committee 2017
<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/369.pdf>

Local Government Electoral Reform

1. <http://www.legislation.gov.uk/ukpga/2009/12/section/24> - Cabinet Office 2011 cost of electoral database
2. http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0015/13218/Keyfindingsandrecommendationssummarypaper_27191-20111_ENSW.pdf - Electoral Commission May 2007 evaluation of electoral pilots
3. <https://documents.hf.wales.gov.uk/id:A18574750/document/versions/published> - Electoral Commission 2022 evaluation of Monmouthshire pilot scheme
4. https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jxou24uy7q/uploads/2015/03/lc351_data-sharing.pdf - Law Commission 2014 - Data Sharing Between Public Bodies: A Scoping Report
5. http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/213377/The-December-2015-electoral-registers-in-Great-Britain-REPORT.pdf - Electoral Commission 2016 – The December 2015 Electoral Registers in Great Britain
6. http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/166999/Report-on-the-Northern-Ireland-electoral-registration-canvass-2013.pdf - Electoral Commission 2014- Report on the Northern Ireland Electoral Registration canvass 2013
7. http://www.parliament.scot/S5_Local_Gov/Reports/LGCS052017R01.pdf - Scottish Parliament 2017 - Local Government and Communities Committee report on Payments to Returning Officers in Scotland
7. <http://www.legislation.gov.uk/asp/2015/7/contents> - Scottish Government 2015 - Scottish Elections (Reduction in Voting Age) Act 2015
8. <https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/232/23202.htm> - Hansard 2014 - House of Commons Select Committee – evidence on voter engagement
9. <http://www.legislation.govt.nz/act/public/2001/0035/latest/DLM94355.html> - New Zealand Parliament – Local Electoral Act 2001 – candidates’ profile statement
10. <http://www.electionz.com/LGE2016resource/Candidate%20Profile%20Books/Dunedin%20CC%20CPB%202016%20final.pdf> – New Zealand – example of candidates’ statement.

This evidence led the Welsh Government to a range of key findings about the challenges facing local government in Wales. With regard to equalities, these were categorised under three broad headings:

- **Diversity:** It is important that local government closely represents the communities it serves, and evidence suggests there is a diversity deficit in local government. The body of elected members does not reflect the communities they represent, particularly in relation to age, gender and ethnicity. This is similar for senior officers in local government. Moreover, the culture and working practices within local authorities are not always conducive to encouraging diversity.
- **Involving people:** Local government needs to increase involvement of service users, vulnerable groups, their families and front line staff consistently or sufficiently in the design, commissioning, delivery and assessment of services.

- **Governance and performance:** The Welsh Ministers believe visionary and focused leadership is the most important factor in ensuring local authorities are able to provide sustainable outcomes for local areas. Leadership must be supported by capable and consistent management. Strengthening local authorities' corporate governance procedures would support leadership and management, in order to deliver effective decisions and services. The Bill proposes to strengthen the links between audit, inspection and regulation bodies. External review bodies have a crucial role to play in scrutinising services and outcomes for children and young people, vulnerable adults, and older people. Strengthened leadership and governance would also support local authorities to identify and make the most of opportunities for transforming and sustaining the services delivered. This is likely to build better local strategies for equalities and diversity, the Welsh language, and engagement with communities.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

The Green Paper presents a number of approaches which could be adopted to create fewer, larger authorities that includes:

- Option 1 - Voluntary mergers
- Option 2 - A phased approach with early adopters merging first followed by other authorities
- Option 3 - A single comprehensive merger programme

Whilst these proposals do not directly affect individuals of protected characteristics, they seek to improve the capability and capacity of local authorities, thereby enabling them to face future demographic and financial challenges. The various options presented could result in positive outcomes for everyone in Wales. For example, if larger local authorities were adopted, they could be better placed to deliver robust and effective decisions and services affecting protected groups.

As we identify above any positive or negative impacts arising as a result of mergers specifically, may not be accrued by non-merging authorities or deferred under option 2 for authorities that are not early adopters.

The Green Paper also illustrates the importance of local councillors having a meaningful role, this being understood and valued by the public and attracting diverse people with the skills and enthusiasm to build trust and confidence. We have made some inroads in improving diversity but there is more to be done.

The pressures on elected members, combined with the level of remuneration, make the role inaccessible for many people who would make excellent councillors. They cannot afford either in financial or personal terms to make the commitment needed on a 'part-time' basis. The Welsh Government believes we should recognise the commitment being a councillor involves and ensure they are properly remunerated, respected and recognised for the work they do in their communities. This will mean paying councillors at a level which recognises their commitment and hard work.

For a variety of reasons there is wide variation both between and within councils in respect of councillor to elector ratios. The proposals within the Green Paper present the opportunity to address this and provide for greater equality across Wales in terms of representation and effective and convenient local government.

It would be appropriate for the local authorities to determine themselves how to deliver their services and structure their workforces in future. As such, no changes to services are proposed directly by the Green Paper, although it is considered that creating larger authorities would increase the range of opportunities available to them in terms of service delivery. If options to create new local authorities is adopted, and as part of the preparation for those new authorities, transition committees and shadow authorities would be expected to plan service delivery and identify best practice across the existing local authorities. Any impacts on protected groups – including through service level changes – would be appraised at a local level as decisions are taken.

However, within the Green Paper the proposals for a future footprint for fewer, larger authorities, if accepted, could improve provisions for all for example through the alignment of the future footprint with the health board boundaries. In the case of Bridgend the proposals within the Green Paper is consistent with the proposition which was recently consulted on and is underpinned by the same principles for simpler, more effective public services that are better aligned to existing regional partnerships.

The Welsh Government, through extensive engagement, believes that stronger, empowered local authorities would provide the community leadership that's needed in terms of children's rights, Welsh language and equalities. With regards to equality, local authorities should be linking this to work to promote registration and voting amongst 16 and 17 year olds when the franchise is extended - also in terms of elections amongst other under represented groups in particular ethnic minorities where turn out is traditionally lower. A separate impact assessment will give further, detailed consideration of these issues.

We must also recognise that as major employers, local authorities 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. Local authorities should be taking the lead on employment policies on inclusivity, looking actively to achieve Stonewall status for example. We believe that these policy reforms would have the potential to enable local authorities to achieve this.

Community and Town Councils

Community councils are an integral part of local government. They are often closest to people and local communities, and therefore uniquely placed to see, and provide, services which can have a significant impact on people's lives. Like elected members within local authorities, community councillors must represent, and be representative of, their communities. One consideration the Bill could propose, is to allow some community councils that satisfy eligibility criteria to be able to exercise the general power of competence as well as introducing requirements relating to the preparation of training plans and making their council meetings more accessible and open. As noted above in the case of local authority councillors, community and town councillors are also faced with financial and personal pressures that can make the role inaccessible for many people who would make excellent councillors. There is at present a lack of diversity amongst elected members. Recognising the commitment and valuing the contribution of community and town councillors will lead to an increased interest in the role by a wider group of people which will in turn, increase the diversity of the councillors.

An independent, cross party, review is underway to identify how community councils can be strengthened so they are best able to support their communities and care for their areas, shaping everyday lives.

The review is exploring the potential role community councils can play, drawing on best practice; advising on the most appropriate model(s) or structure(s) to deliver this role; and considering how these models and structures should be applied across Wales. The review panel will be providing their emerging findings in July 2018, and submitting their final report by October 2018.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)	X			The proposed reforms could have a positive impact on people of all ages, and no negative impacts on people of any age have been identified. In the case of mergers some of the identified positive or negative impacts may not be accrued by non-merging authorities or deferred under option 2 for authorities that are not early adopters.
People 18- 50	X			The Welsh Ministers want electors and communities to be able to closely identify with their elected representatives. This is

Older people (50+)	X			<p>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 it. It is far more likely that a council will make decisions which meet the needs of the whole community if all interests are represented in the council chamber.</p> <p>The Bill would, therefore, seek to widen diversity within local government and to 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.</p> <p>Diversity The Expert Group on Diversity in Local Government, in its report “On Balance”, produced in its report of 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. The Welsh Government intends to use these enhanced powers to encourage leaders to consider the interests</p>
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			<p>of promoting diversity when appointing their Cabinets and assistants to the executive– a new category provided for in the Bill.</p> <p>Involving people Preparation work for the Bill also 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>The Bill would enable community councils which meet certain requirements to exercise a general power of competence to encourage improved and more consistent standards of governance and financial management, professional capacity and capability, and democratic accountability.</p> <p>Governance and Improvement Effective governance and leadership is essential to deliver effective outcomes for all people. Strategies and policies for equalities and diversity, the Welsh language and community engagement are not always sufficiently embedded in the corporate governance and accountability processes of local authorities. Welsh Ministers also believe that, on some occasions,</p>
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			<p>local government could make more of available opportunities for transforming and sustaining the services delivered.</p> <p>The Bill would potentially strengthen the links between audit, inspection and regulation bodies. External review bodies have a crucial role to play in scrutinising services and outcomes for children and young people, vulnerable adults, and older people. Should it be required, Welsh Ministers would be able to provide support to local authorities based on governance as well as service-based concerns, and upon the advice of an independent review. Local authorities internal audit processes would be strengthened. 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> <p>A separate Children’s Rights Impact Assessment (CRIA) has been completed, further considering the impact the Bill could have on children and young people.</p>
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			X	<p>None of the reform proposals relate only to people with disabilities, and no negative impacts on people with disabilities have been identified.</p> <p>However, people with disabilities could be likely to benefit from the proposed 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.</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>
Hearing impairment			X	
Physically disabled			X	
Learning disability			X	
Mental health problem			X	
Other impairments issues			X	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			X	<p>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.</p> <p>However, preparation work for the proposed Bill has found that there is a diversity deficit in local government, as the body of elected members does not always reflect the communities they represent. This involves</p>

			<p>particularly notable weaknesses in relation to gender. A report by the Expert Group on Diversity in Local Government, <i>On Balance</i>, showed the make-up of local authorities in Wales to be a poor reflection of the communities they serve. Women make up just over half the population overall, but among elected members are outnumbered by men by almost three to one. Moreover, the culture and working practices of local authorities are not always conducive to encouraging diversity.</p> <p>The proposals for the Bill that have been identified as having a positive impact on people because of their age will also relate to gender. People of both genders are likely to benefit from the possible aims to strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services. The proposals to address the diversity deficit in local government would positively impact on females who are currently particularly under-represented in local authority leadership. The Bill includes proposals for the appointment of assistants to the executive, which could enable under-represented groups to obtain experience to prepare them for appointment to the executive later.</p>
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	<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>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.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			X	<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>However, the proposals which seek to encourage diversity in local government, increase</p>

				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.
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4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			X	None of the reform proposals relate only to people during pregnancy and maternity and no negative impacts on such people have been identified.
Maternity (the period after birth)			X	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.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			X	<p>None of the reform proposals relate only to people of a particular race and no negative impacts upon people of a particular race have been identified.</p> <p>However, 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.</p> <p>The specific proposals identified as having a positive impact on people because of their age will also relate to race, in particular the proposals to increase community engagement and address equalities and diversity in local government.</p>
National Origin (e.g. Welsh, English)			X	
Asylum Seeker and Refugees			X	
Gypsies and Travellers			X	
Migrants			X	
Others			X	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?

Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			X	<p>None of the reform proposals relate only to people of any particular religion, belief, or non-belief and no negative impacts upon such people have been identified.</p> <p>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</p>
Belief e.g. Humanists			X	
Non-belief			X	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			X	<p>None of the reform proposals relate only to people of any particular sexual orientation and no negative impacts upon such people have been identified.</p> <p>However, all citizen's 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> <p>The specific proposals identified as having a positive impact on people because of their age would</p>
Lesbians			X	
Bi-sexual			X	

				also have a positive impact on gay men, lesbians and bisexuals, in particular the proposals to increase community engagement and address equalities and diversity in local government.
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4.10 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 Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			X	<p>None of the reform proposals relate only to human rights and no negative impacts upon citizens’ human rights have been identified.</p> <p>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.</p>

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.



Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The findings identified above have shaped the Welsh Government's policy development in relation to diversity, the involvement of service users, community governance and community rights, and corporate governance and improvement.

1. Diversity

It is important that local government closely represents the communities it serves, and preparation work undertaken in connection with the development of the Bill has found that there is a diversity deficit in local government. The body of elected members does not always reflect the communities they represent, particularly in relation to age, gender and ethnicity. This is similar for senior officers in local government. Moreover, the culture and working practices within local authorities are not always conducive to encouraging diversity.

The reforms propose the following principles;

- **Elected members:** Bold and Ambitious, Shaping and Influencing, Relevant and Representative
- **Stonger Local Government:** Evolving and Innovating, Valued by Communities, Open and Transparent
- **Communities:** Empowered and Engaged, Prosperous and Successful, Represented and Serve
- **Public Sector Workforce:** Valued and Respected, Supported and Encouraged, Leading and Creative.

2. Involving people

The evidence outlined previously has found that local government does not sufficiently involve service users, vulnerable groups, their families and front line staff

in the design, commissioning, delivery, assessment, and improvement 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 greater say over how services and facilities are run, and how they can contribute to their running. The Bill, depending on the final option adopted, would include proposals which would seek to promote public participation such as;

- Proposed general power of competence will enable merging principal councils and eligible community councils to develop innovative and ambitious models of service delivery, which could be of particular benefit to vulnerable groups.
- Local authorities would be asked 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.
- Local authorities would be asked to broadcast all full council and executive meetings. This would support local government in becoming more open, equal, and accessible to all.
- Proposals also include supporting elected members. We should recognise the commitment being a councillor involves and ensure they are properly remunerated, respected and recognised for the work they do in their communities. This would mean paying councillors at a level which recognises their commitment and hard work and encourages a wider range of people to consider standing for elected office.

3. Governance and performance

The Welsh Ministers believe that visionary and focused leadership is the most important factor in ensuring local authorities are able to provide sustainable outcomes for local areas. Leadership must be supported by capable and consistent management. Strengthening local authorities' 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:

- Clarify the responsibilities and remit of newly-styled Corporate Governance and Audit Committees, and expand their independent membership to ensure a fair representation of the communities they serve. The Bill would also require these committees to be chaired by an independent person. This will enable the Committee to become a powerful force to assist Chief Executives of local authorities to fulfil their statutory improvement functions, and to provide assurance that the local authority has procedures in place to secure continuing improvement.

- Strengthen the links between audit, inspection and regulation bodies. The proposed Bill would require the Wales Audit Office, Estyn and CIW to better co-ordinate their activity and share information between themselves which would assist them in carrying out their respective functions. This should identify any cross-cutting opportunities for improvement across a local authority, including in regard to providing equality of opportunity.
- Provide the Welsh Ministers with a wider range of options for supporting local authorities, where required. The Welsh Ministers would be able to provide support 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 local authorities.

The proposals identified above should enable local authorities 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.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The Bill would seek to create a more diverse, representative, transparent local government, which will positively and openly involve all members of the community.

Again, depending on the options favoured in the Green Paper, the Welsh Ministers would be provided with a wider range of options in terms of supporting local authorities, should support be required. The Welsh Ministers would be able to provide support based on governance as well as service-based concerns, and upon the advice of an independent review. Appropriate, timely, and justified support would be more likely to enable long-term improvement. As well as being able to effectively respond to any particular cases of unlawful discrimination, harassment, or victimisation, a culture of openness and diversity could also benefit from the support provided for more general governance issues.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The Welsh Government and public service employers are committed to working together in social partnership with recognised trades unions to deliver the best possible public services for the people, the public service staff and the economy of Wales. In bringing services together across local authorities and exploring new powers and freedoms, the focus must be on an early intervention and people-centred approach. *Prosperity for All: the national strategy* requires of us to do things differently and involve people in shaping the services they use every day. The Well-

being of Future Generations Act provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how public services should work to deliver for people.

Welsh Ministers want to enable communities to go beyond having their voice heard to actively seeking to take responsibility for the changes and improvements they wish to see in their community.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

No negative effects have been identified as part of the proposals put forward within the Green Paper. As has previously been identified however any positive impacts arising as a result of mergers specifically, may not be accrued by non-merging authorities or deferred under option 2 for authorities that are not early adopters.

There may be opposition within principal local authorities to mergers which may impact on the overall transition process. There is a risk of service delivery suffering as a result of the distraction of trying to resist change.

In order to mitigate these risks where possible, we will continue to assess, consider and support any merging authority areas to take account of their communities, ensuring democratic accountability is maintained, creating a sufficient scale to empower any new authority to protect public services and placing local government in a position of strength and sustainability for the future. Considerations relating to equality through a people-centred approach will be pivotal to any proposed changes.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

Actions identified above

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The Welsh Ministers will consult on the practical application of the provisions identified in this Green Paper, which is based on previous consultation proposals.

The responses to this consultation will inform the development of the Local Government (Wales) Bill which will be introduced into the National Assembly for Wales, which is anticipated to take place later this year. The potential equality impacts of the proposals will continue to be assessed and monitored as the programme progresses.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

This EIA will form part of the evidence that the Welsh Ministers consider when finalising the provisions of the Local Government (Wales) Bill to be introduced to the National Assembly in 2018.

This EIA and any future EIAs will be published on the Welsh Government website.

4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA
Name: Laura Hughes
Department: Local Government Democracy
Date: March 2018
Signature:
Head of Division (Sign-off)
Name: Lisa James
Job title and department:
Deputy Director, Local Government Democracy Division
Date:
March 2018
Signature:



Review Date: September 2018